

**Provisional translation by Ministry of European Integrations**

**NATURE PROTECTION ACT**

**I. GENERAL PROVISIONS**

Article 1

(1) The purpose of this Act is to regulate the system of protection and integrated conservation of nature and its values.

(2) In terms of the present Act nature means the overall biological and landscape diversity.

Article 2

(1) Nature represents a fundamental value and one of the most important resources of the Republic of Croatia and enjoys protection in compliance with the present Act.

(2) The natural values defined under the present Act are of interest for the Republic of Croatia and enjoy its special protection.

(3) To nature protection issues that are not governed by the present Act provisions of special regulations shall apply.

(4) For the purpose of nature protection the Republic of Croatia also implements international treaties in the field of nature protection to which the country is a party.

(5) To procedural matters in procedures under the present Act, which are not governed by the present Act, the provisions of the General Administrative Procedure Act shall apply.

Article 3

The objectives and tasks of nature protection are:

- to conserve and restore the existing biological and landscape diversity to a state of a natural balance and relations harmonised with human activities;
- to assess the state of the natural environment and ensure monitoring of that state;

- to provide a system for the protection of natural values for the purpose of a lasting conservation of the features that form the basis for designating them as protected;
- to provide a sustainable use of natural resources for the benefit of the present and future generations without substantial degradation of the parts of the natural environment and with the least possible disturbance to the balance of its components;
- to contribute to conservation of the natural state of the soil, conservation of the quality, quantity and availability of water, maintenance of the atmosphere, generation of oxygen and maintenance of the climate;
- to prevent harmful human activities and disturbances to nature as a consequence of technological development and activities;
- to ensure the right of citizens to a healthy environment, rest and recreation in the open.

#### Article 4

The protection of nature is based on the following principles:

- Everyone must behave in a manner that contributes to conservation of biological and landscape diversity, protection of natural values and conservation of a universally beneficial role of nature;
- Non-renewable natural resources are to be used in a rational manner and those renewable in a sustainable manner;
- In the usage of natural resources and in the matter of physical planning it is obligatory to apply nature protection principles, measures and conditions;
- The protection of nature is the right and obligation of every natural and legal person; towards this end they are bound to co-operate in order to avoid and prevent hazardous activities and damage, to eliminate and remedy the consequences of any damage and to restore the natural conditions that existed prior to such damage;
- The public has the right to free access to information about the state of the natural environment, to timely information about any damage caused to nature and the measures taken to remedy it and to participate in nature-related decision-making.

## Article 5

(1) The protection of nature is performed through the conservation of biological and landscape diversity and protection of natural values.

(2) Nature protection is performed especially through:

- identification and assessment of the state of all components of biological and landscape diversity;

- laying down nature protection conditions and measures;

- incorporation of nature protection conditions and measures into physical planning documents and plans for administration and management of natural resources used in the management of mining, agriculture, forestry, hunting, fishing and water;

- drawing up reports on the state of the natural environment, adoption and implementation of strategies, programmes, action plans and management plans;

- identification of natural values and protected natural values; the establishment of a system for the management of natural values and protected natural values;

- linking and harmonising the national and international nature protection systems;

- encouraging scientific and expert work in the area of nature protection;

- giving public information on the state of the natural environment and public participation in nature protection decision-making;

- encouragement and promotion of nature protection and raising public awareness of the need to protect nature in the process of education.

## Article 6

(1) The provisions of the present Act shall not apply in cases of avoiding an immediate threat to human life or health or property, rescuing people or property or undertaking activities for the defence of the Republic of Croatia.

(2) The provisions under paragraph 1 of the present Article apply only for the duration of the circumstances specified.

## Article 7

Terms used in the present Act shall have the following meanings:

1. *biological resources* means genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity;

2. *biodiversity (biological diversity)* means the entirety of all living organisms that are constituent parts of ecosystems and includes the diversity within species, between species and of ecosystems;

3. *forest certification (attestation of forest characteristics)* means a procedure in which an independent third party examines whether the management and use of forests reach the predetermined ecological, economic and social level. The forest certificate is a document in writing issued by an independent third party confirming that forests are managed by the certificate holder in conformity with sustainability principles;

4. *red list of threatened taxa* means a list of wild taxa classified according to categories of threat;

5. *derivative* is an organic or inorganic product of living organisms (ivory, antlers, etc.);

6. *wild taxa* of plants, fungi and animals means all species and subspecies that have not developed under human agency as a consequence of breeding activities;

7. *near-nature conditions* means conditions in an ecosystem or a landscape whose development has been only negligibly affected by man; processes taking place here are mostly self-regulating and may subsist without direct human influence;

8. *near-nature watercourse* means a watercourse under near-nature conditions;

9. *ecological network* means a system of interconnected or spatially close ecologically important areas whose well balanced biogeographic distribution contributes substantially to conservation of the natural balance and biodiversity;

10. *ecological corridor* means an ecological component or a series of such components that enable migration of biological taxa from one site to another and forms a part of the ecological network;

11. *ecosystem* means a dynamic complex of plant, fungus, animal and micro-organism communities and their non-living environment interacting as a functional unit;

12. *ecologically important area* means an area that contributes substantially to biodiversity conservation in the Republic of Croatia;

13. *endemic* means a species or a subspecies whose distribution is restricted to a specific area or site;

14. *ex-situ conservation (out of nature)* means conservation of biodiversity components outside their natural habitats (zoological gardens, aquariums and botanical gardens); this also includes conservation of parts of geological heritage outside the sites where they are naturally found, mostly minerals/rocks and fossils in museums or private collections and institutions;

15. *genetic modification* means the intentional change in the hereditary genetic material of an organism in a manner that cannot be achieved by a natural recombination, or introduction of a foreign hereditary genetic material into the hereditary genetic material of an organism, or removal of a part of the hereditary genetic material of an organism;

16. *genetic diversity* means the diversity of genes among specimens, populations, species and higher taxonomic categories;

17. *genetically modified organism* means an organism, excluding a human being, whose hereditary genetic material has been altered by genetic modification;

18. *geological heritage* means everything that has been preserved in the structure and texture of rocks and the soil, such as geological, geo-morphological and hydrological phenomena and objects, including paleontological finds, and forming a constituent part of a landscape;

19. *geological diversity* means the diversity of geological phenomena, objects and structures, including processes that generate landscapes, rocks, minerals, fossils and soils;

20. *in-situ conservation (in nature)* means conservation of ecosystems and natural habitats, including maintenance and restoration of species capable of surviving in their natural surroundings and, in the case of domesticated plants and animals, in the surroundings in which they have developed their specific features; it means also conservation of parts of the geological heritage in their place of origin or in the discovery sites of minerals/rocks and fossils;

21. *invasive alien species* means a non-native species whose introduction or spread poses a threat to biodiversity;

22. *export* means any bringing of values out of the customs area of the Republic of Croatia;

23. *public interest* means an interest for the Republic of Croatia or an interest for citizens (the population) of a regional or local-government unit;

24. *map and cartographic representation* refer to the official national map at a corresponding scale, made according to the standards of the geodetic profession as determined by the National Land Survey and Real Estate Cadastre Act (Official Gazette No. 128/99) and by the Ordinance on Methods of Topographic Land Survey and Making of National Maps (Official Gazette No. 55/01);

25. *user of genetically modified organisms* means any legal or natural person that imports, places on the market, uses or manufactures genetically modified organisms or products;

26. *landscape* means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors;

27. *landscape diversity* means the spatial structuring of natural and man-made landscape components (biological, ecological, geological, geo-morphological and cultural values);

28. *karst* means the typical surface and underground relief and hydrography of carbonate rocks;

29. *living modified organism* means any genetically modified organism capable of transferring or reproducing the genetic material, including sterile organisms, viruses and viroids;

30. *man-made nature* means a part of nature formed by man for the purpose of education, shaping landscape elements or any other purpose important for the conservation of biological and landscape diversity (e.g. lines of trees, parks, botanical gardens, arboretums, etc.);

31. *restoration of nature* means a set of special measures and actions taken to bring an impaired state of biological and landscape diversity back to a state close to the original;

32. *nature conservation* means any procedure performed with the aim of preserving and improving the level of biological and landscape diversity conservation;

33. *sustainable use of natural resources* means the use of natural resources in a manner and at a rate that does not lead to their degradation, but rather maintains their potentials in order to meet the needs and aspirations of present and future generations;

34. *contained use of genetically modified organisms* means any use of a genetically modified organism which implies that it is bred, propagated, stored, transported, destroyed, eliminated or in any other way used in a closed system, or in a space separated by physical barriers or a combination of physical, chemical or biological barriers that prevent any contact of genetically modified organisms with the external environment or their impact on the same;

35. *nature damage* means a state of nature when, due to human activities, natural processes have been altered to such an extent that the natural balance has been impaired or natural values destroyed;

36. *natural resource management plans* means basic planning documents for natural resource management, administration and utilization for economic, social and ecological purposes, as determined by special laws;

37. *applicant for use, release and placing of genetically modified organisms on the market* means a natural or legal person that uses or intends to use genetically modified organisms, deliberately releases or intends to release genetically modified organisms into the environment, or places or intends to place these products on the market; "application" means making a request accompanied by the documents required to a competent government authority for the obtaining of a permit;

38. *reintroduction in nature* means a re-establishment of a species or subspecies in the area where it has been previously exterminated and whose ecosystem still shows almost identical ecological conditions to those before extinction;

39. *population* means a group of specimens of the same species, linked together in terms of time and space and interbreeding;

40. *favourable conservation status* of a species or a type of habitat means a state that in the foreseeable future ensures the maintenance of that species or the type of habitat;

41. *monitoring* means a well defined and systematic surveillance of the state of nature or components of biological and landscape diversity;

42. *cross-border movement of genetically modified organisms* means import or export of genetically modified organisms or products containing genetically modified organisms;

43. *natural resources* means all components of nature exploited by man for economic purposes; natural resources may be non-renewable (mineral resources) and renewable (biological sources, waters, renewable soil);

44. *natural balance* means a state of mutually well balanced interrelations and influences of living beings among themselves and with their habitats. The natural balance is degraded when the quantitative or qualitative structure of a living community has been disturbed, a habitat damaged or destroyed, the functionality of an ecosystem destroyed or altered, interrelations between individual ecosystems interrupted or a considerable isolation of individual populations caused;

45. *natural values* means parts of nature that deserve special protection for the purpose of conservation of biological and landscape diversity, due to their vulnerability or in the scientific, cultural, aesthetic, educational, economic and other public interest;

46. *natural component* means each original component of nature (e.g. plant, animal, fossil, water, soil, etc.);

47. *genetically modified organism risk assessment* means a case-by-case assessment and evaluation of the risk to biodiversity or human health likely to result from a contained use of genetically modified organisms, deliberate release into the environment or placing on the market;

48. *product of genetically modified organisms* means any preparation consisting of and/or containing one or more genetically modified organisms, regardless of the level of treatment, and intended for placing on the market;

49. *transit of living modified organisms* means any conveyance of genetically modified organisms over the territory of the Republic of Croatia intended for a user in another state;

50. *risk to nature* means a likelihood that an activity will directly or indirectly cause damage to nature;

51. *speleological spaces* means naturally formed underground spaces, more than 5 meters long, that can be entered by man and whose entrance dimensions are smaller than the formation's depth or length (caves, pits, abysses, estavelles, etc.);

52. *habitat* means a unique functional unit of an ecosystem, defined by geographic, abiotic and biotic features; all habitats of one type make a habitat type;

53. *placing genetically modified organisms and products on the market* means making genetically modified organisms and products available to a third party, either against payment or free of charge;

54. *foreign species* means a non-indigenous species that did not naturally inhabit a particular ecosystem of an area, but was intentionally or unintentionally introduced into the same;

55. *leghold trap* means a device intended for keeping in place or catching animals by grippers that snap shut tightly around one or more of the animal's limbs, thus preventing the animal from pulling the limb or limbs out;

56. *modern biotechnology* means the in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles, or fusion of cells beyond the taxonomic family, which overcome natural physiological reproductive or recombination barriers and that are not techniques used in traditional breeding and selection;

57. *taxon* means a classification unit of any rank in the taxonomy (nomenclature) of organisms (micro-organisms, fungi, plants and animals); in the present Act this applies to species and subspecies;

58. *domesticated species* means a species whose evolution process has been influenced by man in order to meet his needs;

59. *introduction into nature* means an intentional or unintentional establishment or introduction of species or subspecies into the ecosystem of an area that they have never naturally inhabited before;

60. *animal sanctuary* means a space intended for temporary accommodation or treatment of sick or wounded animals, rejected young that are not yet able to survive in nature, and animals seized from the owner because of their being illegally kept in captivity or because of illegal trade, export, import and other reasons as determined by the law;

61. *import* means any bringing of a certain value into the customs area of the Republic of Croatia;

62. *plant propagation* means growing of indigenous or foreign plants for the purpose of food production, sale, decoration, for industrial or medical, scientific, educational or research purposes or for the conservation of the species;

63. *animal breeding* means breeding (feeding, enabling reproduction and cross-breeding) of indigenous or non-indigenous types of animals in a space separate from nature, for the purpose of food production, hunting, sale, scientific, educational or research purposes and for the conservation of the species;

64. *captive bred animal* means the offspring of parents that have been born in captivity;

65. *wetlands* means areas of marsh, fen and peatland, karst hydrological systems and other waters, whether natural or artificial, permanent or temporary, with water that is static or flowing, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres;

66. *activity in nature* means any temporary or lasting influence of man on nature that may disturb the natural balance, unless aimed at nature protection and conservation;

67. *protected natural values* means natural values declared protected by a body determined by the present Act and entered in the register of protected natural values; these values include protected areas (strict reserves, national parks, special reserves, nature parks, regional parks, natural monuments, important landscapes, forest parks and monuments of park architecture), protected plant, fungus and animal taxa and protected minerals and fossils;

68. *closed system* means a laboratory or production department or any other contained room intended for work with genetically modified organisms;

69. *indigenous species* means a native species inhabiting naturally the specific ecosystem of an area.

## **II. NATURE CONSERVATION**

### **1. General Measures**

#### Article 8

The protection of nature is carried out in the manner determined by the present Act, special regulations and international treaties to which the Republic of Croatia is a party.

## Article 9

(1) Owners and trustees of natural components must allow representatives of government bodies and regional and local-government bodies responsible for nature protection (hereinafter referred to as: competent authorities) or their authorised agents, to visit and inspect those natural components for the purpose of study, collection of expert data and technical supervision of implementation of the nature protection conditions and measures prescribed.

(2) The provisions of paragraph 1 of the present Article apply also to protected natural values.

## Article 10

For the purpose of preventing damage to nature it is prohibited to drive, park or organise motor vehicle traffic (test driving, cross driving, off-road driving, sport, competitive and promotional driving and similar forms of use) in areas outside built-up areas and outside all kinds of roads, country roads, arranged footpaths and testing ranges, except in cases of exercising official duties or performing agricultural, forest-related or other permitted activities, or when it is in conformity with the present Act and other regulations.

## Article 11

For the purpose of conserving biological and landscape diversity, a change in land use shall only be permitted in the manner provided for by a special law, taking into consideration natural values and the importance and structure of the landscape created by traditional and nature-friendly methods of land use.

## Article 12

(1) Pesticides and fertilisers may only be used on the basis of expert opinions and the results of testing the overall state of threatened species in a nature-friendly manner and in compliance with special regulations.

(2) In the case of a reasonable doubt whether the use of pesticides or fertilisers might endanger biodiversity or a natural value or whether the use thereof is environmentally acceptable, the minister responsible for nature protection (hereinafter referred to as: the Minister) shall require that the competent government body puts a

temporary or permanent ban on the use of these agents in specific areas or on the entire area of the Republic of Croatia.

(3) Should the competent government body fail to impose the ban as proposed by the Minister within fifteen days from the submission of the proposal under paragraph 2 of the present Article, the Minister shall by a decree restrict or ban the use of pesticides or fertilisers endangering biodiversity or a natural value.

(4) The decree may be valid for a maximum period of sixty days.

### *1.1. Physical Planning and Use of Natural Resources*

#### Article 13

(1) Physical planning and use of natural resources shall be carried out on the basis of physical planning documents and management plans in conformity with nature protection conditions and measures laid down for the purpose of biological and landscape diversity conservation.

(2) It shall be prohibited to use natural resources in a manner that causes

- lasting degradation of soil and loss of its natural fertility;
- lasting degradation of surface or underground geomorphological values;
- lasting impoverishment of the natural plant, fungus and animal life;
- lasting reduction of biological and landscape diversity,
- pollution of water and threat to its usability.

#### Article 14

(1) Physical planning documents and natural resources management plans aiming at the protection of biological and landscape diversity shall contain nature protection measures and conditions provided for by the present Act and special regulations.

(2) Nature protection measures under paragraph 1 of the present Article include:

- an overview of protected and registered natural values, ecologically important areas and especially valuable landscapes including their features and assessment of their state;

- an overview of areas with expected occurrence of natural values, including recommendations for the procedure on discovery of the same or when designating them protected;
- protection measures and development orientations for protected natural values, ecologically important areas and especially valuable landscapes;
- measures for the conservation of biodiversity, especially those for the conservation of habitat types;
- cartographic presentation, including the map of habitat types as prescribed by the present Act.

(3) Nature protection measures contained in natural resources management plans shall be based on the documents and other data issued by the Ministry of Environmental Protection and Physical Planning and Construction (hereinafter referred to as: the Ministry) at the request of the authority responsible for management plan preparation.

(4) Prior to preparation of a natural resources management plan, owners and trustees shall obtain conditions for nature protection from the government authority responsible for nature protection. The competent authority shall issue conditions for nature protection within sixty days from the submission of the request to stipulate the conditions.

(5) Conditions for nature protection shall be laid down on the basis of technical documents prepared by the State Institute for Nature Protection and regulations issued on the basis of the present Act.

#### Article 15

(1) In the procedure of preparing physical planning documents, except those passed by the Croatian Parliament, the Ministry shall lay down conditions for nature protection depending on the type of the physical planning document.

(2) Conditions for nature protection shall also be issued to the authority responsible for the preparation and to the maker of the physical planning documents.

(3) Physical plans covering specially protected areas, except national parks and nature parks, may not be adopted without previous consent of the Ministry.

## Article 16

(1) Management plans for natural resources in protected areas shall be issued by owners or trustees with the previous consent of the Ministry.

(2) Should the Ministry fail to deny or give the consent within thirty days, the consent shall be considered given.

## Article 17

(1) Should the manner or scope of the natural resource use pose a direct threat to the favourable conservation status of a species or a habitat type, the Minister may by a decree restrict or prohibit temporarily the use thereof for the duration of the threat.

(2) The decree under paragraph 1 of the present Article shall be issued by the Minister after having obtained the consent of the minister responsible for management of the natural resource that is to be used.

(3) Should the minister responsible for management of that natural resource fail to give consent within fifteen days, the consent shall be considered given.

(4) For any restrictions imposed pursuant to the decree under paragraph 1 of the present Article the owners and trustees are entitled to compensation proportional to the decrease of revenue incurred.

(5) The compensation amount shall be agreed by mutual consent, and in the event of a dispute about the amount of compensation the decision shall be made by the court. The compensation shall be paid from the government budget.

(6) Any owner or trustee failing to proceed in accordance with the decree under paragraph 1 of the present Article shall be held responsible for any damage caused to a species or a habitat type that occurred after issuance of the decree.

### *1.2. Activities in Nature*

## Article 18

(1) Activities in nature shall be so planned as to avoid or minimise the degradation of nature.

(2) While performing an activity the contractor must act in such a manner as to cause the least possible damage to nature. Upon

completion of the activity the contractor shall, in the zone affected by the activity, restore or bring the state of the natural environment as close to the condition prior to the activity as possible.

### *1.3. Assessment of an Activity's Acceptability to Nature*

#### Article 19

(1) In the case of a planned activity in nature that is likely, either individually or in combination with other activities, to have a significant effect on an ecologically important area or a protected natural value, its acceptability to nature with respect to the objectives of conservation of that ecologically important area or protected natural value shall be assessed in conformity with the present Act and special regulations.

(2) In the case of planned activities in nature under paragraph 1 of the present Article, for which an environmental impact assessment has been made obligatory by a special regulation, the acceptability to nature shall be evaluated within the context of environmental impact assessment in conformity with a special regulation.

(3) In assessing the acceptability of an activity to nature, the possible effects of the planned activity on the protected natural value or ecologically important area shall be identified with respect to objectives of conservation of the habitat or of species or to the protection measures prescribed.

(4) In the case of several minor activities with the same objective that do not require individual assessment of acceptability to nature, if conducted on a single habitat or area, a single assessment of the activity's acceptability to nature shall be carried out.

(5) An assessment of an activity's acceptability to nature, which is not carried out within the context of an environmental impact assessment, shall be carried out by the Ministry at the proposal of the State Institute for Nature Protection.

#### Article 20

(1) If an activity under Article 19, paragraph 1 of the present Act is acceptable to nature, the assessment of the activity's acceptability to nature shall contain a proposal for nature protection conditions and a proposal for compensation conditions.

(2) The contents, the time limit and the method of assessment of an activity's acceptability to nature, the method of public information

and the method of calculating the amount of caution money required for elimination of possible effects on nature shall be laid down by the Minister in an ordinance.

#### Article 21

(1) If the planned activity in nature is assessed as acceptable to nature, the Ministry shall issue a decision granting a permit for the activity. The decision may lay down nature protection conditions comprising also compensation conditions. The decision may also provide for the payment of caution money for elimination of possible impacts on nature up to the amount of anticipated costs necessary for remediation of possible damages, including the method of paying and refunding the caution money.

(2) In the case that the activity planned is not acceptable to nature, the Ministry shall issue a decision to deny a permit for the activity planned.

(3) Exceptionally, in the case that the planned activity is not acceptable to nature, the Government of the Republic of Croatia (hereinafter referred to as: the Government) may, due to the prevailing public interest, including that of economic and social nature, or for the lack of other appropriate solutions, grant a permit for execution of the planned activity, after previously consulting public opinion. Public opinion shall be provided in the manner prescribed by the by-law under Article 20, paragraph 2 of the present Act. The decision on granting a permit shall make it obligatory to a person performing an activity to fulfil the compensation conditions contained in the permit.

(4) If in the area of the planned activity there is a habitat type or a habitat of a plant, fungus or animal specially protected on the basis of international treaties and other regulations, the prevailing public interest underlying the permit for the planned activity may only relate to the protection of human health and public safety or to the establishment of substantially more favourable conditions for nature.

#### Article 22

(1) If the measures for the protection of nature are not contained in physical planning documents applying to building construction and execution of other works and activities in the area of a national park, a strict or a special reserve or a natural monument, to buildings of importance for the Republic of Croatia as laid down by a special regulation, to activities for which environmental impact assessment or assessment of an activity's acceptability to nature is required in

conformity with the present Act or a special regulation and to activities in a space that covers the area of two or more counties and the City of Zagreb and are subject to issuance of a decision on siting conditions, the Ministry shall prescribe nature protection conditions.

(2) If nature protection measures are not contained in physical planning documents applying to building construction and execution of other works and activities in the area of a nature park, a regional park, an important landscape, a forest park and a monument of park architecture and to building construction and execution of works outside building areas which are subject to issuance of a decision on siting conditions, nature protection conditions shall be prescribed by the government office of the regional government body responsible for nature protection activities (hereinafter referred to as: the government office of the County or of the City of Zagreb).

(3) The competent authority under paragraphs 1 and 2 of the present Article shall prescribe nature protection conditions within thirty days from the submission of a request.

(4) The building permit may be granted and execution of other works permitted provided that the authorities under paragraphs 1 and 2 of the present Article, each within its own competence, confirm in writing that the master project or corresponding documents have been prepared in accordance with the conditions for the protection of nature. The competent authority is bound to furnish the confirmation within thirty days.

(5) The competent authority under paragraphs 1 and 2 of the present Article or its authorised representative shall withhold a positive opinion about the use of the building, if a technical inspection commission finds that, as regards nature protection, the building has not been constructed in accordance with the master project for which the confirmation has been furnished.

(6) Nature protection conditions under paragraphs 1 and 2 of the present Article shall be laid down by the competent authority on the basis of an ordinance on internal order in protected areas and measures prescribed for the protection of the ecological network and habitat types.

*1.4. Mitigation of Harmful Effects on Nature  
Caused by Activities in Nature or Use of Natural Resources*

(1) Compensation conditions are actions undertaken to mitigate or compensate for foreseeable damage to nature.

(2) Compensation conditions shall be laid down depending on the damage to nature anticipated or caused and the possibility of compensation.

(3) When selecting a compensation condition, priority shall be given to compensation by means of an area that shows features identical or similar to those of the damaged natural area for which compensation is carried out, and that will ensure interconnectivity and coherence of the ecological network.

(4) The forms of compensation conditions are:

- establishment of a compensation area showing features identical or similar to those of the natural area damaged;
- establishment of another area important for conservation of the biological and landscape diversity, or protection of natural values;
- payment of a sum to the value of the damage caused to nature in the case that no remediation or other compensation conditions can be carried out.

(5) The method of calculation and payment of the amount under paragraph 4, sub-paragraph 3 of the present Article shall be determined by the ordinance under Article 20, paragraph 2 of the present Act. The amount shall be paid to the government budget.

(6) Compensation conditions shall be laid down by the decision under Article 21, paragraph 1 of the present Act, or by the decision on an activity's acceptability to nature issued in compliance with a special regulation.

#### Article 24

(1) In the case that an activity in a natural area or the use of natural resources is carried out in contravention of nature protection conditions prescribed and thus causes non-permitted damage to nature, the person performing the activity or using the natural resources shall without delay eliminate the harmful effects of his activities at his own cost.

(2) Should the person performing the activity or using the natural resources fail to eliminate the harmful effects of his activities in accordance with paragraph 1 of the present Article, thus causing damage to nature in ecologically important areas, protected areas or other natural values, the Ministry shall, by a decision, impose a

compensation condition on the person performing the activity or using the natural resources, which he is bound to fulfil in conformity with Article 23 of the present Act, and fix the amount of compensation for damage caused to nature.

(3) The funds raised by compensation of damage are budgetary revenues.

## **2. Landscapes**

### Article 25

In physical planning and regional development, including planning and use of natural resources, it is necessary to ensure the conservation of significant and distinctive features of a landscape and the maintenance of biological, geological and cultural values that define its importance and aesthetic impression.

### Article 26

(1) By their significant and distinctive features landscapes are classified into landscape types expressing the diversity of natural and cultural heritage.

(2) Under the significant and distinctive features of a landscape in terms of the present Act is to be understood the parts of nature characteristic of specific landscape types or artificial landscape features that have a natural, historical, cultural, scientific or aesthetic value.

(3) The landscape types shall be determined by the Minister at the proposal of the National Institute for Nature Protection, with participation of the public, the competent government office of the County or the City of Zagreb, local or regional government bodies and other legal and natural persons interested in identification of the landscape value.

(4) The list of landscape types shall be published in the "Official Gazette".

(5) When landscape types are determined, their features, vulnerability and threats posed to them shall be examined and analysed, and changes in significant and distinctive features monitored and recorded.

(6) Monitoring of the state of significant and distinctive features of landscapes shall be carried out by regional and local-government

bodies in co-operation with the State Institute for Nature Protection and other authorised legal entities.

#### Article 27

(1) The State Institute for Nature Protection shall evaluate landscape types taking into consideration special values ascribed to them by the population and other interested legal and natural persons.

(2) Especially valuable landscapes shall be determined by the Minister in an ordinance after obtaining the opinion of the minister responsible for culture and the minister responsible for agriculture and forestry.

(3) Especially valuable landscapes enjoy protection as protected natural values in conformity with the present Act.

#### Article 28

(1) Exploration and exploitation of mineral resources shall be carried out in such a manner as to conserve landscape values of the space to the highest degree possible.

(2) Harmful effects on a landscape likely to be caused by exploitation of mineral resources shall be avoided by selecting the most favourable site, type and scope of the activity planned.

(3) Harmful effects on a landscape caused by exploration and exploitation of mineral resources shall be eliminated by restoration of the extraction site or by the arrangement of the entire exploitation field, by shaping the same according to the state of the natural environment for the purpose of establishing a near-nature landscape or for preparation of the site for other purposes acceptable to nature.

(4) The statement about the examination of a mining project and approval of the project design may not be issued unless the Ministry issues a certificate confirming that the project design of remediation or arrangement of the entire exploitation field has been prepared in conformity with the nature protection conditions prescribed. Should the Ministry fail to withhold or issue the certificate within thirty days, the certificate of conformity with nature protection conditions prescribed shall be considered issued.

(5) The project of remediation or arrangement of the exploitation site affected by the activities upon completion of exploitation of mineral resources shall form a constituent part of the main mining project for mineral resources exploitation.

(6) After a complete or permanent suspension of exploitation works precautionary measures are implemented in order to exclude any possible risk for humans, property and land in conformity with a special regulation. The competent authority designated by the special regulation shall not issue a certificate of a completed remediation until the Ministry delivers the opinion that remediation measures taken have been determined by the project design in conformity with the present Act. The opinion about remediation measures taken shall be delivered by the Ministry within thirty days.

### **3. Ecosystems**

#### Article 29

(1) The protection of ecosystems shall be carried out by implementing measures of biodiversity conservation during the use of natural resources and physical planning, and by protecting habitat types.

(2) The Ministry shall keep a cadastre of ecosystems and, together with a government body responsible for natural resource management, monitor the state of outstanding and threatened ecosystems or habitat types in conformity with the present Act and regulations issued pursuant to the present Act.

#### Article 30

(1) Conservation of forest ecosystem biodiversity shall be carried out in conformity with the present Act and special regulations.

(2) Conservation of forest biodiversity within the context of forest management shall be based on the principles of sustainable development and, where feasible, on the principles of maintaining the natural composition of species and their natural regeneration.

(3) Forest management in terms of paragraph 2 of the present Article shall be executed on principles of forest certification and in accordance with a special regulation.

(4) For protected areas a programme for the protection of forest ecosystems containing measures for their protection, improvement and monitoring of their state shall be adopted.

(5) Components of the forest ecosystem protection programme shall be laid down by the Minister in an ordinance, with the approval of the minister responsible for forestry.

(6) The forest ecosystem protection programme shall be a constituent part of the management plan of public institutions that manage protected areas as referred to in Article 181, paragraph 1 of the present Act and of forest management plans.

#### Article 31

(1) Afforestation, where permitted by habitat conditions, shall be carried out with native tree species in a composition reflecting the natural composition and using nature-friendly methods.

(2) Afforestation of non-forest surface areas shall be carried out in places where it is justified, under the condition that non-forest and rare habitat types are not threatened.

(3) Threatened and rare habitat types shall be entered into forest management plans of a specific area on the basis of the habitat type map under Article 52 of the present Act.

#### Article 32

(1) For the purpose of biodiversity conservation the use of biological and bio-technical pesticides in forests is allowed.

(2) Should a causative agent appear that is likely to cause major economic damage and should there be no adequate biological or bio-technical pesticide available, chemical pesticides may be used with the permission of the government body responsible for agriculture and forestry issues.

#### Article 33

(1) For the purpose of biodiversity conservation it is necessary to ensure a permanent percentage of mature, old and dead trees in all forests, especially trees with holes, as laid down by nature protection conditions that form a constituent part of forest management plans.

(2) Nature protection conditions shall be prescribed for each individual ecological and economic type of forest.

(3) During the final cutting of larger forest surface areas, smaller surfaces, as determined by forest management plans, shall be left uncleared of trees for the purpose of biodiversity conservation, wherever possible and appropriate.

(4) For the purpose of enriching the biological and landscape diversity, forest management shall be executed in such a manner as to preserve forest clearings (meadows, pastures, etc.) and forest edges to the maximum extent.

(5) Within the context of forest management it is necessary to ensure the extension of the cutting maturity of native types of trees with respect to the physiological lifetime of individual species and the health condition of the forest community.

#### Article 34

(1) Karst ecosystems represent a globally important wealth and are considered natural values in terms of the present Act.

(2) In management plans for karst natural resources possible impacts of their use on the entire catchment area shall be assessed.

(3) Given the exceptional vulnerability of underground animal species and habitats, legal entities and natural persons shall, when carrying on certain activities, pay special attention to the protection of karst area ground waters against pollution and take all measures that may be necessary to minimise pollution and permanently monitor the state of waters.

#### Article 35

(1) Speleological spaces represent natural values in terms of the present Act and are covered by protection measures in compliance with Articles 36 to 39 of the present Act, or by special protection measures under the present Act, if designated protected natural values.

(2) Speleological spaces are the property of the Republic of Croatia.

(3) A cadastre shall be drawn up of speleological formations.

(4) The cadastre shall be established and kept by the State Institute for Nature Protection. The form, contents and methods of keeping the cadastre shall be laid down by the Minister in an ordinance.

(5) The discovery of any speleological space or a part thereof shall be reported to the Ministry within 8 days.

#### Article 36

(1) It is prohibited to damage, destroy or take away the cave ornaments or the animate world of speleological formations.

(2) For the purpose of protecting speleological formations or the parts thereof a permit of the Ministry shall be required:

- to visit, use or arrange a speleological space or a part thereof;
- to close an entrance or a part of the cave and to construct, reconstruct or restore any underground facility;
- to carry out research work and experiments or to collect plant, fungi and animals in the speleological space or a part thereof;
- for scuba-diving in a speleological space;
- for shooting films or taking pictures by means of electronic devices in a speleological space, and
- for all other actions and activities affecting the basic features, conditions and natural flora or fauna of a speleological space or the ground surface above the same.

(3) The decision on any permit shall also include nature protection conditions.

#### Article 37

If a speleological space is located in a protected area or is specially protected, the speleological space shall be managed by an authorised public institution in conformity with the provisions of the present Act.

#### Article 38

(1) If a speleological space is located outside a protected area or is not specially protected, the management of the speleological space for the purpose of visiting and touring may be entrusted to a legal or natural person pursuant to the decision on the concession award.

(2) The decision to grant a concession shall be taken by the Ministry on the basis of a programme of visits and tours. The decision on a concession shall contain nature protection conditions.

(3) To the procedure of the concession award and use the provisions of Articles 206 to 217 of the present Act shall apply accordingly.

(4) The programme as referred to in paragraph 2 of the present Article shall contain a proposal of measures for the protection of the speleological space, conditions for making a tour thereof and measures for the protection of visitors.

### Article 39

(1) The owner or the trustee of the land on which a speleological space is situated shall neither threaten nor damage the speleological space, fill in the entrance nor impede its use in a permissible manner. He is obliged to provide access and a tour of the space for permissible purposes.

(2) The owner and the trustee of the land on which a speleological space is situated have a right to compensation for restrictions imposed on them due to the use of the speleological space in proportion to any decrease of income. The amount of the compensation shall be fixed by mutual agreement and in the event of a dispute over the amount of the compensation the decision shall be made by the court. The compensation shall be paid from the government budget or from the budget of the county or the City of Zagreb.

(3) Should a concession be granted for the use of a speleological space, the concession holder must pay the owner a compensation for restrictions imposed on him, which is to be fixed pursuant to paragraph 2 of the present Article.

### Article 40

(1) Wetlands, including waters, represent natural values in terms of the present Act and should therefore be conserved in the natural or near-natural state wherever possible and appropriate.

(2) To issues of the protection of wetlands, including waters, not governed by the present Act provisions of special regulations shall apply.

(3) In execution of their activities, natural and legal persons shall take care of protecting water against pollution, take necessary measures to minimise pollution, and monitor constantly any state of pollution.

(4) All natural lakes and ponds, including all coastal ponds exceeding 0.01 hectare, natural and near-natural marshes exceeding 0.25 hectare, bogs, springs and brooks with a 2 m wide coastal belt represent ecologically important areas in terms of the present Act.

### Article 41

(1) In wetlands no erection of barriers in watercourses, reclamation, or filling up of springs, ponds, etc. is permitted, if by such

action the survival of natural values and conservation of biodiversity are threatened.

(2) The volume of water reserves in wetlands under paragraph 1 of the present Article, which are necessary for the survival of natural values and conservation of biodiversity, shall be determined by the Minister upon the obtainment of the consent of the government body responsible for waters and on the basis of a study of water reserve requirements in wetlands prepared by the State Institute for Nature Protection in co-operation with the government body responsible for waters.

(3) Both the competent authorities and natural and legal persons shall, within the scope of their work or in execution of their activities, ensure the treatment of municipal and industrial wastewater emptied into waters and wetlands.

(4) Waters shall be protected against pollution or contamination, and their natural capacity for self-purification shall be preserved or re-established. The government body responsible for waters is obliged to ensure permanent water pollution monitoring.

#### Article 42

It is prohibited to construct buildings or use for economic purposes natural resources round natural springs, along the banks of natural and near-natural watercourses and wetlands, along the banks of natural or artificial lakes or in flood plains of watercourses, along the sea coast and especially along the coasts of sea coves, unless permitted by a special regulation or physical planning documents.

#### Article 43

(1) Activities on the sea and below the surface of the sea shall neither destroy nor threaten marine habitats.

(2) Conservation of biodiversity shall be provided by implementation of measures for preservation of habitat types in a favourable conservation status under Article 53 of the present Act and measures for conservation of wild taxa under Article 59 of the present Act.

#### Article 44

(1) For the purpose of biodiversity conservation, competent authorities or authorised legal entities shall provide equipment for the reception of oily, bilge and polluted waters discharged from ships in

ports open for international navigation in compliance with special regulations.

(2) It is prohibited to discharge polluted or faecal wastewater from vessels into waters of protected natural areas.

(3) Vessels entering the waters of protected natural areas must be equipped with special containers for the reception of polluted or faecal wastewater.

(4) The method of eliminating the impact of the intentional or unintentional discharge of polluted or faecal wastewater as referred to in paragraph 2 of the present Article shall be determined by the Minister with the previous consent of the minister responsible for maritime affairs.

#### Article 45

(1) For the purpose of conserving the biodiversity of the Adriatic Sea and preventing the spreading of invasive non-native (alien) species and pathogens by means of ballast waters, a ballast water management and supervision system shall be introduced.

(2) The system under paragraph 1 of the present Article shall apply to all vessels and floating and stationary offshore facilities entered into corresponding registers and records of the Republic of Croatia, including all vessels and floating and stationary offshore facilities while in the marine and submarine area under the jurisdiction of the Republic of Croatia, with the exception of facilities expressly excluded by applicable international treaties.

(3) The ballast water management and supervision system as referred to in paragraph 1 of the present Article shall be governed by a special regulation in conformity with applicable international standards.

#### Article 46

For the purpose of marine biodiversity conservation it is prohibited to place on the market or use harmful antivegetative, self-polishing organostannic polymeric coatings based on 3-butyl tin for vessels and floating and stationary offshore facilities.

#### Article 47

If required by the protection of individual strictly protected species or habitat types, the Minister may, after previously obtaining the consent of the minister responsible for fisheries, exclude by a decree parts of the sea and undersea area temporarily or permanently from fishing and other forms of use.

#### Article 48

For the purpose of biodiversity conservation, grasslands shall be managed by grazing and by a regime of mowing adapted to the grassland type, including a nature-friendly use of pesticides and fertilisers.

#### Article 49

(1) For the purpose of conserving the biological and landscape diversity of arable land it is necessary to preserve valuable and threatened peripheral habitats (hedges, individual trees, groups of trees, ponds and meadow belts).

(2) When planning and consolidating agricultural land it is necessary to maintain to the maximum extent the existing habitats or create new habitats as referred to in paragraph 1 of the present Article and to make plans for their arrangement and size in such a manner as to ensure the highest possible habitat value for biological and landscape diversity.

#### Article 50

For the purpose of conserving the biological and landscape diversity of planned building areas, physical planning documents shall ensure interconnectivity between identical habitat types, maintain the existing and create artificially green areas, trees, groups of trees, stagnant and running waters and other habitats, giving priority to native species and habitats.

### **4. Ecological Network**

#### Article 51

(1) Conservation of an ecosystem shall be ensured by maintaining a favourable conservation status of habitat types or by restoration of habitats whose favourable status has been degraded.

(2) A habitat type is considered to have a favourable conservation status when:

- its natural range and the areas it covers within the range are stable or increasing;
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- a favourable conservation status of its typical species is guaranteed.

#### Article 52

(1) Habitat types shall be mapped and their conservation status and threats assessed and monitored.

(2) Threatened habitat types are those that do not have a favourable conservation status and are therefore threatened with extinction.

(3) Areas of threatened and rare habitat types are ecologically important areas in terms of the present Act.

(4) The kinds of habitat types, a map of habitats and the threatened and rare habitat types shall be determined by the Minister in an ordinance.

(5) Monitoring of the state of and threats to habitats shall be carried out by the State Institute for Nature Protection in co-operation with other authorised legal entities.

#### Article 53

(1) Measures for maintaining a favourable conservation status of habitat types shall be prescribed by the Minister in an ordinance, after obtaining the consent of the government body responsible for agriculture, forestry, hunting, fisheries and waters.

(2) Measures for maintaining a favourable conservation status of habitat types shall be incorporated into physical planning documents and plans for natural resources management.

(3) Legal and natural persons carrying on activities in the field of habitat types are obliged to implement measures in conformity with paragraph 1 of the present Article.

#### Article 54

(1) Ecologically important areas are:

- areas that are biologically highly diverse or well preserved and of international importance according to the criteria of international treaties to which the Republic of Croatia is a party;
- areas that contribute considerably to conservation of the biological and landscape diversity of the Republic of Croatia;
- areas of habitat types threatened on a global, European or national scale;
- habitats of species threatened on a global, European or national scale;
- habitats of endemic taxa of the Republic of Croatia;
- areas making a major contribution to genetic interconnection of populations of biological species (ecological corridors);
- migratory routes of animals, and
- preserved forest complexes.

(2) An ecological network is constituted by a system of interconnected or spatially close ecologically important areas, which by their well-balanced bio-geographical distribution contribute considerably to the maintenance of a natural balance and biodiversity. Components of the ecological network are connected by natural or artificial ecological corridors.

(3) The ecological network comprising a system of ecologically important areas and ecological corridors shall be prepared by the State Institute for Nature Protection and designated by a by-law of the Government at the proposal of the Ministry.

(4) A constituent part of the ecological network under paragraph 3 of the present Article shall be an ecologically important area as determined by the representative body of the County or the City of Zagreb, following the procedure for designating a protected natural area.

#### Article 55

(1) The protection of ecologically important areas shall be ensured by implementation of measures and nature protection conditions laid down with the aim of conserving biological and

landscape diversity and protecting natural values in compliance with the provisions of the present Act.

(2) No activities likely to result in devastation or any other considerable or permanent damage to an ecologically important area are permitted.

(3) The Ministry may, exceptionally, permit activities under paragraph 2 of the present Article, if the damage caused to the ecologically important area may be compensated for by adequate measures, or in the case that activities and actions are needed because of reasons of prevailing public interest.

(4) In the event of granting a permit in conformity with paragraph 3 of the present article the Ministry shall lay down compensation conditions.

#### Article 56

(1) An international ecologically important area is an area important for the conservation or achievement of a favourable conservation status of species, their habitats and habitat types in Europe pursuant to international standards.

(2) An international ecologically important area shall be designated by the Government by a by-law providing for protection by a specific regime of protection in compliance with the provisions of the present Act.

(3) The management of an international ecologically important area under paragraph 2 of the present Article shall ensure conservation and improvement of its features that are of the greatest importance for the maintenance of the favourable conservation status of a habitat type or a wild species.

(4) For the purpose of protecting an international ecologically important area and improving interconnections of the ecological network, features that are of the greatest importance for the maintenance of the favourable conservation status of species protected pursuant to international treaties to which the Republic of Croatia is a party shall be safeguarded and developed.

(5) No activities likely to result in devastation or any other considerable or permanent damage to an international ecologically important area shall be permitted.

### ***5. Species and Subspecies***

## 5.1. General Measures

### Article 57

(1) Wild species and subspecies of plants, fungi and animals (hereinafter referred to as: wild taxa) include:

- live or dead specimens of wild plants, fungi and animals, including their cultivated/bred specimens,
- their development forms (eggs, larvae, pupae, seeds, fruit, mycelia, etc.);
- any part or derivative thereof, and
- readily recognisable products derived from the same.

(2) It is prohibited to exterminate a native wild taxon.

(3) It is prohibited to reduce wild taxa populations, destroy their habitats or change their living conditions to an extent that would pose a threat to the taxon.

(4) A favourable conservation status of wild taxa shall be ensured by the protection of their habitats and by protection measures taken for individual taxa in compliance with the provisions of the present Act.

(5) The conservation status of a wild taxon is considered favourable if the distribution and number of population do not exceed the limits of natural oscillations and do not show any long-term downward trend, and if habitats are sufficiently large to ensure a long-term maintenance of the population.

### Article 58

(1) It is prohibited, failing any valid reason:

- to disturb, capture, hurt or kill wild animals deliberately,
- to remove wild plants and fungi deliberately from their habitats, to reduce their populations or devastate the same in any other manner,
- to damage or devastate deliberately the habitats of wild taxa.

(2) A reason under paragraph 1 of the present Article shall be considered valid if there is a prevailing public interest or if the action has a beneficial consequence.

### Article 59

(1) When performing activities in nature and using natural resources in a way that affects habitats of wild taxa, those means, methods and techniques shall be applied that contribute to the maintenance of a favourable conservation status of the species, or that cause the least disturbance to wild taxa or habitats of their populations. Thus the option exists of restricting activities in habitats of the populations of animal species during a period of time that corresponds to their essentially important seasons.

(2) Conservation of wild taxa and their habitats as referred to in paragraph 1 of the present Article is a constituent part of nature protection measures and conditions under Article 14 of the present Act.

#### Article 60

(1) Public and other roads or structures crossing the known migratory routes of wild animals shall be constructed in such a manner as to ensure safe crossing of wild animals at appropriate distances.

(2) The constructed crossings that ensure the undisturbed and safe crossing of wild animals shall be protected as natural values.

(3) Protection measures, persons charged with implementing the same and the methods of maintaining the crossings under paragraph 2 of the present Article shall be prescribed by the Minister in an ordinance, with the consent of the minister responsible for public works and building and the minister responsible for transport affairs.

#### Article 61

(1) Towers and technical components of medium-voltage lines shall be constructed in such a manner as to protect birds against electric shock.

(2) On towers and technical components constructed before the effective date of the present Act, which pose a serious threat to birds, necessary measures for the protection of birds against electric shock shall be taken within five years from the effective date of the present Act.

(3) The provisions of paragraphs 1 and 2 of the present Article shall not apply to overhead contact wires of railways.

(4) The method of constructing towers and technical components of medium-voltage lines and the measures for the protection of birds under paragraph 2 of the present Article shall be determined by the

Minister in an ordinance, with the consent of the minister responsible for the power industry.

#### Article 62

(1) For the collection of plants, fungi and any part thereof, and for catching or killing animals for the purpose of processing, trading and any other commercial operation, a permit shall be obtained from the Ministry, unless provided otherwise by the present or any other Act. The permit shall be granted by a decision.

(2) Activities under paragraph 1 of the present Article may be performed with the previous consent of the owner or trustee of natural resources.

(3) Conditions for the obtainment of a permit under paragraph 1 of the present Article and quantities and ways of using wild taxa shall be prescribed by the Minister in an ordinance, on the basis of an opinion obtained previously from the minister responsible for agriculture and forestry.

(4) Should the manner or extent of using plants, fungi or animals pose a direct threat to the favourable conservation status of the species, the Minister shall by a decree restrict or temporarily prohibit the use thereof, after obtaining the opinion of the minister responsible for agriculture and forestry.

#### Article 63

(1) Foreign natural and legal persons performing research into natural components in Republic of Croatia are obliged to report their research to the Ministry. If scientific research is in question, foreign natural and legal persons registered for scientific work are obliged to obtain a permit from the ministry responsible for science. A permit shall be issued after obtaining the consent of the Ministry.

(2) Research under paragraph 1 of the present Article may be done on a land or water area with the consent of the owner or trustee.

(3) After completion of research, natural and legal persons are obliged to report its results to the Ministry within a period of 60 days at the latest.

Plants, fungi and parts thereof or animals and parts thereof that are not protected natural values according to this Act may be exported from the

Republic of Croatia for scientific purposes with a permit of the Ministry. The permit shall be granted by a decision..

#### Article 64

(1) It is prohibited to introduce wild taxa into the natural environment in the territory of the Republic of Croatia.

(2) It is prohibited to introduce non-native fish species into natural and near-natural waters and to transfer such species from fish farms into other wetlands.

(3) Introduction under paragraph 1 of the present Article may exceptionally be permitted if it is scientifically sound and acceptable from the aspect of nature protection and sustainable management.

(4) The Ministry shall grant a permit as referred to in paragraph 3 of the present Article on the basis of a risk assessment study regarding introduction into nature and with the previously obtained consent of the ministry responsible for agriculture and forestry affairs, unless determined otherwise by a special regulation. The permit shall be granted by a decision.

(5) Conditions and methods of elaborating and conducting the risk assessment study concerning introduction into nature shall be prescribed in detail by the Minister in an ordinance.

(6) The costs of elaborating the study and conducting the risk assessment procedure concerning introduction into nature shall be borne by the legal or natural person that applied for the permit.

(7) The cultivation/breeding of non-native wild taxa under controlled conditions that make colonisation in the natural environment impossible shall not be considered introduction.

#### Article 65

(1) For the purpose of preventing an unintentional introduction of non-native taxa into the area of the Republic of Croatia, the Minister shall by an ordinance prescribe precautionary measures with the consent of the minister responsible for agriculture and forestry.

(2) In the event of an unintentional introduction of non-native taxa into the area of the Republic of Croatia, or of a reasonable suspicion that such an introduction is likely to take place, the Minister shall by a decree prescribe measures to be taken with the aim of eradicating, or preventing any further dispersion of, the non-native taxa introduced.

## Article 66

(1) Reintroduction of extinct wild taxa into nature in the territory of the Republic of Croatia may only be performed with a permit of the Ministry, granted on the basis of the previously obtained consent of the ministry responsible for agriculture and forestry affairs, and of public opinion.

(2) Reintroduction of extinct wild taxa onto islands may only be performed with a permit of the Ministry granted on the basis of the previously obtained consent of the ministry responsible for agriculture and forestry and of public opinion.

(3) Permits under paragraphs 1 and 2 of the present Article shall be granted by the Ministry on the basis of a risk assessment study concerning reintroduction into nature. The permit shall be granted by a decision.

(4) Conditions and methods of elaborating and conducting the risk assessment study concerning reintroduction into nature shall be prescribed in detail by the Minister in an ordinance as referred to in Article 64, paragraph 5 of the present Act.

(5) The costs of elaborating the study and conducting the risk assessment study concerning reintroduction into nature shall be borne by the legal or natural person that applied for the permit.

### *5.2. Cross-Border Movement of Protected Wild Taxa*

## Article 67

(1) A permit for export, import, re-export or transit of animals, fungi and plants protected pursuant to the present Act or international treaties to which the Republic of Croatia is a party, as well as of the parts and derivatives thereof, shall be granted by the Ministry subject to the protection prescribed. The permit shall be granted by a decision.

(2) The permit under paragraph 1 of the present Article shall be granted on the basis of documentary evidence:

- of the legal origin of the wild animal, fungi or plant or of evidence that the specimen has been bred in captivity;
- of the animal or shipment being marked in the manner laid down by the ordinance under paragraph 7 of the present Article;
- of an export permit granted by the competent authority of the exporting country in the case of an export, and

- of the fulfilment of all other conditions laid down by the provisions of international treaties to which the Republic of Croatia is a party or of the present Act.

(3) The permit under paragraph 1 of the present Article shall only be granted if the import, export, re-export or transit permitted have been found by the Ministry not to pose any threat to wild populations of the relevant animal, fungus or plant in question.

(4) A permit under paragraph 1 of the present Article shall also be obtained in the case of a hybrid of which one or both parents belong to a protected wild taxon pursuant to the present Act or international treaties to which the Republic of Croatia is a party.

(5) A permit under paragraph 1 of the present Article shall not be required in the case of personal and household effects derived from protected animals, fungi or plants, or in the case of a non-commercial exchange between scientists or specialised scientific institutions.

(6) A transit permit is not required if so laid down by international treaties to which the Republic of Croatia is a party.

(7) The species for which a permit under paragraph 1 of the present Article is granted, the procedure and conditions of the issue of the permit, its contents, the marking of animals and shipments, and the methods of exercising supervision, maintaining records and drawing up reports shall be prescribed by the Minister in an ordinance.

(8) In the case of the import, export or transit of live animals under paragraph 1 of the present Article the specimens shall be transported and taken care of in a manner that minimises the risk of injury, damage to health or inhumane treatment in compliance with special regulations.

## Article 68

(1) Anyone importing or exporting an animal, a fungus or a plant subject to the procedure laid down by the present Act or international treaties to which the Republic of Croatia is a party, shall declare each import or export to the competent customs authorities and present the permit as referred to in Article 67, paragraph 1 of the present Act and other documents in compliance with special regulations.

(2) In the case of an export, import or transit under Article 67, paragraph 1 of the present Act the customs authorities shall check the relevant permits depending on the protection of wild taxa prescribed, and authenticate the crossing of the border in a box of the permit form designed for that purpose. In the case of an export a corresponding

copy of the authenticated permit bearing the note "For country of export" shall be submitted by the customs authorities to the Ministry.

(3) Other competent authorities at border crossings shall cooperate in the control of import, export and transit under Article 67, paragraph 1 of the present Act, each within the scope of its relevant activities.

(4) With the consent of government bodies responsible for customs operations and for the import and export of wild taxa under Article 67, paragraph 1 of the present Act, the Minister shall by an ordinance designate border crossings for the import, export and transit of these taxa and prescribe conditions to be fulfilled by these border crossings.

#### Article 69

(1) If in the case of an import, export or transit as referred to in Article 67, paragraph 1 of the present Act the customs authorities are not able to identify whether animals, fungi or plants belong to taxa whose import or export is subject to restrictions or bans, they shall be entitled:

- to place the same in storage themselves or have them kept by another persons at the expense of the importer or exporter respectively, until it is cleared whether they belong to taxa whose import, export or transit is subject to restrictions;
- to leave them to the importer or exporter respectively until the completion of the procedure, but putting a ban on the free disposal thereof.

(2) Customs authorities may require the importer or exporter as the case may be to submit a certificate issued by an authorised legal or natural person from the list of the Ministry stating that the animals, fungi or plants in question do not belong to taxa whose import or export is subject to restrictions in compliance with the provisions of the present Act or international treaties to which the Republic of Croatia is a party. Should the action of the customs authorities prove to be unfounded, the Republic of Croatia shall compensate the importer or exporter as the case may be for the costs suffered by obtaining the certificate and extra costs of storage.

(3) Animals, fungi or plants found by the customs authorities to be imported or exported without the required permits or other documents shall be confiscated until the completion of the procedure and the confiscation of animals, fungi or plants confirmed in writing. Animals, fungi or plants confiscated shall be placed in the charge of an

authorised legal or natural person from the list of the Ministry, but may also be given for safekeeping to the importer or exporter, putting a ban on the free disposal thereof. In the case of failure to produce the permit prescribed or another documents required within a month from confiscation or within an extended time-limit that shall not exceed two months, the customs authorities shall make a decision on seizure.

(4) Should the customs procedure conducted on animals, fungi or plants show them to be animals, fungi or plants for which no import or export permit has been granted, they shall be seized and a receipt made out for the animals, fungi or plants seized.

(5) In cases under paragraphs 3 and 4 of the present Article the customs authorities shall as soon as possible notify the Ministry, which shall decide on the temporary or permanent provision for the animals, fungi or plants seized, taking into consideration the provisions of special regulations and international treaties to which the Republic of Croatia is a party.

(6) Animals, fungi or plants confiscated or seized may be temporarily or permanently given in charge of natural or legal persons authorised by the Ministry in the manner laid down by the ordinance referred to in Article 75, paragraph 1 of the present Act.

(7) Should animals, fungi or plants confiscated or seized be sold by auction, the proceeds shall be paid to the owner, if he/she can prove ignorance of the fact that it is an animal, a fungus or a plant for which no import or export permit is issued, or it shall be paid into the government budget.

(8) Confiscated or seized animals, fungi or plants sold by auction in compliance with paragraph 7 of the present Article shall not be sold to a natural or legal person from which they have been taken away or to those involved in the violation in question.

(9) When animals, fungi or plants are confiscated or seized, the costs thus incurred (costs of food, accommodation, transport, return, etc.) shall be borne by the importer or exporter as the case may be. If the importer or exporter cannot be identified, then the costs shall be charged to the sender, forwarder or customer, if he/she was or could have been familiar with the circumstances that caused confiscation or seizure.

(10) Should the persons liable to effect payments as referred to in paragraph 9 of the present Article fail to cover the costs of providing for the above mentioned, these costs shall be borne by the Republic of Croatia, reserving the right to be refunded by the persons liable to effect the above payments.

### *5.3. Keeping, Breeding and Trading in Wild Taxa*

#### Article 70

(1) It is prohibited to keep animals of wild taxa in captivity under inappropriate conditions and without adequate care.

(2) Natural or legal persons who become owners of protected animals in compliance with the provisions of the present Act or international treaties to which the Republic of Croatia is a party, with the intention of keeping the same in captivity, shall notify the Ministry accordingly within thirty days of acquiring the ownership of those animals.

(3) Animals under paragraph 2 of the present Article for which this procedure is prescribed shall be permanently and inalterably marked in compliance with the provisions of the ordinance under Article 67, paragraph 7 of the present Act.

(4) The conditions of keeping animals as referred to in paragraph 2 of the present Article, the method of maintaining records and the method of notifying the Ministry about the care taken thereof shall be prescribed by the Minister in an ordinance.

(5) The Minister is entitled to prohibit by an ordinance the keeping of animals protected pursuant to international treaties.

#### Article 71

(1) A natural or legal person intending to keep animals of native or non-native wild taxa in captivity for the purpose of displaying the same to the public in zoological gardens, aquariums, terrariums or similar facilities shall take measures to obtain a permit of the Ministry. The permit shall be granted by a decision.

(2) The permit under paragraph 1 of the present Article shall be granted if the applicant proves that all conditions as defined by the ordinance under Article 70, paragraph 4 of this Act have been complied with, and that animals will be displayed in surroundings imitating the natural conditions of the habitat without distorting the knowledge of the taxon biology.

#### Article 72

(1) A natural or legal person intending to breed in captivity native or non-native wild taxa shall take measures to obtain a permit in compliance with the present Act or a special regulation.

(2) If breeding in captivity of wild taxa under paragraph 1 of the present Article requires the obtainment of a permit pursuant to a special regulation, this permit shall be granted in compliance with that regulation and with the consent of the Ministry.

(3) No permit is required for breeding in captivity of wild taxa that do not pose any threat to native wild taxa, as determined by the Minister in an ordinance.

(4) For breeding in captivity of non-native wild taxa not specified in the ordinance under paragraph 3 of the present Article it is necessary to obtain a permit of the Ministry.

(5) Should the procedure of granting a permit show an ecological risk, the applicant may be required by the Ministry, prior to the grant of the permit, to prepare a risk assessment study for the purpose of controlling adverse impacts on local ecosystems and native species.

(6) The risk assessment shall be prepared in compliance with the ordinance under Article 64, paragraph 5 of the present Act.

(7) The Ministry shall maintain records of decisions on permits under paragraph 4 of the present Article.

### Article 73

(1) An animal of a wild taxon bred in captivity, for which it has been so prescribed by the ordinance under Article 67, paragraph 7 of the present Act, shall be permanently and inalterably marked.

(2) The owner of an animal of a wild taxon bred in captivity shall take measures to prevent the animal from escaping and shall be held responsible for any damage caused and expected to be caused by such an animal.

### Article 74

(1) An authorised legal or natural person may trade in animals, fungi and plants as referred to in Article 72, paragraph 1 of the present Act, including other animals, fungi and plants in compliance with international treaties to which the Republic of Croatia is a party.

(2) Under the term trade is to be understood the sale and purchase, acquisition for commercial purposes, displaying to the public in order to make profit, renting and exchange of animals, fungi and plants as referred to in paragraph 1 of the present Article. Trading shall only be permitted in the case of specimens that are bred in a registered breeding place or possess a certificate of a legal origin, under the condition that the specimen or a shipment is marked in compliance with the ordinance under Article 67, paragraph 7 of the present Act.

(3) A natural or legal person trading in live animals of native or non-native wild taxa shall provide adequate conditions for keeping the animals in compliance with the ordinance under Article 70, paragraph 4 of the present Act and maintain records of the trade in animals.

(4) Animal taxa for which a record is to be maintained and the method of maintaining records shall be prescribed by the Minister in an ordinance.

(5) When trading in animals protected pursuant to the present Act or international treaties to which the Republic of Croatia is a party, the seller or the owner respectively shall issue to the new owner a certificate of the animal's origin and/or the invoice.

(6) Legal entities and natural persons involved in operations as referred to in paragraph 1 of the present Article shall take steps to obtain a permit or to obtain the approval of the Ministry. Conditions and the method of granting the permit or the approval shall be laid down by the Minister in an ordinance.

(7) The Ministry shall maintain a record of all permits or approvals granted under paragraph 6 of the present Article.

#### Article 75

(1) Wild taxa specimens illegally kept or bred in captivity or used for trade shall be seized in the manner and according to the procedure prescribed by the Minister in an ordinance.

(2) Seized animals under paragraph 1 of the present Article shall be temporarily or permanently placed in the charge of persons or legal entities authorised accordingly by the Ministry.

#### *5.4. Special Protection of Wild Taxa*

#### Article 76

(1) A threatened wild taxon is a taxon in danger of extinction or vulnerable, whose long-term survival cannot be guaranteed, or a rare or any other wild taxon designated as such in the red list of threatened plant, fungus and animal taxa.

(2) The red list is a list of threatened wild taxa classified according to the category of threat.

(3) The red list shall be determined by the Minister in an ordinance on the basis of scientifically founded expert documents.

#### Article 77

(1) Threatened wild taxa designated as protected natural values in terms of the present Act may include strictly protected taxa and protected taxa.

(2) Strictly protected taxa and protected taxa shall be designated by the Minister after consent has been previously given by the minister responsible for agriculture, forestry, hunting and fisheries, on the basis of the assessment of conservation status of individual taxa and obligations arising from international treaties to which the Republic of Croatia is a party.

(3) The Minister shall lift the protection of a wild taxon which is no longer threatened or transfer a particular wild taxon from one category to another, if required on the basis of the assessment of conservation status of the taxon or by obligations under international treaties to which the Republic of Croatia is a party, in the manner and according to the procedure provided for in paragraph 2 of the present Article.

### ***Strictly Protected Wild Taxa***

#### Article 78

(1) A strictly protected taxon is:

- a wild taxon threatened with extinction in the territory of the State;
- a narrowly distributed endemic, or
- a wild taxon whose adequate method of protection has been laid down by international treaties to which the Republic of Croatia is a party.

(2) A particular wild taxon may be strictly protected in the entire area of the Republic of Croatia or in individual parts thereof.

(3) Protection measures for strictly protected taxa and measures for the protection of their habitats shall be prescribed by the Minister in an ordinance or ordered by a decree.

(4) If an area represents a temporary habitat of a strictly protected wild taxon and the protection thereof cannot be ensured in any other manner, the Minister may, after obtaining the opinion of the minister responsible for agriculture and forestry, designate by a decree that area or any part thereof as temporarily protected for the duration of six months at most.

#### Article 79

(1) It is prohibited to deliberately pick, collect, destroy, cut or uproot strictly protected plants and fungi growing in the wild.

(2) It is prohibited to keep and trade in strictly protected plants and fungi growing in the wild.

(3) It is prohibited:

- to deliberately capture, keep and kill strictly protected animals;
- to damage or destroy deliberately their development forms, nests or litters, including their breeding and resting sites;
- to disturb them deliberately, especially at the period of breeding, rearing and propagation, migration and hibernation, if the disturbance would be considerable in relation to protection objectives;
- to deliberately destroy or take eggs from the wild or keep empty eggs;
- to hide, keep, breed, trade in, seize or in any other way acquire and to stuff the same.

(4) The protection referred to in the present Article shall also cover wild plants, fungi and animals living in a national park, a strict reserve and a special reserve, if they are wild plants, fungi and animals for which the area has been primarily protected, as well as all underground animals, even when not protected as individual taxa, unless specified otherwise for a particular species by a document on the protection of the relevant area.

(5) Any unintentional capture and killing of strictly protected animals shall be reported to the Ministry.

(6) The Ministry shall maintain a record of strictly protected animals unintentionally captured and killed and decide on protection measures aiming at the prevention of negative effects on individual species.

## Article 80

(1) Notwithstanding the provisions under Article 79 of the present Act the Minister may, in the case that there is no other satisfactory solution available and that the exception will not be detrimental to the survival of a certain population, permit individual prohibited activities for the purpose of:

- protecting plants, fungi and animals;
- preventing any serious damage to crops, livestock, forests, fishponds, waters and other forms of property;
- protecting public health and safety, air safety or other overriding public interests, and
- research and education, re-population, re-introduction and necessary breeding.

(2) The taking, keeping and other forms of reasonable use of certain strictly protected wild taxa in small numbers and under strictly supervised conditions, in order to maintain the favourable conservation status of the species, may be prescribed by the Minister in an ordinance on a selective basis and on a limited scale.

## Article 81

(1) Individual specimens of strictly protected wild animal taxa may be kept in captivity, bred, sold or bought on the basis of a permit granted by the Ministry, provided that:

- these specimens are legally imported into the Republic of Croatia and have an owner;
- these specimens had been legally acquired before the taxon was legally protected;
- this is a wild taxon as referred to in Article 80, paragraph 2 of the present Act.

(2) Notwithstanding Article 79 of the present Act individual strictly protected animals, fungi and plants may be placed on the market or exported and imported for trading purposes by a permit granted by the Ministry in compliance with the provisions of Article 67 of the present Act.

(3) It is permitted to remove from nature and deliver to legal entities or natural persons authorised for the purpose by the Ministry:

- specimens of strictly protected wild animals found dead;

- specimens of strictly protected wild animals that are sick or wounded to such an extent that they are not capable of surviving in nature on their own.

(4) The finder shall inform the Ministry about specimens of strictly protected wild taxa found dead, sick and wounded without delay, and within three days at the latest.

(5) The competent veterinary service shall identify causes of death of strictly protected wild animals found dead. The costs of the procedure shall be borne by the Ministry.

(6) The Ministry may permit the finder of a sick or wounded animal on his/her request to keep that animal in captivity for the purpose of medical treatment and recovery, if confident that he/she possesses satisfactory knowledge and conditions.

(7) The animal recovered shall be set free, unless determined otherwise by the Ministry.

(8) The Ministry may grant exemptions from the prohibition of keeping in captivity and selling protected wild taxa, if these are specimens confiscated or seized, and if not in contravention of other regulations and international treaties to which the Republic of Croatia is a party.

(9) All specimens of strictly protected wild taxa under paragraph 6 of the present Article shall be marked in the manner laid down by the ordinance referred to in Article 67, paragraph 7 of the present Act.

#### Article 82

(1) Strictly protected plants, fungi and animals shall neither be exported nor imported.

(2) Exceptionally, individual strictly protected plants, fungi and animals may be exported and imported for scientific and research purposes, for the purpose of exchange, display and similar purposes subject to a permit granted by the Ministry.

#### Article 83

(1) For any research into strictly protected taxa it is necessary to obtain a permit in the manner provided for by the present Act.

(2) Research results and data of importance for the assessment of threat to the taxon studied, including protection measure proposals,

shall be submitted to the Ministry within thirty days from the completion of the research.

### ***Protected Wild Taxa***

#### Article 84

A protected taxon is:

- a native wild taxon that is vulnerable or rare, but not threatened with extinction in the area of the Republic of Croatia;
- a wild taxon not threatened, but due to its appearance easily mistaken for a threatened wild taxon;
- a wild taxon whose adequate method of protection has been laid down by international treaties to which the Republic of Croatia is a party.

#### Article 85

(1) The use of protected wild taxa shall be permitted in the manner and to the extent that will pose no threat to their populations at the national or local level.

(2) The Minister and the minister responsible for agriculture and forestry shall, each within the scope of his/her activities, lay down measures for the protection of protected wild taxa that include:

- seasonal prohibition of use and other restrictions of the use of populations;
- temporary or local prohibition of use so as to enable the recovery of population to a satisfactory level;
- regulation of trade, keeping for trading purposes and transportation of live and dead specimens.

(3) The protection measures as referred to in paragraph 2 of the present Article issued by the minister of agriculture, forestry, hunting and fisheries with the previous consent of the Minister shall correspond to the needs of migratory species of wild animals.

(4) The Ministry shall maintain a record of the manner and scope of use of protected wild taxa with the aim of identifying and monitoring the state of populations. Should the records show that the use of a protected wild taxon results in its being threatened, the Minister shall by a decree prohibit or restrict the use thereof.

#### Article 86

(1) Populations of hunting and fishing taxa shall be used and protected in compliance with the provisions of the present Act and special regulations.

(2) It is prohibited to use any non-selective means of capturing and killing protected animals, as well as to use any means that are likely to cause local disappearance or a serious disturbance to populations of the species in question, especially means prohibited by international treaties to which the Republic of Croatia is a party, such as :

- traps;
- live animals, or blinded or mutilated animals used as baits;
- lethal or stunning electrical devices;
- artificial luminous devices;
- mirrors and other dazzling devices;
- sound transmitters (tape recorders, cassette recorders, etc.) that emit sounds of calling, crying or responding;
- devices for lighting a target;
- telescopic sights for night hunting capable of electronic magnification or transformation of a picture;
- explosives;
- poisons and poisonous or dazing baits;
- semiautomatic or automatic weapons with magazines holding more than two bullets;
- aircraft;
- motor-driven vehicles in motion, and
- other such means as specified by international treaties to which the Republic of Croatia is a party.

## **6. Genetic Diversity**

### *6.1. Indigenous Domesticated Taxa*

#### Article 87

(1) An indigenous domesticated taxon as a segment of biodiversity means any inherited kind of plant or animal breed that has evolved as a result of traditional breeding.

(2) In terms of the present Act and special regulations, threatened indigenous domesticated taxa represent protected natural values.

#### Article 88

(1) Threatened indigenous domesticated taxa shall be protected by in-situ and ex-situ methods.

(2) The traditional method of breeding/growing and using threatened indigenous domesticated taxa shall be encouraged, wherever possible and appropriate.

(3) Threatened indigenous domesticated taxa shall be determined by the Minister in an ordinance, after obtaining the opinion of the minister responsible for agriculture.

(4) The ordinance under paragraph 3 of the present Article shall lay down breeding/growing objectives, the rules of breeding/growing and conserving a clean and healthy genetic basis and methods of using threatened indigenous domesticated taxa that are not prescribed by a special act.

## *6.2. Genetic Material*

### Article 89

(1) Genetic material means a part of a plant, a fungus, an animal or a micro-organism containing hereditary components.

(2) Genetic material shall be used in compliance with the present Act and special regulations.

(3) Extraction of genetic material from nature for the purpose of utilisation shall not endanger the survival of the ecosystem or populations of species in their habitats.

(4) The conditions and methods of extracting the genetic material from nature shall be prescribed by the Minister in an ordinance with the consent of the minister responsible for agriculture and forestry.

### Article 90

(1) Access to genetic resources shall be allowed to everybody under the same conditions and in the manner provided for by the present Act or a special regulation.

(2) The research and development results arising from the use of genetic resources shall be used in an equitable manner in compliance with special regulations.

(3) Nobody shall become the owner of genetic material created on the basis of genetic material of wild taxa. The Republic of Croatia may

by a contract transfer certain rights to the user on account of an overriding public interest and in compliance with special regulations.

#### Article 91

(1) Gene banks are used to safeguard biological material and they contain controlled or bred populations or parts of animals, fungi or plants, especially seeds, spores, sexual cells and other biological material managed for the purpose of conserving species or their genetic wealth respectively.

(2) The biological materials are micro-organisms, molecules and fragments of deoxyribonucleic acid (DNA), viruses, tissue and cell cultures.

(3) Gene banks shall be managed by persons or legal entities authorised pursuant to the present Act or a special regulation.

(4) The conditions and criteria for granting the authorisation for gene bank management and the method of issuing the same shall be prescribed in an ordinance by the Minister and the minister responsible for agriculture and forestry, each within his/her scope of activities.

### 6.3. *Genetically Modified Organisms*

#### Article 92

(1) For the purpose of preventing adverse effects on conservation and the sustainable use of biodiversity, and taking into account risks to human health and the environment, corresponding protection measures shall be provided and implemented with the aim of ensuring safe cross-border movement, transit, contained use, deliberate release into the environment and placing of genetically modified organisms (hereinafter referred to as GMO) or products containing GMOs on the market.

(2) Cross-border movement, transit, contained use, deliberate release into the environment and placing of GMOs or products containing GMOs on the market shall be permitted under the conditions and in the manner laid down by the present Act and special regulations.

(3) The permit for import, transit, contained use, deliberate release into the environment and placing of GMOs or products containing GMOs on the market shall be granted by the Ministry or another competent government authority in the manner and under conditions laid down by the present Act and special regulations.

(4) The contents and the method of submitting an application, the method of granting the permit for import, contained use, deliberate release into the environment and placing of GMOs or products containing GMOs on the market, including the method of protecting the confidentiality of data contained in the application, shall be laid down by the present Act and special regulations.

(5) To issues relating to import, transit, placing on the market, use and production of food and animal feed containing GMOs that are not governed by the present Act, the provisions of a special regulation shall apply.

(6) The provisions of the present Act shall not apply to import, transit, placing on the market, use and production of medicines containing GMOs, unless otherwise determined by a special regulation.

### Article 93

(1) Cross-border movement, transit, contained use, deliberate release into the environment and placing of GMOs and products containing GMOs on the market shall be performed in such a manner as to prevent or minimise any risk to biodiversity, taking into account risks to human health and the environment.

(2) The methodology and safety measures in cross-border movement, transit, contained use, deliberate release into the environment and placing of GMOs and products containing GMOs on the market, the techniques and genetic modifications permitted, measures for elimination of harmful consequences of the uncontrolled use of GMOs and the method of harmless destruction of GMOs and waste containing GMOs shall be prescribed by a by-law to be passed by the Government.

(3) In the case of an uncontrolled release into the environment the Minister shall, by a decree, prescribe adequate safety and protection measures.

### Article 94

(1) For the purpose of monitoring the state and developments in the field of GMO handling and provision of technical assistance to competent government authorities, the Government shall set up a Commission for Genetically Modified Organisms (hereinafter referred to as the Commission for GMOs), a Scientific Committee for Contained Use of Genetically Modified Organisms (hereinafter referred to as the Committee for Contained Use of GMOs), a Scientific Committee for the

Release of Genetically Modified Organisms into the Environment (hereinafter referred to as the Committee for the Release of GMOs into the Environment) and a Committee for Novel Food and Animal Feed Containing Genetically Modified Organisms (hereinafter referred to as the Committee for Novel Food and Animal Feed Containing GMOs).

(2) The composition, scope of activities and methodology of work of the Committee for Novel Food and Animal Feed containing GMOs shall be laid down by a special regulation.

#### Article 95

(1) The Commission for GMOs consists of seventeen members nominated by the Government to a four-year term at the proposal of the minister responsible for the protection of nature and environment, the minister responsible for science and technology, the minister responsible for health, the minister responsible for agriculture and forestry, the minister responsible for economy and the minister responsible for labour and social welfare.

(2) The Commission comprises representatives of scientific, educational and expert institutions, non-governmental organizations operating in the field of environmental and nature protection, consumers' protection and protection of health and manufacturers of agricultural products and foodstuffs.

(3) The chairmen and deputy chairmen of the Committee for Contained Use of GMOs, the Committee for the Release of GMOs into the Environment and the Committee for Novel Food and Animal Feed Containing GMOs are members of the Commission for GMOs.

(4) The Commission for GMOs shall elect the chairman and his deputy among its members.

(5) The Commission for GMOs shall adopt its rules of procedure with the approval of the Government.

(6) In its operations the Commission for GMOs is autonomous and independent and its work has a public character.

(7) Funds necessary for operations of the Commission for GMOs and carrying out of specialised administrative works shall be provided by the Ministry.

#### Article 96

The Commission for GMOs shall carry out the following activities:

- monitor the state and developments in the field of genetic technology application and the use of GMOs;
- follow scientific achievements and given opinions and incentives in relation to genetic technology application and the use of GMOs;
- deliver its opinion about social, ethical, technical and technological, scientific and other conditions of the use of GMOs;
- advise the Government and competent government bodies in matters related to the use of GMOs and genetic technology;
- inform the public about the state and developments in the field of genetic technology application and the use of GMOs and about its viewpoints and opinions;
- co-operate with similar foreign authorities and exchange data and experiences.

#### Article 97

(1) The Committee for Contained Use of GMOs consists of seven members, scientists and experts in the field of microbiology, genetics, medicine, biochemistry and molecular biology, pharmacy, biotechnology and safety at work.

(2) The Committee for the Release of GMOs into the Environment consists of nine members, scientists and experts in the field of genetics, ecology, nature protection, agriculture, forestry, veterinary medicine, biochemistry and molecular biology, microbiology and medicine.

(3) The members of the Committee under paragraph 1 of the present Article shall be nominated by the Government to a four-year term, at the proposal of the minister responsible for science and technology, with the previously obtained consent of the ministry responsible for the protection of nature and environment, the minister responsible for health, the minister responsible for agriculture and forestry, the minister responsible for economy and the minister responsible for labour and social welfare.

(4) The members of the Committee under paragraph 2 of the present Article shall be nominated by the Government to a four-year term, at the proposal of the Minister, with the previously obtained consent of the ministry responsible for science and technology, the minister responsible for health and the minister responsible for agriculture and forestry.

(5) For each member of the committees under paragraphs 1 and 2 the Government shall nominate a deputy in the manner provided for in paragraphs 3 and 4 of the present Article.

(6) The committees under paragraphs 1 and 2 of the present Article shall elect from among their members a committee chairman and his deputy.

(7) The method of work of committees under paragraphs 1 and 2 of the present Article shall be laid down by the Government's decision.

#### Article 98

(1) The committees under Article 97, paragraphs 1 and 2 of the present Act shall:

- deliver expert opinions about the use of GMOs in administrative and other procedures in compliance with the present Act;
- deliver opinions and proposals in the process of drafting regulations on the use of GMOs
- deliver opinions and give proposals to competent government authorities in the matters of using the GMOs;
- co-operate with similar foreign authorities and exchange data and experiences with the same;
- carry out such other activities as may be prescribed by the present Act and regulations issued on the basis thereof.

(2) The committees shall submit to the Government annual reports on their activities, which shall be published in a manner accessible to the public.

(3) Funds necessary for the operation of the committees and for carrying out administrative activities shall be provided by the Ministry.

#### Article 99

(1) Information declared confidential in compliance with the provisions of the present Act shall be kept secret by members of the committees under Article 97 of the present Act and their substitutes during their term of office and upon expiry of that term.

(2) Information shall also be kept secret by all external associates involved in the activities of the committees or participating in the procedure of granting permits in compliance with the provisions of the present Act.

#### Article 100

Information on the contained use of GMOs, the deliberate release of GMOs into the environment, the placing of GMOs and products containing GMOs on the market and information on actions within the scope of the activities of the Ministry and other government authorities responsible for the use of GMOs under the present Act shall be public in compliance with the present Act and other regulations.

### *6.3.1. Contained Use of GMOs*

#### Article 101

(1) The contained use of GMOs shall be classified into one of four groups according to the level of hazard:

- the first level of hazard relates to a contained use involving a negligible risk;
- the second level of hazard relates to a contained use involving a low degree of risk;
- the third level of hazard relates to a contained use involving considerable risks and
- the fourth level of hazard relates to a contained use involving high risks.

(2) The classification of the contained use of GMOs in a specific level of hazard shall be made taking into account the compliance with safety measures and conditions laid down.

(3) Criteria for classification of the contained use in levels of hazard, the standards for facilities in closed systems, prevention and other precautionary measures, the method of handling and other conditions for a specific level of hazard shall be laid down by a by-law passed by the Government.

#### Article 102

(1) The contained use of GMOs shall take place in a closed system that fulfils all the conditions laid down for the level of hazard in which the planned use has been classified.

(2) The applicant shall give particulars of the closed system to the Ministry prior to the first contained use of a GMO.

(3) A closed system notification shall contain all information relating to the applicant, the closed system and the level of hazard of actions planned within a closed system.

(4) The Ministry shall examine whether the application complies with the conditions laid down. After obtaining an expert opinion of the Committee for Contained Use the closed system shall be entered into the GMO register. The Ministry shall issue a statement to the applicant confirming the entry into the GMO register within sixty days from receipt of the application.

(5) The Committee for Contained Use of GMOs shall deliver its opinion within thirty days from receipt of the copy of an application,

(6) The contents of the application under paragraph 3 of the present Article shall be laid down by the Minister in an ordinance.

(7) Standards of facilities for a contained use of GMOs within a closed system with respect to the level of hazard shall be established in an ordinance issued by the minister responsible for science and technology, with the approval of the minister responsible for the protection of nature and environment, the minister responsible for health and the minister responsible for agriculture and forestry.

(8) In the event that after the notification under paragraph 2 of the present Article such new information becomes available to the applicant as might indicate a considerable effect on biodiversity, the environment or human health, or classification as a new level of hazard, the applicant shall notify the Ministry accordingly and submit a new application.

#### Article 103

(1) Prior to the commencement of a contained use of GMOs the applicant shall prepare a risk assessment for the use planned.

(2) On the basis of the analysis of GMO features and the use planned, including the environment likely to be exposed to risk, the risk assessment shall contain an evaluation of possible detrimental effect, level of hazard, and necessary prevention and other safety measures. The evaluation shall also lay down measures for the management of waste and wastewater coming from the closed system.

(3) On the basis of the risk assessment the applicant shall classify the contained use of GMOs in one of the groups according to the levels of hazard as referred to in Article 101, paragraph 1 of the present Act.

(4) In case of doubt as to the level of hazard to be applied to the contained use of GMOs, the applicant shall classify the same in the level involving stricter control measures.

(5) The applicant may classify a contained use of GMOs in a level of hazard involving milder control measures after previously obtaining the consent of the Ministry.

(6) The contents and scope of the risk assessment for the contained use of GMOs and the methodology of its preparation shall be determined by the Minister in an ordinance.

#### Article 104

(1) Prior to the commencement of the contained use of GMOs the applicant shall draw up an emergency response plan in compliance with the present Act and special regulations.

(2) The applicant shall submit data about the emergency response plan to the Ministry, the ministry responsible for health, the ministry responsible for agriculture and forestry, the ministry responsible for science and technology, the ministry of the interior and competent authorities of regional and local-government bodies.

(3) The information about emergency response measures shall be accessible to the public.

#### Article 105

(1) In the application the applicant may indicate any information that is considered a business secret or protected in compliance with a special regulation. Information that will be considered secret during the procedure shall be verified as founded.

(2) After consultation with the applicant, the Ministry shall determine the information to be considered secret during the procedure.

(3) In the application the following information shall not be declared secret by the applicant:

- forename and family name, company and company seat;
- the area of the contained use of GMOs;
- description of GMO features;
- level of hazard of the contained use of GMOs;
- control measures;
- information on possible harmful and other impacts on biodiversity, environment and human health.

(4) Information declared secret shall remain secret even in the case that the applicant withdraws the application.

#### Article 106

(1) In the procedure of granting a permit for a contained use of GMOs classified in the third and fourth level of hazard, the Ministry shall make the application contents, the risk assessment and the opinion delivered by the Committee for Contained Use of GMOs available to the public.

(2) A public announcement of the duration and time period for making publicly available the documents under paragraph 1 of the present Article, including the way of delivering opinions and making comments, shall be made through the mass media.

(3) The time limit granted by the Ministry for making available the documents under paragraph 1 of the present Article and for the delivery of opinions and making comments thereon shall not exceed thirty days. This period of time shall not be included in the time limit for granting the permit as specified in Article 109 of the present Act.

(4) In its statement of reasons for the decision on the permit the Ministry shall include its view of comments and public opinion.

#### Article 107

(1) The contained use of GMOs classified in the first level of hazard may commence without notification to the Ministry if it takes place in a closed system for which a permit has been granted in compliance with the provisions of Article 102 of the present Act.

(2) The applicant shall submit a risk assessment for the planned use under paragraph 1 of the present Article only at the request of the Ministry.

#### Article 108

(1) The applicant shall notify the Ministry of a contained use of GMOs classified in the second level of hazard that will take place in a closed system for which the permit has been granted in compliance with Article 102 of the present Act.

(2) The notification of use shall contain all the information relating to the closed system, GMO type and features, duration and purpose of the use, control and other safety measures provided for, including measures for waste and wastewater management and emergency

response measures. The notification shall also include a risk assessment for the GMO use planned.

(3) The applicant may commence using the GMOs forty-five days from submission of notification or before that time only on the basis of the application with the consent of the Ministry.

(4) After obtainment of the opinion of the Committee for Contained Use of GMOs the Ministry may prohibit the contained use within the time limit under paragraph 3 of the present Article and issue a decision accordingly.

(5) The applicant may commence using the GMO under paragraph 1 of the present Article if he has previously used a GMO of another, including a higher, level of hazard in the same closed system and if the conditions prescribed have been met.

(6) In the case referred to in paragraph 5 the applicant may apply to the Ministry for the issue of the permit for the intended contained use.

(7) The Ministry shall make a decision on the application under paragraph 6 of the present Article after obtaining the opinion of the Committee for Contained Use of GMOs, but not later than forty-five days upon the receipt of the application.

(8) The Committee for Contained Use of GMOs shall submit to the Ministry its written opinion under paragraphs 4 and 7 of the present Article within twenty-one days from the date of the submission of a photocopy of the application.

(9) The contents of the application for contained use at the second level of hazard shall be prescribed in detail by the Minister in an ordinance.

#### Article 109

(1) The applicant shall obtain a permit of the Ministry for each contained use of GMOs classified in the third and fourth level of hazard which will be carried out in a closed system for which a certificate in conformity with Article 102 of the present Act has been obtained.

(2) The application for a permit must contain information as referred to in Article 108, paragraph 2 of the present Act and the description of the closed system equipment. The application must also contain a risk assessment for the intended use and an emergency response plan.

(3) The Ministry shall examine whether the application complies with the conditions prescribed and shall issue a permit after obtaining the opinion of the Committee for Contained Use of GMOs within forty-five days from the submission of an application, provided that the actions will be performed in closed systems for which a permit for a contained use at the third and fourth level of hazard has been already issued and that all prescribed control measures have been met.

(4) In cases other than those mentioned under paragraph 3 of the present Article the Ministry shall examine whether the application complies with the conditions prescribed and after obtaining the opinion of the Committee for Contained Use of GMOs the permit shall be issued not later than ninety days from the submission of application.

(5) The Committee for Contained Use of GMOs shall deliver its opinion in writing within twenty-one days or within forty-five days in cases under paragraph 4 of the present Article, counting from the day of the submission of the application photocopy.

(6) The Ministry shall issue the permit under paragraph 1 of the present Article for a period of time not exceeding the period indicated by the applicant in the application. Upon expiry of the permit validity the applicant may apply for extension of the permit, if the conditions prescribed are met.

(7) The contents of the application for a permit to use GMOs at the third and fourth level of hazard shall be laid down by the Minister in an ordinance.

#### Article 110

(1) Upon receipt of the application under Articles 102, 108 and 109 of the present Act the Ministry may, for the purpose of protecting biodiversity, the environment and human health, require the applicant to furnish new data about the closed system or a contained use of GMOs within a specific period of time, or to modify conditions of the contained use of GMOs specified in the application, or to classify the use of GMOs in another level of hazard.

(2) In cases under paragraph 1 of the present Article the Ministry may require the applicant not to commence use, or to stop or temporarily suspend the same, until the Ministry permits the use on the basis of additional information or modifications requested.

(3) In cases under paragraph 1 of the present Article the time limit referred to in paragraph 1 of the present Article concerning the entry of the closed system into the GMO register or the contained use of GMOs classified in the second, third or fourth level of hazard shall not be

included in the time limit set for the issue of certificates under Article 102 of the present Act, or in the time limit for the issue of the permit under Articles 108 and 109 of the present Act.

#### Article 111

(1) Should new information on the contained use of GMOs become available to the applicant, or should such changes occur in the use of GMOs in a closed system as would substantially affect biodiversity, the environment or human health or the classification of use in a level of hazard, the applicant shall notify the Ministry immediately and submit a new application, in cases of a contained use of GMOs of the second, third or fourth level of hazard.

(2) Should such new information on the contained use of GMOs become available to the Ministry as might substantially affect risks to biodiversity, the environment or human health or the classification of use in a level of hazard, the Ministry may modify the conditions of the contained use of GMOs or require the applicant to suspend or permanently terminate the contained use of GMOs.

#### Article 112

In the event of an accident the applicant is bound to respond in accordance with the emergency response plan and notify the Ministry accordingly without delay, especially of:

- The circumstances of the accident,
- The type and amount of GMOs released unintentionally into the environment from a closed system,
- actions and protection measures taken and required, and
- other data necessary to assess the impacts of the accident on biodiversity, the environment and human health.

#### *6.3.2. Deliberate Release of GMOs into the Environment*

#### Article 113

(1) A person submitting an application for a deliberate release of GMOs into the environment shall obtain a permit of the Ministry, with the consent of the ministry responsible for agriculture and forestry affairs.

(2) A deliberate release of GMOs into the environment shall be performed in compliance with the conditions laid down by the permit.

(3) Conditions to be met by GMOs and other conditions that are to be met in order to issue a permit using a shortened procedure shall be prescribed by the Government in an ordinance.

#### Article 114

(1) No deliberate release of GMOs is permitted into the environment of protected areas and the ecological network, or into areas intended for ecological production of agricultural produce and for ecological forms of tourism, including areas representing impact buffer zones.

(2) Impact buffer zones under paragraph 1 of the present Article shall cover areas that prevent GMOs from spreading to areas in which a deliberate release of GMOs into the environment is not permitted, and which shall be determined by nature protection conditions which form a constituent part of a permit for a deliberate release of GMOs into the environment.

(3) It is not permitted to release reproductive plant material containing GMOs deliberately into the environment, except for areas of land that shall be determined by a by-law of the Government, on the proposal of the ministry responsible for agriculture and forestry and the minister responsible for environmental protection.

#### Article 115

(1) Prior to the submission of the application for a permit for a deliberate release of GMOs into the environment, the applicant shall through a competent legal person carry out a risk assessment for the deliberate release.

(2) On the basis of an analysis of the features of a GMO and its planned release into the environment, of the ecosystem into which the GMO would be released and the biodiversity that might be exposed to risk, the risk assessment shall evaluate possible negative impacts and their possible consequences, the level of hazard and control measures required, taking also into account the impact on human health.

(3) The applicant may enclose a risk assessment carried out by another applicant for the purpose of an identical deliberate release of the same GMO into the environment, and provided that the applicant who carried out such a risk assessment has given his agreement in writing.

(4) The contents and scope of a risk assessment for a deliberate release of a GMO into the environment, the methodology of

assessment preparation and the legal entities authorised for preparation of the assessment shall be prescribed by the Minister in an ordinance, with the consent of the minister responsible for agriculture and forestry.

#### Article 116

(1) Before undertaking a deliberate release of GMOs into the environment the applicant shall draw up an emergency response plan containing measures to be taken in the case of an uncontrolled spread of GMOs into the environment.

(2) The emergency response plan for elimination of risks of uncontrolled spread of GMOs into the environment (hereinafter referred to as: the emergency response plan) is a document describing actions and measures to be taken in the case of an accident so as to mitigate possible negative effects on biodiversity, the environment and human health.

(3) In addition to the case referred to in paragraph 1 of the present Article, the applicant shall submit an emergency response plan in the following cases:

- upon expiry of five years from the date of the last submission of a plan for elimination of risks;
- within thirty days after any change in conditions and status that might seriously affect the measures prescribed for the case of an accident.

(4) The emergency response plan shall contain:

- the method of controlling GMOs in the case of an uncontrolled spread into the environment;
- evaluation of possible consequences and threats posed to biodiversity, environment and human health;
- protection measures required, and
- measures necessary to prevent any further spread, to eliminate GMOs and restore the environment likely to be affected by an uncontrolled spread of GMOs.

(5) The detailed content of an emergency response plan and the methods of its implementation shall be determined by a regulation of the Government.

#### Article 117

(1) The application for a permit for a deliberate release of GMOs into the environment shall contain:

1. a technical dossier with all the constituent parts as prescribed, covering in particular:
  - information relating to the applicant;
  - information relating to the GMOs;
  - information relating to the conditions of the deliberate release into the environment, the state of the environment into which they will be released and the biodiversity of the area in question;
  - information on the interactions between the GMOs and the environment;
  - information on monitoring for the purpose of assessing the impact on biodiversity, the environment and human health;
  - information on methods of controlling the release of GMOs into the environment and GMO waste management, and
  - a summary of the technical dossier;
2. risk assessment for a deliberate release of GMOs into the environment;
3. an emergency response plan for the case of an uncontrolled spread of GMOs into the environment;
4. other pieces of information as the applicant may deem important.

(2) In his application the applicant may refer to data or results of a deliberate release previously submitted to the Ministry by another applicant, provided that these data are not classified as confidential and that the applicant has obtained the agreement in writing of that applicant.

(3) By the issue of a permit the applicant may be given the consent for a deliberate release of GMOs or a combination of GMOs on the same site or on different sites for the same purpose and within a limited period of time.

(4) The method of submitting an application and its contents shall be laid down by the Minister in an ordinance, with the consent of the minister responsible for agriculture and forestry.

#### Article 118

(1) The Ministry shall issue a permit for a deliberate release of GMOs into the environment with the consent of the ministry responsible for agriculture and forestry not later than 90 days from the receipt of the application, if all the conditions prescribed are met and the opinion of the Committee for Release of GMOs into the Environment has been obtained.

(2) When the Ministry considers it appropriate, it may require additional information from the applicant and shall issue a decision in

that regard. For the purpose of calculating the time limit for granting the permit under paragraph 1 of the present Article, any period of time during which the applicant is bound to furnish information requested shall not be included.

(3) The Ministry shall forward without delay photocopies of applications under Articles 117 and 119 of the present Act to the Committee for Release of GMOs into the Environment.

(4) Should the Committee find it impossible to evaluate clearly the impacts of a deliberate release of GMOs on human health, the environment and biodiversity from the information contained in the application, it may require the Ministry to demand from the applicant additional information on the effects of the intended release of GMOs into the environment.

(5) The Committee for Release of GMOs into the Environment shall deliver its opinion within 45 days from the receipt of an application.

#### Article 119

(1) A permit for a deliberate release of GMOs into the environment may also be issued using a shortened procedure, if sufficient information and experience in a deliberate release of a specific GMO into specific ecosystems are available and if the GMO satisfies the conditions prescribed, especially as regards the elimination of hazard.

(2) The application for a permit for a deliberate release of a GMO into the environment using the shortened procedure shall contain:

- information relating to the applicant;
- information relating to the GMO;
- Information relating to the conditions of the deliberate release into the environment and to the environment into which the GMO will be released and the biodiversity of the area in question;
- information on the interactions between the GMO and the environment;
- risk assessment as regards possible hazards to biodiversity, environment and human health, depending on the purpose of the release, and
- emergency response plan for the case of an uncontrolled spread of the GMO into the environment.

(3) The Ministry shall take a decision on the application with the consent of the ministry responsible for agriculture and forestry not later than thirty days from the receipt of the application and issue a permit, if

all the conditions prescribed are met and the opinion of the Committee for Release of GMOs into the Environment has been obtained.

(4) The Ministry may require additional information from the applicant and fix a time limit for the submission thereof. The period of time fixed for the submission of additional information shall not be taken into account when calculating the time limit for the issue of the permit.

(5) The Committee for Release of GMOs into the Environment shall deliver its opinion in writing to the Ministry within fifteen days from the submission of the application photocopy.

(6) The method of submission and the contents of the application shall be determined by the ordinance under Article 117, paragraph 4 of the present Act.

#### Article 120

(1) In the procedure of issuing the permit under Article 118 of the present Act the Ministry shall make publicly available the contents of the technical dossier and risk assessment under Article 117, paragraph 1 of the present Act and the opinion of the Committee for Release of GMOs into the Environment as regards the intended deliberate release into the environment. In the procedure of issuing the permit under Article 119 of the present Act the contents of the notification and the opinion of the Committee for Release of GMOs into the Environment must be made available to the public.

(2) The public invitation specifying the place and time of providing access to the documents referred to in paragraph 1 of the present Article, including the method of delivering an opinion and giving comments on the same shall be announced by mass media.

(3) The time period in which access to the documents and the delivery of opinions and comments will be provided by the Ministry shall not exceed thirty days, and the time for the issue of the permit under Articles 118 and 119 of the present Act shall not be taken into account.

(4) In stating the reasons for the issue of the permit under paragraph 3 of the present Article the Ministry shall give its viewpoints about the public opinion and comments submitted.

#### Article 121

(1) In the event of any modification or unplanned change in the deliberate release of GMOs into the environment which could have adverse impacts on biodiversity, the environment or human health, or if

any new information has become available after the submission of the application or after the issue of a permit for a deliberate release of GMOs into the environment, the applicant shall immediately

- take measures necessary to protect biodiversity, the environment and human health,
- inform the Ministry of any modification or unplanned changes and new information, and
- adapt the conditions for the release into the environment contained in the application to the modifications that occurred.

(2) In the event referred to in paragraph 1 of the present Article the Minister may, with the consent of the ministry responsible for agriculture and forestry, require the applicant to modify the conditions of the deliberate release of GMOs into the environment or prohibit temporarily or permanently the deliberate release of GMOs into the environment.

(3) In the event of any modification or unplanned changes in the deliberate release into the environment in conformity with paragraph 1 of the present Article, the Ministry shall inform the public accordingly upon completion of the risk assessment.

#### Article 122

(1) The applicant shall submit to the Ministry the report on the results of the deliberate release of GMOs into the environment not later than sixty days from expiry of the time limit for which the permit for the deliberate release of GMOs into the environment has been issued by the Ministry, or within the period of time specified in the permit under Articles 118 and 119 of the present Act.

(2) If the applicant intends to place on the market any material derived from the GMO which was the subject matter of the deliberate release into the environment, he shall include any such information in the report under paragraph 1 of the present Article.

#### Article 123

(1) In the event of an unplanned spread of a GMO into the environment the applicant shall take the emergency response measures referred to in Article 116 of the present Act and inform the Ministry of:

- the extent of consequences of the unplanned spread of GMOs into the environment and threats to biodiversity, environment or human health;

- measures necessary and taken to protect biodiversity, environment and human health;

- measures necessary and taken to mitigate or eliminate consequences, to eliminate the GMO and restore the environment affected by the unplanned spread, and

- all other pieces of information as may be required for evaluation of the impacts of the unplanned spread of a GMO on biodiversity, the environment and human health.

(2) The Ministry shall, in co-operation with competent government authorities, adopt and implement a programme for elimination of consequences of an unplanned spread of GMOs into the environment, which shall be enacted by the Government.

(3) In the programme under paragraph 2 of the present Article, the persons to perform the activities, conditions and measures for mitigation or elimination of consequences and for the prevention of any further uncontrolled spread of the GMO, the method of covering the costs and all restrictions or prohibitions in connection with any further release of GMOs into the environment by trading or use shall be determined on the basis of the risk assessment.

(4) The Ministry shall inform the Government and the public of any event under paragraph 1 of the present Article and of the preparation and implementation of the programme under paragraph 1 of the present Article.

(5) In the event of an unplanned spread of a GMO into the environment which could have considerable negative effects on the biodiversity, the environment and human health the Ministry shall inform any endangered or potentially endangered states and, when necessary, corresponding international organizations, and make available to them any information necessary for determination of appropriate measures.

(6) The method of providing information under paragraph 5 of the present Article shall be prescribed by the Government in an ordinance.

### 6.3.3. Market Placement of GMOs and Products Containing GMOs

#### Article 124

The applicant shall obtain a permit for each GMO or product containing a GMO that he intends to put on the market for the first time.

#### Article 125

(1) Prior to the submission of application for a permit for placing on the market of GMOs or products containing GMOs the applicant shall carry out an assessment of the risk that could be caused by a deliberate placing on the market.

(2) On the basis of the analysis of the properties of a GMO and products containing a GMO and its use, the risk assessment shall include an evaluation of possible adverse effects and consequences for biodiversity, the environment and human health, the level of hazard and necessary control measures.

(3) The contents and scope of a risk assessment for placing on the market of a GMO or products containing a GMO and the methodology of carrying out the risk assessment shall be prescribed by the Minister in an ordinance, with the consent of the minister responsible for agriculture and forestry and the minister responsible for health.

#### Article 126

(1) In the application the applicant may indicate the information that should be treated as business secret or protected pursuant to a special regulation. For the information that should be treated as confidential a verifiable justification must be given.

(2) The following information shall not be indicated as confidential in the application:

- forename and surname, company and company seat;
- intended method of using a GMO or products containing a GMO, conditions for the placing of the products on the market and conditions for its use;
- the properties of a GMO and products or GMOs that they contain;
- plans for monitoring in connection with the placing on the market of a GMO and products containing a GMO, its use and emergency response related to the placing on the market or use, and
- a risk assessment.

(3) The government authority responsible for the issue of the permit shall, after consultation with the person submitting the

application for the placing on the market, decide which information will be treated as confidential.

(4) The information shall be treated as confidential even if the applicant withdraws the application.

#### Article 127

(1) The application for a permit for placing on the market of a GMO or products containing a GMO shall include:

1. a technical dossier containing the information under Article 117, paragraph 1, item 1 of the present Act and covering in particular:

- the proposed market name of the product;
- information relating to the manufacturer, importer or distributor responsible for the placing of the product on the market in compliance with the regulations;
- information relating to the person who will carry out the sample analysis and submit the same to the competent authority;
- information relating to the intended use of the product;
- information relating to the geographical area, the type of environment and ecosystem in which the use of the product is foreseen;
- information relating to the anticipated product users;

2. environmental risk assessment in compliance with the provisions of Article 115 of the present Act;

3. information relating to the conditions for the placing on the market, including specific conditions for the use and handling of the product;

4. a plan for monitoring the impact of the product and its use on biodiversity, the environment and human health, including the period of time in which the monitoring plan will be implemented;

5. proposed period of time for which the permit is applied for;

6. proposal for the labelling of the product;

7. proposal for the packaging of the product;

8. a summary of the technical documents.

(2) In his application the applicant may include information about the results of any deliberate release of the same GMO or a combination of a GMO contained in the product that was the subject matter of a

previous application, or the information that such a deliberate release is still carried out.

(3) The applicant may refer to data or results related to the products submitted to the Ministry by another applicant, provided that these data are not deemed confidential and that the applicant has obtained his agreement in writing.

(4) For each intended use of a GMO or products containing GMOs differing from the one permitted the applicant shall submit to the competent government authority a separate application for a permit for placing on the market.

(5) The applicant shall submit the application to the government authority responsible for the issue of a permit for the placing on the market of GMOs or products containing GMOs in compliance with Article 129 of the present Act.

(6) The contents of the application and the technical dossier for the placing on the market of GMOs or products containing GMOs, and the conditions for monitoring, labelling and packaging of products shall be laid down by the Minister in an ordinance, with the consent of the minister responsible for health and the minister responsible for agriculture and forestry.

#### Article 128

(1) In the event that the placing on the market of a GMO includes its deliberate release or the possibility of an unintentional release into the environment, the government body under Article 129 of the present Act responsible for granting a permit shall submit a photocopy of the application under Article 127 of the present Act to the Committee for Release of GMOs into the Environment. In the event of a placing on the market of food and animal feed containing GMOs, the competent authority shall also submit a photocopy of the application to the Committee for Novel Food and Animal Feed Containing GMOs.

(2) The Committee for Release of GMOs into the Environment and the Committee for Novel Food and Animal Feed Containing GMOs shall deliver to the competent government authority a written opinion of the intended placing on the market of GMOs and products containing GMOs not later than sixty days from receipt of the application photocopy. The opinion shall be delivered on the basis of a comprehensive analysis of the product and its impacts on biodiversity, environment and human health.

## Article 129

(1) A permit for the placing on the market of GMOs or products containing GMOs shall be granted by the competent government authority after examining its compliance with the conditions prescribed, after obtaining the opinion of the Committee for Release of GMOs into the Environment and/or the competent Committee for Novel Food and Animal Feed Containing GMOs and after the completion of the public hearing within one hundred and five days from receipt of the application.

(2) A permit for the placing on the market of GMOs or products containing GMOs that are used in cosmetics, pharmacy and human healthcare shall be granted by the government authority responsible for health.

(3) A permit for the placing on the market of GMOs or products containing GMOs that are used in agriculture, veterinary medicine, forestry and fisheries shall be granted by the government authority responsible for agriculture and forestry with the consent of the Ministry.

(4) A permit for the placing on the market of foodstuffs and products that are used in the food processing industry or are a product thereof shall be granted by the government authority responsible for health, with the consent of the government authority responsible for agriculture and forestry.

(5) Permits for the placing on the market of GMOs or products containing GMOs that are not included in paragraphs 2, 3 and 4 of the present Article shall be granted by the Ministry.

(6) The applicant may place GMOs and products containing GMOs on the market in the manner and under the conditions laid down in the permit.

(7) The permit for the placing on the market shall be granted for a period of time not exceeding five years, with the possibility of extending the permit in compliance with the provisions of the present Act.

(8) Enforcement regulations governing the procedures of granting the permit in compliance with paragraph 2 of the present Article shall be issued by the minister responsible for health; for the procedures under paragraph 3 of the present Article the minister responsible for agriculture and forestry, with the consent of the minister responsible for the protection of nature and environment; for the procedures laid down by paragraph 4 of the present Article the minister responsible for health, with the consent of the minister responsible for agriculture and

forestry, and for the procedures laid down by paragraph 5 of the present Article the minister responsible for the protection of nature and the environment.

(9) Issues relating to the production, sanitary fitness, labelling and marking of food and animal feed and placing on the market of food and animal feed containing GMOs or their ingredients shall be governed by the provisions of the present Act and special regulations.

#### Article 130

(1) The permit for the placing on the market of GMOs and products containing GMOs shall include:

- purpose and scope for which the permit is issued, including product identification with the indication of its properties;
- validity period of the permit;
- conditions for the placing on the market, including special conditions for use, handling and packaging, and conditions for the protection of the environment or a specific ecosystem or a geographical area;
- obligation to analyse samples and submit the results to the competent government authority at the request thereof;
- labelling instructions;
- instructions for monitoring, including the obligation to inform the competent government body of the monitoring results, and
- other conditions to be fulfilled by the person placing the product on the market or using the same.

(2) The permit, with the exception of information prescribed and indicated as confidential, and the assessment of risks to biodiversity, environment and human health as referred to in Article 125 of the present Act, must be made available to the public in compliance with the present Act and other regulations.

#### Article 131

(1) An applicant intending to apply for the extension of the permit for the placing on the market of GMOs or products containing GMOs must submit the application to the competent government authority under Article 129 of the present Act not later than nine months prior to the expiry of the permit validity. The application shall include:

- a photocopy of the permit for the placing on the market that he wants to extend;
- a report on monitoring results prepared in accordance with the methodology prescribed;

- new information on risks posed by the product to biodiversity, environment and human health, if such information is available;
- a proposal for the amendment of conditions for the placing on the market contained in the previous permit, especially those relating to monitoring and the time limit of the permit validity, if necessary.

(2) Having examined the compliance of the application with the conditions prescribed and having obtained the opinion of the Committee for Release of GMOs into the Environment and/or the competent Committee for Novel Food and Animal Feed Containing GMOs, the competent government authority under Article 129 of the present Act shall, with the consent of any other competent government authority, extend the permit for a specific period of time within ninety days from receipt of the application.

(3) The period of time for which the permit is extended must be less than ten years.

(4) An applicant to the competent government authority for the extension of the permit for the placing on the market of GMOs or products containing GMOs for the period of time under paragraph 1 of the present Article may proceed with the placing of the product on the market under the conditions as laid down by a first or previous permit, until the issue of the permit in compliance with paragraph 2 of the present Article.

#### Article 132

(1) If new information relating to the risks of GMOs or products containing GMOs to biodiversity, the environment and human health becomes available after the issue of the permit, the applicant shall immediately take the measures necessary to protect biodiversity, the environment and human health and inform correspondingly the Ministry and the competent government authority that issued the permit.

(2) In a case under paragraph 1 of the present Article the applicant shall on the basis of the modified conditions submit a new application to the competent government authority.

(3) In accordance with the conditions contained in the permit new information with regard to the risks to biodiversity, the environment and human health may be furnished to the Ministry, any other competent government authority or the applicant by any user of GMOs or products containing GMOs.

(4) If new information with regard to the risks of a GMO or a product containing the GMO or its use becomes available to the competent government body either before or after the procedure of issuing the permit, this information must be taken into account when making the decision on placing on the market of the GMO or a product containing the GMO.

(5) If new information becomes available to the competent government authority after the permit has become legally valid, this authority shall inform the Committee for Release of GMOs into the Environment and/or Placing on the Market and the Committee for Novel Food and Animal Feed Containing GMOs accordingly, and take a new decision to amend or annul the valid permit within ninety days.

### Article 133

(1) The applicant shall place on the market only a product bearing a visible label on the packaging and in the accompanying documents stating that the product is a GMO or contains a GMO, including other data as may be prescribed that relate to the product and its use.

(2) The label must clearly specify “the genetically modified organism” or contain the sentence “This product contains genetically modified organisms”.

(3) In the case of products where adventitious or technically unavoidable traces of authorised GMOs cannot be excluded, the Government shall establish by an ordinance the threshold below which these products need not be labelled.

(4) The person placing on the market a GMO or products containing a GMO shall provide evidence to the competent government authority that all measures necessary to avoid the adventitious or technically unavoidable contamination by an authorised GMO have been taken.

### Article 134

(1) The person placing on the market GMOs or products containing GMOs shall ensure that the person receiving the product is submitted the documents indicating:

- that it is a GMO or a product containing a GMO, and
- that a corresponding unique identifier (numerical and alphabetical) has been assigned to that GMO.

(2) When placing on the market GMOs or products containing GMOs the seller shall ensure that the user receives documents containing information referred to in paragraph 1 of the present Article.

(3) Persons placing on the market GMOs or products containing GMOs shall keep a database and ensure a procedure to allow the identification of the person by whom and the person to whom GMOs or products containing GMOs have been made available, except for end users, for a period of five years from each placing on the market.

#### 6.3.4. Handling, Transport and Packaging of GMOs

##### Article 135

(1) Each handling, transport and packaging of GMOs shall be accompanied by documents in which:

- a GMO intended for direct use as food or animal feed or processing shall be clearly indicated as a GMO, specifying that it is not destined for a deliberate release into the environment and indicating the place where further information may be obtained;

- a GMO intended for a contained use shall be clearly indicated as a GMO, specifying all the conditions and requirements for safe handling, storage, transport and use, the place where further information may be obtained and the name and address of the person or the institution to which a GMO has been entrusted;

- a GMO intended for a deliberate release into the environment shall be clearly indicated as a GMO, specifying the identity and/or corresponding properties of the respective GMO, all requirements for safe handling, storage, transport and use and the place where further information may be obtained.

(2) Standards relating to handling, packaging and transport of GMOs shall be laid down by the Minister in an ordinance, taking into account international regulations and practice.

(3) Standards relating to identification of GMOs shall be laid down by the government authority under Article 129, paragraphs 2, 3, 4 and 5 of the present Act, each within the scope of its competences.

(4) The user shall follow the standards laid down in compliance with paragraph 1 of the present Article.

(5) The transport, transit and handling of living modified organisms shall be governed by the provisions of special regulations relating to transport, transit and handling of hazardous substances, unless determined otherwise by the present Act or a regulation issued on the basis thereof.

### 6.3.5. Import of GMOs and Products Containing GMOs

#### Article 136

(1) Import of GMOs or products containing GMOs is authorised if prior to the import a permit has been granted for a contained use of GMOs or products that are the subject matter of the import, for the deliberate release or placing on the market of GMOs or products containing GMOs in compliance with the provisions of the present Act and special regulations.

(2) Without prejudice to the provisions of paragraph 1 of the present Article the import for the purpose of a contained use of a GMO classified in the 1<sup>st</sup> or 2<sup>nd</sup> level of hazard is authorised, if prior to the import a certificate has been obtained of the entry of the closed system in the GMO register under Article 102, paragraph 4 of the present Act.

(3) The method of handling and other conditions for the import of GMOs or products containing GMOs shall be determined by a by-law passed by the Government.

#### Article 137

(1) In accordance with the precautionary principle the Government may in a by-law prescribe more stringent measures than those provided for the present Act, including the prohibition of the use of GMOs.

(2) The Government may, on the proposal of the competent government authority and on the basis of the opinion delivered by the Committee for Release of GMOs into the Environment, or the Committee for Novel Food and Animal Feed Containing GMOs, temporarily or permanently restrict or prohibit the import, if there is a lack of available scientific information and knowledge relating to the possible extent of impacts on biodiversity, the environment and human health, or if new or additional scientifically established information has become available about the risks of the product to biodiversity, the environment and human health.

#### Article 138

(1) In the event of a doubt that a GMO or a product containing a GMO is imported, released into environment, placed on the market, used or disposed of in the environment in contravention to the provisions of the present Act or a special regulation, the competent inspector shall require the importer or the user to present the authentic document and fix a deadline for the presentation of the document.

(2) Should the importer or the user fail to submit the authentic document within the deadline fixed, the inspector shall temporarily prohibit the import, contained use, release into the environment, placing on the market or disposal in the environment and a sample shall be submitted for the analysis of an authorised laboratory.

(3) A laboratory for testing, control and monitoring of GMOs and products containing GMOs in compliance with international standards shall be established by the ministry responsible for health, with the support of the ministry responsible for agriculture and forestry and the ministry responsible for the protection of nature and the environment.

(4) Conditions to be complied with by the laboratory under paragraph 3 of the present Article shall be laid down in an ordinance issued by the minister responsible for health, with the consent of the minister responsible for the protection of nature and the environment and the minister responsible for agriculture and forestry.

(5) Should the analysis show an unauthorised GMO or a product containing a GMO, the inspector shall prohibit the import, contained use, release into the environment, placing on the market or disposal in the environment and the samples taken and/or GMOs and products seized shall be permanently and harmlessly destroyed.

(6) The costs of the analyses and destruction, including temporary storage and safeguarding if the analysis show the unauthorised import, contained use, release into the environment, placing on the market or disposal in the environment, shall be borne by the importer or the user of the GMO or the product containing the GMO.

#### 6.3.6. Register of GMOs

##### Article 139

(1) A register of GMOs shall be kept by the Ministry and other competent government authorities each within the scope of its competences.

(2) In the register of GMOs closed systems, certificates and permits granted for a contained use of GMOs, the deliberate release of GMOs into the environment and placing on the market of GMOs or products containing GMOs shall be recorded.

(3) The records shall contain information included in the application, in particular:

1. company and seat of the notifier of:
  - a closed system;
  - a contained use of a GMO;
  - a deliberate release of a GMO into the environment
  - placing on the market of a GMO or products containing a GMO;
2. name and description of the closed system;
3. information relating to the contained use and information relating to classification in a group according to the level of hazard;
4. information relating to the deliberate release of a GMO into the environment, including the specific site of the GMO release;
5. information relating to the placing on the market of a GMO and products containing a GMO.

(4) Certificates and permits granted for the contained use, the deliberate release into the environment or placing on the market of a GMO and products containing a GMO shall form the constituent part of the register under paragraph 1 of the present Article.

(5) Anybody shall have the right to be given access to information contained in the register of GMOs and to require and obtain copies of GMO register entries against payment of a fee that shall not exceed the actual costs of issuing copies.

(6) Information treated as confidential in compliance with the present Act or enjoying special protection on the basis of a special regulation shall not be entered into the register of GMOs.

(7) The form and method of keeping the register of GMOs and the method of fixing a fee for the issue of copies shall be prescribed by the Minister in an ordinance.

(8) The register of GMOs shall also be kept by competent government authorities responsible for granting permits for the use or placing on the market of GMOs or products containing GMOs pursuant to the present Act and a special regulation. The form and method of keeping a register of GMOs shall be prescribed by competent ministers, each within his scope of competences.

### 6.3.7. Management of Waste Generated by the Use of GMOs

#### Article 140

(1) The applicant or a legal or natural person using GMOs shall dispose of and permanently and harmlessly destroy the wastes containing GMOs in a manner that ensures that the GMO is no longer capable of transmission or reproduction of genetic material and that its genetic material cannot be transferred to other organisms.

(2) The method of disposal and harmless destruction of wastes containing GMOs shall be prescribed by the Government in a by-law as referred to in Article 93, paragraph 2 of the present Act.

### 6.3.8. Liability for Damage Caused by Unauthorised Use of GMOs

#### Article 141

Legal entities and natural persons shall compensate for any damage that they have caused by the unauthorised cross-border movement, transit, use, release into the environment or placing on the market of GMOs or products containing GMOs, in the manner determined by the present Act and special regulations.

## **7. Minerals and Fossils**

### *7.1. General Measures*

#### Article 142

(1) Minerals are autochthonous homogeneous chemical elements or compounds in the form of a crystallised or amorphous matter of a specific structure, form and composition. In terms of the present Act minerals are not mineral raw materials.

(2) Fossils represent preserved units, parts or traces of extinct organisms and their life activities.

(3) Minerals and fossils are the property of the Republic of Croatia.

(4) It is prohibited to destroy minerals and fossils or damage the sites where they are found without a valid reason. A reason shall be

considered valid if there is an overriding public interest or if the destruction has a beneficial consequence.

## *7.2. Protected Minerals and Fossils*

### Article 143

(1) Minerals and fossils important for their rarity, extraordinary size or appearance or an outstanding and universal educational and scientific relevance represent protected natural values in terms of the present Act.

(2) The minerals and fossils that represent protected natural values shall be determined by the Minister in an ordinance at the proposal of the State Institute for the Protection of Nature.

(3) Minerals and fossils designated as protected natural values shall be kept at the site where they were originally found and the discovery site shall enjoy protection as a protected natural value.

(4) Should it be impossible to ensure protection of minerals and fossils at the discovery site, they shall be given for safekeeping to a natural or legal person who will ensure their professional protection and enable their use for the purpose of education, museum activities, science and nature protection.

(5) Conditions under which minerals and fossils may be given to a natural or legal person for protection and safekeeping shall be laid down by the Minister in an ordinance.

(6) Conditions for studying the discovery sites, the method of protecting minerals and fossils on their discovery sites, the method of protecting discovery sites and the contents, methods and conditions for a professional protection of minerals and fossils kept outside the discovery site shall be laid down by the Minister in an ordinance, after obtaining the opinion of the Ministry of Science and Technology and a competent scientific and/or expert institution, depending on the complexity of the assessment.

(7) The register of legal entities and natural persons to be entrusted with the protection and safekeeping of minerals and fossils and legal entities authorised for the study of discovery sites of minerals and fossils shall be kept by the Ministry.

### Article 144

(1) It is prohibited to take from nature minerals and fossils designated protected natural values or situated in a protected discovery site.

(2) Exceptionally, the Ministry may grant a permit for minerals and fossils designated protected natural values or situated in a protected discovery site to be taken from nature for the purpose of scientific and expert research, education, displaying in exhibitions and for other purposes.

### *7.3. Discovery of Minerals and Fossils and Study of Discovery Sites*

#### Article 145

(1) Any discovery of a mineral or fossil that might represent a protected natural value as referred to in Article 144 of the present Act shall be reported by the finder to the Ministry within eight days from the day of the discovery thereof and necessary measures shall be taken to protect the same against destruction, damage or theft.

(2) The Ministry shall decide on the study of the discovery site of a mineral or a fossil after obtaining the opinion of the State Institute for Nature Protection not later than thirty days after the site has been reported. The decision on the study shall also determine the nature protection measures.

(3) Should the Ministry fail to issue the decision on the study within the period of time under paragraph 2 of the present Article, the study and protection shall be considered unnecessary.

(4) Unless provided otherwise by the Ministry, the finder shall not be authorised to perform any activities on the discovery site that are likely to cause destruction or damage to the finds, with the exception of protection measures.

(5) The owner or the trustee of the land where minerals and fossils were found must enable the study of the finding site in compliance with the decision of the Ministry.

(6) The study of the discovery site shall be carried out by an authorised natural or legal person pursuant to the permit granted by the Ministry and in the manner prescribed by the ordinance under Article 143, paragraph 6 of the present Act.

(7) If there is a likelihood that further minerals or fossils may be found, the Ministry shall, upon completion of studies permitted and on the basis of the supervision carried out, make a decision on the continuation thereof.

#### Article 146

(1) If a legal or natural person intends to study mineral or fossil discovery sites, it or he shall apply to the Ministry for a permit not later than 30 days prior to the planned commencement of the study.

(2) If the study relates to a finding site of protected minerals or fossils declared natural values, the Ministry may prohibit the study or grant the permit in which nature protection conditions or measures for the protection of the discovery site will be laid down. The permit shall be granted by a decision.

(3) The legal or natural person shall submit to the Ministry a report on the study carried out, including data on the state of the discovery site, possible threats to the site and additional study and additional protection measures required not later than thirty days from the completion of the study.

#### *7.4. Use of Minerals and Fossils*

#### Article 147

(1) A natural person may for his/her own collection take from nature minerals and fossils not designated protected natural values.

(2) A legal person may take from nature minerals or fossils not designated protected natural values for the purpose of performing research, educational or museum activities.

(3) A legal and a natural person may take minerals or fossils from nature for the purpose of placing them on the market after previously obtaining the permit of the Ministry. The permit shall be granted by a decision.

(4) A natural or legal person placing on the market minerals or fossils from nature must have a certificate of origin or a permit for taking from nature for each mineral or fossil possessed. When selling a mineral or a fossil this certificate or the permit shall be submitted to the buyer.

(5) A legal or natural person under paragraph 4 of the present Article shall keep records of placing minerals or fossils on the market.

(6) The form and the contents of the records of placing minerals and fossils on the market shall be prescribed by the Minister in an ordinance.

#### Article 148

(1) When taking minerals or fossils from nature it is prohibited to use machinery, explosives, compression gases or any other chemicals.

(2) The Ministry may exceptionally permit the use of means as referred to in paragraph 1 of the present Article in the case of collecting minerals and fossils for scientific, research or educational purposes.

#### Article 149

(1) A natural or a legal person intending to export minerals or fossils must be granted an export permit by the Ministry. The permit shall be granted by a decision.

(2) No export of minerals and fossils designated protected natural values is permitted.

(3) Exceptionally, the Ministry may permit export of minerals or fossils designated protected natural values for the purpose of scientific research, education or display. In the permit the conditions for the export of minerals and fossils shall be laid down.

### III. PROTECTION OF NATURAL VALUES

#### *1. Protected Natural Values*

#### Article 150

(1) Protected natural values in terms of the present Act are:

1. protected areas:
  - strict reserve
  - national park
  - special reserve
  - nature park
  - regional park
  - natural monument
  - important landscape
  - forest park

- monument of park architecture;
- 2. protected taxa:
  - strictly protected and protected wild taxon (hereinafter referred to as: protected wild taxon)
  - protected indigenous domesticated taxon;
- 3. protected mineral and fossil.

(2) Protected natural values shall be classified in the categories of:

- international importance,
- national importance and
- local importance.

(3) The classification into categories shall be determined on the basis of an expert evaluation of the protected natural value.

(4) Protected natural values under paragraph 1, indents 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the present Article may be connected across a frontier with protected areas of another state.

(5) The management plan and measures for the protection of natural values connected across a frontier shall be defined by agreement with the competent authority of the state in which the cross-border segment of a natural value is located and in compliance with the provisions of the present Act.

(6) The protection and conservation of cultural assets located in the area of protected natural values under paragraph 1, indent 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the present Article shall be governed by the regulations for the protection and conservation of cultural assets.

#### Article 151

(1) A strict reserve is a mainland and/or a marine area with an unmodified or slightly modified overall nature, reserved exclusively for the conservation of its original natural character, for scientific research that does not affect biodiversity, for monitoring of the state of nature and for education posing no threat to the free play of natural processes.

(2) For any research into and any visit to a strict reserve for educational purposes a permit of the Ministry is required.

(3) In a strict reserve all economic and other activities are prohibited.

#### Article 152

(1) A national park is a large, predominantly unmodified mainland and/or marine area of outstanding and multiple natural values. It includes one or more conserved or slightly modified ecosystems and is primarily intended for the conservation of autochthonous natural values.

(2) A national park has a scientific, cultural, educational and recreational purpose.

(3) In a national park only those actions and activities are permitted that do not pose any threat to the authenticity of nature.

(4) In a national park all economic use of natural resources is prohibited.

(5) In a national park it is permitted to perform catering, tourist and recreational activities in connection with the requirements of visiting and touring, including agriculture, fishery and handicrafts performed in the traditional way and such economic activities as were performed in the national park before its designation in compliance with the provisions of the present Act and regulations issued on the basis thereof.

(6) The activities cited in paragraph 5 of the present Article may be restricted for the purpose of conserving the authenticity of nature of the national park.

### Article 153

(1) A special reserve is a mainland and/or a marine area of a special importance due to its uniqueness, rarity or representative character, or a habitat of a threatened wild taxon, and has a special scientific importance and purpose.

(2) A special reserve may be of flora or fungi, of forest and other vegetation, zoological (ornithological, ichthyological, etc.), geological, paleontological, hydrogeological, hydrological, a marine reserve, etc.

(3) In a special reserve no actions and activities are permitted that are likely to degrade the features for which it has been designated a reserve (picking or destruction of plants, disturbing, catching and killing of animals, introduction of new biological taxa, land reclamation, various forms of economic and other uses, etc.).

(4) In a special reserve only those actions and activities are permitted that serve for the maintenance or improvement of conditions important for preservation of the features for which it has been designated a reserve.

(5) Any visiting and touring of a special reserve may be prohibited or restricted by protection measures.

(6) The act of designating a special reserve may at the same time protect diverse values for which the reserve is being designated (ornithological and ichthyological, geological and hydrological, etc.).

#### Article 154

(1) A nature park is a large natural or partly cultivated mainland and/or marine area with ecological features of international or national importance, or with marked landscape, educational, cultural, historical, tourist and recreational values.

(2) In a nature park only those actions and activities are permitted that do not pose any threat to its essential features and roles.

(3) The method of performing economic activities and using natural resources in a nature park shall be laid down by nature protection conditions.

#### Article 155

(1) A regional park is a large natural or partly cultivated mainland and/or marine area with ecological features of international, national or regional importance and landscape values characteristic of the area in which it is located.

(2) In a regional park only those economic and other activities are permitted that do not pose any threat to its essential features and roles.

(3) The method of performing economic activities and using natural resources in a regional park shall be laid down by nature protection conditions.

#### Article 156

(1) A natural monument is an individual unmodified segment or a group of segments of living or non-living nature that has an ecological, scientific, aesthetic and educational value.

(2) A natural monument may be geological (paleontological, mineralogical, hydrogeological, relating to sediments, structural geology and petroleum engineering, etc.), geomorphological (a cave, a pit, a solitary rock, etc.), hydrological (a watercourse, a waterfall, a lake,

etc.), botanical (a specimen of plant life that is rare or important owing to its site), a small-sized botanical or zoological site, etc.

(3) On the natural monument and in the contact zone forming a constituent part of the protected area no activities are permitted that pose a threat to its features and values.

#### Article 157

(1) An important landscape is a natural or cultivated region of great landscape value and biodiversity or cultural and historical value, or a landscape of conserved unique features characteristic of a particular area intended for rest and recreation, or an especially valuable landscape determined in compliance with the present Act.

(2) In an important landscape no activities and actions are permitted that degrade the features for which it has been designated as protected.

#### Article 158

(1) A forest park is a natural or a planted forest of major landscape value, intended for rest and recreation.

(2) In a forest park only those activities and actions directed to its maintenance or arrangement are permitted.

#### Article 159

(1) A monument of park architecture is an artificially formed space (a public garden, a botanical garden, an arboretum, a city garden, a line of trees and other forms of garden and park shaping) or an individual tree or a group of trees with a high aesthetic, stylistic, artistic, cultural, historical, ecological or scientific value.

(2) On a monument of park architecture and in the contact zone forming a constituent part of a protected area no activities or actions are permitted that might modify or degrade the values for which it has been protected.

#### Article 160

(1) Wild taxa that are threatened or rare are protected as strictly protected taxa and protected taxa.

(2) To issues of the protection of wild taxa which are not governed by the present Act, special regulations shall apply.

#### Article 161

(1) Protected indigenous domesticated taxa are those plants and animals that have evolved as a consequence of traditional breeding and constitute a part of Croatia's cultural heritage.

(2) To issues of the protection of indigenous domesticated taxa which are not governed by the present Act, special regulations shall apply.

#### Article 162

(1) Minerals and fossils that are rare, extraordinary by size or appearance, or of a unique scientific importance represent protected natural values.

(2) To the protection of minerals and fossils under paragraph 1 of the present Article the provisions of the present Act and special regulations shall apply.

### ***2. Procedure of Designating Protected Taxa, Minerals and Fossils***

#### Article 163

(1) Protected wild taxa and protected indigenous domesticated taxa shall be designated by the Minister in compliance with the provisions of Articles 77 and 88 of the present Act.

(2) Protected minerals and fossils shall be designated by the Minister in compliance with the provisions of Article 143 of the present Act.

(3) Documents relating to the designation of the wild taxa, indigenous domesticated taxa, minerals and fossils protected shall be published in the Official Gazette.

### ***3. Protected Areas Designation Procedure***

#### Article 164

(1) A national park and a nature park shall be designated by a law passed by the Croatian Parliament (hereinafter referred to as: the Parliament).

(2) Strict and special reserves and protected natural values extending over an area of two or more counties shall be designated by a regulation of the Government at the proposal of the Ministry.

(3) A regional park, an important landscape and a forest park shall be designated by the county council or the Zagreb City Council with the previously obtained consent of the Ministry and the Ministry of Agriculture and Forestry.

(4) A natural monument and a monument of park architecture shall be designated by the county council or the Zagreb City Council with the previous consent of the Ministry.

(5) If the protection referred to in paragraphs 3 and 4 of the present Article has been proposed by the Ministry and the corresponding representative body fails to issue a document on protection within three months from receipt of the proposal, this natural value shall be designated protected by the Government.

#### Article 165

(1) The document designating a protected area shall contain:

- name and category of the protected area;
- a precise description of the spatial determination of borders;
- indication of the scale of the cartographic presentation or other denotation of the site;
- a cartographic presentation showing the boundaries or a site denotation forming a constituent part of the designation document.

(2) For the purpose of preventing threats to a protected area the document of designation may provide for a buffer zone outside the protected natural area and lay down measures for the protection thereof.

(3) The document of designation shall be based on an expert background document specifying the values of the area proposed for protection, the methods of managing that area and a statement of the authority issuing the designation document confirming that funds necessary for the management of the protected area have been secured.

(4) The expert background document under paragraph 3 of the present Article shall contain a detailed description of features and values of the area to be protected, the assessment of the state of that area, consequences that will arise from the adoption of the document of designation, especially as regards ownership rights and economic activities encountered, and evaluation and sources of funds necessary for the enforcement of the document designating the protected area.

#### Article 166

(1) The public shall be informed about any proposal to designate a protected area.

(2) Public information implies providing public access to the proposed document designating a protected area and an expert background document with cartographic documentation.

(3) Public access to the proposed document designating a protected area shall be provided in district (regional) and local-government bodies in the area in which the protected area is located. With the consent of all the district (regional) and local-government bodies concerned public access may be provided in a single place for all bodies.

(4) Public access under paragraph 2 of the present Article shall be provided for at least thirty days. The public access procedure shall be laid down by the Government in a regulation at the proposal of the Ministry.

(5) The entity proposing the document designating a protected area shall deliver its opinion about comments made during public access to the document and these comments and opinions shall form a constituent part of documents underlying the designation proposal.

(6) The notification of public access shall be published in at least one newspaper and contain information relating to the place where cartographic and other documents related to the protection proposed will be made available.

(7) The procedure of public access for the purpose of designating national parks, nature parks, strict reserves, special reserves and protected landscapes extending over the area of two or more counties shall be organised and carried out by the Ministry. The public access procedure related to other protected areas (natural monument, regional park, important landscape, forest park and monument of park architecture) shall be organised and carried out by the county or the City of Zagreb.

#### Article 167

(1) The document designating a protected area as referred to in Article 164, paragraphs 1, 2 and 5 of this Act shall be published in the "Official Gazette" and the designation document as referred to in Article 164, paragraphs 3 and 4 of this Act in the official gazette of the county or the City of Zagreb and in the "Official Gazette".

(2) A cartographic representation showing boundaries or site indication shall be kept in the Ministry.

#### Article 168

(1) In the event that features for which a regional park, a natural monument, an important landscape, a forest park or a monument of park architecture has been designated protected are lost, the competent authority as referred to in Article 164 of this Act shall issue a document for the termination of protection after previously obtaining the consent of the Ministry.

(2) For a strict reserve, a special reserve and protected natural values extending over the area of two or more counties, in the event that features are lost for which it has been designated protected the document of the termination of protection may be issued at the proposal of the Ministry. The document of the termination of protection shall be adopted by the Government.

(3) In the event that features are lost for which a national park or a nature park has been designated protected, an act for the cessation of the validity of the act on a national or nature park designation shall be passed.

(4) The document of the termination of protection shall be based on an expert background document establishing the loss of features for which that natural value has been protected.

### ***4. Temporary Protection***

#### Article 169

(1) A natural area undergoing the procedure of its designation for protection shall be under temporary protection as of the day of publication of the notification of public access to documents in a newspaper, but not later than a year from the date of publishing the notification.

(2) Areas of natural value, identified by natural planning documents as natural values to be protected under a specific protection regime, shall be under temporary protection as of the effective date of the physical planning documents.

(3) The designation procedure of natural values under paragraph 2 of the present Article shall be carried out within two years.

(4) In the event of a failure to institute the procedure within the time set under paragraph 3 of the present Act, any temporary protection of the areas identified by physical planning documents as protected natural values shall cease to be valid.

(5) For natural values proposed for protection by physical planning documents that came into effect prior to the effective date of the present Act, the time limit for the temporary protection under paragraph 3 of the present Act shall run as of the effective date of the present Act.

(6) For the duration of its temporary protection the natural value shall be governed by the provisions of the present Act laying down the protection of protected natural values.

## ***5. Register of Protected Natural Values***

### Article 170

(1) Protected areas, protected taxa and protected minerals and fossils shall be entered into the Register of Protected Natural Values.

(2) The Register of Protected Natural Values shall be kept by the Ministry.

(3) The entry of protected natural values into the Register and their deletion from the Register shall be made pursuant to the designation document or the document on the cessation of protection.

(4) The contents and methods of keeping the Register of Protected Natural Values shall be determined by the Minister in an ordinance.

(5) Information contained in the Register of Protected Natural Values shall be public, unless it is specifically determined that information relating to the natural value site is confidential for the purpose of its protection.

## ***6. Management of Protected Areas***

## Article 171

- (1) Protected areas shall be managed by public institutions.
- (2) Public institutions for the management of national parks and nature parks shall be established by the Government.
- (3) Public institutions for the management of other protected areas and other protected natural values shall be established by county councils or the Zagreb City Council.
- (4) Two or more counties may by a contract establish jointly a public institution for the management of protected natural values in their respective areas.
- (5) A public institution for the management of all protected areas under paragraph 3 of the present Article located in the area of a town or a municipality may be established by the representative body of that city or municipality.
- (6) Protected areas designated by the Government, the county council or the Zagreb City Council, if situated in the area of a national park or a nature park or bordering on the same or directly at the border thereof, shall be managed by the public institution managing the national or the nature park.
- (7) If areas of national parks and nature parks overlap or border directly, the Government may take a decision to found one public institution to manage those national parks and nature parks.
- (8) In cases where paragraph 7 of the present Article applies, management plans shall be prepared for each protected area.
- (9) By the establishment of a public institution under paragraph 5 of the present Article the public institution of the county ceases to be entitled to manage the protected areas of a town or a municipality, and the right to management shall be acquired by the public institution established by the city or the municipality.

## Article 172

- (1) Public institutions as referred to in Article 171 of the present Act shall perform activities pertaining to protection, maintenance and promotion of a protected area with the aim of protecting and maintaining the authenticity of nature and of ensuring the undisturbed progress of natural processes and the sustainable use of natural

resources, and shall exercise control of the implementation of nature protection conditions and measures in the area of their management.

(2) Public institutions managing nature parks and regional parks shall also control the performance of permitted economic activities with the aim of ensuring a rational and sustainable use of natural resources.

(3) A public institution shall perform the activities under paragraphs 1 and 2 of the present Article as a public service.

(4) A public institution may perform such other activities determined by its charter of foundation and articles of incorporation as serve for performing activities under paragraphs 1 and 2 of this Article, rather than making profit.

### Article 173

(1) The finance necessary for the operation of a public institution and for the performance of activities under Article 172 of the present Act shall be secured by:

- the government budget and budgets of the counties, the City of Zagreb, towns or municipalities;
- revenues from the use of protected natural values;
- revenues from charges, and
- other sources as determined by this Act and special regulations.

### Article 174

(1) A public institution for the management of protected areas shall be managed by an administrative council. The administrative council shall consist of five members at most.

(2) The composition, the method of electing members and the term of their office, including the decision-making procedure of the administrative council, shall be determined by the public institution's charter of foundation and the articles of association.

(3) The administrative council members of public institutions that manage national parks and nature parks shall be appointed by the Minister and the administrative council members of public institutions established by the representative body of a county or the City of Zagreb WORDS MISSING? shall be appointed by the county government or the government of the City of Zagreb. The administrative council members of public institutions established by the representative body of

a town or a municipality shall be appointed by the city or the municipal government.

(3) One member of the administrative council of a public institution that manages a strict or a special reserve or an important landscape extending over the area of two or more counties, shall be appointed by the county government or the government of the City of Zagreb at the proposal of the Minister.

#### Article 175

(1) The administrative council of a public institution managing a protected area shall:

- adopt the statute of the public institution;
- adopt management plans for national parks, nature parks, regional parks and strict and special reserves;
- adopt annual programmes for the protection, maintenance, promotion and use of a protected area;
- adopt general acts as determined by the statute;
- adopt the public institution's development plan and annual financial plan, and
- pass decisions on the selection or appointment and replacement of employees determined by the public institution's articles of association.

(2) The administrative council of the public institution that manages a national park or a nature park shall adopt the management plan and the annual programme for the protection, maintenance, conservation, promotion and use of the protected area, with the consent of the Ministry after previously obtaining the opinion of the State Institute for Nature Protection.

(3) The administrative council of the public institution that manages other protected areas shall adopt the management plan for protected areas with the consent of the Ministry and after previously obtaining the opinion of the State Institute for Nature Protection, and the annual programme for the protection, maintenance, promotion and use of the protected area with the consent of the county government or the government of the City of Zagreb or the government of the town or the municipality.

(4) The administrative council of the public institution that manages a national park or a nature park shall adopt articles of association with the consent of the Government, and the administrative council of the public institution managing other protected areas shall adopt articles of association with the consent of the county government

or the government of the City of Zagreb or the government of the town or the municipality.

(5) If a public institution manages a protected area extending over the area of two or more counties, the consent to the articles of association shall be given by the Ministry.

(6) The administrative council shall submit to the Ministry or the county government or the government of the City of Zagreb or the government of the town or the municipality a report on the fulfilment of the management plan and the annual programme for the protection, maintenance, conservation, promotion and use of the protected area by 1 March of the current year for the previous year.

(7) The administrative council shall also perform other tasks as laid down by the statute of the public institution.

#### Article 176

(1) The administrative council chairperson shall be elected and relieved of duty by the administrative council.

(2) The composition, methods of work and decision-making of the administrative council, including other issues relating to the administrative council set up and the scope of activities, shall be regulated by the charter of foundation and articles of association of the public institution.

#### Article 177

(1) The director of a public institution for the management of a national park or a nature park shall be nominated by the Minister on the basis of a public announcement for positions made by the administrative council.

(2) The director of a public institution for the management of other protected areas within the competence of a county or the City of Zagreb shall be nominated by the representative body of the county or the City of Zagreb.

(3) The director of a public institution for the management of a protected area established by the representative body of a town or a municipality shall be nominated by the representative body of the town or the municipality.

(4) Any person with a university degree and at least five years of professional experience may be nominated to be director of a public institution.

(5) All conditions for the nomination of a director shall be prescribed in detail by the public institution's charter of foundation and articles of association.

#### Article 178

(1) The expert activities of a public institution managing a protected area shall be conducted by a head of expert activities whose rights, duties and responsibilities, including conditions to be fulfilled, shall be laid down by the public institution's charter of foundation and articles of association.

(2) Any person with a university degree and at least five years of professional experience may be nominated to be head of expert activities of the public institution.

(3) All conditions for the nomination of a head of expert activities shall be prescribed in detail by the public institution's charter of foundation and articles of association.

#### Article 179

(1) The oversight of the legality of the work and general acts of public institutions for the management of protected areas established by the Government shall be carried out by the Ministry.

(2) The oversight of the legality of the work and general acts of public institutions for the management of protected areas established by a county or the City of Zagreb, a town or a municipality shall be carried out by the competent office of the government authority.

(3) The oversight of expert activities of public institutions under paragraphs 1 and 2 of the present Act shall be carried out by the Ministry.

### ***7. Implementation of Protection in Protected Areas***

#### Article 180

(1) The organisation of space and the method of use, arrangement and protection of space in a national park and a nature park shall be

determined by a physical plan for the arrangement of areas of special features.

(2) The physical plan for a national park and nature park shall be adopted by the Parliament.

#### Article 181

(1) The management of protected areas under Article 150, paragraph 1, item 1 of this Act shall be carried out according to the management plan.

(2) The management plan shall be adopted for a period of ten years.

(3) The management plan shall lay down development guidelines, methods of protection implementation, use and management of a protected area, including detailed guidelines for the protection and conservation of natural values of a protected area, respecting the needs of the local population.

(4) The management plan shall be binding for all physical and legal entities involved in activities in a protected area.

(5) Upon expiry of the five-year period the implementation of the management plan and the results achieved shall be analysed and, if required, the management plan revised in the manner and according to the procedure determined for the adoption thereof.

#### Article 182

(1) The protected area management plan under Article 181, paragraph 1 of the present Act shall contain:

a) Protected area management objectives and policies including the following components:

- the purpose, functions and goals of the protected area,
- and
- the management policy for the protected area;

b) Protected area protection guidelines including the following components:

- assessment of the state of the protected area and its buffer zone;
- protection concept relating to the entire area and its individual parts (zones);

- monitoring of the state of the protected area and its values;
- protection and management of natural and cultural values, including protected area resources (protection programmes, etc.);
- development of activities authorised in the protected area;
- visiting of the protected area (visiting and touring programmes, etc.);
- guidelines for the appearance of buildings in protected areas;
- linking the protected area with neighbouring areas, and
- impacts on the environment and the socio-economic complex;

c) Implementation of the plan including the following components:

- guidelines for linking sectoral plans;
- plan implementation activities;
- plan implementation supervision;
- plan implementation costs;
- methods and sources of finance, and
- institutional set-up and persons responsible for activities in protected area management.

(2) The management plan shall be implemented through annual programmes for the protection, conservation, use and promotion of the protected area.

(3) Prior to defining the draft management plan the public institution shall provide public access to documents by applying correspondingly the provisions of Article 166 of the present Act.

### Article 183

(1) Measures for the protection of protected areas shall form a constituent part of physical planning documents, management plans under Article 181, paragraph 1 of the present Act and other regulations issued pursuant to the present Act and governing the issues of the protection, maintenance, promotion and use of a national park, a nature park and other protected areas.

(2) By protection measures it is possible to prohibit or restrict execution of activities in the space (construction of infrastructure facilities; new construction of transit, public utility, energy, telecommunication and transport facilities; excavation or filling in of ground; excavation or removal of stones, minerals and fossils; waste disposal and wastewater discharge; water regime modifications; removal of alluvia; economic use of natural resources; execution of land reclamation activities; removal of hedges and other parts of nature; planting monocultures; collecting fungi and plants and the parts thereof; disturbing, killing or catching animals; hunting; fishing; transportation; sports and recreation activities; placing advertisements and other signs; visiting and touring and other activities likely to endanger the protected natural value).

(3) In protected areas it is prohibited to perform military exercises or any other military activities likely to endanger natural values.

#### Article 184

(1) The ordinance on internal order shall define in detail issues and lay down measures for the protection, maintenance, promotion and use of a national park and a nature park, including protected areas and other protected natural values managed by the public institution established by a county assembly or the Zagreb City Assembly or a representative body of a town or a municipality, and shall impose administrative measures for the case of non-compliance with the provisions of this ordinance and the present Act.

(2) The ordinance under paragraph 1 of the present Article shall be enacted by the Minister at the proposal of the administrative council of the public institution and after previously obtaining the opinion of the State Institute for Nature Protection.

### **8. Use of Protected Natural Values**

#### Article 185

(1) In a protected area only those activities and actions are permitted which do not cause any damage and do not alter the features for which the area has been protected.

(2) A permit shall be granted for activities and actions in a protected area for which, according to a special regulation, no building permit is to be obtained or the assessment of an activity's acceptability to nature carried out.

(3) A permit for activities and actions in a strict reserve, a national park, a special reserve and a natural monument shall be granted by the Ministry.

(4) A permit for activities and actions in a nature park, a regional park, an important landscape, a forest park or a monument of park architecture shall be granted by the competent office of the government body.

(5) A permit shall be granted by a decision. Appeals against decisions announced by an office of the government body may be lodged with the Ministry.

(6) No permit is to be obtained for activities and actions conducted on the basis of management plans relating to forestry, hunting, fishing, water management and mining, if these management plans contain nature protection conditions.

(7) If management plans under paragraph 6 of the present Article do not contain nature protection conditions, the permit shall be granted by the Ministry.

(8) The permit under paragraphs 3, 4 and 7 of this Article shall include the conditions for nature protection.

#### Article 186

(1) Protected natural areas may be visited and toured in a manner that will not endanger either its values or the implementation of protection.

(2) Visiting and touring of a protected area and other protected natural values are permitted to anyone under the same conditions in compliance with the present Act and the regulations made pursuant to it.

(3) If the visiting and touring of protected areas could be detrimental to their conservation, such visiting and touring of a protected area or any part thereof may be prohibited or restricted.

#### Article 187

(1) The owner or the trustee of a protected area must permit access to a specific natural value if, in view of the protection purpose and the importance of that natural value, this is necessary for the purpose of satisfying scientific, educational, aesthetic, cultural and

recreational needs, in the manner and under the conditions determined by the Minister's decision.

(2) In the decision under paragraph 1 of the present Article, compensation shall be determined payable to the owner or the trustee for any restrictions imposed on him.

#### Article 188

(1) In the event that the application and use of a protected area for specific purposes is restricted or prohibited, the owner or the trustee of that protected area shall be entitled to compensation for the restrictions imposed on him.

(2) The amount of the compensation shall be fixed by mutual agreement. In the case of a dispute the amount of the compensation shall be determined by the court.

(3) The compensation shall be payable from the government budget or the budget of a county, the City of Zagreb, a town or a municipality.

#### Article 189

(1) The care of a natural value in a protected area may be entrusted to the owner or the trustee of the property by means of a contract stipulating mutual rights and obligations between the public institution managing the natural value and the owner or the trustee of the real property. In the case that a forest is a natural value, the consent of the ministry responsible for forestry shall be obtained prior to signing the contract.

(2) The contract as referred to in paragraph 1 of the present Article shall determine:

- the natural value that is the subject matter of the care contracted;
- protection measures to be taken by the owner or the trustee for the duration of the contract;
- the amount of compensation payable for implementation of the protection measures prescribed and contracted, and
- other mutual rights and obligations relating to the care to be taken of the natural value.

(3) If a natural value as referred to in paragraph 1 of the present Article refers to a protected wild taxon, the contract shall be signed by the Ministry.

#### Article 190

(1) On the basis of a public announcement the protection of a natural value in a protected area may be entrusted to a person who is neither the owner nor the trustee thereof, by the conclusion of a contract on guardianship under the conditions laid down by the Ministry. The public announcement shall be made by the public institution managing the protected area in which the natural value is located.

(2) Conditions to be fulfilled by the person under paragraph 1 of the present Article shall be prescribed by the Minister in an ordinance.

(3) A person who fulfils the conditions required and enters into a contract with the public institution under paragraph 1 of the present Article becomes a guardian of the protected value.

(4) All issues determined by Article 189, paragraph 2 of the present Act shall be governed by the contract under paragraph 1 of the present Act.

(5) If the natural value under paragraph 1 of the present Article refers to a protected wild taxon, the public announcement shall be made and the contract signed by the Ministry.

#### Article 191

In the event that an activity or use of a natural value or a property in a protected area is restricted or prohibited in a certain manner or for certain purposes to the detriment of the owner or the trustee of that natural value or property, he or she shall be entitled to a compensation for restrictions that he or she was subject to in compliance with the provisions of Article 188, paragraph 2 of the present Act.

### ***9. Pre-emption Rights and Restrictions of Legal Transactions***

#### Article 192

(1) The owner of a property (hereinafter referred to as: the owner) within a national park, a nature park, a strict or a special reserve intending to sell that property shall first offer the same for sale to the Republic of Croatia, and the owner of a property in other protected natural values intending to sell that property shall first offer the same for sale to the county or the City of Zagreb or town or municipality.

(2) In the offer the owner of the property within the protected natural value shall quote the price and terms of sale.

(3) The Republic of Croatia, the county or the City of Zagreb shall accept or reject the offer within ninety days from receipt of the offer in writing.

(4) In the case that the offer is not accepted within the time limit as fixed, the owner is entitled to sell the property in a protected natural value to another person, at a price not lower than the price quoted in the offer and under terms and conditions that are not more favourable for the buyer than those contained in the offer under paragraph 2 of this Article.

(5) Should the owner sell a property in a protected area without previously acting in accordance with paragraphs 1 and 4 of this Article, the Republic of Croatia, the county or the City of Zagreb may bring legal action against the seller and the buyer, requiring the annulment of the sales contract within ninety days after the conclusion of the contract has been made known to them, but not later than two years from the signing the sales contract.

(6) The Republic of Croatia, the county or the City of Zagreb may require the annulment of the contract of sale of property in a protected area within the time limit specified in paragraph 5 of this Article also in the case that the contract in question is concluded in the form of a donation or that the price or terms of sale are simulated, the actual price and terms of contract being more favourable for the buyer.

(7) The pre-emption right as referred to in paragraph 1 of this Article shall be entered into the land register at the competent court of jurisdiction.

#### Article 193

(1) Real estate properties and natural values in a strict reserve, a national park, a special reserve and a natural monument, owned by the Republic of Croatia or by the regional or local-government bodies, shall be subject to prohibitions and restrictions of legal operations in compliance with the present Act and a special regulation.

(2) For the purpose of protecting landscape values and habitats in a nature park and a regional park, agricultural land owned by the Republic of Croatia and, according to the provisions of a special law, identified as pastures, meadows, fishponds, reeds and wetlands, shall not be used for legal operations.

(3) Notwithstanding the provisions under paragraphs 1 and 2 of this Article the Ministry may permit exchange of state-owned land within a strict reserve, a national park, a special reserve and a natural monument for other land in a protected area, owned by a natural or legal person, for the purpose of acquiring the ownership of land more important for the protection of natural values or for the accomplishment of protection objectives.

#### Article 194

(1) The ownership of a property in protected areas may only be acquired under the conditions laid down by the present Act and a special regulation.

(2) Foreign legal entities or natural persons may not be holders of property rights relating to real estate in a strict reserve, a national park, a special reserve, a nature park, a regional park, natural monument, an important landscape, a forest park or a monument of park architecture, unless determined otherwise by an international treaty.

#### Article 195

(1) The application for consent to acquire ownership of a property in a protected area under Article 193, paragraph 3 of this Act shall be submitted by the buyer to the Ministry. The application must be accompanied by evidence of a legal transaction.

(2) The Ministry shall give or withhold the consent by a decision within sixty days. Should the decision not be taken within the time limit fixed, the consent shall be considered given.

(3) Authentication of signatures on the contract of sale of property in a protected natural value and the transfer of title in a land register are only possible on the basis of consent given by the Ministry.

(4) Legal operations performed in contravention of the provisions of the present Act shall be null and void.

### ***10. Expropriation and Restriction of Property Rights***

#### Article 196

(1) When necessary for the purpose of effective protection of nature, it may be for the benefit of the Republic of Croatia to take away or restrict property and other property rights to real estate in a protected area.

(2) A property right or any other ownership right shall be taken away or restricted according to the procedure and in the manner determined by the act governing the expropriation of property, unless provided otherwise by the present Act.

(3) The Republic of Croatia, the county or the City of Zagreb shall submit to the owners a written proposal for the purchase of the property at least three months prior to submitting an expropriation proposal.

(4) For the property seized the Republic of Croatia, the county or the City of Zagreb shall provide another property of equivalent value outside the protected area or pay compensation.

(5) The amount of compensation payable for the property seized shall be determined according to the value of the property having regard to its market value.

(6) The expropriation procedure shall be initiated at the proposal of the competent authority and implemented in the manner determined by the law governing expropriation.

(7) A property in a protected area shall be entered into the real estate cadastre kept in accordance with special regulations.

#### Article 197

(1) The Republic of Croatia shall, at the request of the owner of a property in a protected area designated by the Croatian Parliament or the Government, purchase at market price or offer another property of equivalent value for a property that, due to restrictions and prohibitions under the present Act, cannot be used for the activity to which it was devoted prior to protection or can be used to a minor extent only.

(2) The county or the City of Zagreb shall, at the request of the owner of a property in a protected area which the county or the City of Zagreb has designated protected pursuant to the present Act, purchase at market price or offer another property of equivalent value for a property that, due to restrictions and prohibitions under the present Act, cannot be used for the activity to which it was devoted prior to protection or can be used to a minor extent only.

(3) The owner of such a property shall have the right to offer the property for sale in compliance with the present Article within two years from the effective date of the document imposing restrictions and prohibitions relating to the property.

## **11. Compensation for Damage**

### Article 198

(1) A natural or legal person who, due to restrictions and prohibitions under the present Act or protection documents issued pursuant to it, has suffered substantial deterioration of current conditions for generation of income, which cannot be compensated for by a permitted activity within the framework of the prescribed mode of protection in the protected area, shall be entitled to compensation for the restrictions imposed on him/her.

(2) The compensation as referred to in paragraph 1 of the present Article is payable provided that the natural or legal person subject to restrictions has been previously found by the competent government authority to implement nature protection measures as prescribed.

(3) The amount of compensation shall be fixed by mutual agreement. In the case of a dispute the amount of the compensation shall be determined by the court of law.

(4) The compensation as referred to in paragraph 1 of this Article is payable from the government budget or the budget of the county or the City of Zagreb.

### Article 199

The Republic of Croatia is not liable for damage caused by plants, fungi or animals, except in cases as determined by the law.

### Article 200

(1) A natural or a legal person that might suffer economic or other damage (hereinafter referred to as: the injured party) caused by animals of strictly protected taxa shall at his or her own cost undertake all permitted actions and activities in the appropriate manner as to prevent the occurrence of the damage.

(2) Actions and activities permitted for the prevention of damage caused by strictly protected animal taxa shall be determined by the Minister in an ordinance, taking into consideration the natural values of the area in which these measures are implemented.

### Article 201

(1) Should it be impossible to prevent the occurrence of damage in the manner referred to in Article 200 of the present Article, the

injured party may require the Ministry to undertake such necessary actions and activities as may be necessary for the prevention of any further damage. The injured party and the Ministry shall share the costs of taking the necessary actions and activities by mutual agreement.

(2) In the event that an action or an activity under paragraph 1 of this Article are undertaken by the Ministry of its own accord, the Ministry shall also bear the costs thereof.

(3) Under the action or activity in terms of paragraph 1 of the present Article is to be understood the effective fencing and targeted safeguarding of assets, including chasing out and catching individual specimens and culling populations of strictly protected animal taxa.

## Article 202

(1) The injured party has the right to compensation for damage to the amount of the actual damage caused by animals of strictly protected wild taxa, if he/she has taken actions and activities in compliance with the provisions of Article 200 of the present Act.

(2) The injured party shall report any case of damage to the Ministry or an expert authorised by the Minister (hereinafter referred to as: the expert) without delay or within the period of time in which it is possible to produce evidence of the case of damage, but not later than eight days from the occurrence of the damage.

(3) The injured party and the expert shall at the site of damage establish all the facts relevant to determination of the occurrence of the damage and of the party liable for the damage and the amount of damage, which shall be entered into a protocol by the expert.

(4) If the injured party has duly reported the damage and the expert failed to conduct an investigation within three days from receipt of the notice of claim, the injured party may within a further fifteen days submit the claim for damages to the Ministry.

(5) Should a case of damage occur in a protected area the expert's tasks may be carried out by a competent inspector or person authorised by the public institution managing the protected area.

(6) The amount of compensation for damage shall be determined by mutual agreement between the Ministry and the injured party pursuant to the minutes of inquiry as referred to in paragraph 3 of this Article. In the case of a dispute the decision on the amount of damage shall be made by the court.

(7) A claim for compensation for damage may be submitted within six months from the date of reporting the damage.

(8) In the case that the procedure of establishing damage has been performed by an authorised or official person other than an expert, then the provisions of the present Act and special regulations shall correspondingly apply to the procedure of establishing damage and exercising the right to compensation for damage.

(9) The methods of work and procedures applied by the expert and other authorised or official persons in the course of establishing the damage and the amount of compensation for damage (compensation rates) or criteria for the calculation of damage shall be laid down by the Minister in an ordinance.

(10) The list of experts shall be published in the "Official Gazette".

#### Article 203

(1) Should a natural or a legal person initiate an activity or undertake an action in the area which is a natural habitat of a strictly protected wild taxon and which this taxon already inhabits, with a consequent foreseeable risk of damage that may be caused by the strictly protected wild taxon, then the amount of compensation for damage shall be reduced by the foreseeable risk.

(2) The foreseeable risk under paragraph 1 of the present Article shall be determined by the Ministry pursuant to an expert opinion delivered by a competent institution or an authorised expert.

#### Article 204

(1) Natural persons and legal entities are obliged to compensate for any damage they cause by violations of this Act.

(2) The amount of compensation for damage caused by an non-permitted action in relation to individual specimens of strictly protected wild taxa shall be determined on the basis of compensation rates to be approved by the Minister.

(3) The amount of compensation for damage caused by an non-permitted action in relation to other protected natural values shall be determined on the basis of an expert evaluation carried out by a person authorised by the Ministry.

(4) Funds raised by compensations for damage as referred to in paragraphs 1, 2 and 3 of the present Article are the revenue of the government budget.

### ***11. Incentive Measures for the Conservation and Protection of Biological and Landscape Diversity***

#### Article 205

(1) The conservation of threatened wild taxa, indigenous domesticated taxa and threatened habitat types shall be supported by Government grants and indemnifications, including favourable credit financing of protection activities.

(2) Grants and other incentive measures under paragraph 1 of the present Article are intended for the protection and conservation of biological and landscape diversity, especially for the encouragement of a nature-friendly management that respects and implements measures for conservation of biological and landscape diversity and for the provision of indemnification to legal entities and natural persons suffering respective restrictions or damage as a result of the protection of biological and landscape diversity.

(3) Grants and incentive measures under paragraph 1 of the present Article shall be determined by special laws and regulations passed by the Government at the proposal of the Minister and by regulations issued by the Government at the proposal of the minister responsible for agriculture and forestry.

(4) A contract on mutual rights and obligations shall be concluded between the legal or natural person entitled to grants or indemnification determined by regulations issued by the Government at the proposal of the Minister and the Ministry.

(5) The Ministry shall exercise supervision of the disbursement of grants and implementation of other incentive measures within its competence.

(6) A report on the disbursement of grants and implementation of other incentive measures shall be submitted by the Ministry to the Government in compliance with the present Act at least once a year.

(7) Incentive measures under paragraph 1 of the present Article shall be funded by the government budget and other sources in compliance with the law.

#### **IV. CONCESSIONS AND CONCESSION LICENCES IN PROTECTED AREAS AND SPELEOLOGICAL SPACES**

##### ***1. Concessions***

###### Article 206

(1) By being granted a concession a person is given the right to utilise natural resources for economic purposes or the right to carry on activities in the best interests of the Republic of Croatia, as well as the right to construct and use facilities and installations necessary for carrying on such activities in protected areas and speleological spaces in which this is permitted in compliance with this Act.

(2) A concession may be granted to legal entities and natural persons registered for small crafts industry.

(3) To issues related to granting concessions which are not regulated by the present Act the special regulations shall apply which govern the management of natural resources.

###### Article 207

(1) No concession shall be awarded in a strict reserve.

(2) A concession may be awarded in a national park, special reserve, natural monument or speleological space in the manner provided for by the present Act.

(3) A concession relating to a marine property in a national park or a special reserve may only be awarded for ports intended for yachting (anchorages and moorings, but no dry marinas and marinas).

(4) In a nature park, a regional park, a forest park, an important landscape or a monument of park architecture, a concession may be awarded in accordance with a special regulation with the consent of the Ministry. No consent is required when the decision on granting a concession is taken by the Government or the Parliament.

(5) A public institution need not have a concession for use of natural resources in a protected area that it manages.

(6) The Government may by a decision designate individual protected areas or individual protected natural values owned by the Republic of Croatia or marine areas for which no concession can be awarded.

### Article 208

(1) A concession shall be awarded through a public invitation to tender.

(2) The decision on a public invitation to tender shall also contain nature protection conditions laid down by the Ministry.

(3) Nature protection conditions form a constituent part of the decision on the concession award and the concession agreement.

(4) Concessions shall be awarded for a time period as provided for by the provisions of Article 217, paragraphs 1 and 2 of this Act.

### Article 209

(1) In the decision on the award of a concession shall be specified in particular:

- the protected area or speleological space for which the concession is granted;
- the planned extent of economic utilisation;
- concession holders;
- purposes for which the concession is granted;
- nature protection conditions that the concession holder must implement;
- duration of the concession,
- amount of the charge or the basis for fixing the amount of the charge.

(2) The decision on the award of a concession shall be made:

- by the Ministry in the case of national parks and special reserves, excluding those on a marine area;
- by the Ministry in the case of nature parks, unless stated otherwise by a special law;
- by the Ministry in the case of speleological spaces, and
- by a competent authority determined by a special regulation with previous consent of the Ministry in the case of other protected areas.

(3) A hunting concession in a protected area shall be awarded in compliance with a special regulation with the previous consent of the Ministry.

(4) In a national park and a special reserve concessions for the economic use of a marine area may be awarded by the Government in

accordance with the present Act and a special regulation, and concessions on a marine area in other protected areas shall be awarded in compliance with the special regulation with the previous consent of the Ministry.

(5) A public institution managing a national park, a special reserve or a nature park may be granted, by the Government's decision, special use of a marine area in compliance with a special regulation.

#### Article 210

(1) On the basis of the decision on a concession the provider of the concession and the concession holder shall sign an agreement.

(2) In accordance with the decision on a concession the concession agreement shall stipulate:

- purposes for which the concession is awarded;
- nature protection conditions and other conditions that must be fulfilled by the concession holder during the use of the concession;
- the amount of the concession charge;
- conditions and methods for the payment of the charge;
- concession holders' guarantees;
- the way in which relations are arranged between a concession holder and the public institution managing the protected area in which the concession has been granted;
  - the manner of settling relations in the case of the concession's termination before expiry of the time for which the concession has been awarded, and
  - other rights and obligations of the concession provider and the concession holder.

(3) The amount of the concession charge shall be fixed depending on the purpose, extent and amount of investments required, the benefits and financial effects achieved by the concession, restrictions imposed on the concession holder by nature protection conditions prescribed and other criteria and market conditions as determined by the concession provider.

(4) The concession provider may decide that the concession charge shall be paid in an amount lower than the amount fixed in compliance with paragraph 3 of the present Article, if the concession is awarded with the aim of improving the operation of the public institution managing the protected area, or if the award of the concession is expected to provide a more adequate protection of a protected area or a speleological space.

## Article 211

(1) The rights and obligations of a concession holder under the concession agreement may be assigned to another person with the consent of the concession provider.

(2) In the case of the death of a concession holder who is a natural person and in the case that a craftsman's business continues to be run in compliance with regulations on small crafts industry, the heirs or legal successors assume the place of the concession holder.

(3) The validity of the concession under paragraph 2 of the present Article shall expire if the heirs or legal successors fail to submit a request to the concession provider to confirm the concession within six months from the death of the concession holder or termination of the legal entity.

(4) In the case that the concession provider fails to confirm the concession, the concession shall be revoked.

(5) The heir or legal successor under paragraph 2 of the present Article shall produce evidence of fulfilling the conditions for assuming the place of the concession holder.

## Article 212

(1) The concession agreement shall cease to be valid:

- with the expiry of the time period for which the concession was awarded;
- after the death of the concession holder or termination of the legal entity, if rights and obligations under the concession agreement are not assigned to a specific heir or legal successor;
- if, by a legally valid ruling of the court or a decision of the competent authority, it has been permanently forbidden to the concession holder to carry on the activities for which the concession was awarded;
- if, due to the changed mode of protection of the area for which the concession was granted, reasons appear that prevent the award of a concession or the use of a concession in that area;
- in the case of termination of the concession agreement by mutual consent.

(2) In the event of a dispute over the termination of the concession agreement for the reasons referred to in paragraph 1 of the present Article, the decision shall be taken by the court.

(3) In the event of the termination of the concession for the reasons referred to in paragraph 1 of the present Article the concession holder shall not be entitled to any compensation by reason of the termination of the agreement.

#### Article 213

(1) The concession agreement may be terminated prior to the expiry of the time period for which the concession was awarded:

- if the concession holder fails to commence or complete in due time the works that should have been executed in compliance with the concession agreement;

- if the concession holder has fallen into arrears with the concession charge;

- if the concession holder ceases to perform continuously the activity for which the concession was awarded, and the rights and obligations under the concession have not been assumed by a new concession holder in the manner provided for by the present Act, upon expiry of six months from the date when the termination of the activity was established;

- if the concession holder fails to use the concession in the manner provided for by the nature protection conditions, thus causing danger to a protected area or a speleological space, and with the purpose of restoring the previous conditions or implementing the compensation conditions within the time period determined by the Ministry.

(2) If in cases under paragraph 1 of the present Article no agreement can be reached on termination of the agreement, the decision relating to the concession shall be taken by the court.

(3) The concession holder with whom the concession agreement has been terminated for the reasons referred to in paragraph 1 of the present Article shall not be entitled to any compensation for the termination of the agreement

#### Article 214

The concession holder is bound to take measures for the protection of a protected area or a speleological space in the manner and under the conditions determined by the present Act and regulations issued pursuant to it.

### Article 215

(1) If within the duration of the concession unforeseeable changes or damage should occur in the protected area or on a speleological formation, which make it necessary to restrict the extent of the concession and the method of the implementation thereof, the concession holder is bound to take all actions and measures that may be ordered to him by the Ministry or another competent authority with the aim of preventing the changes or damage that occurred.

(2) In the case that actions and measures under paragraph 1 of the present Article are taken, the concession holder shall be entitled to compensation for the actual damage.

(3) In the case of the non-observance of nature protection conditions on the part of the concession holder, he is bound to rectify the damage, restore the previous state or implement compensation measures in compliance with the provisions of the present Act.

### Article 216

(1) The agreed amount of the charge for the concession granted by the Government, the Ministry or another competent authority is payable to the government budget, and the agreed amount of the charge for the concession granted by the competent county authority or the competent authority of the City of Zagreb is payable to the budget of the county or of the City of Zagreb.

(2) Charges for hunting concessions are payable to the owner of the land in compliance with a special regulation.

### Article 217

(1) A concession in a protected area or in a speleological space shall be awarded for a period from four to fifty years in compliance with the present Act.

(2) A concession in compliance with the present Act shall be awarded by the Government for a maximum period of fifty years and by the Ministry for a maximum period of thirty years.

(3) The procedure for granting concessions in compliance with the present Act and criteria for fixing the amount of the concession charge shall be laid down by the Government.

(4) No appeal against the decision on a concession awarded by the Government, the Ministry or any other competent government

authority is permitted, but administrative litigation may be initiated within 30 days after the submission of the decision.

(5) An appeal against the decision on a concession awarded by the county authority or a competent authority of the City of Zagreb may be lodged with the competent government authority in compliance with a special regulation.

## **2. Concession Licences**

### Article 218

(1) A public institution managing a protected area may grant a concession licence for a maximum period of three years to legal and natural persons registered for small crafts industry relating to the economic utilisation of natural resources or carrying on other activities in the protected area in the manner provided for by this Act.

(2) A public institution shall grant no concession licence either for the economic utilisation of natural resources and carrying on of other activities on a marine area or for the management and use of forests, forest land and hunting grounds.

(3) For a concession licence in a protected part of nature granted in compliance with this Act or a special regulation it is necessary to obtain the consent of the Ministry.

(4) The concession licence shall contain nature protection conditions laid down by the Ministry.

(5) Funds raised by concession licence fees in accordance with the present Act shall be the revenue of the public institution managing the protected area for which the concessionary licence has been granted and are intended for nature protection.

(6) On the basis of the decision on a concession licence the concession provider and the concession holder shall conclude a concession licence agreement.

(7) The decision on the concession licence or the concession licence agreement must provide for adequate guarantees for implementation of nature protection.

(8) Activities for which a concession licence may be granted in a protected area, with the exception of a marine area, the methods of issuing concession licences, the conditions and methods of determining the amount of charges for the issue thereof, and the conditions and methods of carrying on activities for which the concession licence

agreement is concluded shall be prescribed by the Minister in an ordinance.

(9) The Government may by a decision designate individual parts of a marine area for which a concession licence provided for by a special law may not be granted.

#### Article 219

(1) The decision on a concession licence shall be made on the basis of public invitation to tender or on request. Within the procedure of public invitation to tender all the conditions for granting concession licences shall be specified, including those of importance for nature protection.

(2) An appeal against the decision on a concession licence granted in compliance with the present Act may be lodged with the Ministry within fifteen days from the date of the submission of the decision.

## **V. NATURE PROTECTION PLANNING AND ORGANISATION**

### ***1. Basic Nature Protection Documents***

#### Article 220.

(1) The basic nature protection documents are the National Strategy and Action Plan for the Protection of Biological and Landscape Diversity of the Republic of Croatia (hereinafter referred to as: the Strategy) to be adopted by the Parliament and nature protection programmes to be adopted by county assemblies or the Assembly of the City of Zagreb, each for its respective area.

(2) The programmes must be brought in line with the Strategy.

#### Article 221

(1) The Strategy defines long-term objectives and guidelines for conservation of biological and landscape diversity and protected natural values, including implementation methods in accordance with the overall economic, social and cultural development of the Republic of Croatia.

(2) The Strategy is formulated pursuant to the reports on the state of the natural environment and nature protection (hereinafter referred to as: the report on the state of the natural environment) and shall contain in particular:

- general strategic objectives;
- guidelines for the conservation of landscapes, ecosystems, habitat types, wild taxa and indigenous domesticated taxa;
- guidelines for protected natural values;
- guidelines for research into and monitoring of the state of the natural environment;
- guidelines for incorporation of nature protection into other sectors;
- guidelines for the legislative and institutional framework;
- guidelines for education aimed at the promotion and conservation of biological and landscape diversity;
- guidelines for public information and public participation in nature-related decision-making;
- action plans for implementation of guidelines, specifying priorities and possible sources of funds;
- methods of complying with international obligations in nature protection, and
- a cartographic attachment demonstrating spatially the measures for conservation of biological and landscape diversity and protection of natural values.

(3) The guidelines defined by the Strategy shall be applied for preparation of physical planning documents and plans for the management of natural resources.

(4) The underlying technical documents for the formulation of the Strategy shall be prepared by the State Institute for Nature Protection.

(5) Every five years objectives and guidelines defined by the Strategy, including implementation of action plans, shall be analysed and the Strategy revised, if required.

## Article 222

(1) For the purpose of implementing the Strategy and nature protection programmes, including other documents governing individual issues of nature protection, a report on the position of nature protection in the Republic of Croatia shall be prepared and submitted to the Parliament for adoption.

(2) The report on the state of the natural environment shall cover a period of two years and contain in particular:

- information relating to the state of landscapes, ecosystems, habitat types, wild taxa, indigenous domesticated taxa with an analysis of threats, including the causes of threats and protection difficulties;
- information relating to impacts of the use of natural resources on biological and landscape diversity;
- information relating to impacts of individual activities on nature;
- evaluation of measures taken in connection with the conservation of biological and landscape diversity and protected natural values;
- analysis of the implementation of the Strategy and other documents of relevance for nature protection;
- evaluation of the supervision carried out;
- information relating to the use of nature protection funds, and
- assessment of the need to prepare new or amend existing documents, including other data of relevance for nature protection and conservation.

(3) The draft report on nature protection shall be prepared by the State Institute for Nature Protection. Before submission to the Parliament the report shall be submitted by the Ministry to the Sustainable Development Council for its opinion.

(4) The county council and the Zagreb City Council shall adopt corresponding reports on the state of the natural environment in their respective areas.

## ***2. Performance of Administrative and Specialised Tasks of Nature Protection***

### Article 223

(1) Administrative and expert tasks of nature protection shall be performed by the Ministry and the office of the government body in a county or the City of Zagreb responsible for nature protection, with the exception of those transferred to the competence of another government body, the State Institute for Nature Protection, a county, the City of Zagreb, a town or a municipality by the present Act or another regulation.

(2) The counties and the City of Zagreb shall, in compliance with the present Act, the Strategy, nature protection programmes and physical planning documents:

- take care of the conservation of biological and landscape diversity in their respective areas;
- designate protected areas within their competence;
- provide conditions for the protection and conservation of protected areas within their competence;
- participate in the procedure of designating protected areas as designated by the Government or the Parliament;
- participate in drawing up management plans for protected areas within their competence;
- take care of the promotion of nature protection, provide support and take care of professional and other associations whose activities are targeted at nature protection;
- monitor the status of nature conservation and submit reports on that status to the Ministry and the State Institute for Nature Protection;
- keep records containing information of relevance for nature protection;
- inform the public about the state of the natural environment in their respective areas and about the measures taken for the purpose of nature protection and conservation;
- provide technical and other support to institutions of local-government bodies in the field of nature protection in their respective areas, and
- perform such other tasks as may be prescribed by the present Act and regulations issued on the basis thereof.

(3) In compliance with nature protection programmes and physical planning documents, towns and municipalities shall:

- take care of the conservation of biological and landscape diversity in their respective areas;
- participate in the procedure of making documents publicly available for the purpose of designating protected natural values in their respective areas;

- monitor the nature conservation status and submit reports on nature conservation status to the Ministry and the State Institute for Nature Protection;
- keep records containing information of relevance for nature protection;
- inform the public about the state of the natural environment in their respective areas and about the measures taken for the purpose of nature protection and conservation;
- popularise the protection of natural values in their respective areas, and
- foster professional and other associations whose activities are targeted at the protection of nature in their respective areas.

#### Article 224

(1) No appeal against the decisions taken by the Ministry pursuant to the present Act is permitted, but administrative litigation may be initiated within thirty days from the submission of the decision.

(2) An appeal against a decision taken pursuant to the present Act by the office of the government body in a county or the City of Zagreb may be lodged with the Ministry within fifteen days after the submission of the decision.

### ***3. Performance of Expert Work of Nature Protection***

#### Article 225

(1) Expert work in nature protection for the Republic of Croatia shall be performed by the State Institute for Nature Protection (hereinafter referred to as: the Institute).

(2) The Institute is a public institution carrying on its activities as a public service.

#### Article 226

(1) Within the framework of its activities the Institute shall perform expert work of nature protection relating to:

- collection and processing of data collected in connection with nature protection;
- development of appropriate databases on plant, fungus and animal species, habitat types, ecosystems and landscapes;
- monitoring of the level of conservation of biological and landscape diversity and proposing measures for the protection thereof;
- preparation of expert background documents for the protection and conservation of nature parts or natural values;
- development of expert background documents for the purpose of laying down nature protection conditions, the management of protected areas and the use of natural resources;
- carrying out statistical analyses, integration of results and preparation of reports on the state of the natural environment and nature protection;
- expertise work in connection with the assessment of the acceptability of an activity to nature;
- preparation and implementation of nature protection projects and programmes;
- participation in the execution of international nature protection treaties to which the Republic of Croatia is a party;
- organisation and implementation of educational and promotional activities in the field of nature protection, and
- performance of such other tasks as may be determined by the present Act.

(2) The Institute shall perform the activities under paragraph 1 of the present Article in accordance with work programmes for the year and for a period of years.

(3) The annual and longer-term work programme under paragraph 2 of the present Article shall be adopted with the consent of the Ministry.

(4) The Institute shall submit a report on execution of the work programme for the year and for a period of years to the Ministry and the Government in the manner provided for by the Institute's articles of association.

(5) Competent authorities and relevant institutions shall submit to the Institute all information on the state of nature collected in compliance with the present Act.

(6) Funds required by the Institute to carry on activities provided for by the present Act shall be ensured by the government budget and other sources in compliance with the law.

#### Article 227

(1) The Institute shall be managed by the administrative council.

(2) The chairperson and members of the administrative council shall be nominated and relieved by the Minister.

(3) The composition, terms of office of the chairperson and members of the administrative council, the scope of activities and the methods of work shall be laid down by the Institute's articles of association.

#### Article 228

(1) The Institute shall be directed by the Institute Director.

(2) The Institute Director shall represent and act on behalf of the Institute.

(3) The Institute Director shall have the rights and obligations provided by the law, the Institute's charter of foundation and articles of association.

(4) The Institute Director shall be appointed and relieved by the Government.

(5) Any person with a university degree and five years of professional experience, and fulfilling other conditions as laid down by the Institute's articles of association, may be appointed the Institute Director.

(6) The scope of activities, competences and responsibilities, including the procedure of appointing and relieving the Institute Director, shall be laid down by the Institute's charter of foundation and articles of association.

#### Article 229

(1) The expert activities of the Institute shall be conducted by the head of the Institute's expert activities, whose rights, duties and responsibilities, including conditions that must be fulfilled, shall be laid down by the Institute's charter of foundation and articles of association.

(2) Any person with a university degree and at least five years of professional experience, and fulfilling other conditions as laid down by the Institute's articles of association, may be appointed the head of expert activities of the Institute.

(3) The scope of activities, competences and responsibilities, including the procedure of appointing and relieving the head of expert activities of the Institute shall be laid down by the Institute's charter of foundation and articles of association.

#### Article 230

The control of the legality of operations and the control of expert activities of the Institute shall be exercised by the Ministry.

#### Article 231

(1) For the performance of expert work in the field of nature protection the counties and the City of Zagreb may establish nature protection institutes for their respective areas.

(2) The tasks of the institutes shall be defined by the charter of foundation and the articles of association.

(3) The provisions of Article 226, paragraphs 1 and 2 of the present Act shall apply correspondingly to nature protection institutes of the counties and the City of Zagreb also.

(4) Expert work in the field of nature protection shall also be performed by public institutions managing the protected areas and other protected natural values in compliance with the present Act, the charter of foundation and the articles of association.

## **VI. INVENTORYING AND MONITORING OF THE STATE OF THE NATURAL ENVIRONMENT**

#### Article 232

(1) The Ministry shall establish and carry out an inventory of all components of biological and landscape diversity (biological taxa, habitat types and landscape types), the mapping of threatened taxa and habitat types and their permanent and timely updating.

(2) Data relating to inventoring shall be submitted to the Ministry. The data shall be public, unless classified as secret for the purpose of the protection of wild taxa or habitats.

#### Article 233

(1) The Institute shall monitor and organise the monitoring of the state of nature conservation.

(2) The monitoring of the state of nature conservation shall include:

- monitoring and evaluation of the state of biological taxa, their habitats, habitat types, ecologically important areas, ecosystems, ecological network and landscape types;

- monitoring of the changes in geological values (e.g. landslides, subsidences, new springs and similar features) which implies the development of special geological maps as a basis for further study and monitoring;

- monitoring of the state of protected natural values.

(3) The data relating to monitoring the state of nature conservation shall be submitted to the Ministry. The data shall be public, unless classified as secret for the purpose of the protection of wild taxa or habitats.

#### Article 234

(1) The Republic of Croatia shall encourage and promote scientific research into the field of nature protection.

(2) For scientific research in protected areas, for the research of protected plant, fungus and animal species and for the research of protected minerals and fossils the permit of the Ministry must be obtained. The permit shall also lay down nature protection conditions. The permit shall be granted by a decision.

(3) A legal or natural person who has carried out research shall communicate the research results to the Ministry within thirty days from the completion of the research work.

### Article 235

(1) The Ministry shall establish and the Institute shall operate a nature protection information system as a part of an integrated system of the Ministry, in compliance with internationally accepted standards and obligations.

(2) The Institute shall collect, process and integrate data relating to the state of the natural environment, prepare reports and keep databases within the framework of the nature protection information system.

## **VII. ACCESS TO INFORMATION AND PUBLIC PARTICIPATION**

### ***1. Public Information***

#### Article 236

(1) The Ministry, the Institute, nature protection institutes of the counties and the City of Zagreb, offices of government bodies, competent bodies of local and district (regional) self-government units and public institutions managing protected natural values shall make public the information on the state and protection of nature, unless classified confidential by a special act or a document of a competent authority.

(2) The competent bodies and legal entities under paragraph 1 of the present Article shall keep records of data relating to the state and protection of nature, and in the event of any degradation of nature they shall immediately inform the public thereof and give instructions for the procedure aimed at nature protection and conservation. In the case of any immediate threat to nature and human health the public shall be informed about necessary measures and actions to be taken with the aim of preventing or mitigating the damage that might arise from such a threat.

(3) All information must be timely and true.

#### Article 237

(1) The Ministry, nature protection institutes of the counties and the City of Zagreb, offices of government bodies, competent bodies of local and district (regional) self-government units and public institutions managing protected natural values shall furnish to the mass media at their request the information relating to the state and protection of

nature and to the performance of protection activities, and provide access to the corresponding documents.

(2) As a rule, any information on the state and protection of nature must be furnished in writing.

(3) Reports on the state and protection of nature shall be submitted to the Parliament and the Government at the request of these bodies and in the manner provided for by the present Act.

(4) The county councils and the Zagreb City Council shall submit reports on the state and protection of nature to the Ministry every two years and at any other time as may be requested by this authority.

#### Article 238

Any person who considers that his or her request for information has been neglected or unjustly refused, either in full or partly, is entitled to a corresponding protection of his or her right by judicial or other competent bodies.

### ***2. Public Participation in Decision-making***

#### Article 239

(1) Public participation shall be ensured in the course of preparing regulations or documents on the designation of protected natural values, physical planning documents, protected area management plans and plans for the use of natural resources, including generally applicable and legally binding regulations and documents in the field of nature protection.

(2) In the course of procedures as referred to in paragraph 1 of the present Article the public shall be informed by a public notification or individually about any act or activity that might affect the state of the natural environment.

(3) Public information is compulsory in cases provided for by the present Act and regulations issued pursuant to it.

#### Article 240

(1) Professional and other associations (hereinafter referred to as: associations) have the right to participate in nature protection.

(2) For the results achieved in nature protection and for the results achieved in the encouragement and promotion of nature protection an association may receive awards and other acknowledgements.

#### Article 241

For the purpose of nature protection the associations may:

- require the competent bodies and other authorised legal entities to take adequate measures within their competence for the purpose of nature protection;
- institute corresponding proceedings with administrative and judicial bodies in the case that nature has been damaged or the importance of a natural value endangered or reduced in any other manner.

#### Article 242

(1) Members of associations that perform activities aimed at nature protection and possess an official membership card issued by the Ministry are entitled to:

- enter all protected areas on production of the official membership card ;
- warn any person who endangers or damages natural values of the illegality of his or her act and of the legal consequences and, if required, report the unauthorised activity in a natural area to the competent authority or the public institution managing the protected area;
- provide information on the protected natural value and authorised and unauthorised activities.

(2) The Ministry shall keep a register of associations performing activities aimed at nature protection and a register of association members who have received official membership cards.

(3) The conditions for entry into the register of associations under paragraph 2 of the present Article, conditions for the issuance of official membership cards, the method of issuance and the method of keeping a register shall be determined by the Minister in an ordinance.

### **3. Data Storing and Use**

#### Article 243

(1) Documents and data on the inventoring of all components of the biological and landscape diversity, including monitoring of the state of nature conservation and of protected natural values in particular, shall be kept in the Ministry.

(2) Documents and data under paragraph 1 of the present Article shall be collected by the Institute.

(3) The method of storing documents and data under paragraph 1 of the present Article shall be determined by the Minister in an ordinance.

#### Article 244

(1) Any person has the right to be given access to data available in the Ministry, at a specific time and under the control of an official of the Ministry, and to receive extracts, printouts or photocopies of the data.

(2) The Ministry may restrict access to documents and data to the extent that may be required by the interests of protecting natural values, internal security or the defence of the Republic of Croatia. For any restriction of the access to documents and provision of data the Ministry shall issue a decision.

(3) For the provision of extracts, printouts and photocopies of the documents kept in the Ministry the enquirer shall pay an administrative fee and cover the actual costs caused by the performance of specific tasks.

(4) The conditions and criteria for determining the amount of actual costs incurred by the use of data kept by the Ministry shall be laid down by the Minister in an ordinance.

(5) The funds raised by the collection of fees are the revenues of the government budget.

### **VIII. NATURE PROTECTION LABEL**

#### Article 245

(1) A nature protection label shall be used for the purpose of nature protection promotion and identification of officials involved in the procedure of control and taking nature protection measures.

(2) The appearance of the label and the procedure and conditions for wearing and use thereof shall be determined by the Minister in an ordinance.

## **IX. PROMOTION OF NATURE PROTECTION EDUCATION**

### **Article 246**

(1) The Republic of Croatia shall provide conditions for a harmonised education in the implementation of nature protection at all levels of the educational system.

(2) Nature protection education shall also be carried out within the system of museum activities.

(3) The Republic of Croatia shall take care of the necessary education of officials and employees of government bodies and public services so as to ensure the effective enforcement of nature protection regulations.

(4) The Ministry, the counties, the City of Zagreb, towns and municipalities, including legal entities with public powers shall encourage public education in the protection of nature and its conservation by means of mass media, lectures and publishing, and shall supply information on natural values that are to be visited for the purpose of education, touring and recreation.

(5) Public institutions managing protected areas shall carry out training of employees of administrative, technical and supervising services of the institution.

(6) The training method of employees of administrative, technical and supervising services shall be determined by the Minister in an ordinance.

### **Article 247**

(1) With the aim of promoting nature protection a Nature Protection Day shall be celebrated each year.

(2) The celebration of the Nature Protection Day shall include educational, recreational, professional and other activities that encourage and promote nature protection in an appropriate manner.

(3) The Nature Protection Day shall be celebrated each year on the 22<sup>nd</sup> May on the international biodiversity day.

## **X. ACKNOWLEDGEMENTS AND AWARDS FOR NATURE PROTECTION ACHIEVEMENTS**

### Article 248

(1) Acknowledgements and awards for achievements in the field of nature protection shall be given for:

- results achieved in encouraging and promoting nature protection;
- results achieved by nature protection projects and programmes;
- development of the nature protection education system within the educational process;
- personal contributions to the development and improvement of nature protection at the national and international level;
- contributions of expert institutions, including professional and other associations to the development and improvement of nature protection.

(2) Acknowledgement and awards shall be given by the Ministry.

(3) The kinds of acknowledgements and awards, their appearance and the procedure and methods of giving them shall be determined by the Minister in an ordinance.

## **IX. FINANCING OF NATURE PROTECTION**

### Article 249

(1) The funds necessary for the protection of natural values of international and national importance, including those natural values determined by the Ministry, funds for financial and other incentives provided for by the present Act, funds for compensation due to damage caused by protected animals, for exercising the pre-emption right of the Republic of Croatia, for indemnification of owners and trustees of property on account of restrictions imposed on them in protected natural values of international and national importance and for other purposes as provided for by the present Act, shall be provided by the government budget.

(2) The funds necessary for the protection of natural values designated protected by a county or the City of Zagreb, for financial and other incentives provided for by the present Act, for exercising the pre-emption right and for indemnification of owners and trustees of property for restrictions imposed on them in protected natural values,

shall be ensured by the budgets of the counties, the City of Zagreb, towns and municipalities.

(3) The resource base for nature protection funding shall also be secured by use of natural resources and protected natural values, unless stated otherwise by the present Act or a special law, by charges collected by concession licences and from other sources provided for by the law or regulations issued pursuant to it.

## **XII. OVERSIGHT**

### ***1. Administrative Oversight***

#### Article 250

(1) Administrative oversight over the enforcement of the provisions of the present Act and regulations issued pursuant to it shall be exercised by the Ministry.

(2) Administrative oversight over the enforcement of the present Act in the section relating to genetically modified organisms shall be exercised by the Ministry, the ministry responsible for health, the ministry responsible for agriculture and forestry and the ministry responsible for science and technology, each within its respective scope of activities.

### ***2. Immediate Oversight in Protected Areas***

#### *2.1.1. Chief Inspector and Inspectors*

#### Article 251

(1) The immediate oversight in protected areas shall be carried out by a chief overseer and overseers of the public institution managing the protected area.

(2) An overseer shall be nominated by the administrative council of the public institution managing the protected area and a chief overseer by the administrative council with the consent of the Minister.

(3) Any person with a two-year tertiary education or university qualification, three years of experience and the state examination certificate may be nominated a chief overseer, and as an overseer any person with at least a secondary school qualification, one year of experience and the state examination certificate.

(4) The chief overseer and the overseer must prove their identity by an official identity card.

(5) When on duty the chief overseer and the overseer shall wear a uniform, a nature protection label and the label of the protected area overseen by them, as well as small fire-arms.

(6) The conditions and the manner of using and safekeeping fire-arms carried by the chief overseer and overseer when exercising oversight shall be laid down by the Government's regulation.

(7) The contents of the state examination for a chief overseer and an overseer, the method of taking the examination, the content, the form and the way of issuing official identity cards and the appearance of the uniform shall be determined by the Minister in an ordinance.

#### Article 252

(1) Should the chief overseer or an overseer, while exercising oversight in the protected area, find a person performing activities for which liability is determined by the provisions of Articles 274, 275, 276 and 277 of this Act, the chief overseer and the overseer have the right and obligation:

- to demand presentation of the identity card or any other document for the purpose of identifying the person in question;
- to inspect luggage or a vehicle or vessel;
- to restrict temporarily the movement of such persons over a specific area;
- to issue a document of the offence against the person accused in order to collect any fine, penalty, damages or costs incurred by the offender;
- to collect a fine, compensation for damage and costs caused by the offender without a document of the offence and issue a receipt for the fine collected;
- to dispossess the person temporarily of any part of living or non-living nature unlawfully seized that belongs to the protected area, and of any means used to carry out the unlawful seizure;
- to require restoration of the original conditions or order measures for prevention and elimination of harmful effects;
- to impose an administrative measure;
- to institute an offence procedure or file criminal charges.

(2) By a misdemeanour order under paragraph 1, fourth subparagraph of this Article a penalty to the minimum amount fixed for this offence may be charged or a protective measure ordered, and a fine under paragraph 1, fifth subparagraph of this Article to an amount

not exceeding 500.00 Kunas may be imposed on natural persons and up to 10,000.00 Kunas on legal entities.

(3) The funds raised as mentioned in paragraph 1, fifth subparagraph of this Article represent the revenue of the public institution.

(4) The chief overseer and the overseer may also perform the activities of nature guards (rangers) pursuant to the decision of the administrative council of the public institution.

(5) The supervision procedure and work methods of the chief overseer and the overseer shall be determined by the Minister in an ordinance.

### Article 253

(1) Misdemeanour procedures of first instance based on a notification of the offence submitted by the chief inspector and the inspector with respect to misdemeanours determined by Articles 274, 275, 276 and 277 of the present Act shall be conducted and the decision on the offence taken by the official of the Ministry authorised by the Minister.

(2) Appeals against decisions of the official under paragraph 1 of this Article taken for the purpose of preparing and conducting a procedure and requests for re-opening a case shall be considered at the second instance by a council consisting of three members authorised by the Minister.

(3) To misdemeanour procedures conducted in accordance with paragraph 1 of the present Article the provisions of Articles 278 and 279 of this Act shall apply.

### *2.2. Nature Guards (Rangers)*

(1) The immediate protection and activities of safeguarding and promoting the protected areas shall also be performed by nature guards (rangers), especially in relation to:

- planning, organising and conducting instructive walks through the protected area;
- ecological education of the protected area's visitors and the local population;
- taking care of the safety of visitors and undertaking rescue operations;

- observing and monitoring the state of plant, fungus and animal species, including other values of the protected area;
- co-operation with the managers of research and other authorised projects in the protected area;
- co-operation with owners and trustees of real estate property in the protected area with a view to nature protection;
- supervision of the performance of authorised activities and actions in the protected area;
- taking care of the maintenance of infrastructure facilities in the protected area, and
- conducting inspection activities under special authorisation.

(2) The nature guards (rangers) shall conduct inspection activities as determined by Article 252, paragraph 1 of the present Act, if authorised for such activities by the administrative council and if they have passed the state examination for inspectors within a year after the authorisation has been granted.

(3) The organisation of the nature guard service (ranger service), the methods of work and conditions for execution of such works shall be determined by a Government regulation.

### *3. Inspection Oversight*

#### Article 255

(1) The inspection oversight of the enforcement of the present Act and other regulations issued pursuant to it shall be carried out by the nature protection inspectorate of the Ministry.

(2) The inspection oversight shall be carried out by the senior nature protection inspector and nature protection inspectors.

(3) Inspection oversight may also be exercised by other officials of the Ministry by virtue of a special authorisation granted by the Minister.

(4) When exercising inspection oversight the senior nature protection inspector and nature protection inspectors shall prove their official status, identity and powers by the official card and badge.

(5) The contents, form and method of issuing official cards shall be determined by the Minister in an ordinance.

(6) The inspection oversight of the enforcement of the present Act shall be carried out by nature protection inspectors, sanitary inspectors, veterinary inspectors, agricultural inspectors, plant protection inspectors, water management inspectors, forestry and hunting

inspectors and inspectors of the State Inspectorate, each within the scope of his competences and in compliance with the present Act and special regulations.

(7) Inspection oversight of protected areas and protected natural values shall be exercised by officials of the Interior Inspectorate of the Ministry of Interior.

#### Article 256

(1) Any person with a university degree in the field of natural sciences and at least ten years of experience in the same field, three years of experience in the tasks of nature protection inspection and the state examination certificate of a nature protection inspector may be nominated as a senior nature protection inspector.

(2) Any person with a university degree in the field of natural sciences and at least four years of experience in the same field and the state examination certificate of a nature protection inspector may be nominated as a nature protection inspector.

(3) Besides the requirements under paragraphs 1 and 2 of this Article the senior nature protection inspector and the nature protection inspector must fulfil conditions as laid down by regulations governing the status, rights and obligations of civil servants.

#### Article 257

(1) The senior nature protection inspector and the nature protection inspector (hereinafter referred to as: the Inspector) shall keep records of inspections carried out and other activities, including information on the execution of inspection oversight.

(2) The contents and the method of record keeping under paragraph 1 of the present Article shall be prescribed by the Minister in an ordinance.

#### Article 258

(1) Should the Inspector discover or learn about any violation of regulations whose enforcement he or she is authorised to supervise, he or she is bound to carry out the inspection procedure and take appropriate measures as laid down by the present Act.

(2) No appeal is permitted against the Inspector's ruling and decision to terminate a procedure or impose an administrative measure, but administrative litigation may be initiated.

(3) An appeal against a ruling or a decision shall not postpone the execution thereof.

(4) The Inspector shall inform the notifier of all the facts established during the inspection control or measures taken.

(5) The Inspector's information under paragraph 4 of the present Article shall not be considered an administrative document.

(6) Should the Inspector find no violation of the regulations whose enforcement he or she is authorised to supervise, he or she shall make the decision to terminate the inspection procedure.

#### Article 259

When exercising inspection control the Inspector shall be entitled to demand presentation of personal data, to inspect premises and facilities of business, residential and other buildings, means of labour, tools, vehicles and other transportation means, business documents and papers that may prove the identity of persons, including natural values subject to the inspection control.

#### Article 260

(1) When exercising an inspection investigation the Inspector shall have the right and obligation to examine the protected natural value and other natural values that enjoy protection pursuant to the present Act, corresponding documents, business papers and equipment, and conduct a hearing of individual persons in the course of the administrative procedure.

(2) The person subject to investigation shall provide conditions for the Inspector to exercise supervision, enable inspection of work premises, allow access to all data and documents required for making the investigation and furnish information on the measures taken to remedy any defects stated.

#### Article 261

When exercising supervision of protected natural values and other parts of nature as determined by the present Act the Inspector shall examine:

- the qualitative state of the natural environment:
  - the exploitation and use of protected natural values and other parts of nature;
  - the fulfilment and implementation of nature protection conditions and measures, as well as other documents issued pursuant to the present Act;
  - the implementation of compensation measures;
  - the implementation of physical plans and natural resources management plans as far as relates to nature protection measures and conditions;
  - implementation of the management plan and programme for the protection, maintenance, promotion and use of a protected natural value;
  - activities likely to cause changes and damage to a protected natural value or another part of nature;
  - implementation of the immediate protection, conservation and use of protected natural values;
  - implementation of measures for the protection of protected plant, fungus and animal taxa and other protected natural values;
  - the export, import and transit of plants, fungi and animals, if restricted or prohibited under the present Act or regulations issued pursuant to it;
  - introduction and reintroduction of wild taxa into nature;
  - cross-border movement, transit, contained use, deliberate release into the environment and placing on the market of GMOs and products;
  - management of waste containing GMOs;
  - public information on the state of the natural environment, and
  - fulfilment of other conditions and implementation of other measures for the protection of biological and landscape diversity as laid down by the present Act and regulations issued pursuant to it.

(1) When carrying out inspection oversight the Inspector shall have the right and obligation to order the persons supervised to eliminate defects and irregularities in handling protected plant, fungus and animal taxa or another protected natural value.

(2) When carrying out inspection control the Inspector shall have the right and obligation to order the persons supervised to suspend any further works, activities and actions in contravention of the present Act and regulations issued pursuant to it, to require them to restore the previous state and order measures for the prevention and elimination of harmful effects.

(3) In cases as referred to in paragraph 2 of the present Article the Inspector may also direct urgent measures for the protection or reduction of damage caused by execution of works, activities and actions or prevention of any further damage.

#### Article 263

(1) When carrying out inspection investigations the Inspector shall have the right and obligation to seize temporarily from the persons investigated:

- items used to commit a criminal offence or any offence determined by this Act, regulations issued in pursuance of the present Act or other regulations, and
- any movable protected natural value and to direct the same to be stored or safeguarded.

(2) For items and natural values seized the Inspector shall make out a receipt and submit a request to institute proceedings for the offence or criminal act.

(3) The decision on permanent seizure of a natural value shall be taken by the court of jurisdiction.

(4) Any movable natural value acquired by an unlawful act that is liable to spoil or cannot be adequately disposed of or whose keeping would cause disproportionate costs shall either be sold, if the sale thereof is permitted by the present Act and then the funds raised shall be the revenue of the government budget, or treated in the manner most appropriate for its conservation and protection.

(5) By way of derogation of paragraph 4 of this Article the natural value seized may be handed over to a charitable or other organisation against a receipt note, but not for the purpose of trading.

### Article 264

(1) When carrying out an inspection investigation, the Inspector shall have the right and obligation to forbid by a decision any persons investigated who have not been granted authorization by the Ministry or given any other consent:

- to pick protected plants, fungi and the parts thereof;
- to disperse, catch, keep, kill or stuff protected animals and their development forms;
- to remove nests or litters of protected wild taxa;
- to introduce or reintroduce wild taxa into nature;
- to trade in protected natural values;
- to trade in specimens of plant, fungus or animal taxa protected pursuant to international treaties to which the Republic of Croatia is a party;
- to trade in real estate property within protected natural values;
- to import, export or carry in transit protected natural values;
- to perform any cross-border movement, transit, contained use, deliberate release into the environment or placing on the market of GMOs and products;
- to perform any submarine activities in protected areas;
- ???execution of nature protection tasks as prescribed, and
- studies in protected areas and/or studies of individual protected taxa.???

(2) The Inspector may order urgent measures for the protection of human life and reduction of the damage caused by execution of non-permitted activities, actions or works.

(3) The Inspector shall be authorised to prohibit the damaging or destroying of habitats of protected wild taxa, including other actions and activities contravening the provisions of the present Act and regulations issued pursuant to it.

### Article 265

(1) Should the Inspector, when exercising inspection control, discover that an offence as determined by the present Act has been committed, he may issue a document of the offence in accordance with a special law or take steps necessary for initiation of offence proceedings.

(2) The document of the offence under paragraph 1 of the present Article may be issued by the Inspector for an offence committed for the first time and if the Inspector has estimated by immediate observation

that, given all the relevant circumstances, the penalty to the smallest amount imposed is adequate to the offence.

(3) The ruling of the document of the offence shall contain the instruction that a fine, a penalty, damages or costs are to be paid within eight days or that in cases laid down by a special law they may be paid immediately on the site where the offence has been committed or the control exercised.

#### Article 266

(1) When conditions for the issue of a document of the offence are fulfilled, the Inspector may collect the fine, the penalty, the damages or the costs from the offender immediately, without a document of the offence, but against a receipt.

(2) At the scene of the offence or the inspection control the amount of a fine or a penalty together with the possible damages and costs shall be collected in full.

(3) Should the offender refuse to pay the fine, penalty, damages or costs at the scene of the offence or inspection control, he shall receive a document of the offence with the instruction that the payment may be effected within eight days from the day of committing the offence.

#### Article 267

Should the Inspector find a violation of a statutory or regulatory provision whose enforcement is supervised by another inspectorate or another government body, he or she shall immediately notify the competent inspectorate or the competent body thereof.

#### Article 268

(1) The person subject to a ruling shall inform the Inspector about the measures taken to perform the actions directed by the ruling within eight days from the expiry of the time limit for the fulfilment of the obligation.

(2) Should the person subject to a ruling fail to act in accordance with the Inspector's ruling, the ruling shall be complied with by another person at the expense of the person liable for the fulfilment of the obligation. The costs of another person's complying with the Inspector's

ruling shall be covered by the government budget until recovered from the person liable for the fulfilment of the obligation.

#### Article 269

For the purposes of preventing the occurrence of imminent damage to a protected natural value or to biological and landscape diversity, or of directing emergency protection measures, or of eliminating an immediate risk to human life, health or property, a ruling may also be made orally in the course of inspection. The oral ruling shall be entered into the protocol, with the remark that the same will be submitted in writing within eight days.

#### Article 270

(1) An Inspector shall independently conduct the procedure, perform activities and take measures for which he is authorised.

(2) No person shall be permitted to prevent or obstruct an Inspector in exercising control and taking measures and actions for which he is authorised by using his or her official status or in any other way whatsoever.

(3) Should an Inspector in exercising control and taking measures and actions for which he is authorised encounter forced resistance or a threat that force will be directly used, or should such a resistance be reasonably expected, the Inspector may ask for help from officers of the competent police department.

#### Article 271

(1) The Inspector shall be held responsible for:

- failing to take or determine measures or actions which he is obliged to take or determine pursuant to the present Act or another regulation;
- exceeding his authorities as determined by the present Act or another regulation, and
- failing to submit an application or a report or to inform the competent authorities about irregularities and defects established in compliance with the present Act and a special regulation.

(2) The termination of an Inspector's office and the suspension of an Inspector from his duty shall be governed by the regulations on civil servants.

### **XIII. PENALTY CLAUSES**

#### Article 272

(1) A fine to the amount of 500,000.00 to 1,000,000.00 Kunas shall be imposed for an offence committed by any legal or natural person who:

- performs any activity or action that might cause the destruction or other considerable or permanent damage to an ecologically important area (Article 55);
- performs any activity or action that might cause the destruction or other considerable or permanent damage to an international ecologically important area (Article 56, paragraph 5);
- exterminates a native wild taxon (Article 57, paragraph 2);
- deliberately releases a GMO into the environment without permit or in contravention of the conditions laid down (Article 113), or
- deliberately releases a GMO into any protected area, area of ecological network or impact buffer zone (Article 114).

(2) A fine to the amount of 20,000.00 to 70,000.00 kunas shall be imposed for an offence under paragraph 3 of the present Article on any responsible person of a legal entity.

#### Article 273

(1) A fine to the amount of HRK 100,000.00 to 500,000.00 shall be imposed for an offence committed by any legal or natural person who:

- performs an activity without assessment of its acceptability to nature (Article 19);
- introduces a wild taxon into nature in the area of the Republic of Croatia, including habitats naturally inhabited by that taxon, in contravention of the provisions of the present Act and the enforcement regulation (Article 64);
- reintroduces extinct wild taxa into nature in the area of the Republic of Croatia without the permit of the Ministry and in

contravention of the conditions laid down by the present Act and the enforcement regulation (Article 66);

- carries out a contained use of GMOs in contravention of the control and other safety measures prescribed and in contravention of the prescribed criteria relating to the level of hazard (Article 101);

- uses a closed system without notifying the Ministry or entering into the register of GMOs (Article 102);

- fails to classify the contained use of GMOs in the appropriate group according to the level of hazard (Article 103);

- fails to draw up an emergency response plan (Article 104, paragraph 1);

- fails to furnish information about the emergency response plan to the Ministry and any other competent authority or to make the same information available to the public (Article 104, paragraphs 2 and 3);

- uses a GMO classified under the 1<sup>st</sup> level of hazard without evidence of entry in the register of GMOs (Article 107, paragraph 1);

- fails to submit a risk assessment to the Ministry at its request (Article 107, paragraph 2);

- carries out a contained use of a GMO classified under the 2<sup>nd</sup> level of hazard without notifying the Ministry and in contravention of the conditions laid down (Article 108);

- carries out a contained use of a GMO classified under the 3<sup>rd</sup> and 4<sup>th</sup> level of hazard without the permit of the Ministry or in contravention of the conditions laid down in the permit (Article 109);

- fails to comply with the requirements of the Ministry (Articles 110 and 111);

- in the case of an accident fails to follow the emergency response plan drawn up for the case of an accident or fails to inform the Ministry thereof (Article 112);

- fails to prepare a risk assessment and draw up an emergency response plan for the case of an uncontrolled spread of GMOs (Articles 115 and 116);

- fails to notify the Ministry of changes and to comply with the Ministry's request relating to modification of the conditions for a release of GMOs into the environment (Article 121);

- fails to submit a report to the Ministry concerning the results of a deliberate release of GMOs into the environment in due time (Article 122, paragraph 1);
- in the case of an unplanned spread of a GMO into the environment fails to proceed in line with the emergency response plan and to notify the Ministry about the event (Article 123, paragraph 1);
- places a GMO on the market without a permit or in contravention of the permit (Articles 124 and 129, paragraph 6);
- fails to inform the competent authorities about the risks of GMO products or to submit a new application (Article 132);
- places a GMO on the market without necessary documents or identification as prescribed (Article 133 and 134);
- in the handling, packing, transport or transit of GMOs fails to follow the regulations about the transport of hazardous substances (Article 135);
- imports GMOs without a permit or in an unpermitted manner (Article 136);
- performs the activities of an authorised laboratory without permission of the Ministry or in contravention of the work method permitted (Article 138, paragraph 3);
- fails to dispose of and destroy wastes containing GMOs permanently and harmlessly in the manner prescribed (Article 140);
- fails to pay compensation for any damage caused by unpermitted cross-border movement, transit, use, deliberate release into the environment or placing on the market of GMOs or products containing GMOs (Article 141).

(2) A fine to the amount of 15,000.00 to 50,000.00 Kunas shall also be imposed for an offence under paragraph 1 of this Article on any responsible person of a legal entity.

#### Article 274

(1) A fine to the amount of HRK 25,000.00 to 200,000.00 shall be imposed for an offence committed by any legal or natural person who:

- organises traffic of motor vehicles outside built-up areas, all types of roads, country roads, arranged footpaths and testing ranges (Article 10);
- places pesticides and fertilisers on the market or uses the same in an unpermitted manner (Article 12);
- utilises natural resources in an unpermitted manner and with detrimental effects (Article 13);
- adopts plans without obtaining the nature protection conditions or consents required (Articles 14 and 15);
- adopts a natural resources management plan without the consent of the Ministry (Article 16);
- upon completion of an activity fails to restore or bring the state of the natural environment as close to the condition prior to the activity as possible (Article 18, paragraph 2);
- fails to comply with the compensation requirement as determined (Articles 21 and 23);
- constructs a building or executes works and activities in a protected area, or constructs other buildings as may be determined without obtaining nature protection conditions or a certificate confirming that the master project or corresponding documents have been prepared in compliance with nature protection conditions, or executes works in contravention of the conditions specified (Article 22);
- as the person performing an activity or the user of natural resources fails to immediately eliminate negative impacts (Article 24);
- utilises mineral resources in a manner that cannot ensure conservation of landscape values of the space and fails to take remediation measures, or adopts a project of remediation without consent of the Ministry (Article 28);
- uses and manages forests in contravention of sustainable development principles and principles of forest certification (Article 30, paragraphs 2 and 3);
- carries out afforestation in places where not justified and in a manner posing a threat to threatened non-forest and rare habitat types (Article 31);
- uses chemical pesticides in forests without permission (Article 32);

- fails to ensure a permanent percentage of mature, old and dead trees in accordance with nature protection conditions (Article 33, paragraph 1);
- fails to leave uncleared surfaces as determined by the forest management plan or nature protection conditions (Article 33, paragraph 3);
- fails to manage in a manner that ensures the highest possible conservation of forest clearings and forest edges (Article 33, paragraph 4);
- fails to manage in a manner that ensures the extension of the felling maturity of native types of trees (Article 33, paragraph 5);
- fails to obtain a permit of the Ministry for proper use, arrangement, research, diving, shooting films and other actions and activities affecting the essential features, conditions and natural flora and fauna of a speleological space or the ground surface above the same as determined (Article 36, paragraph 2);
- uses speleological spaces for the purpose of visiting and touring without or contrary to the programme of the Ministry (Article 38);
- endangers or damages a speleological space or prevents the use thereof in any other manner (Article 39, paragraph 1);
- builds barriers in watercourses or performs reclamation or filling up of springs, ponds, etc. thus endangering natural values and biological diversity (Article 41, paragraph 1);
- constructs buildings or makes economic use of natural resources in contravention of the conditions laid down (Article 42);
- fails to provide equipment for reception of oily, bilge or polluted waters discharged from ships in ports open for international navigation (Article 44, paragraph 1);
- discharges polluted or faecal waste waters from vessels in the water of protected parts of nature (Article 44, paragraph 2);
- places on the market or uses unpermitted antivegetative, self-polishing organostannic polymeric coatings (Article 46);
- manages grassland in an unpermitted manner (Article 48);
- fails to conserve peripheral parts of arable land as habitats (Article 49);

- fails to implement the measures prescribed for conservation of a favourable conservation status of habitat types (Article 53);
- fails to implement adequate compensation and other measures provided for a permitted activity (Article 55);
- reduces the population of wild taxa, destroys their habitats or modifies their living conditions to an extent that poses a threat to a taxon (Article 57, paragraph 3);
- deliberately damages or destroys habitats of wild taxa (Article 58, paragraph 1, subparagraph 3);
- fails to apply prescribed ways, methods and technical means that cause the least disturbance to wild taxa or habitats of their populations (Article 59, paragraph 1);
- fails to construct a public road or any other road or any building in such a manner as to ensure the safe crossing of wild animals (Article 60, paragraph 1);
- fails to implement the prescribed protection measures or apply the method of maintaining crossings for wild animals (Article 60, paragraph 3);
- places medium-voltage towers and technical components in an unpermitted manner (Article 61);
- collects plants, fungi or parts thereof or catches or kills animals for the purpose of processing, trading or other operations without obtaining the permit of the Ministry and other conditions laid down (Article 62);
- carries out research works without the permit of the competent authority and/or fails to submit research results to the competent authority (Article 63);
- performs export, import and transit of plants, fungi or animals protected pursuant to the present Act or international treaties to which the Republic of Croatia is a party, or of their parts or products derived thereof without a permit and in contravention of the conditions laid down by the Act and the enforcement regulation (Articles 67, 68 and 69);
- is involved in trading in contravention of the conditions laid down (Article 74);
- trades in strictly protected plants or fungi (Article 79, paragraph 2);

- deliberately catches, keeps or kills strictly protected animals, damages or destroys their development forms, nests or litters, including breeding or resting sites, disturbs them deliberately at the time of propagation, raising of the young or hibernation, or deliberately destroys or takes eggs from nature or keeps empty eggs (Article 79, paragraph 3, subparagraphs 1, 2, 3 and 4);
- hides, keeps, breeds, trades in, seizes or in any other way acquires protected plants, fungi and animals, or stuffs strictly protected animals (Article 79, paragraph 3, subparagraph 5);
- acts in contravention of the regulation relating to wild plants, fungi and animals living in a strict reserve, a national park and a special reserve, including underground animals (Article 79, paragraph 4);
- keeps protected wild taxa in captivity, breeds, sells or buys the same in contravention of conditions prescribed (Article 81);
- exports or imports strictly protected plants, fungi or animals without the permit of the Ministry (Article 82);
- uses protected wild taxa in contravention of the conditions prescribed (Article 85);
- uses non-selective means of catching and killing protected animals, including means that may cause the local disappearance or serious disturbance to the population of species (Article 86);
- fails to protect indigenous domesticated taxa in the manner laid down (Article 88);
- uses or takes from nature gene material thus endangering the ecosystem and the population of species (Article 89, paragraphs 2, 3 and 4);
- manages a gene bank without authorisation (Article 91, paragraph 3);
- destroys minerals or fossils without justified reason (Article 142, paragraph 4);
- takes from nature minerals or fossils that are designated protected natural values or that may be found in a protected discovery site (Article 144, paragraph 1);
- places minerals and fossils on the market without a permit (Article 147, paragraph 3);

- exports minerals or fossils designated protected natural values (Article 149, paragraph 2);
- performs activities not permitted in a strict reserve (Article 151);
- performs unpermitted economic utilisation of natural resources and other unpermitted activities in a national park (Article 152);
- performs unpermitted activities and actions that might degrade the features for which a special reserve has been designated (Article 153, paragraph 3);
- performs activities that endanger the essential features and roles of a nature park or performs economic operations or uses natural resources without obtaining nature protection conditions (Article 154);
- performs activities that endanger essential features and roles of a regional park or performs economic operations or uses natural resources without obtaining nature protection conditions (Article 155, paragraph 2);
- performs such activities on a natural monument or in the contact zone thereof as endanger its essential features and values (Article 156, paragraph 3);
- performs activities or actions that degrade the features for which a landscape has been declared important (Article 157, paragraph 2);
- performs actions or activities whose purpose is not the conservation or arrangement of a forest park (Article 158, paragraph 2);
- performs activities or actions that modify or degrade values for which a monument of park architecture has been protected (Article 159, paragraph 2);
- performs activities or actions on a protected natural value without obtaining a permit (Article 185);
- fails to offer real estate property for sale in accordance with the pre-emption right in the manner determined by the Act (Article 192, paragraphs 1 and 2);
- sells real estate property situated in a protected natural value to another person at a price lower than the price quoted in the offer based on the pre-emption right (Article 192, paragraph 4);

- fails to obtain the permit of the body competent for acquisition of the ownership right in a protected natural value (Article 194, paragraph 3);

- fails to comply with nature protection conditions and measures laid down by the concession decision or agreement (Article 209, paragraph 1, subparagraph 5, and Article 210, paragraph 2, subparagraph 2);

- fails to take all previous measures and steps necessary to prevent any changes and damages that have occurred (Article 215, paragraph 1).

(2) In the event of an offence under paragraph 1 of the present Article being committed by a legal a fine to the amount of HRK 7,000.00 to 30,000.00 shall also be imposed on any responsible person of the legal entity.

#### Article 275

(1) A fine to the amount of HRK 15,000.00 to 25,000.00 shall be imposed for an offence committed by any legal or natural person who:

- does not allow visiting and touring of a nature component (Article 9);

- fails to report the discovery of a speleological space or a part thereof within the time limit prescribed (Article 35, paragraph 5);

- damages, destroys or takes away any cave ornaments or the underground animate world of a speleological space (Article 36, paragraph 1);

- sails a vessel into the waters of protected nature parts which contains no special tanks for the receipt of polluted or faecal waste waters (Article 44, paragraph 3);

- deliberately catches, injures or kills wild animals (Article 58, paragraph 1, subparagraph 1);

- deliberately removes wild plants or fungi from their habitats or reduces or destroys their populations (Article 58, paragraph 1, subparagraph 2);

- holds animals of wild taxa captive under inadequate conditions or without appropriate care or in contravention of the conditions prescribed (Article 70, paragraph 1);

- displays animals of native or non-native wild taxa in zoological gardens, aquariums, terrariums or similar spaces without the permit of the Ministry (Article 71, paragraph 1);
- breeds native or non-native wild taxa without the permit or consent of the Ministry (Article 72, paragraphs 1 and 2);
- fails to mark bred animals in the prescribed manner (Article 73, paragraph 1);
- fails to prevent a bred animal from escaping into nature and causing damage (Article 73, paragraph 2);
- deliberately picks, collects, cuts or uproots strictly protected plants or fungi growing in the wild (Article 79, paragraph 1);
- keeps strictly protected plants or fungi (Article 79, paragraph 2);
- studies strictly protected taxa without the permit of the Ministry (Article 83, paragraph 1);
- carries out activities in a discovery site that might lead to the destruction or damage of mineral or fossil finds (Article 145, paragraph 4);
- fails to obtain a permit for the research of mineral and fossil discovery sites (Article 146, paragraph 1);
- uses machinery or other unpermitted means for taking minerals and fossils (Article 148, paragraph 1);
- fails to implement protection measures determined by the present Act while a natural value is under a temporary protection (Article 169);
- fails to act in compliance with the protected area management plan (Article 181, paragraph 4, and Article 182);
- organises visiting and touring of a protected natural value in contravention of a prohibition or restrictions (Article 186);
- does not allow access to a protected natural value in accordance with the conditions prescribed (Article 187, paragraph 1);
- fails to sign a contract on the protection of a natural value or fails to sign a contract on guardianship over a natural value in accordance with the conditions prescribed (Article 189 and Article 190);

- fails to submit information relating to the state and protection of nature (Article 233, paragraph 3);
- carries out scientific research without the permit of the Ministry (Article 234), and
- fails to inform the public of the state of nature protection in cases determined by this Act (Article 3219).

(2) In the case of an offence under paragraph 1 of the present Article committed by a legal person fine to the amount of HRK 5,000.00 to 20,000.00 shall also be imposed on the responsible person of the legal entity.

#### Article 276

(1) A fine to the amount of 7,000.00 to 15,000.00 Kunas shall be imposed for an offence committed by any legal or natural person who:

- fails to eliminate the effects of the intentional or unintentional discharge of polluted or faecal wastewaters in the manner prescribed (Article 44, paragraph 4);
- collects plants, fungi or parts thereof, or catches or kills animals for the purpose of processing, trading and other operations without the consent of the owner or the trustee (Article 62, paragraph 2);
- collects plants, fungi or parts thereof, or catches or kills animals for the purpose of scientific and research work or for taking the same out of the Republic of Croatia, without the permit of the Ministry (Article 63, paragraph 4);
- fails to declare the import or export of an animal, a plant or a fungus to the competent customs authorities (Article 68);
- fails to inform the Ministry in due time of the acquisition of ownership over protected animals (Article 70, paragraph 2);
- fails to issue a certificate of an animal's origin to the new owner (Article 74, paragraph 5);
- fails to report to the Ministry dead, sick or injured members of strictly protected wild taxa (Article 81, paragraph 4);
- fails to furnish to the Ministry within the time limit determined the information relating to the results of research into strictly protected

taxa with respect to the assessment of threat found during research, including a proposal for protection measures (Article 83, paragraph 2);

- fails to protect and safeguard minerals and fossils in the manner prescribed (Article 143, paragraph 2);

- fails to report to the Ministry within the time limit determined the discovery of a mineral or fossil or fails to take necessary measures for their protection against destruction, damage or theft (Article 145, paragraph 1);

- fails to enable the study of a mineral or a fossil discovery site in compliance with the decision of the Ministry (Article 145, paragraph 5);

- carries out a study of minerals or fossils without additional authorisation (Article 145, paragraph 7);

- fails to apply for a permit to carry out studies of a mineral or fossil discovery site within the time limit set (Article 146, paragraph 1);

- continues with studies despite a prohibition or the permit granted??? (Article 146, paragraph 2);

- fails to submit a report on studies carried out within the time limit set (Article 146, paragraph 3);

- takes from nature minerals or fossils for the purpose of study, education or display without the permit of the Ministry, or takes from nature minerals or fossils for purposes not determined by the present Act (Article 147, paragraph 2);

- takes minerals or fossils from nature for the purpose of placing them on the market without the permit of the Ministry (Article 147, paragraph 3);

- does not possess any evidence of the origin of a mineral or fossil, or of the permit for taking the same from nature (Article 147, paragraph 4);

- fails to keep records of placing minerals or fossils on the market in the manner prescribed (Article 147, paragraphs 5 and 6);

- exports minerals and fossils without the permit of the Ministry (Article 149, paragraph 1);

- studies or visits a strict reserve without the permit of the Ministry (Article 151, paragraph 2);

- fails to submit the results of research to the Ministry (Article 234), or

- uses the nature protection label contrary to the manner prescribed (Article 245, paragraph 2).

(2) In the case of an offence under paragraph 1 of the present Article committed by a legal person fine to the amount of HRK 3,000.00 to 7,000.00 shall also be imposed on the responsible person of the legal entity.

#### Article 277

A fine to the amount of 1,000.00 Kunas shall be imposed on a natural person who:

- drives or parks a motor vehicle outside a built-up area, all types of roads, country roads and footpaths arranged for driving (Article 10), or

- fails to submit to the buyer the certificate of origin of a mineral or fossil or the permit for taking the same from nature (Article 147, paragraph 4).

### ***Competence and Authorisation for Decisions on Misdemeanour***

#### Article 278

(1) Misdemeanour proceedings of first instance determined by the present Act come within the competence of the Ministry.

(2) Misdemeanour proceedings of the first instance shall be conducted and the ruling about the offence shall be made by an official of the Ministry appointed by the Minister (hereinafter referred to as: the head of offence proceedings).

(3) Decisions in the case of an appeal against the decisions of the official under paragraph 2 of the present Article made for the purpose of preparing and conducting proceedings and decisions on a request for re-opening offence proceedings shall be taken by a council consisting of three members.

(4) The chairman and members of the council under paragraph 3 of the present Article shall be appointed by the Minister from among the officials of the Ministry.

(5) Only an official of the Ministry who is a graduate in law with the bar certificate examination and at least five years of professional experience may be nominated as the head of the misdemeanour proceedings or the chairman of the council under paragraph 3 of this Article.

(6) The council under paragraph 3 of the present Article shall take decisions by a majority vote of all members.

(7) Misdemeanour proceedings for offences determined by this Act shall be conducted in accordance with the special law, unless stated otherwise by this Act.

### ***Statute of Limitations of a Prosecution for Misdemeanour and of Penalisation***

#### Article 279

(1) Misdemeanour proceedings for offences determined by this Act may not be instituted after the expiry of three years after the offence has been committed.

(2) Penalties imposed for offences as determined by the present Act may not be executed if three years have expired since the offence ruling became legally valid.

## **XIV. TRANSITIONAL AND FINAL PROVISIONS**

#### Article 280

(1) Protected natural values that were protected prior to the effective date of the present Act shall remain under protection and the owners and the trustees of these protected natural values shall have the rights and obligations determined by this Act.

(2) For the decisions on temporary protection taken prior to the effective date of the present Act the time limit referred to in Article 169, paragraph 1 shall run from the day of coming into force of the present Act.

(3) Within two years from the coming into force of the present Act the entry of protected natural values into the Register shall be brought in line with the provisions of the present Act.

### Article 281

(1) Physical planning documents in force shall be brought in line with the provisions of this Act within five years from the effective date of this Act.

(2) Until physical planning documents have laid down nature protection conditions for the construction of buildings and execution of other works and activities under Article 22, paragraphs 1 and 2 of the present Act, nature protection conditions shall be issued by the competent government body.

(3) In the procedure of developing physical planning documents the Ministry shall issue nature protection conditions to the person responsible for the development of a physical plan and to the physical plan developer within 60 days from the submission of an application.

### Article 282

Until adoption of the management plan under Article 181, paragraph 1 of this Act, the administrative council of the public institution shall, with the consent of the Ministry, issue temporary guidelines containing the basic components of the management plan without making the same publicly available.

### Article 283

(1) Legal entities managing forests shall harmonise the forest management plans with the provisions of the present Act at the renewal or the first revision thereof.

(2) Trustees of hunting shall harmonise the hunting management plans with the provisions of the present Act at the renewal or the first revision thereof.

(3) Legal entities managing waters shall harmonise the water management plans with the provisions of the present Act within two years from the effective date of the present Act.

(4) Other legal entities and natural persons managing natural resources shall harmonise natural resource management plans with the provisions of this Act within a year from the effective date of this Act.

(5) Legal entities and natural persons having care of protected natural values pursuant to a contract signed with a public institution or a competent authority prior to the effective date of this Act, shall bring the

contracts in line with the provisions of this Act within a year from the effective date of this Act.

#### Article 284

(1) The State Institute for Nature Protection, established by the Regulation on Establishment of the State Institute for Nature Protection (Official Gazette N. 126/02) shall become a public institution on the effective date of this Act and continues operating in compliance with the present Act.

(2) The Institute shall bring its organisation, activities and regulations in line with the provisions of the present Act within sixty days from the effective date of the present Act.

(3) The term of office of the Director and the Head of Expert Activities of the Institute, including members of the administrative council, shall continue until expiry of the period of time for which they have been elected.

#### Article 285

(1) Public institutions managing protected areas shall continue operating in compliance with the present Act.

(2) Public institutions shall bring their organisation, activities and regulations in line with the provisions of this Act within sixty days from the effective date of the present Act.

(3) Any county that has failed to establish a public institution for management of protected natural values in its respective territory in compliance with Article 17, paragraphs 1 and 3 of the Nature Protection Act (Official Gazette Nos. 30/94 and 72/94) shall establish the same within a year from the effective date of the present Act

#### Article 286

(1) The map of habitat types under Article 52, paragraph 4 of the present Act shall be defined by the Minister within a year from the effective date of the present Act. Until the development of the map of habitat types the Ministry shall by a document carry out the assessment of the state of habitat types and lay down nature protection conditions for ecosystem conservation.

(2) International ecologically important areas under Article 56, paragraph 2 of the present Act are components of the European ecological network of Natura 2000. International ecologically important areas under paragraph 1 of the present Article shall be identified until the accession of the Republic of Croatia to the European Union.

(3) Assessment of acceptability of activities to nature provided for by the present Act shall not be carried out until ecologically important areas are determined as segments of the ecological network.

#### Article 287

No permit for cross-border movement, transit, contained use, deliberate release into the environment or placing on the market of GMOs and products containing GMOs shall be granted until the adoption of enforcement regulations laid down by Article 93, paragraph 2; Article 101, paragraph 3; Article 102, paragraphs 6 and 7; Article 108, paragraph 9; Article 109, paragraph 7; Article 113, paragraph 3; Article 114, paragraph 3; Article 115, paragraph 4; Article 116, paragraph 5; Article 117, paragraph 4; Article 119, paragraph 6; Article 123, paragraph 6; Article 125, paragraph 3; Article 127, paragraph 6; Article 129, paragraph 8; Article 135, paragraphs 2 and 3; Article 136, paragraph 3; Article 138, paragraph 4; Article 139, paragraphs 8 and 9 and Article 140, paragraph 2 of the present Act and until the establishment of the laboratory under Article 138, paragraphs 3 and 4 of the present Act.

#### Article 288

(1) Legal entities that began authorised production or scientific research in the field of genetic modification before the effective date of the present Act shall notify such production or research to the Ministry within forty-five days from the effective date of the present Act.

(2) Within the further period of fifteen days the Ministry shall notify the ministry responsible for health, the ministry responsible for science and technology and the ministry responsible for agriculture and forestry of the commencement of authorised production and scientific research projects in the field of genetic modification.

(3) The decision on granting the permit to continue production and scientific research projects authorised as referred to in paragraph 1 of the present Article shall be made by the Ministry, with the consent of the competent ministry, within sixty days from the date of notifying the authorised production or a scientific research project.

(4) In the event of failure to make the decision in the time period set under paragraph 3 of the present Article, the permit shall be considered granted.

#### Article 289

(1) Legal entities that began unauthorised production or use of GMOs or products containing GMOs before the effective date of the present Act shall destroy the same permanently and in a harmless manner within a time period determined by the Minister's decree.

(2) In the event of failure to destroy GMOs and products containing GMOs in the manner and within the period of time determined in paragraph 1 of the present Article, the Ministry shall have the GMOs or products containing GMOs destroyed permanently and in a harmless manner by third persons at the expense of the legal person that should have destroyed them.

#### Article 290

(1) The Commission for GMOs, the Committee for Contained Use of GMOs, the Committee for the Release of GMOs into the Environment and the Committee for Novel Food and Animal Feed Containing GMOs shall be set up within sixty days from the effective date of the present Act.

(2) By the setting up of the Commission for GMOs the Decision on the Establishment of the Bioethical Commission for Monitoring Genetically Modified Organisms, established by the decision of the Government of the Republic of Croatia of 11 May 2002, shall cease to be valid and the Bioethical Commission shall cease operating on the same date.

#### Article 291

(1) Legal entities and natural persons that started trading operations under Article 74 of the present Act prior to the effective date of the present Act shall apply to the Ministry for a permit to carry on such operations within sixty days.

(2) Legal and natural persons failing to proceed in compliance with paragraph 1 of the present Article may not continue carrying on the operations provided for by Article 74 of the present Act.

#### Article 292

(1) A chief overseer and overseer already performing the tasks of an overseer in public institutions managing national parks and nature parks at the effective date of the present Act must pass the state examination as determined by Article 251, paragraph 3 of the present Act within a year from the adoption of the ordinance under Article 251, paragraph 7 of the present Act.

(2) Any chief overseer or overseer who does not pass the state examination within the time limit set shall not perform the tasks of an overseer until he/she has passed the examination.

#### Article 293

(1) The Government and the Minister shall issue regulations for which they are authorised by the present Act within a year from the effective date of this Act.

(2) Until the effective date of enforcement regulations determined by the present Act all regulations issued pursuant to the Nature Protection Act (Official Gazette Nos. 30/94 and 72/94) shall remain in force in so far as their provisions do not contravene the provisions of this Act.

(3) Protected nature parts designated "protected landscapes" pursuant to the Nature Protection Act (Official Gazette Nos. 30/94 and 72/94) become "important landscapes" in terms of the present Act.

(4) Protection measures adopted by county councils and the Zagreb City Council in relation to protected nature parts in their respective areas pursuant to the provisions of the Nature Protection Act (Official Gazette Nos. 30/94 and 72/94) remain in force until the issue of enforcement regulations about measures for the protection of these protected natural values in compliance with the present Act, in so far as they do not contravene the provisions of this Act.

#### Article 294

(1) Special-purpose forests for rest and leisure designated pursuant to the Forests Act (Official Gazette Nos. 54/83, 32/87, 47/89, 41/90, 52/90 – clarified text, 5/92, 9/91, 61/91, 26/93, 76/93, 29/94, 8/00 and 13/02) become forest parks or important landscapes in compliance with the present Act.

(2) Categories of each individual protected area under paragraph 1 of the present Article shall be laid down by the Minister's decision,

with the previous consent of the minister responsible for agriculture and forestry, within ninety days from the effective date of the present Act.

#### Article 295

(1) On the effective date of the present Act the Nature Protection Act (Official Gazette Nos. 30/94, 72/94 and 107/03) shall cease to be valid with the exception of the provisions of Article 32, paragraphs 2, 3, 4, 5 and 6.

(2) The provisions of Article 22 of the present Act shall apply as of the effective date of the Physical Planning Act.

(3) Activities that have begun in accordance with the provisions of the Nature Protection Act (Official Gazette Nos. 30/94 and 72/94) shall be completed according to the provisions of the present Act.

#### Article 296

This Act shall come into effect on the eighth day after publication in the Official Gazette.

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Zagreb, 25 September 2003

CROATIAN PARLIAMENT  
Chairman  
of the Croatian Parliament  
Zlatko Tomčić, m.p.

