

THE CROATIAN PARLIAMENT

3744

Pursuant to Article 88 of the Constitution of the Republic of Croatia I hereby issue the

DECISION

PROMULGATING THE WATER ACT

I hereby promulgate the Water Act passed by the Croatian Parliament at its session on 11 December 2009.

Class: 011-01/09-01/212

Reg. No: 71-05-03/1-09-2

Zagreb, 17 December 2009

The President of the
Republic of Croatia
Stjepan Mesić, m.p.

WATER ACT

I GENERAL PROVISIONS

Subject of regulation

Article 1

This Act regulates the legal status of waters, the water estate and water management facilities, management of water quantity and quality, protection from adverse effects of water, detailed amelioration drainage and irrigation, activities of public water supply and public sewerage, special activities for the purposes of water management, institutional organisation of performing these activities, and other issues related to waters and the water estate.

This Act does not regulate radiological pollution of waters and the water estate.

Application of the Act to the subject matter

Article 2

The provisions of this Act shall apply to:

1. surface and ground waters;

2. coastal waters in terms of their chemical and ecological status, where expressly specified in this Act;
3. waters of the territorial sea in terms of their chemical status, where expressly specified in this Act, and in relation to the deposits of drinking water, and
4. mineral and thermal waters, except mineral and geothermal waters suitable for extraction of mineral raw materials or utilisation of accumulated thermal energy for energy purposes, which is regulated by the Act on Mining.

Protection of water from pollution in coastal waters and waters of the territorial sea from vessels by dumping, from the air or by air, from activities on the seabed or its subsoil, including pollution from machinery, equipment and pipelines laid on the seabed, is implemented pursuant to special regulations governing environmental protection and the Maritime Code, and with appropriate application of the prescribed objectives of protection of the aquatic environment under the regulation referred to in Article 41 of this Act and the River Basin Districts Management Plan.

The demarcation line between inland waters and sea waters is established by the Government of the Republic of Croatia.

Protection of waters from pollution from vessels, including floating objects on inland waterways and in ports on inland waters, is implemented pursuant to the provisions of the Act on Navigation and Ports on Inland Waters, in accordance with the objectives of protection of the aquatic environment specified in the regulation under Article 41, paragraph 1 of this Act and the River Basin Districts Management Plan.

Definitions

Article 3

For the purposes of this Act the following definitions apply:

1. Agglomeration means an area where the population and economic activities are sufficiently concentrated for urban wastewater to be collected and conducted to a wastewater treatment plant or to a final discharge point into the receiving waters;
2. Torrent means a permanent or ephemeral watercourse whose characteristics are: large and quick flow oscillations, turbulent flow of high erosion capacity, tendency to shift flow direction, and large sediment deposit or transport that may cause landslides;
3. Protected area is a fundamental territorial unit for flood control; a protected area is generally the area of a small basin, and exceptionally of several smaller basins or parts thereof that are smaller spatial units than a sub-basin, and which, due to their common characteristics of the water regime, create an optimal area for efficient flood control;
4. Water quality objectives means objectives prescribed by the River Basin Districts Management Plan in accordance with the criteria specified in the regulation under Article 41, paragraph 1 of this Act;
5. Cyprinid waters means waters of adequate hydromorphological characteristics or quality which support or, if pollution were reduced or eliminated, would be come capable of supporting fish belonging to the family of Cyprinidae, and those from

families Siluridae, Percidae, Esocidae, Acipenseridae etc. in accordance with the regulation under Article 52 paragraph 2 of this Act;

6. Detailed amelioration drainage is the activity of collecting and draining excess water from agricultural land;
7. Good ecological potential is the status of a heavily modified or an artificial body of water, so classified in accordance with the regulation under Article 41, paragraph 1 of this Act;
8. Good ecological status is the status of a body of surface water, so classified in accordance with the regulation under Article 41, paragraph 1 of this Act;
9. Good groundwater chemical status is the chemical status of a body of groundwater, so classified in accordance with the regulation under Article 41, paragraph 1 of this Act;
10. Good surface water chemical status is the chemical status required to meet the surface water quality objectives established in accordance with the regulation under Article 41, paragraph 1 of this Act, in order to achieve the chemical status of a body of surface water in which concentrations of pollutants do not exceed the established surface water quality standards;
11. Good quantitative status is the status defined by the regulation under Article 41, paragraph 1 of this Act;
12. Good groundwater status is the status of a groundwater body when both its quantitative status and chemical status are at least 'good';
13. Good surface water status is the status of a surface water body when both its ecological status and chemical status are at least 'good';
14. Effluent is a single term for technological wastewater discharged, treated or untreated, into public sewerage systems or surface waters and wastewater from public sewerage systems discharged, treated or untreated, into surface waters;
15. Ecological status is an expression of the quality of the structure and functioning of aquatic systems associated with surface waters;
16. Emission means direct or indirect discharge or leak of substance in liquid, gas or solid form from a single source into waters or ground, occurring as a result of human activity;
17. PE (population equivalent) means the organic biodegradable load having a five-day biochemical oxygen demand (BOD₅) of 60 g of O₂ per day;
18. Estuary means the transitional area at the mouth of a river between freshwater and coastal waters;
19. Eutrophication means the enrichment of water by nutrients, compounds of nitrogen and/or phosphorus, causing an accelerated growth of algae and higher forms of plant life and leading to an undesirable disturbance to the balance of organisms present in the water and a change in the status of the water;
20. Detection limit means the minimum value of the parameter examined at which it is possible to detect when measuring the indicators for surface waters;

21. Freshwater limit means the place in the watercourse where, at low tide and in a period of low freshwater flow, there is an appreciable increase in salinity due to the presence of sea water;
22. Emission limit values means the mass, expressed in terms of certain specific parameters, concentration and/or level of an emission, which may not be exceeded during any one or more periods of time; emission limit values may also be laid down for certain groups or categories of substances;
23. Internal pipelines are water supply or sewerage pipelines leading into or out of residential or office structures, other property and other structures, which are not water utility facilities, but are connected to them;
24. Discharge to water means the discharge of substances defined by the regulation under Article 60, paragraph 3 of this Act into water or exceptionally into groundwater;
25. Direct discharge to groundwater means direct discharge of pollutants into groundwater without filtration through the ground or subsoil;
26. Abnormal deterioration of bathing water quality is an event or group of events that result in deterioration of the quality of surface bathing waters;
27. Water source means a land lot from which the groundwater springs naturally, or a land lot where water is pumped from the groundwater body through a well;
28. Public sewerage means the activity of collection of wastewater, its transport to a wastewater treatment plant, treatment and direct or indirect discharge into surface waters, treatment of sludge generated in the process of wastewater treatment, if the above is conducted through public sewerage facilities, and management of the above facilities; public sewerage also includes pumping and transport of wastewater from septic tanks and sump pits;
29. Public water supply means the activity of abstracting groundwater and surface water intended for human consumption and its treatment, and delivery to the end user or another water service provider, if the above is conducted through public water supply facilities, and management of the above facilities;
30. Public services means public irrigation, detailed amelioration drainage and water services offered from the constructed waterworks;
31. Public works means activities of construction and maintenance of waters, the water estate, regulation-protection waterworks and facilities for detailed amelioration drainage, public irrigation facilities, public water supply facilities, public sewerage facilities and other waterworks owned by the Republic of Croatia, and the provision of public services referred to in item 30 of this Article after construction of waterworks for public irrigation, detailed amelioration drainage, public water supply and public sewerage;
32. Public irrigation means the activity of abstracting and extracting groundwater and surface water and its delivery for watering agricultural land through irrigation facilities owned by the regional self-government units or mixed-use amelioration facilities owned by the Republic of Croatia;
33. Lake means a body of standing surface water;
34. Quantitative status is an expression of the degree to which a body of groundwater is affected by direct and indirect abstractions;

35. Urban wastewater means all wastewater from the public sewerage system, consisting of sanitary wastewater, storm water or wastewater that is a mixture of sanitary wastewater with industrial wastewater and/or storm water of a particular agglomeration;
36. Water treatment means the process of purification of abstracted water intended for human use;
37. Emission control means control requiring a specific emission limitation, for instance an emission limit value, or otherwise specifying limits or conditions on the effects, nature or other characteristics of an emission or operating conditions which affect emissions;
38. Inland water means all standing or flowing water on the surface of the land, and all groundwater on the landward side of the low-water line on the bank;
39. Channel means a depression in the terrain through which water runs permanently or sporadically, or in which standing water is contained;
40. Interstate waters means waters of the 1st order that constitute or intersect the state border;
41. Minister means the minister competent for water management;
42. Ministry means the ministry competent for water management;
43. Measures of bathing water management means measures taken in order to establish and maintain a surface bathing water profile, a surface bathing water monitoring calendar, assessment of surface bathing water quality, classification of surface bathing waters, identification and assessment of causes of pollution that may affect surface bathing water and impair the health of bathers, giving information to the public, undertaking activities for the purpose of preventing exposure of bathers to pollution, and undertaking measures for the purpose of reducing the risk of pollution;
44. Monitoring means the process of recurring monitoring of one or more indicators of water quality and quantity in accordance with a defined programme;
45. Irrigation means the activity of abstracting groundwater and surface water and its delivery for watering agricultural land, sports terrains or other land;
46. Bank means the land zone along the channel of running and other surface water used for access to water and regular maintenance of the channel;
47. Polluted storm water means wastewater generated by storm water runoff from the surface of roads, parking lots or other manipulative surfaces, gradually dissolving pollution on the said surfaces and draining into public sewerage systems or directly into surface waters;
48. Bathing water assessment means the process of evaluating surface water quality in accordance with the criteria specified in the regulation under Article 41, paragraph 1 of this Act;
49. Appropriate wastewater treatment means treatment of wastewater by any procedure and/or disposal system which after discharge allows the receiving waters to meet the relevant water quality objectives in accordance with the regulation under Article 60, paragraph 3 of this Act;

50. Groundwater pollution means the direct or indirect introduction of substances or energy into groundwater, the results of which are such as to endanger human health or water supply, cause damage to the quality of living resources and aquatic ecosystems or influence other legitimate uses of waters, i.e. endangering and adverse impact on other resources protected under special regulations
51. Pollution of bathing waters means the presence of microbiological pollution or pollution by other organisms or waste that influences the quality of surface bathing waters and endangers the health of bathers in accordance with the criteria specified in the regulation under Article 41, paragraph 1 of this Act;
52. Pollution means the direct or indirect anthropogenic introduction of substances or energy into the water and soil, the results of which are such as to endanger human health or the quality of aquatic ecosystems or terrestrial ecosystems directly dependent on aquatic ecosystems, cause damage to property, interference with the characteristics of the environment, protected natural values, or influence other legitimate uses of the environment;
53. Pollutants means substances liable to cause pollution, in particular those specified in the regulation under Article 41, paragraph 1 of this Act, including hazardous and priority substances and other pollutants;
54. Hazardous substances means substances or groups of substances that are toxic, persistent, carcinogenic, mutagenic, teratogenic, and liable to bioaccumulate, and other substances or groups of substances which give rise to an equivalent level of concern, defined by the regulation under Article 41, paragraph 1 of this Act;
55. Wastewater means all potentially polluted industrial, sanitary, storm and other water;
56. Sludge means residual sludge, whether treated or untreated, from urban wastewater treatment plants;
57. Bathing water quality data means data obtained through monitoring of surface bathing water;
58. Sub-basin means the area of land from which all surface run-off flows through a series of streams, rivers and, possibly, lakes to a particular point in a watercourse (normally a lake or a river confluence);
59. Groundwater means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil;
60. Flood means the temporary covering by water of land not normally covered by water, caused by overflow from rivers, mountain torrents, ephemeral watercourses, lakes and ice formations, as well as overflow from the sea in coastal areas and excess groundwater. This term does not include overflow from public sewerage systems;
61. Surface water means inland waters, except groundwater, and transitional waters; also includes coastal waters, where expressly specified in this Act, and waters of the territorial sea, where expressly specified in this Act;
62. Background level means the concentration of a substance or value of a parameter in a body of groundwater that does not correspond to any or only very small anthropogenic modifications in relation to the original status;

63. Preliminary approval means approval given in relation to an official act upon its adoption by the competent authority;
64. Transitional waters are inland waters in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters, but which are substantially influenced by freshwater flows;
65. Coastal waters means surface water on the landward side of a line, every point of which is at a distance of one nautical mile on the seaward side from the baseline from which the breadth of territorial waters is measured, extending on the coastward side up to the outer limit of transitional waters;
66. Priority hazardous substances and other pollutants means substances specified in the regulation under Article 40, paragraph 1 of this Act;
67. Urban wastewater treatment means treatment of urban wastewater by mechanical, physical-chemical and/or biological processes;
68. Vulnerable area means an area that, through runoff and percolation, may contribute to the increase of pollution of waters that are polluted or under threat of pollution by nitrates and that are eutrophic or subject to eutrophication;
69. Available groundwater resource means the long-term annual average rate of overall recharge of the body of groundwater less the long-term annual rate of flow required to achieve the ecological quality objectives for associated surface waters specified in the regulation under Article 41, paragraph 1 of this Act, to avoid any significant degradation of the ecological status of such waters and to avoid any significant damage to associated terrestrial ecosystems;
70. Reference method of measurement means the designation of a measurement principle or a succinct description of a procedure for determining the prescribed value of the parameters of quality of surface waters intended for abstraction of drinking water, specified in the regulation under Article 41, paragraph 1 of this Act;
71. River basin means the area of land from which all surface run-off flows through a sequence of streams, rivers and, possibly, lakes into the sea at a single river mouth, estuary or delta, together with their associated groundwaters and coastal waters;
72. River means a body of inland water flowing for the most part on the surface of the land but which may flow underground for part of its course;
73. Flood risk means the combination of the probability of a flood event and of the potential adverse consequences of the flood event for human life, health and property, the environment, cultural heritage and economic activity;
74. Salmonid waters means waters of adequate hydromorphological characteristics and quality which support or, if pollution were reduced or eliminated, would be come capable of supporting fish belonging to the family Salmonidae, in accordance with the regulation under Article 52, paragraph 2 of this Act;
75. Sanitary wastewater means wastewater that is, after use, discharged from residential buildings, hospitality facilities, institutions, military facilities and other service industries, which originates predominantly from the human metabolism and from household activities;

76. Bathing season means the calendar period during which a large number of bathers can be expected;
77. Freshwater means naturally occurring water having a low concentration of mineral substances, which is often considered acceptable as suitable for abstraction and treatment to produce drinking water;
78. Groundwater quality standard means the concentration of a particular pollutant, group of pollutants or pollution indicators in groundwater, which should not be exceeded in order to protect human health and the aquatic environment;
79. Water quality standard means the concentration of a particular pollutant, group of pollutants or pollution indicators in water, sediment or biota which should not be exceeded for the purpose of protecting human health and the aquatic environment;
80. Groundwater status is the general expression of the status of a body of groundwater, determined by the poorer of its quantitative status and its chemical status;
81. Surface water status is the general expression of the status of a body of surface water, determined by the poorer of its ecological status and its chemical status;
82. Wastewater sewerage and treatment system is a part of the public sewerage system which collects and conducts urban wastewater;
83. Industrial wastewater means all wastewater originating in technological procedures and discharged from industrial facilities used for carrying out any commercial activity, other than sanitary wastewater and polluted storm water;
84. Body of groundwater means a distinct volume of groundwater within an aquifer or aquifers;
85. Body of surface water means a discrete and significant element of surface water such as a lake, reservoir, stream, river or canal, part of a stream, river or canal, transitional water or a stretch of coastal water;
86. Permanent bathing prohibition means bathing prohibition or advice against bathing lasting for at least one whole bathing season;
87. Short-term pollution means microbiological contamination of surface bathing waters defined in accordance with the criteria specified in the regulation under Article 41, paragraph 2 of this Act;
88. Artificial water body means a body of surface water created by human activity;
89. Introduction of pollutants to groundwater means direct or indirect anthropogenic introduction of pollutants into groundwater;
90. Service area covers one or more water supply areas and/or agglomeration areas;
91. Large number of bathers means a number that the competent body of the local self-government unit considers to be large having regard to the number of bathers in the previous years or to any infrastructure and facilities provided, or other measures taken to promote bathing;
92. Water intended for human consumption means: (a) all water, either in its original state or after treatment, intended for drinking, cooking, food preparation or other domestic purposes, regardless of its origin and whether it is supplied from a

public water supply system from a tanker, or in bottles or containers; (b) all water used in any food-production undertaking for the manufacture, processing, preservation or marketing of products or substances intended for human consumption unless the competent body is satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form;

93. Water policy means a set of official acts, procedures and measures the purpose of which is to, within the competence of the Republic of Croatia set out under this Act and the act governing water management, regulate and implement water management, detailed amelioration drainage and irrigation as well as water services;
94. Water services means the services of public water supply and public sewerage;
95. Aquatic environment means the water system, including aquatic and water-dependant ecosystems (organisms and their communities), man, and material and cultural heritage created by man, in the totality of their interaction;
96. Water regime is the status of the quantity and quality of all bodies of surface, coastal and groundwater, the water estate, and water management facilities on the national territory;
97. River basin district means the area of land and sea, made up of one or more neighbouring river basins together with their associated groundwaters and coastal waters, which is the main unit for management of river basins;
98. Aquifer means a subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater;
99. Watercourse consists of the running water channel together with the banks and water constantly or sporadically running through it;
100. Significant and sustained upward trend means any statistically significant increase of concentration of a pollutant, a group of pollutants or pollution indicators in groundwater;
101. Heavily modified water body means a body of surface water which as a result of physical alterations by human activity is substantially changed in character.

Water management

Article 4

Water management comprises all activities, measures and actions commenced by the Republic of Croatia and Croatian Waters, local and regional self-government units pursuant to this Act and the Act regulating water management financing for the purpose of achieving objectives under Article 4 of this Act, apart from activities, measures and actions related to detailed amelioration drainage, public irrigation and water services.

The objectives of water management are:

1. ensuring sufficient quantities of water of adequate quality for water supply to the population;

2. ensuring sufficient quantities of water of adequate quality for various commercial and private needs;
3. protection of people and assets from floods and other adverse effects of water, and
4. achieving and maintaining the good status of water for the protection of human life and health, protection of assets, and protection of aquatic and water-dependent ecosystems.

Principles of water management

Article 5

Water is not a commercial product like some other products, but a heritage to be preserved, protected and used wisely and rationally.

Waters are managed according to the principle of oneness of the water system and the principle of sustainable development that meets the needs of the present generation without compromising the right and ability of future generations to meet their own needs.

Water management shall adapt to global climate change.

For water use exceeding the boundaries of general use, and for every deterioration of the status of water, a fee is paid proportional to the benefit or level and scope of impact on the changes in the status of water bodies, respecting the commercial evaluation of waters, recovery of expenses of its use and protection of the aquatic environment and other environmental components.

Protection and use of water shall be based on the precautionary principle, undertaking preventive measures, rectification of damage caused to the water environment at the source, and the “polluter pays” or “user pays” principles.

During the implementation of activities for preservation, protection and use of water, competent bodies or competent legal persons shall in compliance with the Act make decisions as close as possible to the location where water is exposed to an impact or used.

Management of flood risks is based on the principles of solidarity, priority needs, emergency services, permanent mobilisation and immobilisation; it shall be planned and coordinated at the level of river basin districts for the purpose of reducing the risks of adverse effects of floods, particularly for human life, health and property, the environment, cultural heritage, commercial activities, and infrastructure.

In the enactment of planning documents in accordance with this Act and special regulations on environmental protection, public information and participation shall be ensured.

Water management with transboundary impacts shall be implemented through co-operation with other states, conclusion and implementation of international agreements, informing about transboundary impacts on waters and the water environment, major accidents as defined by environmental protection regulations, and the international exchange of information on waters and the aquatic environment.

Water policy

Article 6

The Ministry shall be responsible for water policy.

Other bodies of state governance having public authority and other legal and natural persons, public and advisory bodies contributing more significantly to the achievement of water policy objectives shall participate in drafting and implementation of the water policy.

International co-operation on issues regulated by this Act shall be realised by the Ministry.

II WATERS, THE WATER ESTATE AND WATER MANAGEMENT FACILITIES

1. Legal status of waters

Water as a common good

Article 7

Waters are a common good and enjoy particular protection of the Republic of Croatia.

Waters in bodies of surface and groundwaters may not be the object of rights of ownership and other property rights.

Waters under paragraph 2 of this Article shall be used and rights over them shall be gained in the manner and under the conditions specified in this Act and other regulations.

2. Legal status of the water estate

Water estate

Article 8

The water estate is comprised of land lots that include:

1. water-bearing and abandoned channels of surface waters;
2. regulated floodplain areas;
3. unregulated floodplain areas;
4. location with a water source as defined in Article 88, paragraph 1 of this Act which shall be needed for its physical protection and a location with a source with daily minimum capacity of 10 m³ and natural mineral, thermal and natural spring water which shall be needed for its physical protection, and
5. islands formed or forming in a water-bearing channel by water drying out, by partition of the channel into several arms, by alluvial deposits or by human activity.

The area under paragraph 1, item 4 of this Article, which is not the property of the

Republic of Croatia, shall be no smaller than 400 and no larger than 450 square meters with the water source positioned, as a rule, in its centre.

The area under paragraph 1, item 4 of this Article, which is the property of the Republic of Croatia, shall be 1 hectare around the water source with the water source positioned, as a rule, in its centre, or exceptionally smaller if the land owned by the Republic of Croatia on which the water source is located has a surface area under 1 hectare.

The area under paragraphs 2 and 3 of this Article shall be a separate cadastre and land registry lot, for which the right and servitude of passage to the public road shall be established prior to the parcelling of land, and to the burden of all property.

The water estate is a good of interest to the Republic of Croatia enjoying its particular protection.

The water estate shall be used in the manner and under the conditions prescribed by this Act.

Purpose of the water estate

Article 9

The water estate shall serve to maintain and improve the water regime, and in particular for:

1. construction and maintenance of regulation and protection water facilities;
2. maintenance of channels and banks of watercourses, and maintenance and regulation of floodplain areas;
3. construction and maintenance of inland waterways;
4. implementation of flood control;
5. use and protection of water sources under Article 8, paragraph 1, item 4 of this Act.

Adherence to the water estate

Article 10

The Ministry shall enact a decision designating the land under Article 8 of this Act as public water estate, with the prior opinion of Croatian Waters.

The Ministry shall also enact a decision in the case of doubt or dispute whether a lot is ex lege public water estate under Article 11, paragraphs 1 and 2 of this Act.

The decision referred to in paragraphs 1 and 2 of this Article shall contain a reference to the property according to the land registry data and a court order for its execution.

The decision referred to in paragraphs 1 and 2 of this Article shall be final and executory.

The decision referred to in paragraphs 1 and 2 of this Article shall be submitted to the competent State Attorney's Office.

Against the decision referred to in paragraphs 1 and 2 of this Article, administrative proceedings may be initiated.

The Ministry shall confirm execution of the final decision and submit it to the competent land register court, which shall execute it by virtue of its office.

Public water estate

Article 11

The public water estate consists of lots under Article 8 of this Act that were, as of the date of entry into force of the Water Act (Official Gazette 107/95), based on law or any other legal grounds, considered: common good, public good, public water estate, water estate, public good – waters, state property, property of local self-government units, public property, regardless who is the bearer of user of the right to use, manage or free use, i.e. which were entered in the land registry as: public good, public water estate, water estate, state property, property of local self-government units, public property, with or without an indication of the bearer of the right to use, manage or free use, property of the people, common good, etc.

Until proven otherwise, the lots under Article 8 of this Act that, as of the date of entry into force of this Act, were not entered into the land registry, or which were entered into the land registry but had no indication of their owner, shall also be considered part of the public water estate.

Land lots under Article 8 of this Act, which are expropriated or redeemed for the benefit of the Republic of Croatia, shall be designated as the public water estate.

The public water estate is a public good in common use and in public use in accordance with Article 14 paragraph 2 of this Act, and in the ownership of the Republic of Croatia.

The public water estate is inalienable.

No other person may, by usucaption or in any other way, acquire the right of ownership or any of the other property rights over the public water estate, with the exception of the right of servitude and building rights in the manner regulated under Article 16 of this Act.

Legal transactions concluded contrary to paragraph 6 of this Article shall be null and void.

A person using public water estate without authorisation shall not be entitled to possessory protection.

Cessation of the public water estate due to loss of purpose

Article 12

The status of a public water estate lot under Article 11 of this Act may be revoked upon the lot becoming permanently unnecessary for the purposes under Article 9 of this Act.

The Ministry shall enact a decision establishing that the preconditions under paragraph 1 of this Article have been fulfilled, subject to a prior opinion from Croatian Waters.

The decision shall contain a reference of the property whose status of a public water estate has been revoked and a court order for the removal of this lot and addition to a new land registry entry with entering the ownership of the Republic of Croatia and simultaneous deletion of encumbrance of alienation and encumbrance of the property with the right of pledge and resulting nullity of legal transactions.

The decision of the Ministry shall be final and executory.

The decision shall be submitted to the competent State Attorney's Office.

Administrative proceedings against the decision may be initiated.

The Ministry shall confirm executorship of the final decision and submit it to the competent land register court, which shall execute it by virtue of its office.

Entering the public water estate into the land register

Article 13

The public water estate shall be entered into the land register and into the cadastre in the following manner:

- in the property register (Section A), aside from the information commonly entered in the property register, an indication is entered of the type of public water estate under Article 8 of this Act,
- in the proprietorship register (Section B), an indication is entered "public water estate in general use in the ownership of the Republic of Croatia" and an indication of the legal person managing the concerned estate,
- in the charges register (Section C), prohibition of alienation and prohibition of encumbrance of the property with the right of pledge are entered, with an indication of the resulting invalidity of legal transactions.

Water management facilities and other public works over the public water estate

Article 14

Water management facilities built over the public water estate shall belong to the public water estate in accordance with the principle of the uniformity of property exclusive of the water management facilities built on the basis of the building right for the duration of the concerned right and waterworks built on the basis of the right of servitude for pipelines.

Public water estate, over which the public water management facilities are built as its property, shall be in public use, if so defined under the official document of the owner.

Construction of roads and railways over the public water estate shall not change the legal status of a public water estate.

Management of the public water estate

Article 15

The public water estate shall be managed according to this Act by Croatian Waters, unless prescribed otherwise by this Act.

Management under paragraph 1 of this Article implies maintenance, use and preservation of a public water estate, for the purposes served by the public water estate.

Use of the public water estate for commercial or personal purposes

Article 16

Legal and natural persons may gain the right of lease, right of servitude and right to build on part of the public water estate for the purpose of accomplishing commercial or personal purposes, only if this right will not affect accomplishment of the purposes under Article 9 of this Act, in relation to which an opinion shall be issued by Croatian Waters.

Other persons may be given limited or no use of the concerned part of the public water estate.

The lease agreements for the public water estate shall be concluded by Croatian Waters on behalf of the Republic of Croatia, and the contracts establishing the right of servitude or right to build on a public water estate shall be concluded by the Government of the Republic of Croatia or a body authorised by it.

By way of derogation from paragraph 3 of this Article, other facilities in the ownership of the Republic of Croatia or facilities having the status of common good may be constructed on the water estate whose investor is the Republic of Croatia or a legal person where the Republic of Croatia is the owner of a majority share, a shareholder or founder with the majority voting control. The relevant decision shall be adopted by the Government of the Republic of Croatia or by a body authorised by it.

A concession for public works over water management facilities or other public facilities may not be awarded pursuant to this Article, which does not exclude the awarding of concessions on the basis of special regulations.

Granting of rights under paragraph 1 of this Article shall be decided on by the Government of the Republic of Croatia or by a body authorised by it.

The amount of the fee for the rights under paragraph 1 of this Article is prescribed by the Government of the Republic of Croatia.

Fee income arising from the right to build and the right of servitude over the public water estate shall be revenue of the state budget, whereas the fee income arising from the lease and rent over the public water estate shall be revenue of Croatian Waters.

Applications for acquiring the rights referred to in paragraph 1 and paragraph 4 of this Article shall be submitted via the Ministry.

Use of the public water estate for rest and recreation

Article 17

Anyone may, under equal terms, use the public water estate for rest and recreation, in the manner and extent specified by the local or regional self-government unit, with prior consent of Croatian Waters.

Use of the public water estate under paragraph 1 of this Article may not threaten its use for the purposes under Article 9 of this Act and other uses in accordance with this Act, and protection of the banks, channels of watercourses and other waters, including their water management facilities, must be particularly ensured.

Lots outside the system of the public water estate

Article 18

Natural and legal persons who are owners of lots belonging to the water estate are obliged to allow their occasional use for purposes under Article 9 of this Act for the purpose of maintenance and improvement of the water regime.

The provisions of paragraph 1 of this Article shall also apply to the parts of the water estate containing roads and railway infrastructure, ports and port areas, airport infrastructure, etc., regardless of the right of ownership over the lots comprising parts of the above water estate.

Lots under paragraph 1 of this Article shall be entered in the land register with an indication in Section A as a water estate, and the encumbrance for the right to pre-emption of the Republic of Croatia shall be entered in Section C.

Right of pre-emption

Article 19

The Republic of Croatia has the right of pre-emption over lots that comprise the water estate, but which are not in the system of the public water estate.

If the owner intends to sell the lots under Article 8, paragraph 1 of this Act, he or she shall submit to Croatian Waters a proposal for sale, according to the market prices in the place of sale.

Upon receipt of the proposal under paragraph 2 of this Act, Croatian Waters shall, within 30 days, submit the proposal with their opinion to the Ministry and a body of the Republic of Croatia competent for management of property of the Republic of Croatia.

The competent bodies under paragraph 3 of this Act shall, within 60 days from the expiry of the deadline under paragraph 3 of this Article, inform Croatian Waters and the applicant of the acceptance and conditions of acceptance of the proposal or refusal of the proposal.

The contract on acquisition of lots under paragraph 1 of this Article shall be concluded by Croatian Waters on behalf of the Republic of Croatia with prior opinion of the competent County State Attorney's Office.

If the applicant does not receive a reply from the competent body in the period under paragraph 4 of this Article, he or she shall be free to sell the lot at his or her discretion.

The purchased lot under paragraph 2 of this Article shall be entered into the land registry as a public water estate.

Expropriation for the purpose of incorporation into the public water estate

Article 20

Exceptionally, if the lots under Article 8, paragraph 1 of this Act are of particular significance for maintenance of the water regime, they may be expropriated in favour of the Republic of Croatia in accordance with the provisions of the Act governing expropriation.

The need for expropriation of a lot under paragraph 1 of this Article shall be established by Croatian Waters.

In the cases under paragraphs 1 and 2 of this Article, it shall be considered that the interest of the Republic of Croatia exists *ex lege*.

Croatian Waters shall submit a proposal for initiation of the expropriation procedure to the competent body of state administration which shall initiate the expropriation procedure.

Croatian Waters shall bear the costs of expropriation under paragraph 1 of this Article.

An expropriated lot that is the subject of expropriation under paragraph 1 of this Article shall be entered into the land registry as a public water estate.

3. Water management facilities

Purpose of water management facilities

Article 21

Water management facilities are structures or groups of structures together with the accompanying plant and equipment, comprising technical or technological units, and serving for regulation of watercourses and other surface waters, protection from adverse effects of water, water abstraction for the purpose of intended use, and for protection of water from pollution.

Types of water management facilities

Article 22

Water management facilities, with respect to their purpose, are:

1. regulation and protection water management facilities - dikes, bank revetments, artificial watercourse channels, relief canals, lateral canals, drainage tunnels, dams with reservoirs, sluices, retentions and other accompanying structures,

pumping stations for flood control, multiple purpose reservoirs, stilling pools, erosion and torrent control facilities, and other accompanying facilities;

2. water utility facilities:
 - 2.1. public water supply facilities - reservoirs, intake structures (wells, water intakes and other intake facilities on water bodies), drinking water treatment plants, water tanks, pumping stations, major supply pipelines and the water supply network,
 - 2.2. public sewerage facilities – canals for wastewater collection and transport, mixed canals for wastewater sewerage and storm water drainage, collectors, pumping stations, wastewater treatment plants, plants for treatment of sludge generated in the process of wastewater treatment, lagoons, discharges into the receiving waters and other accompanying facilities, including the secondary network;
3. amelioration water management facilities :
 - 3.1. amelioration drainage facilities under paragraph 2 of this Article,
 - 3.2. irrigation facilities – accumulation and other intake facilities, distribution network and other accompanying facilities,
 - 3.3. combined amelioration facilities are facilities from indents 3.1 and 3.2 of this item;
4. water management facilities for the production of electrical energy – reservoirs, dams, inlet and outlet canals, tunnels and other accompanying facilities, plant and equipment;
5. inland navigation facilities – navigation safety facilities on waterways and port facilities in accordance with the specific regulations on inland navigation and ports.

Amelioration drainage facilities are canals with accompanying pumping stations, underdrains, concrete culverts, plugs, siphons, channel falls, chutes, anti-erosion lining, sluices and other accompanying facilities, plant and equipment, and can be divided into:

1. basic amelioration drainage facilities:
 - 1.1. amelioration facilities of the 1st order – main drainage canals for collection of all waters from the amelioration system or parts of the system, transported via the detailed canal network and taken into amelioration facilities,
 - 1.2. amelioration facilities of the 2nd order - main drainage canals for collection of all waters from the amelioration system or parts of the system, transported via the detailed amelioration network and taken into amelioration facilities of the 1st order;
2. detailed amelioration drainage facilities:
 - 2.1. amelioration facilities of the 3rd order – collection and land lot canals for collection of waters from agricultural surfaces and transport into basic amelioration drainage facilities (amelioration facilities of the 2nd order),

- 2.2. amelioration facilities of the 4th order – land lot or detailed canals for immediate collection of waters from agricultural or other surfaces and transport into amelioration facilities of the 3rd order.

Water management facilities under this Article are of interest to the Republic of Croatia.

Construction and maintenance of water management facilities under this Article are in the interest of the Republic of Croatia.

Legal status of water management facilities

Article 23

Regulation and protection waterworks and facilities for the basic amelioration drainage are the property of the Republic of Croatia.

Amelioration water management facilities, exclusive of the facilities under paragraph 1 of this Article, are a common good in public use and in the ownership of the regional self-government units.

Water utility facilities are a common good in public use and in the ownership of the public water service providers and the regional self-government units.

Water management facilities for the production of electrical energy, whose investor is the Republic of Croatia or a legal person with the Republic of Croatia as a majority shareholder, shareholder or a founder with a majority decision-making right, inclusive of accumulation area built around the water estate are the property of the Republic of Croatia. The facility under this paragraph shall be a unique facility.

Facilities for inland navigation, whose investor is the Republic of Croatia or the port management, are the property of the Republic of Croatia.

Legal and natural persons may, for the purpose of their own needs and on their own land or on the land over which they acquire the right to build or the right of servitude for pipelines, build water management facilities.

Management of water management facilities

Article 24

Regulation and protection waterworks and basic amelioration drainage facilities in the ownership of the Republic of Croatia shall be managed by Croatian Waters.

Detailed amelioration drainage facilities and irrigation facilities in the ownership of regional self-government units shall be managed by the said self-government units.

Public water management facilities shall be managed by the public water service provider or a concessionaire under Article 171, paragraph 2, subparagraph 1 of this Act.

Special regulations on navigation and ports on the inland waters shall apply to the management of inland navigation facilities.

Special regulations on energy and the electrical energy market shall be applied to the management of facilities for the production of electrical energy.

Within the meaning of this Article, management implies the tasks of an investor of the construction of water management facilities, to maintain and preserve the same, and to use the water management facilities for their intended purposes.

Division of amelioration water management facilities

Article 25

The list of basic amelioration drainage facilities and combined amelioration facilities of interest to the Republic of Croatia shall be specified by the Minister.

The provisions of this Act regarding basic amelioration drainage facilities shall apply to combined amelioration facilities listed in paragraph 1 of this Article, and the provisions of this Act regarding detailed amelioration drainage facilities shall apply to the facilities not listed in paragraph 1 of this Article

Construction and maintenance of water management facilities

Article 26

Construction and maintenance of regulation and protection facilities and basic amelioration drainage facilities in the ownership of the Republic of Croatia shall be executed in accordance with the Water Management Plan.

Construction and maintenance of detailed amelioration drainage facilities and irrigation facilities in the ownership of regional self-government units shall be executed in accordance with the programme enacted by their representative bodies.

Construction of water utility facilities shall be executed in accordance with the plan enacted by the representative body of a local self-government unit.

Maintenance of water utility facilities shall be executed in accordance with the plan enacted by the public water service provider or pursuant to the concession agreement.

The investments from the state budget, water fees and international funds into the construction of water utility facilities, detailed amelioration drainage facilities and irrigation facilities in the ownership of regional self-government units shall be executed in accordance with the Water Management Plan.

The bodies enacting plans under this Article may, in accordance with these plans, enact detailed programmes for the construction and maintenance of water management facilities.

The bodies enacting plans and programmes under this Article shall enact general technical conditions for the construction and maintenance of water management facilities.

Expropriation for construction and maintenance of water management facilities

Article 27

Expropriation for the construction and maintenance of regulation and protection water management facilities, water utility facilities and amelioration facilities shall be conducted pursuant to the Expropriation Act, except where prescribed otherwise by this Act.

For the purpose of construction and maintenance of water management facilities under paragraph 1 of this Article, the user may take possession of property prior to finality of the decision on expropriation under the conditions under paragraph 3 of this Article.

The body that enacts decisions on expropriation shall enact a decision allowing the beneficiary of expropriation to take possession of the property prior to finality of the decision on expropriation if the user submits with his request proof that the former owner was compensated pursuant to expropriation regulations, or that the compensation was placed at his disposal, or that the former owner refused to accept the compensation.

The decision under paragraph 3 of this Article shall be issued within seven days of the date of submission of the request.

An appeal against the decision under paragraph 3 of this Article shall not postpone its execution.

Construction and servitude on public property

Article 28

The right to build water management facilities in the ownership of the Republic of Croatia on other property in the ownership of the Republic of Croatia that does not constitute the public water estate and the right to use a common good for construction of the above facilities shall be decided by the Government of the Republic of Croatia, unless prescribed otherwise by a special Act.

The provision of paragraph 1 of this Article shall also apply to the creation of a right of servitude or right to use for servitude.

In cases under paragraphs 1 and 2 of this Article, the fee for the use of generally beneficial forest functions or other fee for the rights transferred pursuant to the Act regulating forest management, fee for reduction of value and surface of agricultural land pursuant to the Act regulating management of agricultural land, fee for the use of road land pursuant to the Acts regulating management of roads and highways, and other fees for the right to build and right of servitude prescribed by special regulations shall not be paid.

For the right to build water management facilities in the ownership of the Republic of Croatia or servitude for the construction or maintenance of the above facilities on property in the ownership of local or regional self-government units or legal persons where the local or regional self-government units are owners of majority shares, shareholders or founders with the majority voting control fees for construction and servitude shall not be paid under the condition of reciprocity.

Management of multiple purpose reservoirs

Article 29

Maintenance, covering a part of maintenance costs and co-ordination of use of multi-purpose reservoirs and other water management facilities that, apart from protection from adverse effects of water, are also used for other purposes (water supply, power generation, irrigation, recreation, etc.) shall be executed in accordance with the agreement concluded between Croatian Waters and other bearers of rights over the concerned facilities.

Water facilities for production of electrical energy and inland navigation

Article 30

Water management facilities under Article 22, paragraph 1, items 4 and 5 of this Act for which the investor is a legal or natural person and are constructed on land owned by the concerned person shall be in the ownership of the concerned person and shall be managed in accordance with the provisions of this Act and special regulations on energy and on inland navigation and ports.

III RIVER BASIN DISTRICTS

River Basin Districts in the Republic of Croatia

Article 31

For the management of river basin districts on the national territory of the Republic of Croatia, the following river basin districts shall be established:

1. Danube River Basin District, and
2. Adriatic River Basin District.

The boundaries of river basin districts shall be established by the Government of the Republic of Croatia.

Division of waters

Article 32

Surface waters and groundwaters shall be managed jointly.

Surface waters are divided into waters of the 1st order and waters of the 2nd order.

The list of waters of the 1st order, which shall include interstate waters, coastal waters, other major waters and canals, and torrential waters of significant power, shall be specified by the Government of the Republic of Croatia.

Other surface waters shall be considered waters of the 2nd order.

Division of river basin districts

Article 33

River basin districts may be divided into:

1. areas of sub-basins;
2. areas of small basins;
3. sectors.

The boundaries of sub-basins, areas of small basins and sectors under paragraph 1 of this Article shall be established by an ordinance issued by the Minister, at the proposal of Croatian Waters.

IV WATER MANAGEMENT PLANNING DOCUMENTS

Water management planning documents

Article 34

Water management planning documents shall include the Water Management Strategy, River Basin Districts Management Plan, long-term building plans, financial plan of Croatian Waters, Water Management Plan and detailed plans regulated by this Act.

Water Management Strategy

Article 35

The Water Management Strategy is a long-term planning document that defines the vision, mission, objectives and tasks of the state policy in water management.

The Water Management Strategy shall be based on scientific research, continuous monitoring of the situation and phenomena in relation to water and its use, abundance of specific water-related issues of each river basin district and integrated environmental protection.

The Water Management Strategy shall be harmonised with other strategic documents enacted by the Croatian Parliament.

The Water Management Strategy shall be periodically harmonised in accordance with the changes occurring in the water system and with socioeconomic development.

The Water Management Strategy shall be enacted by the Croatian Parliament.

The Water Management Strategy shall be published in the Official Gazette of the Republic of Croatia.

River Basin Districts Management Plan

Article 36

The Government of the Republic of Croatia shall enact the River Basin Districts Management Plan which shall be published in the Official Gazette.

The River Basin Districts Management Plan for each river basin district shall specifically include:

1. description of the natural characteristics and the status of waters, specifically:

- 1.1. for surface waters, including coastal waters: an overview of the position and boundaries for water bodies, an overview of the types of water bodies and description of their characteristics, the assessment of the quantity status of waters
- 1.2. for groundwaters: an overview of the position and boundaries water bodies and a description of their characteristics, assessment of pollution from diffuse sources including an overview of the significant impact on the aquatic environment,
- 1.3. a summary of the more significant loads (pressures) and impacts of human activity on the status of surface waters, including coastal waters, and groundwaters, and specifically: assessment of pollution from point sources, assessment of pollution from diffuse sources, including an overview of the significant impact on the aquatic environment, assessment of the quantitative status of the use of waters and assessment of other impacts of anthropogenic activity on the status of waters,
- 1.4. the list and cartographic overview of the protected areas under Article 48, paragraph 3 of this Act, including terms and measures of protection in accordance with this Act and specific regulations,
- 1.5. monitoring programme, including a monitoring network map depicting the results of monitoring surface waters, including coastal waters, territorial sea waters and groundwaters and protected districts in relation to water status,
- 1.6. economic analysis of the use of waters;
2. list of quality objectives for surface waters, including coastal waters, territorial sea waters and groundwaters, including protected districts, and the deadlines for accomplishing those objectives,
3. concise overview of adopted measures for accomplishing water quality objectives, including methods to be used for achieving the objectives, which include primary and supplementary measures;
4. identification of means needed for the implementation of measures under this plan.
5. rules for application of individual components of the plan.

Apart from the contents under paragraph 2 of this Article, the River Basin District Management Plan shall comprise the following elements:

1. a register of the detailed plans and programmes relating to specific sub-basins, sectors, specific issues or types of waters over the aquatic environment referred to in the plan with a summary of their contents, and the programme register under Article 37 of this Act with an outline of their contents;
2. a report comprising description of activities and results pertaining to public participation in the preparation of the plan;
3. a list of competent institutions for application of the plan in the water basin district;
4. identification of contact points where access is enabled or accompanying documentation and information pertaining to the preparation, review and amendment of the River Basin District Management Plan is available, details on control measures adopted for point sources of pollution and for all other identified adverse impacts on the status of water bodies in the water basin district and the current monitoring results,

Apart from the contents under paragraphs 2 and 3 of this Article, each new, supplemented or amended River Basin Districts Management Plan shall comprise:

1. a summary of all amendments and supplements to the plan as of the day of enactment;
2. an assessment of the level of achievement of objectives;
3. an outline of measures from the previous plan not implemented, with a list of reasons;
4. a summary of supplementary measures which were not incorporated in the previous plan, and which were implemented for the purpose of achievement of objectives.

The River Basin Districts Management Plan shall be enacted for a period of six years, after which period it shall be amended for the following six year period.

Croatian Waters may supplement the River Basin Districts Management Plan with detailed management plans for sub-basins, small basins and sectors or plans related to other issues of interest for water management.

Regional self-government units shall obtain the prior opinion of the Ministry, and local self-government units the prior opinion of Croatian Waters regarding the compliance of their physical plans with the River Basin Districts Management Plan.

A report on the implementation of the River Basin Districts Management Plan, compiled by Croatian Waters, shall be submitted to the Croatian Parliament shall be submitted every three years. The report shall be a constituent part of the River Basin Districts Management Plan.

Long-term building programmes

Article 37

The Government of the Republic of Croatia shall pass long-term programmes for the construction of water utility facilities, regulation and protection water facilities and amelioration facilities designed by Croatian Waters.

The programmes under paragraph 1 shall be in accordance with the Water Management Strategy and the River Basin Districts Management Plan.

Individual projects, method and period of implementation, parties involved in the implementation, amounts of investment and their sources, and the implementing priority schedule, where applicable, shall be determined by the programmes under paragraph 1 of this Article.

The programmes under paragraph 1 of this Article shall be incorporated in adequate scope in the programme of measures under Article 36, paragraph 2, item 3 of this Act.

Financial Plan and Water Management Plan

Article 38

The Financial Plan of Croatian Waters shall be prepared pursuant to the provisions of the Budget Act that governs the financial plans of extra-budgetary users.

The Financial Plan of Croatian Waters shall be enacted by the Government of the Republic of Croatia.

A more detailed regulation on the content of the Financial Plan shall be issued by the Minister.

The Water Management Plan shall be enacted for water management on an annual basis.

The Water Management Plan shall be compliant with the Financial Plan of Croatian Waters.

The Water Management Plan shall be compliant with the River Basin Districts Management Plan.

Public participation

Article 39

The draft version of the Water Management Strategy and the River Basin Districts Management Plan shall be made available for public information and water users in such a way that:

1. the Action Plan and schedule for designing of the Water Management Strategy and the River Basin Districts Management Plan, including the list of consultations to be held, shall be made available to the public a minimum of three years prior to the start of the period concerned by the Water Management Strategy and the River Basin Districts Management Plan;
2. the provisional review of the significant water management issues identified over the water estate shall be made available to the public a minimum of two years prior to the beginning of the period concerned by the Water Management Strategy and the River Basin Districts Management Plan;
3. the Draft Strategy and Plan shall be made available to the public a minimum of one year prior to the beginning of the period concerned by the Water Management Strategy and the River Basin Districts Management Plan;

Upon written request, legal and natural persons shall be granted insight into the relevant documentation and information used in the process of drafting the Water Management Strategy and the River Basin Districts Management Plan.

A minimum period of six months shall be ensured for written comments.

Croatian Waters shall be liable to undertake a consultation process on the Draft Water Management Plan through the Water Estate Council.

The Water Estate Council shall be summoned for each water estate and shall consist, among others, of the representatives of one or more regional self-government units, local self-government units, water users and non-governmental organisations.

Expert and secretarial activities, including funds for the functioning of the Water Estate Council, shall be provided by Croatian Waters.

The Minister shall enact a regulation specifying in detail the contents, procedure and methodology of preparation of the Water Management Strategy and the River Basin Districts Management Plan, the manner for public consultation and information on the Water Management Strategy and the River Basin Districts Management Plan, and the composition of the Water Estate Council, the manner of its summoning and decision-making.

To public participation issues pertaining to the preparation of the Water Management Strategy and the River Basin Districts Management Plan which are not regulated under this Act, environmental protection regulations shall apply.

V PROTECTION OF WATER AND THE AQUATIC ENVIRONMENT

1. General purpose of water protection

Water protection objectives

Article 40

Protection of water from pollution (hereinafter: water protection) shall be carried out for the purpose of:

- protection of human life and health;
- protection of aquatic and other water-dependent ecosystems;
- nature protection;
- reduction of pollution and prevention of further deterioration in the water status;
- protection and improvement of the surface water status, including coastal waters, and groundwater status, and for restoring the prior status where it was better than the current status;
- enabling the harmless and unimpeded use of water for various purposes.

Water protection shall be achieved by enacting implementing regulations under this Chapter, supervision of water quality status and sources of pollution, pollution control, prohibition of discharging pollutants into water and prohibition of other acts and behaviours that may cause pollution of the aquatic environment and the environment in general, construction and management of wastewater sewerage and treatment facilities, and other measures aimed at the preservation and improvement of water quality and suitability for use.

Implementation of measures for protection of water from pollution shall neither directly nor indirectly increase the pollution of inland waters.

2. Water quality standard and determination of water status

Water quality standard

Article 41

The Government of the Republic of Croatia shall enact a regulation specifying the water quality standards for surface waters, including coastal waters and waters of the territorial sea, and groundwater.

The regulation under paragraph 1 of this Article shall also contain:

- criteria for establishment of objectives of protection of the aquatic environment pursuant to the general purpose of water protection under Article 40, paragraph 1 of this Act;
- chemical and ecological indicators for surface waters, including coastal waters, chemical indicators for waters of the territorial sea, chemical and quantitative indicators for groundwater including standards for status assessment and determination of characteristics of permanent changes in the groundwater status;
- criteria for designation of sensitive and less sensitive areas;
- criteria for designation of vulnerable areas;
- quality standards for salmonid and cyprinid waters, recommended and mandatory values of physical and chemical indicators and their deviations, sampling methods, sampling frequency and methods for harmonisation of water quality standards with standardised indicators;
- quality standards for shellfish waters, recommended and mandatory values of physical and chemical indicators and their deviations; sampling methods, sampling frequency and methods for harmonisation of water quality standards with standardised indicators;
- preconditions for the designation of artificial and heavily modified water bodies under Article 54, paragraph 1, subparagraph 1 of this Act and their ecological, chemical and quantitative indicators;
- required research and testing of water quality, excluding emission limit values, technical specifications and standardised methods for application of the water status monitoring programme under Article 44 of this Act;
- list of hazardous and priority substances and other pollutants; and
- limitations or prohibitions of discharging pollutants into water, and limitations or prohibition of disposal of pollutants at locations where there is a possibility of water pollution.

The quality of water intended for human consumption shall be determined on the basis of indicators of the health standards of drinking water in compliance with the food regulations.

The quality of natural mineral waters, natural spring waters and table waters, which are placed on the market in bottles and other packaging shall be regulated by food regulations.

Multiple protection objectives

Article 42

Where more than one water quality protection objective is specified for a given body of water, the objective with the most stringent requirements shall apply.

Prohibition of discharge of hazardous substances

Article 43

It shall be prohibited to discharge or introduce hazardous substances and other pollutants into water and dispose of them at locations where there is the possibility of pollution of waters and the aquatic environment, except under conditions prescribed by this Act or regulations adopted on the basis of this or special acts.

Monitoring

Article 44

Supervision of the status of surface waters, including coastal waters, and groundwater shall be conducted through systematic monitoring of water status.

Monitoring objectives are:

- establishment of long-term changes (surveillance monitoring);
- establishment of changes due to implementation of measures in areas identified as failing to meet the conditions for good status (operational monitoring);
- establishment of unknown relations (investigative monitoring).

Monitoring under paragraph 2 shall cover indicators needed for establishment of:

- volume, level, flow, velocity, hydromorphological characteristics, ecological and chemical status and ecological potential for surface water,
- ecological and chemical status and ecological potential for coastal waters
- chemical status for territorial sea waters, and
- quantitative and chemical status for groundwater.

Apart from the indicators under paragraph 3 of this Article, monitoring shall also include other indicators pursuant to the provisions of special regulations under which the protected areas - areas of special water protection were designated.

Collection of data within biological monitoring for the purpose of classifying the ecological status of waters shall be conducted at locations included in the inter-calibration network of the European Union.

Monitoring shall be carried out by Croatian Waters, for which Croatian Waters shall enact an annual monitoring plan, with the prior consent of the Ministry.

The monitoring plan shall be implemented pursuant to the regulation under Article 41, paragraph 1 of this Act.

Croatian Waters shall be competent to interpret the monitoring results, and shall prepare an annual report.

The report under paragraph 8 of this Article shall be submitted to the Ministry and the Croatian Environment Agency.

Analysis of characteristics of river basin districts

Article 45

The analysis of the characteristics of any water estate along with the review of impacts of anthropogenic activities on the status of surface waters, coastal waters and groundwaters, and economic analysis of the water use shall be conducted.

The analysis of the characteristics of the water estate shall include an assessment of the status of water bodies of the surface waters, coastal waters and groundwaters, along with identification of anthropogenic loads and impacts on the characteristics of water bodies.

The documents under paragraph 1 of this Article shall be constituent parts of the River Basin Districts Management Plan.

Classification of water bodies

Article 46

Based on monitoring results, an assessment shall be made of the status of each particular body of water, which shall then be classified into the appropriate category specified in the regulation under Article 41, paragraph 1 of this Act (classification of water body status) and, along with an analysis of impacts, the risk shall be assessed that a certain body of water will not meet the objectives of protection of the aquatic environment, i.e. that the status will not be maintained in accordance with the objectives of protection of the aquatic environment.

Classification of water bodies shall be a constituent part of the River Basin Districts Management Plan.

Surface water, including coastal waters, shall be assessed and classified into appropriate categories in accordance with their chemical and ecological status or potential for heavily modified and artificial water bodies.

Groundwater shall be assessed and classified into appropriate categories in accordance with their quantitative and chemical status.

Status categories shall be: high, good, moderate, poor and bad.

Programme of measures

Article 47

For the purpose of realising the objectives of protection of the aquatic environment specified pursuant to the regulation under Article 41, paragraph 1 of this Act, a programme of protection measures of surface water, including coastal waters, and groundwater shall be prepared for each river basin district, taking into account the results of analyses under Article 45 of this Act.

The programme of water protection measures shall be a constituent part of the River Basin Districts Management Plan.

The programme of measures under paragraph 2 of this Article shall contain exemptions described in detail for specially allowed discharge into groundwaters pursuant to Article 60, paragraph 3 of this Act.

The programme of water protection measures shall also contain additional measures implemented in protected areas – areas of special water protection under Article 48 of this Act and in heavily modified water bodies under Article 54 of this Act.

3. Areas of special water protection

Protected areas

Article 48

Where it is necessary to implement additional protective measures for the purpose of protection of water and the aquatic environment, protected areas – areas of special water protection are designated pursuant to this Act and special regulations.

Protected areas – areas of special water protection are:

- zones of sanitary protection of drinking water;
- areas designated for the protection of commercially significant aquatic organisms;
- bathing and recreation areas;
- areas prone to eutrophication and areas vulnerable to nitrates;
- areas designated for the protection of habitats or species where maintenance or improvement of the status of water is an important factor in their protection in compliance with this Act and/or water protection regulations, and
- areas with poor water exchange with coastal waters, of which the sensitivity is assessed in relation to urban wastewater discharge.

Croatian Waters shall establish a registry or registries of protected areas – areas of special water protection that shall be a constituent part of the River Basin Districts Management Plan.

Bodies or persons preparing decisions on designation and/or protection of areas under paragraph 2 of this Article shall submit the above decision to Croatian Waters within 60 days after passing the decision.

Sensitive and less sensitive areas

Article 49

Sensitive areas are areas where, for the purpose of achievement of water quality objectives, it is necessary to apply a higher level or higher degree of urban wastewater treatment than that prescribed by the regulation under Article 59, paragraph 3 of this Act; less sensitive areas are areas in which the natural characteristics of water allow for application of a lower level or lower degree of urban wastewater treatment than that prescribed by the regulation under Article 60 paragraph 3 of this Act.

The document on designation of sensitive and less sensitive areas under paragraph 1 of this Article shall be enacted by the Government of the Republic of Croatia pursuant to the criteria specified in the regulation under Article 41, paragraph 1 of this Act.

Designation of vulnerable areas

Article 50

Vulnerable areas are areas where it is necessary to implement increased measures of protection of water from pollution by nitrates from agricultural sources.

The document on designation of vulnerable areas under paragraph 1 of this Article shall be enacted by the Government of the Republic of Croatia pursuant to the criteria specified in the regulation under Article 41, paragraph 1 of this Act and based on the monitoring carried out. The document also stipulates the obligation to monitor the concentrations of nitrates from agricultural sources in surface water and groundwater in vulnerable areas.

For the purpose of achieving a general level of protection from pollution by nitrates of all bodies of surface water, principles of good agricultural practice shall apply, and appropriate measures may be enacted for the promotion of such principles.

For areas designated as vulnerable by the regulation under paragraph 2 of this Article, the minister competent for agriculture shall enact action programmes with mandatory measures for a period of four years. The detailed contents of the action programme providing for the implementation of mandatory measures shall be prescribed by the minister competent for agriculture.

The document under paragraph 2 of this Article shall be reviewed and, if necessary, altered and/or amended at least every four years.

The good agricultural practice code shall be defined in compliance with agricultural regulations.

Management of bathing water quality

Article 51

Management of bathing water quality shall ensure the preservation, protection or improvement of the quality of surface waters used for bathing, thereby contributing to the preservation and protection of the environment and human health.

Local self-government units shall adopt a decision whereby:

- bathing locations (bathing areas) and the duration of bathing seasons on surface waters are designated;
- the assessment of the quality of surface bathing waters is presented and waters are classified;
- the bathing water profile is established.

In case of abnormal circumstances that may have a detrimental effect on the quality of surface bathing waters and bathers' health, the local self-government unit shall take timely and adequate measures including informing the public and, if necessary, institute a temporary prohibition of bathing.

The microbiological quality of surface bathing waters shall be monitored at the locations identified pursuant to paragraph 1 of this Act.

Data on bathing areas, quality assessment of surface bathing waters, classification, status and profile of surface bathing waters and data on occurrence of abnormal circumstances that may impact the quality of surface bathing water shall be submitted by the local self-government unit to Croatian Waters.

Provisions of this Article shall not apply to:

1. the quality of coastal bathing waters, which shall be regulated by special environmental regulations;
2. swimming pools, including spa pools;
3. confined waters subject to treatment or used for therapeutic purposes, and
4. artificially created confined waters separate from surface water and groundwater.

The Government of the Republic of Croatia shall enact a regulation specifying in detail the quality standards for bathing water on the inland surface water and management of the said water.

Management of quality of waters capable of supporting freshwater fish

Article 52

The management of quality of freshwaters supporting freshwater fish life shall ensure protection or improvement of the quality of running or standing fresh waters designated as waters which support or, if pollution were reduced or eliminated, would become capable of

supporting life of indigenous species of fish that contribute to the natural biodiversity and of those species deemed desirable for water management purposes.

The regulation on designation of areas of waters, under paragraph 1 of this Article (salmonid and cyprinid waters) shall be enacted by the Minister with the consent of the minister competent for fisheries in line with the standards laid down in the regulation from Article 41, paragraph 1 of this Act.

The programmes of pollution reduction for the purpose of ensuring the quality of waters capable of supporting freshwater fish shall be enacted by Croatian Waters pursuant to the River Basin Districts Management Plan. The provisions of this Article shall not apply to waters in natural and artificial fish ponds used for commercial fish-farming (aquaculture).

Management of waters capable of supporting shellfish life

Article 53

The management of quality of waters supporting shellfish life shall ensure protection or improvement of the quality of waters that are, in the regulation under paragraph 2 of this Article, designated as waters which support shellfish life and growth. The regulation on designation of waters capable of supporting shellfish life and growth shall be enacted by the Minister with the consent of the minister competent for fisheries in line with the standards laid down in the regulation under Article 40, paragraph 1 of this Act.

The programmes of pollution reduction of waters capable of supporting shellfish life shall be enacted by Croatian Waters pursuant to the River Basin Districts Management Plan.

4. Deviation from realisation of objectives of protection of the aquatic environment

Heavily modified water bodies

Article 54

Pursuant to the regulation under Article 41, paragraph 1 of this Act, the River Basin Districts Management Plan may:

- designate a body of water as a heavily modified water body where, for reasons of technical feasibility or disproportionate related costs, the objectives of protection of the aquatic environment in terms of good status or good ecological potential of a body of water cannot be achieved;
- extend the deadlines for achievement of objectives of protection of the aquatic environment, but ensuring that no further deterioration of the status of the body of water occurs;
- establish exemptions from the achievement of prescribed objectives of protection of the aquatic environment through establishment of less stringent objectives of protection of the aquatic environment for a specific water body when they are so affected by anthropogenic activity, or their natural condition is such that the achievement of the objectives of protection of the aquatic environment would be technically infeasible or disproportionately expensive.

The components under paragraph 1 of this Article shall be reviewed every six years.

Additional measures

Article 55

When monitoring or other official data indicate that it is unlikely that the objectives of protection of the aquatic environment for a body of water shall be achieved, Croatian Waters shall investigate the causes of the possible failure to achieve the objectives and take additional measures to achieve the specified objectives.

Additional measures under paragraph 1 of this Article shall not be taken if failure to achieve the objectives of protection of the aquatic environment is the result of extreme floods and prolonged drought or other occurrences of a force majeure.

5. Discharge, collection and treatment of wastewater

Principles of control of wastewater discharge

Article 56

The control of wastewater discharge for the purpose of protection of water and the aquatic environment shall be conducted according to the principles of:

- rectification of damage at the source;
- a combined approach, and
- polluter pays.

Rectification of damage at the source

Article 57

Damage to waters and the aquatic environment shall primarily be rectified at the source.

Principle of combined approach

Article 58

The principle of combined approach includes:

- establishment of water quality standard pursuant to Article 41, paragraph 1 of this Act;
- application of prescribed emission limit values pursuant to this Act and a regulation enacted on the basis thereof;
- emission controls through the application of best available techniques in the case of point sources of pollution pursuant to the regulation on environmental protection and in accordance with this Act and regulations adopted on the basis thereof, and
- application of good agricultural practice in the case of diffuse sources of pollution pursuant to special regulation on agriculture, and in accordance with this Act and regulations adopted on the basis thereof.

Polluter pays

Article 59

The polluter shall bear the costs generated by pollution of water and the aquatic environment.

Costs under paragraph 1 of this article are expenses for the prevention of further damage, expenses for the restoration of prior status, including expenses for assessment and rectification of damage, and expenses for the prevention of occurrence of future pollution.

The polluter shall also bear the cost of monitoring the water status, implementation of water protection measures, implementation of plans and programmes of state investments into the construction of public sewerage facilities, and the costs of implementing measures of prevention of water pollution, either on the basis of responsibility for pollution or by paying the water protection fee prescribed by the Act regulating the financing of water management.

Emission limit values

Article 60

Legal and natural persons may discharge wastewater within the prescribed emission limit values.

Emission limit values are specified for groups, families or categories of pollutants:

1. in industrial wastewater prior to discharge into public sewerage facilities or septic tanks and sump pits;
2. in all treated or untreated wastewater discharged into water; and
3. in wastewater other than industrial that is discharged into public sewerage facilities, septic tanks and sump pits.

The Minister shall enact a regulation prescribing the emission limit values for wastewater under paragraph 2 items 1 and 2 of this Article, conditions of temporary approval for discharging wastewater exceeding the prescribed quantities and emission limit values, criteria and conditions of collection, treatment and discharge of urban wastewater, and exceptionally allowed discharge into groundwater.

For wastewater other than industrial wastewater that is discharged during commercial activities into the public sewerage system or septic tanks and sump pits in the quantity of more than 30 cubic meters (m³) per day, the regulation under paragraph 3 of this Article shall specify the cases:

- for which a uniform fixed coefficient of pollutant parameters is prescribed, or
- which are subject to the obligation under Article 65, paragraph 1 of this Act.

Discharge of industrial and other wastewater

Article 61

Legal and natural persons that, while performing commercial or other business activities, introduce, discharge or dispose hazardous substances or other pollutants into water shall partially or completely remove the concerned substances prior to discharge into public sewerage facilities or other receiving waters in accordance with the issued water rights permit for wastewater discharge or decision on integrated environmental protection requirements.

Discharge of urban wastewater

Article 62

Local self-government units shall ensure the collection and treatment of urban wastewater prior to their direct or indirect discharge into water in accordance with the issued water rights permit for wastewater discharge.

Discharge of storm water

Article 63

Facilities for storm water drainage, as well as facilities for storm water drainage from roads and railways, airports, inland ports, and surfaces within industrial plants and gas stations, shall be designed and constructed such that hazardous substances and other pollutants in these waters shall not exceed emission limit values prescribed for wastewater under Article 60, paragraph 2, items 1 and 2 of this Act, depending on the discharge site.

Limitation of wastewater discharge

Article 64

Direct discharge of pollutants into groundwater shall not be allowed except in cases provided for in the regulation under Article 60, paragraph 3 of this Act.

Wastewater from vessels and floating objects may not be discharged into water.

Sampling and analysis of wastewater composition

Article 65

Legal and natural persons obliged to possess a water rights permit for wastewater discharge pursuant to the provisions of this Act or a decision on integrated environmental protection requirements pursuant to special regulations on the environment shall ensure regular sampling and analysis of wastewater composition and keep a log thereof.

The activity of sampling and analysis of wastewater composition shall be performed by authorised laboratories.

The regulation under Article 60, paragraph 3 of this Act shall also regulate the methodology of sampling and analysis of wastewater composition, frequency of sampling and analysis, form of the log of discharge of wastewater, its format and methodology, deadlines and formats for submission of data to Croatian Waters, issues under paragraph 4 of this Article and other issues directly related to the above.

Legal and natural persons under paragraph 1 of this Article discharging an average of ten litres per second (10 L/s) of wastewater during one day or shorter period in which technological processes are carried out shall possess, use, and maintain a device for the measurement of water flow and for automatic sampling upon each change in the water flow, and make the same accessible at all times to water rights supervision in accordance with the regulation from paragraph 3 of this Article.

Submission of data on wastewater discharge and production or import of chemicals

Article 66

Legal and natural persons under Article 61 of this Act shall regularly submit data to Croatian Waters on the sampling and analysis of composition of discharged wastewater.

Users of water rights permits and companies which have procured the decision on integrated environmental protection requirements for placing chemicals on the market shall regularly submit data to Croatian Waters on the production or import of chemicals that reach water after use.

The detailed contents of data, forms, deadlines and manner of submission under paragraph 1 of this Article and the manner of keeping the register under paragraphs 1 and 2 of this Article shall be prescribed in the regulation under Article 60, paragraph 3 of this Act.

Decision on wastewater sewerage

Article 67

Legal and natural persons shall discharge wastewater into public sewerage facilities or individual wastewater sewerage systems or in a different manner pursuant to the decision on wastewater sewerage.

The decision under paragraph 1 of this Article shall contain in particular:

1. the manner of wastewater sewerage from a specified agglomeration, including inhabited locations and outside them;
2. the manner of drainage of polluted storm water that is not discharged into a public sewerage system;
3. geographical data on locations of wastewater discharge from public sewerage systems into surface water bodies and exceptionally on locations of wastewater discharge into groundwater bodies pursuant to regulation under Article 60, paragraph 3 of this Act;
4. conditions for wastewater discharge in areas where a public wastewater sewerage system is or is not constructed;
5. emission limit values for wastewater other than industrial wastewater discharged into public sewerage facilities, septic tanks and sump pits;
6. data on competence for maintaining public sewerage systems;
7. conditions of maintaining biological devices for the treatment of sanitary wastewater, maintaining and draining septic tanks and sump pits;

8. reference to the obligation of connecting to public sewerage facilities in accordance with the decision on connecting and general and technical conditions of providing water services.

The decision under paragraph 1 of this Article for an area of an agglomeration within the boundaries of a local self-government unit shall be enacted by the representative body of the local self-government unit.

If an agglomeration spreads over an area of several local self-government units, the decision on wastewater sewerage shall be enacted by the regional self-government unit.

The decision under paragraphs 3 and 4 of this Article shall be enacted pursuant to a prior opinion of Croatian Waters.

Control of good working order of facilities for wastewater sewerage and treatment

Article 68

Wastewater sewerage and treatment facilities shall be designed, constructed and maintained so that water protection prescribed by this Act and regulations adopted on the basis thereof is ensured.

Owners or other legal possessors of facilities under paragraph 1 of this Article shall make the said facilities available for the control of good working order, in particular for water tightness, by an authorised person and obtain a certificate of compliance of the facility with the technical requirements for the facility.

Natural persons - owners or other legal possessors of small wastewater treatment plants shall maintain them through a public sewerage water service provider or through another person authorised in accordance with the decision on wastewater sewerage.

The decision on wastewater sewerage shall also specify the deadlines for mandatory control of good working order.

The technical requirements for wastewater sewerage facilities and the deadlines for mandatory inspection of discharge facilities and purification of wastewater exclusive of facilities under paragraph 3 of this Article shall be prescribed by the Minister with the consent of the minister competent for construction.

Waste sludge

Article 69

Sludge generated in the process of wastewater treatment may be used in accordance with special regulations.

Disposal of sludge under paragraph 1 of this article into water shall be prohibited.

6. Sudden and accidental water pollution

National Plan of Measures for Sudden and Accidental Water Pollution

Article 70

Rectification of consequences of sudden and accidental water pollution shall be performed in accordance with the National Plan of Measures for Sudden and Accidental Water Pollution and subordinate plans of measures designed by Croatian Waters and enacted pursuant to this Plan.

The National Plan of Measures for Sudden and Accidental Water Pollution shall be enacted by the Government of the Republic of Croatia.

The Plan under paragraph 1 of this Article shall contain:

1. assessment of potential and level of threat of sudden and accidental pollution;
2. measures to be taken in cases of sudden and accidental pollution:
 - emergency preparedness measures for the case of sudden and accidental pollution,
 - measures to be taken in cases of immediate threat of pollution,
 - measures to be taken for the purpose of controlling pollution and preventing its further expansion,
 - measures for prevention, mitigation and rectification of harmful effects of pollution;
3. measures to be taken for the purpose of timely and comprehensive informing of the public;
4. measures to be taken in case of transboundary impacts on waters;
5. obligation of enactment and contents of plans of measures for the case of sudden and accidental water pollution by legal and natural persons obliged to possess a water rights permit for wastewater discharge of wastewater or a decision on integrated environmental protection requirements (subordinate plans of measures).
6. detailed obligation and authority of the bearer of the implementation of measures under Article 72, paragraph 3 of this Act.

Rectification of consequences of sudden and accidental pollution of coastal waters shall be carried out pursuant to the Intervention Plan in Case of Sudden Sea Pollution.

Accidental pollution

Article 71

If, due to reduced flow or other circumstances, the threat of deterioration of water quality in a body of water (accidental pollution) should arise, the Minister may temporarily or permanently prohibit or limit discharge of wastewater in a particular area, or temporarily or permanently prohibit or limit discharge of industrial wastewater by persons performing particular activities.

Sudden pollution

Article 72

If, due to a sudden event, malfunction or other reasons, the threat of water pollution should arise, the legal or natural person in relation to whose activity or neglect such a threat arose shall inform the National Protection and Rescue Directorate thereof, without delay.

The National Protection and Rescue Directorate shall inform the nearest state water rights inspector of the pollution occurred or threat of water pollution and the inspector shall, in turn, inform Croatian Waters.

The implementation of measures under Article 70, paragraph 3, items 2 and 3 of this Act shall be obligatory for:

1. legal or natural persons with a water rights license for discharge of wastewater or a decision on the integrated conditions on ecological protection in relation to water pollution, which has flowed from the locations concerned by the said documents;
2. water service provider in relation to water pollution that has flowed from water utility facilities or first occurred in the water utility facilities;
3. Croatian Waters in any other case of water pollution, including measures under Article 70, paragraph 3, item 4 of this Act.

The bearer of the implementation of measures under paragraph 3 of this Article shall immediately upon learning of water pollution or the threat of water pollution, shall take measures for emergency prevention or elimination.

Measures of prevention and elimination of pollution

Article 73

The costs of measures taken under Article 70, paragraph 3 of this Act shall be borne by the polluter pursuant to the provisions of Article 59 of this Act.

The decision on the calculation and payment of costs under paragraph 1 of this Article shall be enacted by Croatian Waters in an administrative procedure. An appeal against the decision to the Ministry shall be allowed, but shall not postpone its execution.

The provisions of the Water Management Financing Act governing the realisation of the water protection fee shall apply to the execution of the decision under paragraph 2 of this Article.

If the polluter is unknown, the costs of taking measures under paragraph 1 of this Article shall be borne by Croatian Waters, apart from the case under paragraph 5 of this Article.

If the pollution regardless of the location of its source has occurred in the utility water facilities, facilities for storm water drainage in the area of a road or an airport, water management facilities in private property or internal pipelines, the owner or the person who, according to the special regulation, is competent for management or governing of the said facility, shall bear the costs of the taken measures under paragraph 1 of this Article.

VI WATER USE

1. Types and conditions of water use

Types of water use

Article 74

Pursuant to this Act, water use is:

1. abstraction of surface water and groundwater, including spring, surface water and groundwater for various purposes (water supply, sale of water on the market in original or processed form in bottles or other packaging, sanitary and technological purposes, health and balneological needs, heating, irrigation, etc.);
2. use of water for the production of electrical energy and operating purposes;
3. use of water capable of sustaining freshwater fish and other aquatic organisms;
4. use of water for navigation;
5. use of waters for floating, including the use of waters for rafting, navigation of canoes and similar vessels;
6. use of water for sport, bathing, recreation and other similar purposes, and
7. use of waters for placement of floating or sailing objects on waters.

Farming facilities in mariculture shall not be considered floating or sailing objects on waters under paragraph 1, item 7 of this Article.

General conditions of water use

Article 75

Everyone shall be allowed to use water under the conditions and within the limits specified by this Act.

Water shall be used and utilised rationally and economically.

Every water user shall use water in the manner and extent by which water is protected from being wasted and from harmful changes to its quality and which do not deny other persons their legal right to use water.

General water use

Article 76

Anyone shall be allowed to use water for private use in the manner and quantity which does not exclude others from the same use (general water use). General water use includes in particular:

1. abstraction of surface water and groundwater from the first water-bearing strata up to 10 m of depth for drinking, cooking, maintaining cleanliness, sanitary and other purposes in households, and

2. use of surface water for bathing, sport and recreation and other similar purposes.

General water use does not include use of water for irrigation, regardless of the size of the irrigation area.

Free use of water

Article 77

The owner or bearer of other property right over a land lot may freely use and utilise:

1. storm water collecting on his/her land;
2. water springing on his/her land and not creating a watercourse by the boundary of the lot, i.e. not flowing outside the boundaries of the lot, within the limits of general use of water, and
3. groundwater on his/her lot, within the limits of general use of water.

Regulation on general water use

Article 78

If necessary, the representative body of a local self-government unit shall enact, with the previously obtained opinion of Croatian Waters, a more detailed implementing regulation on the location, manner and scope of general water use.

Use of water outside the extent of general and free water use

Article 79

Each water use exceeding the extent of general water use or free use of water shall require a concession agreement or water rights permit for water use.

Register of the abstracted quantities of water

Article 80

Legal and natural persons abstracting and extracting water, except for general water use and free use of water, shall keep a register of quantities of abstracted water and submit data thereof to Croatian Waters.

The regulation on the contents and manner of keeping the register and submission of data under paragraph 1 of this Article shall be enacted by the Minister.

Limitations of water use

Article 81

Water use may be limited:

1. if temporary water shortage occurs to such an extent that it is not possible to satisfy the needs of all users in a given area;

2. if it is established that the reserves of bodies of groundwater or surface waters from which water is abstracted for the purposes of public water supply are reduced to such an extent that there is no possibility of their further abstraction or that there is danger of their total exhaustion;
3. if due to current water abstraction or other manner of use the chemical status of a body of water has deteriorated or might deteriorate;
4. if the reduction of the level of bodies of groundwater has threatened the aquatic and forest ecosystems.

The decision on the limitation of water use shall be enacted by the mayor, and if the limitation concerns several local self-government units, the decision shall be enacted by the county prefect.

If the decision on the limitation of water use is not enacted pursuant to paragraph 2 of this Article, the decision on the limitation of water use shall be enacted by the Minister.

Waters found during excavation

Article 82

A legal or natural person that during mining works, excavation of tunnels and other soil excavation or drilling encounters groundwater (springs, running and standing waters) shall immediately, and no later than 48 hours after such discovery, inform Croatian Waters, who shall inform the state water rights inspection.

The legal or natural person under paragraph 1 of this Article shall:

1. allow the state water rights inspector and authorised personnel of Croatian Waters to collect data and perform necessary testing for the purpose of establishing the deposit, quantity and quality of water;
2. take necessary measures at the order of the state water rights inspector.

Water research works

Article 83

Use of water from groundwater bodies, aside from general water use and free use of water, may be allowed only if water research works have been conducted.

Water research works under paragraph 1 of this Article are works and research for the purpose of establishing the existence, distribution, quantity, quality and mobility of groundwater in a given area.

Any borehole made either for the purposes of water use or for water research must be made so that the existing quality of individual aquifers separated by an impermeable soil layer is not changed by their mixing or by introduction of waters from the surface or permeable surface soil.

After abandoning a borehole, the user shall backfill the well in such a manner so as to restore the prior status (impermeability restored in the full thickness of impermeable layers).

The person conducting water research shall, prior to obtaining water rights conditions, prepare a report containing a current situation survey and manner of restoring the prior status after abandoning the borehole.

2. Water use for the purpose of public water supply

Order of priority by purpose

Article 84

The use of water for supplying the population with drinking water and water for sanitary purposes, purposes of fire protection and prevention shall have priority over water use for other purposes.

The order of priority in particular parts of a river basin district may be specified depending on the specific needs and conditions, with the mandatory priority of purposes under paragraph 1 of this Article.

The decision on the order of priority under paragraph 2 of this Article shall be enacted by the Minister with prior opinion of regional self-government units.

Order of priority by location

Article 85

Priority in the use of water from sources and other deposits for the purposes under Article 84 of this Act shall be given to a water supply area where the source or other deposits are located in the extent corresponding to its needs.

Decision on public wells, pumps and other

Article 86

A decision adopted by a representative body of a local self-government unit shall prescribe: the manner of maintaining facilities and ensuring adequate quality and quantity of waters and the conditions of using public wells, public pumps and other similar facilities that are not included in the public water supply system.

Ensuring the sanitary quality of drinking water

Article 87

Public water supply service providers shall ensure the sanitary quality of drinking water pursuant to regulations on food, ensure the good working order of facilities for public water supply, and for this purpose conduct systematic and permanent controls and take the necessary measures thereof.

Identification of drinking water

Article 88

For reasons of ensuring priority in water use for water supply, in each river basin district, Croatian Waters shall particularly identify:

1. all waters intended for human consumption that ensure an average of more than 10 m³ of water per day or serve more than 50 people, and
2. all bodies of water reserved for that purpose in the future.

The status of all bodies of surface water and groundwater that ensure abstraction of more than 100 m³ per day shall be monitored.

Monitoring under paragraph 2 of this Article includes:

1. prior establishment of quality parameters for the classification of ecological status;
2. establishment of standards for the classification of ecological and chemical status;
3. monitoring of ecological and chemical status; and
4. classification and representation of ecological status.

3. Use of water intended for human consumption for cross-border sale

Sale of water in its original form on foreign markets

Article 89

Abstraction of water intended for human consumption in its original form and in quantity of f 3.5 million square meters per year for the purpose of its sale on foreign markets shall be an activity of interest for the Republic of Croatia.

The Republic of Croatia has the exclusive right to abstraction of water and performance of the activity referred to in paragraph 1 of this Article.

The activity and abstraction of water referred to in paragraph 1 of this Article shall be performed for the Republic of Croatia exclusively by the trading company founded by the Government of the Republic of Croatia. The Republic of Croatia shall be the sole shareholder in that company.

For abstraction of water referred to in paragraph 1 of this Article, the company referred to in paragraph 3 of this Article needs to obtain the water rights permit in accordance with the regulation referred to in Article 142 of this Ac, issued by the Ministry.

In the event that the business share in the company referred to in paragraph 3 of this Article is transferred, in entirety or in part, the company shall lose the right to abstract water and to perform the activity referred to in paragraph 1 of this Article.

The provision under paragraph 1 of this Article shall not relate to abstraction and cross-border sale of water through facilities for public water supply.

4. Protection of sources and sanitary protection zones

Sanitary protection zones

Article 90

Areas where a water source or other deposit is located that is used or reserved for public water supply, and areas where water is abstracted for the same purpose from rivers, lakes, reservoirs, etc. (hereinafter: sources), shall be protected from deliberate or accidental pollution and other impacts that may have an adverse effect on the sanitary quality or yield of water (sanitary protection zones).

The Minister shall enact an ordinance specifying detailed conditions for the establishment of sanitary protection zones, measures and limitations taken therein, deadlines for enacting decisions on the protection of sources and procedure of enacting the decisions on protection of sources.

Decision on protection of water source

Article 91

Protection of water sources by sanitary protection zones shall be implemented in accordance with the decision on protection of a water source.

Based on the results of water research works, the decision on protection of a water source shall prescribe:

1. size and boundaries of sanitary protection zones;
2. sanitary and other conditions for maintenance;
3. protection measures;
4. sources and manner of financing the implementation of protection measures;
5. limitation or prohibition of performance of agricultural and other activities;
6. limitation or prohibition of construction or other activities that may influence the quality or quantity of water from the source, and
7. penal provisions.

The decision on protection of a water source shall be enacted, with prior consent of Croatian Waters, by:

1. the representative body of a local self-government unit, if the zone is located within the territory of the local self-government unit;
2. the representative body of a regional self-government unit, if the zone extends over the territory of several local self-government units in a single regional self-government unit;
3. agreed representative bodies of regional self-government units, if the zone extends over the territory of multiple regional self-government units.

If the bodies under paragraph 3 of this Article fail to enact the decision on protection of a water source by the deadline prescribed by the regulation under Article 90, paragraph 2

of this Act, the said decision shall be enacted by the Minister and shall remain in force until the enactment of the decision by the bodies under paragraph 1 of this Article.

Sanitary protection zones established by the decision under paragraph 1 of this Article and the space reserved for sanitary protection zones for which a decision has not been enacted must be included in physical plans of the areas containing the concerned zones.

Increased investments in sanitary protection zones

Article 92

When, for the purpose of protecting water sources in sanitary protection zones, increased investments into water utility facilities are required, the necessary funds for such investments shall be allocated in the budgets of local self-government units in whose territory the water from the source is used, proportionate to the quantity of water delivered to the area of each concerned local self-government unit.

The local self-government unit in whose territory the water source is located may propose, pursuant to the Act regulating financing of water management, that the regional self-government unit should introduce a development fee for the purpose of financing the needs under paragraph 1 of this Article.

5. Use of water power

Right to use water power

Article 93

The right to use water power for the production of electrical energy and for operation of the plant, in relation to other purposes specified by this Act, shall be determined by the body under Article 175, items 1 or 2 of this Act on the basis of prevailing public interests, such as improvement of the overall standard of human life, environmental protection, nature protection, protection of health, and rational water use.

The measurement unit for water for the purposes under paragraph 1 of this Article shall be the cubic metre (m³).

The measurement unit for the driving force of water under paragraph 1 of this Article shall be the kilowatt (kW).

Design and building requirements

Article 94

Water facilities and plants for the use of water power shall be designed and built so they:

1. allow the return of water to watercourses and other bodies of water;
2. do not reduce the current extent of water use for water supply, irrigation and other purposes or do not prevent water use for other purposes in accordance with this Act and plan of specified purpose;

3. do not reduce the level of protection from adverse effects of water and do not hinder the implementation of measures of such protection;
4. do not deteriorate the health conditions and do not adversely effect the water status;
5. do not endanger human life and health, do not cause damage to water and the aquatic environment and other constituents of the environment, the environment as a whole, property and legal interests of other persons;
6. do not impede pedestrian, road and railway traffic and navigation on inland waterways.

Ensuring multi-purpose use of reservoirs

Article 95

Reservoirs for use of water power shall be designed and constructed so as to ensure their use for protection from adverse effects of water, and use for other purposes (water supply, irrigation, etc.).

The multi-purpose use of reservoirs under paragraph 1 of this Article shall be ensured in accordance with the concession agreement, water rights conditions and Location Permit.

The agreement concluded by the investors with other beneficiaries of construction under paragraph 1 of this Article shall specify the obligation of covering an appropriate share of the costs of construction and participation in maintaining the reservoir and its surroundings during their use by other beneficiaries.

6. Water use for irrigation

Water use for irrigation

Article 96

The right to use water for irrigation shall be exercised in accordance with this Act and for the purposes of realising the objectives of the Project of National Irrigation and Agricultural Land and Water Management in the Republic of Croatia, irrigation plans and programmes of regional self-government units, and for meeting the needs for irrigation of various users for various purposes.

Companies, co-operatives or associations of water users (water amelioration organisations) may be established in accordance with special regulations for the purposes of construction, maintenance and use of irrigation systems of interest to several owners or legal possessors of land.

Detailed regulations on management, technical and other conditions for regulation of the water supply system, mandatory reporting on the status and use of the system, bases for identification of the system maintenance costs and models of distribution of the said costs to the beneficiaries shall be enacted by the Minister.

7. Sand and gravel in areas significant for the water regime

Prohibition of exploitation

Article 97

Exploitation of gravel and sand in the area designated for maintenance of water regime from renewable and non-renewable deposits shall be prohibited.

Areas significant for maintaining the water regime under paragraph 1 of this Article are:

1. watercourses and other bodies of surface water;
2. regulated and unregulated floodplain areas.

The provisions of this Act relating to sand and gravel shall also apply to stone and earth, including clay.

Gravel and sand outside zones significant for maintenance of the water regime

Article 98

If the exploitation of sand and gravel from non-renewable deposits is specifically allowed pursuant to regulations on mining, apart from documents prescribed by the mining regulations in sanitary protection zones of sources and outside areas significant for maintenance of the water regime, water rights conditions shall be required as a constituent part of the concession agreement, which shall be concluded in compliance with the mining regulations.

Sand and gravel extracted during works on water and over the water estate

Article 99

Should it be necessary to extract sand and gravel from watercourses and channels, during the construction of the regulation and protection of water management facilities and facilities for basic amelioration drainage or maintenance works under Article 107 of this Act that are conducted by service provider on the basis of an agreement with Croatian Waters as the service recipient, or during construction and maintenance of waterways on inland waters, maritime zones of ports and quays for inland navigation and facilities for the safety of inland navigation conducted by service providers on the basis of an agreement with the Agency for Inland Waterways as the service recipient pursuant to the Act regulating ports and navigation on inland waters, such materials may only be used in accordance with the provisions of this Act.

For works on construction and maintaining inland waterways, maritime zones of ports and quays for inland navigation and facilities for safety of inland navigation conducted in accordance with the Act regulating ports and navigation on inland waters, the Agency for Inland Waterways shall obtain water rights documents from Croatian Waters.

Prior to the beginning of extraction works, the service provider under paragraph 1 of this Article shall be obliged to:

- create geodesic photographs of the extraction sites and at the locations of potential distribution under Article 102, paragraph 1 of this Act, and

- conduct an analysis of the granulometric composition of sand and gravel sediments from the extraction site, unless the sediment is envisaged for distribution only under Article 102, paragraph 1 of this Act.

Upon completion of the extraction works, the service provider under paragraph 1 of this Article shall be obliged to create geodesic photographs of the extraction sites and distribution locations under Article 102, paragraph 1 of this Act in the case of distribution.

The service provider under paragraph 2 of this Article shall be obliged, pursuant to the geodesic photographs and analysis of the granulometric composition of sediments under paragraph 3 of this Article, to compile a report on the quantity of sand and gravel.

The geodesic photographs, analysis of the granulometric composition of sediments and the report under paragraphs 3 and 4 and 5 of this Article shall be delivered to the water rights inspection, the mining inspection and to Croatian Waters.

Register of sand and gravel extraction works

Article 100

The service provider under Article 99, paragraph 1 of this Act shall be obliged to keep a daily register of the extraction of sand and gravel in the prescribed form.

The verified geodesic photographs, analysis of the granulometric composition of the sediments and the report under Article 99, paragraphs 3, 4 and 5 of this Act shall be a constituent part of the register.

The obligation to keep the register shall be enacted at the time when the sand and gravel are extracted to the vessel, coast or any other place outside the watercourse, and it shall expire at the moment of takeover under Article 101, paragraph 3 of this Act.

The service provider under Article 99, paragraph 1 of this Act shall be obliged to report the data under paragraph 1 of this Article to the service recipient under Article 99, paragraph 1 of this Act and to the state water rights inspection on a daily basis on the prescribed form.

The application shall be submitted via electronic mail or fax.

The regulation on the form and content of the register, the manner of keeping the register, period of time for keeping the register and the form and content of the form under paragraph 4 of this Article, including the methodology of creating the geodesic photographs, analysis of granulometric composition of sediments and report under Article 99, paragraphs 3, 4 and 5 of this Act, shall be enacted by the Minister. The contents of the register shall include: dates of extraction, location of extraction, extracted quantities, distributed quantities and locations of distribution, disposed quantities and place of deposition.

If sand and gravel are incorporated in the regulation-protection water facilities according to Article 102, paragraph 2 of this Act immediately upon extraction, the contents of the register must also include the incorporated quantities and specific code of the facility into which it has been incorporated.

Disposition of sand and gravel

Article 101

The service provider under Article 99, paragraph 1 of this Act shall be obliged to dispose sand and gravel under Article 99, paragraph 1 of this Act that is not distributed according to Article 102, paragraph 1 of this Act, to regulated locations over the water estate.

The service provider under Article 99, paragraph 1 of this Act shall be obliged to safeguard the disposed sand and gravel, for a contracted fee, until the expiry of deadline determined by the contract on the execution of works under Article 99, paragraph 1 of this Act.

Upon expiry of the deadline under paragraph 2 of this Article, the service provider shall be obliged to deliver sand and gravel to the service recipient under Article 99, paragraph 1 of this Act, who shall assume its safeguarding until the use in Article 102, paragraphs 2 or 3 of this Act.

Use of sand and gravel during works on water and the water estate

Article 102

The service provider under Article 99, paragraph 1 of this Act shall distribute the sand and gravel extracted during works within the watercourse or channel without being extracted to the coast.

The sand and gravel remaining after distribution under paragraph 1 of this Article shall be incorporated in the regulation-protection water management facilities based on a separate decision to be adopted by the Government of the Republic of Croatia or a body authorised by it.

The sand and gravel remaining after distribution under paragraph 2 of this Article may be:

- sold for the purpose of construction of other public facilities pursuant to an individual decision of the Government of the Republic of Croatia or an authorised body;
- sold on the free market through public bidding, pursuant to an individual decision of the Government of the Republic of Croatia or an authorised body.

The sale under the previous paragraph of this Article shall be conducted by the service recipient under Article 99, paragraph 1 of this Act.

The decision under paragraph 3 of this Article shall list the initial sales price for sand and gravel. The sales price shall also include costs of extraction, storage, safeguarding, loading of sand and gravel (cost refund).

The sales price under paragraph 3, subparagraph 2 of this Article may not be less than the market sales price in the place of extraction and at the time of extraction.

The sales revenues deducted for the compensation of costs shall be the revenue of the State Budget.

The cost refund shall be the revenue of the service recipient under Article 99, paragraph 1 of this Act.

Register of disposed sand and gravel

Article 103

As of the delivery of sand and gravel under Article 101, paragraph 3 of this Act, the service recipient under Article 99, paragraph 1 of this Act shall be obliged to keep a register of the disposed sand and gravel on the prescribed form.

The regulation on the form and contents of the register and the manner of keeping the register, duration of safeguarding the register, and deadlines for submission of reports under paragraph 3 of this Article shall be enacted by the Minister. The contents includes, on a mandatory basis, data on the quantities of sand and gravel incorporated in the regulation-protection water management facilities, except the quantities under Article 100, paragraph 7 of this Act, sold quantities for the purpose of incorporation into other public facilities and quantities sold in the public bidding.

The service recipient under Article 99, paragraph 1 of this Act shall submit a report to the Ministry and the ministry competent for finance on the quantities of sand and gravel incorporated into the regulation-protection water management facilities, exclusive of the quantities under Article 100, paragraph 7 of this Act, quantities sold for the purpose of their incorporation into other public facilities, and quantities sold in the public bidding.

Unlawful exploitation

Article 104

A legal or natural person illegally exploiting or extracting sand and gravel in an area significant for the maintenance of the water regime shall compensate damages to the state and remediate the environmental damage in accordance with environmental protection regulations.

The exploitation of sand and gravel by a service provider under Article 99, paragraph 1 of this Act shall be deemed unlawful if the data from the register on the exploitation of sand and gravel are not in compliance with the actual status.

The official person to first identify the unlawful exploitation from renewable and non-renewable deposits shall be obliged to inform the state water rights inspection, the mining inspection, and the service recipient thereof, under Article 99, paragraph 1 of this Act.

The state water rights inspection and mining inspection shall be obliged to determine the actual quantities of extracted sand and gravel, whereas Croatian Waters shall, at the request of the state water rights inspection and mining inspection create geodesic photographs of the location of extraction and disposition under Article 102 paragraph 1 of this Act.

The decision on compensation of damages under paragraph 1 of this Article shall be enacted by Croatian Waters in an administrative procedure in accordance with the regulation referred to in paragraph 8 of this Article. The decision shall be submitted to the Ministry and the competent State Attorney's Office.

An appeal may be lodged against the decision with the Ministry. An appeal against the decision shall not postpone its execution.

Enforcement of the decision shall be conducted pursuant to provisions of the General Tax Act.

By virtue of a decision, the Minister shall prescribe the amount of compensation for damages which shall be equal to the increased market value of unlawfully extracted gravel and sand. Compensation for other damages (environmental damages and material damages) shall be sought through penal or litigation proceedings.

The collected amount of compensation for damages under paragraph 1 of this Article shall be the revenue of the State Budget.

VII PROTECTION FROM ADVERSE EFFECTS OF WATER

1. Protection from adverse effects of water

Protection from adverse effects of water and risk management

Article 105

Protection from adverse effects of water shall cover activities and measures for protection against floods, measures for protection against ice on watercourses and protection against erosion and torrents.

Risk management against the adverse effects of water shall include: preparation of preliminary risk assessment against floods, preparation and implementation of plans for risk management against floods and the National Flood Control Plan, implementing and logistical plans appended thereto, water regulation, implementation of regular and emergency protection against floods, implementation of protection against ice on watercourses, protection against erosion and torrents, basic amelioration drainage, and implementation of limitation of the rights of land owners and other legal possessors of land.

Water regulation

Article 106

Water regulation pursuant to this Act shall include construction of regulation and protection water facilities, construction of basic amelioration drainage facilities and works on water maintenance for the purpose of harmless water flow.

When the works on water regulation are executed in an area designated by a special act as an ecologically significant, i.e. protected area, the interest for protection of human life, health and property against floods, torrents and ice, and pollution of water, is the

overriding public interest in relation to the maintenance of biological and landscape diversity and protection of natural values.

By way of derogation from paragraph 2 of this Article, when works on water regulation are executed in an ecologically significant area of the European Union Natura 2000, the overriding public interest under paragraph 2 of this Article shall be established by the Government of the Republic of Croatia pursuant to the River Basin Districts Management Plan.

Croatian Waters shall assign the construction under paragraph 1 of this Article through the application of regulations on public procurement.

Works on water maintenance

Article 107

Works on water maintenance are in particular:

1. maintenance of natural and artificial watercourses and other waters:
 - 1.1. cleaning and disposal of sediment,
 - 1.2. earthworks and similar works on regulation and maintenance of river banks,
 - 1.3. earthworks in the narrow floodplain area,
 - 1.4. clearing and mowing of vegetation,
 - 1.5. maintenance of permeability of culverts and passes over watercourses;
2. maintenance of regulation and protection water facilities:
 - 2.1. smaller repairs on the dike crest and slopes,
 - 2.2. clearing, mowing and works on vegetative protection of water management facilities,
 - 2.3. smaller repairs of damaged parts of water management facilities;
3. maintenance of basic amelioration drainage facilities:
 - 3.1. clearing, technical and vegetative maintenance of facilities and zones attached thereto,
 - 3.2. earthworks on minor alterations to canal networks,
 - 3.3. maintenance of drainage pipe culverts,
 - 3.4. maintenance of facilities for prevention and removal of erosion and prevention of effects of torrents.

The works within the meaning of paragraph 1 of this Article shall also include protective measures of planting and felling of trees and other vegetation.

Croatian Waters shall adopt general and technical conditions for water maintenance works which also include protective measures of planting and felling of trees and other vegetation under paragraph 2 of this Article.

Works on water maintenance shall be considered simple works within the meaning of the special regulation specifying simple structures and works.

Prior to the enactment of the Water Management Plan, Croatian Waters shall prepare a programme of water maintenance works, which shall contain in particular: information on the locations, types of works, estimated quantity of works and estimated quantity of deposits. The programme of water maintenance works shall be carried out in accordance with the general and technical conditions for water maintenance works.

For the programme of water maintenance works an Appropriate Assessment of the impact on the ecological network is carried out in accordance with nature protection regulations.

Floodplain area

Article 108

Floodplain areas shall be established on watercourses and other surface waters for the purpose of management of risk of adverse effects of water.

In the floodplain area under paragraph 1 of this Article, it shall be prohibited to perform activities that may have a deteriorating effect on the water regime and increase the level of risk of adverse effects of water.

Regulated and unregulated floodplain area

Article 109

The regulated floodplain area is the land between the channel and the outer edges of the corresponding regulation and protection water facilities, including the land zone necessary for their regular maintenance.

The unregulated floodplain area includes:

1. land near watercourses reserved by the River Basin Districts Management Plan or a physical planning document for the construction of regulation and protection water facilities;
2. natural and artificial reservoirs and retentions within the boundaries established in the River Basin District Management Plan or a physical planning document.

The outer boundary of regulated and unregulated floodplain areas shall be established by the Ministry at the proposal of Croatian Waters

The boundaries of the floodplain area under paragraphs 1 and 2 of this Article shall be recorded in the land registry plans and physical planning documents.

Preliminary risk assessment against floods

Article 110

Croatian Waters shall prepare a preliminary risk assessment against floods for each river basin district, and, if necessary, parts thereof.

The assessment under paragraph 1 of this Article includes:

1. maps of river basin districts in the appropriate scale with chartered boundaries of the sub-basins of river basin districts and, if necessary, of coastal areas with indicated topography and use of land;
2. description of past floods that have had serious detrimental effects for human health, the environment, cultural heritage and commercial activities and the possibility of similar events in the future that could lead to similar adverse consequences;
3. an assessment of potential adverse effects of future floods for human health, the environment, cultural heritage and commercial activities, taking into account the topographic, general hydrological and geomorphologic features and location of watercourses including floodplain areas, and floodplain areas as natural retention areas, effectiveness of the existing facilities for flood control, location of inhabited areas, location of industrial zones, long-term development plans and the effects of climate change on the occurrence of floods.

Flood hazard maps and flood risk maps

Article 111

Croatian Waters shall prepare flood hazard maps and flood risk maps for the river basin district and, if necessary, parts thereof and the sub-basins.

Flood hazard maps indicate possible developments of specific flood scenarios.

Flood risks maps indicate the possible adverse effects of the development of scenarios indicated on the maps under paragraph 1 of this Article.

Flood risk management plans

Article 112

Croatian Waters shall enact flood risk management plans for the river basin district and, if necessary, parts thereof and the sub-basins, on the basis of the maps under Article 111, paragraph 1 of this Act.

The plans under paragraph 1 of this Article shall contain:

1. objectives for flood risk management;
2. measures for achieving the above objectives, including prevention measures;
3. protection, preparedness, prognosis of floods; and
4. notification and warning systems.

The Flood Risk Management Plan shall be a constituent part of the River Basin Districts Management Plan.

Flood risk management

Article 113

The Government of the Republic of Croatia shall enact the National Flood Control Plan for the purpose of operative management of flood risks.

Flood control shall be executed by river basin districts, control areas, sectors and sections.

The National Flood Control Plan shall be published in the Official Gazette of the Republic of Croatia.

Content of the National Flood Control Plan

Article 114

The National Flood Control Plan shall contain: objectives for flood risk management, territorial units for flood control, bearers of flood control, stages of flood control, control measures against floods, including preventive measures, provisions on the contents of implementation plans for flood control enacted by Croatian Waters (implementation plans), provisions on the enactor and the contents of logistical plans prescribing removal and rescue measures in the case of floods, operation of emergency services and other important services in flood conditions, water supply and food supply, etc. (logistical plans), provisions on flood control management with obligations and rights of the flood control managers, provisions on the notification and warning system, and provisions on the communication system.

The National Flood Control Plan shall also contain control measures against ice on watercourses.

2. Flood control

Flood control

Article 115

Flood control may be preventive, regular and emergency.

Preventive protection against floods consists of the works on water maintenance under Article 107 of this Act.

Regular and emergency flood control consists of measures taken immediately before the flood hazard, during the flood hazard and immediately after cessation of the hazard for the purpose of harmless water flow.

Flood control, ice control and protection from erosion and torrents is an emergency service.

Croatian Waters shall manage of flood control.

Bearers of flood control shall co-ordinate their activities with the National Protection and Rescue Directorate, the National Police Directorate, the Croatian Army, competent medical services and other emergency services and legal persons managing roads pursuant to special regulations.

Designation of flood control tasks

Article 116

Croatian Waters shall assign implementation of preventive, regular and emergency control measures to a tenderer for a control area by application of regulations on public procurement. A framework procurement agreement shall be concluded for a period of four years.

The condition of technical capacity of the tenderer is possession of the certification decision under Article 221, paragraph 4 of this Act.

Permanent immobilisation principle and mobilisation principle

Article 117

The legal person under Article 116, paragraph 1 of this Act shall be liable at any moment:

1. to be present in the control area in terms of manpower and material means (machinery, vehicles, tools and other equipment), on the basis of which the legal person was issued the certification decision; and
2. to maintain its organisation, level of capacity, mobility of manpower and the state of its material means, including the necessary stock of construction and other materials, in order to start implementing measures prescribed by the National Flood Control Plan in a timely manner.

The legal person under Article 116, paragraph 1 from this Act shall at any moment, upon the call from Croatian Waters, unconditionally and without the right to objection, be required to:

1. respond in terms of manpower and material means on the basis of which it was issued the certification decision, and, if necessary, with other means, if they are required at a specific control area, and assume positions at flood control points (response to state of alert); and
2. participate in terms of manpower and material means in regular and emergency flood control pursuant to the plans in a specific control area (participation in regular and emergency flood control).

Obligation of civilian participation in flood control

Article 118

Legal persons and civilians are obliged to participate in terms of labour and material means (machinery, vehicles, tools and other equipment, construction and other materials) in flood control if the scale of the present hazard is so high that control cannot be provided by

material means and manpower of the legal bodies under Article 115, paragraph 6 of this Act.

Legal persons and civilians from the area immediately exposed to the flood hazard are primarily obliged to participate in flood control. If their participation is not sufficient to eliminate the immediate danger and consequences of floods, the corresponding flood control manager shall require from the body under paragraph 3 of this Article the participation of legal persons and civilians from other areas.

Orders on obligatory participation of particular legal persons and civilians under paragraphs 1 and 2 of this Article regarding flood control are enacted by county prefects.

The legal persons and civilians under paragraph 1 and 2 of this Article are entitled to receive compensation for actual costs of material means and manpower for the period of participation in flood control to be paid by Croatian Waters in the amount of costs paid to the legal persons under Article 116, paragraph 1 of this Act.

Acceptance of flood wave into reservoirs

Article 119

Legal and natural persons managing reservoirs and retentions are obliged to use them in a manner that shall ensure secure acceptance of the flood wave.

The capacity of storage, i.e. the level of free space, in reservoirs and retentions that must be maintained during specific periods of the year and conditions for releasing of water are specified in the water rights permit.

Owners and users of dams on reservoirs and retentions are obliged to continually monitor the safety of the dams pursuant to special regulations enacted by the minister competent for construction, with the consent of the Minister.

Prohibition of traffic

Article 120

In the case of a flood hazard, the Minister, with the consent of the minister competent for traffic, may temporarily restrict or prohibit road, railway and river traffic in the endangered area.

By way of derogation from paragraph 1 of this Article, when it is required to act in an emergency due to immediate danger of floods, the competent flood control manager may issue the document on the prohibition of traffic.

3. Ice control

Ice control measures

Article 121

Measures prescribed by the National Flood Control Plan shall be implemented if creation and accumulation of ice creates barriers which might cause floods or if the creation

and movement of ice might cause damages to regulation and protection water facilities, bridges and other permanent or navigation objects on the watercourse.

Ice control measures for the purpose of protecting bridges, navigation and other objects in the ownership of legal and natural persons shall be implemented by the concerned persons.

In the case of the danger under paragraph 1 of this Article, the Minister, with the consent of the minister competent for traffic affairs, can temporarily restrict or prohibit navigation on inland waterways.

4. Protection against erosion and torrents

Erosion area and torrents

Article 122

An area under threat of erosion (erosion area) is an area in which, due to the effect of surface water or groundwater, land is being flushed, subsoiled or prone to landslides and other adverse effects that could endanger human life and health, their property and deteriorate the water regime.

Torrents are permanent or ephemeral watercourses marked by sudden changes in water flow due to the intensity of precipitation and/or ice melting, which might endanger human life and health, their property and deteriorate the water regime and have adverse consequences on the environment.

Torrents marked by high erosion processes threatening larger inhabited areas, industrial plants, highways and regional roads and amelioration facilities are registered as waters of the 1st order.

Protection against erosion and torrents

Article 123

Protection works and protection measures shall be implemented and regulation and protection water facilities constructed and maintained for the purpose of preventing and eliminating erosion and effects of torrents.

Protection works against erosion and torrents (protection works) include in particular: forestation, cultivation and maintenance of protective vegetation, tracing, clearing of vegetation, clearing of the torrent channel and other similar works.

Protection measures against erosion and torrents include in particular: prohibition and restriction of felling of trees and shrubs, prohibition and restriction of excavation of sand, gravel and rocks, prohibition of disposal of waste material, an appropriate method for using agricultural and other land and other appropriate measures.

If there is a risk of the occurrence of torrents due to works, the investor of the works shall, pursuant to the issued water rights conditions, execute works during the preliminary stage that will enable harmless routing of the torrent into the recipient.

The works under paragraph 1 of this Article shall be executed in accordance with to the Water Management Plan.

5. Detailed amelioration drainage facilities, irrigation facilities and storm water drainage facilities

Maintenance zone

Article 124

A zone in the width of 3 metres shall be established around facilities with detailed amelioration drainage and irrigation facilities, from the outer edge of the facility, which shall be used for maintenance of the concerned facility (maintenance zone). Agricultural production in the maintenance zone shall be performed at the risk of the owner of legal possessor of the land.

The contractor of maintenance works is obliged to arrange the time of maintenance and the location of access to the facilities under paragraph 1 of this Article with the owner or legal possessor of the neighbouring lot of land, who is obliged to enable access in good faith and within an acceptable period. If an agreement is not reached, the contractor shall have the right to access the facilities under paragraph 1 of this Article and execute maintenance works in the manner least damaging for the owner or legal possessor of the neighbouring plot of land.

Storm water drainage

Article 125

Facilities for storm water drainage from residential and office buildings and other structures shall be constructed and maintained by their owners.

Facilities for storm water drainage from public surfaces, and structures to be connected to them in building areas under paragraph 1 of this Article shall be constructed and maintained by local self-government units from their budgets.

Local self-government units may renounce construction and/or maintenance of the facilities under paragraph 2 of this Article to water service providers in the manner specified in Article 201, paragraphs 1 or 2 of this Act.

The provisions of paragraph 2 of this Article shall apply to watercourses and dry channels passing through building areas of the towns and municipalities that are covered and serve for storm water drainage.

Canals for storm water drainage from roads built on the road land or railway land, ports and port areas, airports and airport infrastructure shall be maintained by persons designated for road maintenance pursuant to special regulations.

VIII PROHIBITIONS AND LIMITATIONS OF THE RIGHTS OF LAND OWNERS AND LAND POSSESSORS AND SPECIAL MEASURES FOR MAINTENANCE OF THE WATER REGIME

Prohibitions and restrictions

Article 126

For the purpose of preserving and maintaining regulation and protection and other water facilities and preventing deterioration of the water regime, the following is prohibited:

1. on dikes and other regulation and protection water facilities:
 - 1.1. excavation and disposal of soil, sand, gravel, waste-rock and other materials,
 - 1.2. crossing and driving motor vehicles except in places where it is explicitly allowed,
 - 1.3. planting crops,
 - 1.4. performing other activities which might threaten the safety or stability of these facilities;
2. planting trees at a distance less than 10m from the edge of the watercourse channel or channel;
3. erect buildings and other facilities at a distance less than 10m from the edge of the watercourse channel or channels;
4. plough land, plant and fell trees and bushes in a regulated floodplain area;
5. in a regulated floodplain area:
 - 5.1. erect buildings, fences and other structures except regulation and protection water facilities up to 6 metres from the outer embankment toe or the outer edge of a regulation and protection water management facility which does not constitute a dike (riverbank and revetment),
 - 5.2. excavate sand, gravel, rock, clay and other material up to 20 metres from the outer embankment toe or outer edge of a regulation and protection water management facility which does not constitute a dike (riverbank and revetment),
 - 5.3. excavate and drill wells up to 20 metres from the outer embankment toe or outer edge of a regulation and protection water management facility which does not constitute a dike (riverbank and revetment),
 - 5.4. drill soil up to 20 metres from the outer embankment toe or outer edge of a regulation and protection water management facility which does not constitute a dike (riverbank and revetment);
6. in an unregulated floodplain area, in violation of water rights conditions:
 - 6.1. erect buildings, fences and other structures except regulation and protection water facilities,
 - 6.2. excavate sand, gravel, rock, clay and other material,

- 6.3. excavate and drill wells,
- 6.4. drill the ground;
- 7. on the facilities for basic and detailed amelioration drainage, up to 3 m from the edge of these facilities, plough and dig soil and perform activities that might damage amelioration water facilities or obstruct their regular functioning;
- 8. in watercourses and other waters, reservoirs, retentions, amelioration and other canals and in a floodplain area dispose of soil, rocks, waste and other materials, and perform activities that can influence the water flow, water level, quantity and quality of water or impede maintenance of water system;
- 9. construct and/or allow construction on the land above covered watercourses, except construction of public surfaces (roads, parks, squares).

By way of derogation from paragraph 1 of this Article, exceptions are possible with the consent of Croatian Waters:

- 1. provided that they do not threaten the stability and safety of water management facilities;
- 2. provided that they do not deteriorate the existing water regime;
- 3. if this does not violate the conditions for use of the water estate prescribed by this Act.

Cultivation and felling of trees in floodplain areas may be performed only on the basis of the planning document, provisions of which in the part covering floodplain areas were approved by Croatian Waters.

Restoration of prior status

Article 127

The perpetrator of acts under Article 126 of this Act or a person for the benefit of whom the act has been performed is obliged to restore the prior status upon the decision of the state water rights inspection pursuant to the previously obtained opinion of Croatian Waters.

If the person from paragraph 1 of this Article fails to restore the prior status, restoration of the prior status shall be performed through Croatian Waters with an obligation of the perpetrator to compensate the value of the performed works.

If it is not possible to restore the damage, the perpetrator shall be liable to compensate damage in the amount determined by the state water rights inspector pursuant to the price list approved by Croatian Waters with the consent of the Minister.

Removal of a structure, excluding temporary structures, shall be performed pursuant to the regulations on physical planning and construction.

Maintenance of other facilities on the water estate and water management facilities

Article 128

Owners or managers designated by other regulations of roads, paths, railways, bridges and other crossings on the water estate, regulation and protection water facilities, are obliged to maintain them in order to prevent collection or retention of water thereon which can threaten their stability and functionality.

If that maintenance of roads and paths under paragraph 1 of this Article is not performed in the specified manner, the state water rights inspection shall issue a decision ordering the execution of maintenance works and/or prohibit their use until the status pursuant to paragraph 1 of this Article is established.

Land owners tolerance

Article 129

For the purpose of immediate implementation of flood control, owners or other possessors of land in the endangered area are obliged to allow the following upon the request of Croatian Waters:

1. use of sand, gravel, clay or rocks from their land, or disposal on their land,
2. passage of persons, vehicles and machinery over their land.

If the owner or other possessor of land under paragraph 1 of this Article does not allow the use of his or her land for the purposes under paragraph 1 of this Article, the state water rights inspector shall issue a decision ordering actions to be performed in accordance with the provision of the said paragraph.

An appeal against the decision under paragraph 2 of this Article shall not postpone its execution.

Persons under paragraph 1 of this Article are entitled to compensation for used material or actual damages at the expense of the person managing the public water estate.

Permission of passage

Article 130

For the purpose of surveying, recording and marking regarding construction of water management facilities and maintenance of watercourses and water management facilities, the owners and other possessors of land under Article 129, paragraph 1 of this Act are obliged to allow passage for authorised persons of Croatian Waters.

If the owner or other possessor of land under paragraph 1 of this Article does not allow passage, provisions of Article 129, paragraphs 2 and 3 of this Act shall apply.

If the owner or legal possessor of land suffers damages during performance of activities under paragraph 1 of this Article, he or she is entitled to compensation of damage established in accordance with the general rules of law on obligatory relations.

Prohibition of the influence on water flow and water use

Article 131

Owners and other possessors of land are prohibited to:

1. alter or intersect groundwater flow, i.e. use those waters in the extent that endangers provision of drinking water to other persons, use of water for other purposes, mineral and thermal springs and stability of soil and facilities;
2. alter the direction or strength of flow of surface water naturally running through or off their land at the expense of the neighbouring land.

If the person under paragraph 1 of this Article acts contrary to the provision of that paragraph, the state water rights inspection shall issue a decision prohibiting the unlawful behaviour and order the restoration of prior status.

An appeal against the decision under paragraph 2 of this Article shall not postpone its execution.

Servitude regarding delivery and draining of water

Article 132

If draining of water from or delivery of water to a specific land lot cannot be resolved in a more favourable or cost-effective way, it is possible to establish the right to servitude regarding delivery and draining of water including compensation therefor.

Liability for damages

Article 133

Damages to third parties caused by water are subject to liability of guilt.

Damages to third parties caused on the public water estate, water estate or a water management facility are subject to liability of guilt, unless the injured person proves that they are caused by a hazardous substance that is or was present in this area or a dangerous activity that is or was executed in this area. Works on water regulation and protection measures against adverse effects of water do not constitute dangerous activities.

IX WATER DOCUMENTS

Water documents

Article 134

Water documents consist of the following:

1. water book;
2. water cadastres; and
3. registers of concessions for use of water and the public water estate.

Water book

Article 135

The water book contains data on issued water rights documents which are issued by Croatian Waters by virtue of this Act.

In addition to the water book, a collection of documents including water rights documents and other administrative and non-administrative documents and supporting documents in the procedure of issuing water rights documents (case file) shall be kept.

The water book is kept by Croatian Waters.

Water cadastres

Article 136

Water cadastres consist of:

1. cadastre of water bodies;
2. cadastre of the water estate and water management facilities;
3. cadastre of water use; and
4. cadastre of water protection.

The emissions register shall be kept within the cadastre of water protection.

Water cadastres shall be kept by Croatian Waters.

Register of concessions

Article 137

The register of concessions for the commercial use of water contains data on decisions and concession agreements for commercial water use, and data on concession fees.

The register for commercial use of water under paragraph 1 of this Act is kept independently of the register of concessions kept pursuant to the Concessions Act.

The register of concessions is kept by Croatian Waters pursuant to documents under paragraph 1 of this Article submitted by the Ministry.

Public access to water documents

Article 138

Water documents shall be kept and used according to the principle of public access pursuant to the right to access information.

Legal and natural persons shall be entitled to require and obtain transcripts of water documents and compensate the costs thereof.

Water documents shall also be kept in digital form in the Water Information System, including documents of agreements concluded pursuant to water management plans.

The Water Information System is part of the environmental information system maintained by the Croatian Environment Agency incorporated in the Water Information System for Europe.

The Water Information System shall be co-ordinated and connected with information systems maintained by other bodies of state administration, local and regional self-government units and legal persons with public authority.

Collection and release of data

Article 139

Croatian Waters shall collect, process and interpret data on water and water environment for the purpose of implementation of water policy.

Legal and natural persons possessing data under paragraph 1 of this Article shall be liable to submit the said data to Croatian Waters exclusive of the data that, in accordance with the special regulation, represent a state, military, official, business or professional secret.

Bodies of state administration, local and regional self-government units and legal persons with public authority in possession of data of significance for water management and keeping of water documents are obliged to release them or make them available in electronic form to Croatian Waters upon their request.

Upon the request of the body or person under paragraph 3 of this Article, Croatian Waters is obliged to provide them with data from the Water Information System.

Regulation on water documents

Article 140

The Minister shall issue a regulation specifying the contents, format and manner of keeping water documents, the amount and payment of costs from water documents, data collected under Article 139, paragraph 2 of this Act, persons obliged to submit data, and the deadline and manner of submission.

X WATER RIGHTS DOCUMENTS

1. Common provisions

Types of water rights documents

Article 141

Water rights documents are issued for the purpose of realisation of the established objectives regarding water management under Article 4 of this Act.

Water rights documents are:

1. water rights conditions;
2. binding water rights opinion;
3. water rights confirmation;
4. water rights permit;
5. special conditions of connection; and
6. confirmation of compliance with special conditions of connection.

The water rights conditions and water rights permit are legal documents.

Unless otherwise prescribed by this Act, the provisions of the Act on the General Administrative Procedure of the Republic of Croatia shall apply to the procedure for issuing water rights conditions and water rights permits.

Employees of Croatian Waters authorised to issue water rights documents must have appropriate qualifications and have passed the state licence exam prescribed for civil servants.

The Ministry shall decide on the appeals against water rights documents and other administrative documents enacted in the procedure of issuing water rights documents.

Regulation on issuing water rights documents

Article 142

The minister competent for water management shall enact a regulation prescribing the issuing of water rights documents, and in particular the contents, format, method of issuing and transfer of water rights documents, basis for rejection of issuing of water rights documents, issuing statements, the contents and method for keeping registers, special costs for issuing water rights documents and the method for payment thereof, as well as filing and storage of water rights documents.

2. Water rights conditions

Water rights conditions

Article 143

Water rights conditions specify the technical and other requirements that must be met when executing construction works for the purpose of harmonisation with the provisions of this Act and regulations adopted on the basis thereof.

Water rights conditions are required for:

1. construction works that require a location permit pursuant to special regulations on physical planning and construction and for which the procedure for establishing integrated environmental protection requirements is not carried out;
2. construction works that require a decision on the building requirements pursuant to special regulations on physical planning and construction;

3. execution of regional and detailed geological surveys, water research works and other works which can permanently, periodically or temporarily affect the water regime, for which a location permit is not issued pursuant to special regulations on physical planning and construction, and
4. in other cases as regulated by this Act.

The Final Design for the works under paragraph 2, item 1 of this Article, i.e. documents for the works under paragraph 2, item 3 of this Article, must be compliant with the issued water rights conditions.

The Preliminary Design in the procedure of obtaining a decision on the building requirements must also be compliant with the provisions of this Act and regulations adopted on the basis thereof.

If compliance for the case under paragraph 4 of this Article is verified during review of the Preliminary Design, water rights conditions and water rights confirmation are issued verbally as a single document.

If compliance for the case under paragraph 4 of this Article is not verified, water rights conditions are issued subsequently within the deadline proscribed by special regulations.

Water rights conditions shall be issued by Croatian Waters.

When water rights conditions are not required

Article 144

Water rights conditions are not required:

1. for construction or reconstruction of structures in which water is used primarily for drinking and sanitary purposes (residential and office buildings without production, service, storage and similar areas), if these structures are connected to the water utility facilities, and
2. when the binding water rights opinion is issued.

If the structures under paragraph 1, item 1 of this Article are constructed or reconstructed in a regulated or unregulated floodplain area, water rights conditions shall be required.

Opinions of other bodies

Article 145

In the procedure for issuing water rights conditions for works effecting water facilities for the production of electrical energy, it is necessary to obtain the opinion of the users of these water facilities.

Rejection of the request

Article 146

A request for issuing water rights conditions shall be rejected in the following cases:

1. for construction not allowed or prohibited by the decision on sanitary protection zones;
2. for construction or expansion of the capacity of public sewerage facilities if the decision of wastewater sewerage was not enacted;
3. for construction or reconstruction of facilities with planned discharge of wastewater into surface and/or groundwater, if this discharge is not allowed or is prohibited by the provisions of this Act or regulations adopted on the basis thereof;
4. for other construction or reconstruction works prohibited or not allowed pursuant to the provisions of this Act or regulations adopted on the basis thereof;
5. when issuing of water rights conditions is not required pursuant to the provisions of this Act or the regulation from Article 142 of this Act;
6. when the Preliminary Design is not compliant with the provisions of this Act or regulations adopted on the basis thereof.

Water rights conditions for constructing or increasing the capacity of a wastewater sewerage facility which does not represent public sewerage, in the ownership of legal or natural persons, shall be issued even if the decision on wastewater sewerage was not enacted, and the conditions shall specify that such facilities must comply with the conditions for discharging wastewater into bodies of surface water.

Modifications and validity period of water rights conditions

Article 147

Water rights conditions under Article 143, paragraph 2, item 1 of this Act shall be modified when the location permit is modified pursuant to the regulations for physical planning and construction.

Water rights conditions from Article 143, paragraph 2, item 2 of this Act shall be modified when the decision on the building requirements is modified pursuant to the regulations for physical planning and construction.

Water rights conditions from Article 143, paragraph 2, item 1 of this Act shall remain valid during the validity period of the location permit.

Water rights conditions from Article 143, paragraph 2, item 2 of this Act shall remain valid during the validity period of the decision on the building requirements.

Water rights conditions from Article 143, paragraph 2, item 3 of this Act shall remain valid for two years from finality thereof.

3. Binding water rights opinion

Binding water rights opinion

Article 148

The binding water rights opinion shall be issued for construction and reconstruction, change in technologies used or change of activities of the plant defined by special regulations on issuing integrated environmental protection requirements.

The binding water rights opinion shall be issued by Croatian Waters.

The binding water rights opinion shall contain the water rights conditions for construction, the water rights permit for wastewater discharge and the water rights permit for water use.

The binding water rights opinion shall be a constituent part of the decision on the integrated environmental protection requirements.

Exceptionally, the binding water rights opinion may be issued verbally in the manner prescribed by a special regulation on environmental protection.

The binding water rights opinion may specify emission limit values for water more stringent than those prescribed by the document under Article 60, paragraph 3 of this Act, if the procedure of determining integrated environmental protection requirements reveals that this is required for the purpose of environmental protection on the concerned location. The binding water rights opinions shall remain valid during the validity period of the decision on the integrated environmental protection requirements.

4. Water rights confirmation

Issuing water rights confirmation

Article 149

The water rights confirmation shall verify:

1. that the Final Design for obtaining the building permit, issued pursuant to special regulations on physical planning and construction, is compliant with the water rights conditions or the binding water rights opinion;
2. that the documents for executing regional and detailed geological surveys and other works were prepared pursuant to the issued water rights conditions.

The water rights confirmation shall be issued by Croatian Waters.

The water rights confirmation for the case under paragraph 1, item 1 of this Article shall be issued verbally upon review of the Final Design by the representative of Croatian Waters or, subsequently, in writing.

If Croatian Waters detects inconsistencies between the Final Design and the water rights conditions or the decision on integrated environmental protection requirements in the part pertaining to the binding water rights opinion, Croatian Waters shall issue a statement to that effect verbally, or subsequently in writing. In that case, the body competent for construction shall issue a conclusion giving the investor an appropriate deadline for harmonisation pursuant to the regulations on physical planning and construction.

If, following harmonisation specified pursuant to paragraph 4 of this Act, Croatian Waters detects inconsistencies of the Final Design with the issued water rights conditions or the decision on integrated environmental protection requirements in the part pertaining to the binding water rights opinion, Croatian Waters shall refuse the issuing of a water rights confirmation.

The water rights confirmation under paragraph 1, item 1 of this Article shall be issued within the deadlines prescribed by special regulations on physical planning and construction.

Validity period of water rights confirmation

Article 150

The water rights confirmation under Article 149, paragraph 1, item 1 of this Act shall remain valid during the validity period of the document allowing the construction.

The water rights confirmation under Article 149, paragraph 1, item 2 of this Act shall remain valid for two years from its issuance.

5. Water rights permits

Obligation to obtain a water rights permit

Article 151

A water rights permit is required for wastewater discharge, circulation of chemicals, and for the use of water under the conditions prescribed by Articles 152, 155 and 157 of this Act, respectively.

Water rights permits shall be issued by Croatian Waters unless prescribed otherwise by this Act.

Water rights permit for wastewater discharge

Article 152

A water rights permit is required for every discharge of wastewater for which emission limit values are specified in the regulation under Article 60, paragraph 3 of this Act.

When a water rights permit for wastewater discharge is not required

Article 153

A water rights permit for wastewater discharge is not required:

1. for storm water discharge;
2. for discharge of wastewater under Article 60, paragraph 4, item 1 of this Act;
and
3. when a binding water rights opinion is issued pursuant to provisions of this Act.

Contents of water rights permit for wastewater discharge

Article 154

A water rights permit for wastewater discharge shall contain:

1. permitted quantities of wastewater;
2. emission limit values;
3. obligation of monitoring and submission of data pursuant to Article 44, paragraph 6 of this Act;
4. other obligations specified in the regulation under Article 142 of this Act.

In addition to the contents under paragraph 1 of this Article, the water rights permit for wastewater discharge issued to users discharging wastewater from existing facilities may also contain temporary approval for wastewater discharge in quantities above those prescribed in the regulation under Article 60 paragraph 3 of this Act and emission limit values lower than those prescribed by the regulation under Article 60 paragraph 3 of this Act, for the period specified therein (adaptation period). The adaptation period shall be issued on a one-time basis.

Water rights permit for circulation of chemicals

Article 155

The water rights permit shall be issued for production and circulation of chemicals which following regular and intended use reach water (water rights permit for circulation of chemicals).

In addition to allowing production and/or circulation of substances under paragraph 1 of this Article, a water rights permit for circulation of chemicals may contain other conditions specified in the regulation under Article 142 of this Act.

A water rights permit for circulation of chemicals is issued by the Ministry. Appeals against the permit are not allowed, though administrative proceedings may be initiated.

If another administrative document allowing production, import or circulation of chemicals under paragraph 1 of this Article is issued pursuant to special acts, instead of a water rights permit for circulation of chemicals, the Ministry issues a binding opinion upon the request of the competent body.

When a water rights permit for circulation of chemicals is not required

Article 156

A water rights permit for circulation of chemicals is not required for:

1. cosmetic products, cosmetic products for special purpose and cleaning products, except for products for disinfection;
2. detergents which do not reach water after regular and intended use;
3. floating dams, adsorbents, absorbents, or other substances getting into contact with water, which are used as absorbing chemicals or chemicals of similar purposes, and are removed from water surfaces and disposed of by burning, regeneration, or other suitable method and;
4. chemicals used for scientific purposes, only if used in analytical laboratories.

The chemicals under paragraph 1, items 1 and 2 of this Article are defined by a special regulation in the field of health care.

The regulation under Article 142 of this Act may also regulate additional cases when issuing water rights permit for circulation of chemicals is not required.

Water rights permit for water use

Article 157

A water rights permit for water use shall be issued for every use of water exceeding the limits under Articles 76 and 77 of this Act, except for water use for which a concession under Article 163, paragraph 1 of this Act is issued.

A water rights permit for water use establishes the following for the user: purpose, location, manner, conditions and extent of water use and other conditions specified in the regulation under Article 142 of this Act.

When a water rights permit for water use is not required

Article 158

A water rights permit for water use is not required:

1. for water use under Articles 76 and 77 of this Act,
2. for use of water from the facilities of public water supply system,
3. for works under Article 26 of this Act; and
4. for inland navigation, individual floating (including rafting) and navigation of canoes and similar vessels, unless prescribed otherwise.

Validity period of the water rights permit

Article 159

Water rights permits shall be issued for a limited period which does not exceed 15 years.

Transfer of the water rights permit

Article 160

A water rights permit may be transferred from one user to another pursuant to the conditions specified in the regulation under Article 142 of this Act.

A copy of the water rights permit and all changes thereto shall be submitted to the state water rights inspection no later than seven days from its issuance.

6. Special conditions of connection

Special conditions of connection

Article 161

Special conditions of connection establish the technical requirements that a structure must comply with in order for its internal pipelines to be connected to water utility facilities pursuant to general and technical requirements of provision of water services.

Special conditions of connection are required for structures for which a location permit or decision on the building requirements or some other official document permitting construction is issued pursuant to special regulations on physical planning and construction.

Special conditions of connection shall be issued by the public water service provider.

7. Certificate on compliance with special conditions of connection

Compliance with special conditions of connection

Article 162

The certificate on compliance with special conditions of connection verifies, in the manner stipulated by regulations on physical planning and construction, that the Preliminary Design for obtaining the location permit or the decision on building requirements, or the Main Design for obtaining the building permit, or some other official document permitting construction, which is issued pursuant to special regulations is compliant with special conditions of connection.

The certificate on compliance with special conditions of connection shall remain valid during the validity period of the document allowing construction.

The water service provider shall within 30 days from the day the request was duly submitted, unless a shorter deadline is prescribed by physical planning and construction regulations, issue the certificate referred to in paragraph 1 of this Article or refuse the request for issuance of the certificate.

XI CONCESSIONS

1. Concessions for the commercial use of water

Types of concessions for the commercial use of water

Article 163

A concession for water use is required for:

1. use of water power for the production of electrical energy;
2. use of water power for operation of plants other than the production of electrical energy;
3. abstraction of water for use for technological and similar purposes;
4. abstraction of mineral, thermal thermal-mineral waters, except in the case of item 8 of this paragraph;
5. abstraction of water for irrigation for different purposes;
6. use of water for floating, including the use of water for rafting, canoeing, or driving in similar crafts;
7. use of waters for implementing floating or navigation structures on inland waters for the purpose of conducting hospitality and catering or other commercial activities, and
8. abstraction of spring, mineral and thermal-mineral waters for placement on the market in its original form, except in the case of Article 89, paragraph 1 of this Act or in processed form in bottles or other packaging.
9. use of inland waters for farming of fish and other aquatic organisms suitable for farming for commercial purposes

Concessions under paragraph 1 of this Article are concessions for the commercial use of a common or other good in accordance with the Concessions Act.

When a concession under paragraph 1 of this Article cannot be implemented without the right to build on a public water estate, such construction shall be subject to the provisions of Article 16 of this Act.

When a concession for commercial use of water is not required

Article 164

Concessions under Article 163 paragraph 1 of this Act are not required for the Republic of Croatia, local and regional self government units or legal persons where the Republic of Croatia or local or regional self-government units are the majority shareholders, shareholders or founders with majority voting control, for the use of water for the purpose of providing public services pursuant to this Act or a special act or for the purpose of abstraction of water referred to in Article 89 of this Act.

A concession under Article 163, paragraph 1, item 5 of this Act is not required for irrigation from surface waters of up to five hectares of land of the same owner, or irrigation with groundwater abstracted and extracted on the same land for up to one hectare of land of the same owner.

In the cases under paragraphs 1 and 2 of this Article, a water rights permit for water use shall be issued.

Additional contents of competition documentation

Article 165

In the procedure of granting concessions under Article 163, paragraph 1 of this Act, competition documentation must contain, in addition to the components stipulated in the Concessions Act:

1. special conditions issued by Croatian Waters in accordance with paragraph 2 of this Article (hereinafter: concession conditions);
2. call to tenderers to submit proof of permission for procedure in the area, under paragraph 3 of this Article;
3. opinions of other bodies of state administration, local self-government units and legal persons with public authority under paragraphs 4, 5 and 6 of this Article.

The concession conditions define the conditions of use of water, quantities of water, activities, deadlines, limitations and prohibitions that the concessionaire must comply with.

If the realisation of the concession from the Article 163, paragraph 1 is not possible without undertaking a certain procedure within the area for which, under regulations on regional planning and construction, a location permit, excerpt from a detailed plan or some other act must be obtained, the tenderer shall be called to also submit such a document.

The competent ministry shall give the opinion for approval of concessions in areas protected pursuant to a special act.

The ministry competent for tourism, and the Agency for Inland Waterways shall give the opinion for approval of concessions under Article 163, paragraph 1, item 7 of this Act, if the concession site is located on inland waterways.

The administrative body of the local self-government unit competent for the economy, and the body or legal person managing the port area shall give the opinion for approval of concessions under Article 163, paragraph 1, item 7 of this Act, if the concession site is within the port area.

If the opinion under paragraphs 4, 5 and 6 of this Article is not submitted to the body that issues the concession within the period defined by the provision under Article 170 of this Act, it shall be considered that an unconditional opinion has been issued for the benefit of concession approval. The body issuing the concession is obliged, in the official letter requesting such opinion, to warn the body issuing the opinion of the consequences for negligence of the timely issuance of the opinion.

Contents of the concession agreement for commercial use of water

Article 166

A concession agreement under Article 163, paragraph 1 of this Act shall contain:

1. the concessionaire's identification, including the VAT No. of the legal person and PIN, and the full name of the legal representative;

2. identification number from the Register of Concessions;
3. specified uses for which the concession is awarded;
4. special conditions with which the concessionaire must comply during the term of concession (concession conditions), including special measures for the protection of animals and human health, protection of the environment and personal property, pursuant to this Act and the regulations on environmental protection;
5. precisely specified location under the concession (concession site), including the settlement, municipality/city, county, cadastre municipality and cadastre lot;
6. reference that the amount of the concession fee, the deadlines and manner of payment of the concession fee are determined in accordance with the provision under Article 170 of this Act in a decision on the calculation of the concession fee, issued pursuant to Article 168, paragraph 2 of this Act;
7. validity period of the concession agreement;
8. concessionaire's securities and potential guarantees;
9. method of resolving relations in case of termination of the concession before the expiry of the awarded term;
10. provisions on compensation of damages caused by failure to fulfil the concession agreement;
11. provision on the authority of the grantor to unilaterally terminate the concession agreement if the concessionaire fails to pay the concession fee more than twice in a row or general makes irregular payment of the concession fee;
12. other grounds for termination of the concession agreement, and
13. other rights and obligations of the concession grantor and the concessionaire.

The concession conditions under Article 165, paragraph 1, item 1 of this Act are a constituent part of the concession agreement.

Failure to comply with the concession conditions under Article 165, paragraph 1, item 1 of this Article represents grounds for unilateral termination of the concession agreement.

Illegal exploitation of sand and gravel in the area important for the water regime of the concessionaire of any concession under Article 163, paragraph 1 of this Act shall be reason for unilateral termination of the concession agreement under Article 163, paragraph 1 of this Act.

The concession grantor under Article 163, paragraph 1 of this Act shall notify the competent state attorney's office of any breach of contractual provisions by the concessionaire and submit a report on the measures taken to the ministry competent for finance.

Change of concession conditions for the commercial use of waters

Article 167

If, during the concession period under Article 163, paragraph 1 of this Act, changes occur in the water regime which cannot be attributed to the activities of the Republic of Croatia or the legal person managing the waters, and because of which it is in public interest to limit the range of the concession or request adjustment with the new circumstances, the concession grantor and the concessionaire shall sign an annex to the agreement, whose component parts shall contain the altered concession conditions, and the concessionaire shall have the right to terminate the agreement if it deems the altered concession conditions unfair.

In the case under paragraph 1 of this Article, the concessionaire shall not be entitled to compensation of damages.

Calculation and collection of the concession fee for the commercial use of water

Article 168

The calculation and collection of the concession fee under Article 163, paragraph 1 of this Act shall be performed by Croatian Waters.

Concessions fees under Article 163, paragraph 1 of this Act are settled and reimbursed according to the procedure of calculation and payment of charges for water use pursuant to the act regulating the financing of water management.

Supervision over the fulfilment of the concession agreement on the commercial use of water

Article 169

Supervision over the fulfilment of the concession agreement under Article 163, paragraph 1 of this Act is performed by the Ministry, while expert support over the supervision of fulfilment of concession conditions is performed by Croatian Waters.

Regulations on conditions for granting concessions for the commercial use of waters

Article 170

The Government of the Republic of Croatia shall prescribe by virtue of a regulation the conditions for granting concessions under Article 163, paragraph 1 of this Act, and especially the deadline for which the concession is granted, the minimum concession fee, methods of determining the concession fee, and the deadlines for issuing an opinion under Article 165, paragraphs 4, 5 and 6 of this Act.

2. Concessions for public services and public works

Concession for public services and public works

Article 171

The concession for public services and public works shall not be issued for performing works of the public water supply system.

The concession for public services and public works shall not be issued for performing works of public drainage.

By way of derogation from paragraph 2 of this Article:

- a legal person may by concession gain the right to provide public services of wastewater treatment and/or the right to execute or plan the works within wastewater treatment activities;
- a legal or natural person may by concession gain the right to provide water services of cleaning septic and collector pits.

A legal or natural person may by concession gain the right to provide public services of irrigation and/or the right to execute or plan and execute the works within the activities of public irrigation.

According to the provisions of this Act, a concession shall not be granted for public services, nor for public works that include the commercial use of water under Article 163, paragraph 1, items 1 and 2 of this Act.

Contents of the concession agreement for public services and public works

Article 172

Concession agreements under Article 171, paragraphs 3 and 4 of this Act must contain:

1. concessionaire's identification, including the VAT No. of the legal person and PIN, and the full name of the legal representative;
2. specified uses for which the concession is awarded;
3. special conditions including special measures for the protection of animals and human health, protection of environment and personal property, pursuant to this Act and the regulations on environmental protection;
4. the site of performing the services (agglomeration), i.e. the site of performing the public works;
5. the amount of concession fee, deadlines and the manner of payment, where applicable;
6. validity period of the concession agreement;
7. concessionaire's securities and potential guarantees;
8. other rights and obligations of the concession grantor and the concessionaire;
9. method of resolving relations in case of termination of the concession before the expiry of the awarded term;
10. provisions on compensation of damages caused by failure to fulfil the concession agreement;

11. grounds for termination of the concession agreement, and

12. other rights and obligations of the concession grantor and the concessionaire.

Deadlines for concessions on public services and public works

Article 173

Concessions for the provision of public services of wastewater treatment shall be issued for a period of 5 to 10 years.

Concessions for public works in the activities of wastewater treatment shall be issued for a period of up to 30 years.

Concessions for the provision of public services of cleaning septic and collector pits shall be issued for a period of 3 to 5 years.

Concessions for the provision of services of public irrigation shall be issued for a period of 3 to 5 years.

Concessions for public works in the activities of public irrigation shall be issued for a period of up to 20 years.

3. Common concession provisions

Application of the Concessions Act

Article 174

To all issues pertaining to concessions, which are not regulated under this Act, the provisions of the Concessions Act shall apply.

The procedure of granting concessions from Article 163, paragraph 1 of this Act shall be implemented by the Ministry. Notice of the intent of granting the concession shall be signed by the Minister.

The procedure of granting concessions from Article 173, paragraph 3 of this Act shall be carried out by the competent local self-government unit. Notice of the intent of granting the concession shall be signed by the mayor, i.e. head of the local self-government unit.

The procedure of granting concessions from Article 171, paragraph 4 of this Act shall be carried out by the competent regional self-government unit. Notice of the intent of granting the concession shall be signed by the county prefect.

For concessions under Articles 163, paragraph 1, items 6 and 7 of this Act, the body issuing the concession shall not carry out the feasibility study for granting of the concession.

Decision on the selection of the best bidder

Article 175

The decision on selection of the best bidder shall be made by the body issuing the concession as follows:

1. concessions under Article 163, paragraph 1, item 1 of this Act for operating plants with power of or greater than 20 MW – the Croatian Parliament;
2. concessions under Article 163, paragraph 1, item 1 of this Act for operating plants with power up to 20 MW and for concessions under Article 163, paragraph 1, items 4 and 8 of this Act – the Government of the Republic of Croatia;
3. concessions under Article 163, paragraph 1, items 2, 3, 5, 6, 7 and 8 of this Act – the Ministry;
4. concessions under Article 171, paragraph 3 of this Act – representative body of the local self-government unit.
5. concession under Article 171, paragraph 4 of this Act – representative body of the regional self-government unit.

Signatory parties of the concession agreement

Article 176

The concession agreement under Article 163, paragraph 1 of this Act shall be signed by the Minister on behalf of the Republic of Croatia and the selected best bidder.

The concession agreement under Article 171, paragraph 3 of this Act shall be signed by the mayor, i.e. head of the municipality, on behalf of the local self-government unit and the selected best bidder.

The concession agreement under Article 171, paragraph 4 of this Act shall be signed by the county prefect on behalf of the regional self-government unit and the selected best bidder.

Obligation to submit a decision and agreement

Article 177

The body under Article 174, paragraphs 2, 3 and 4 of this Act is obliged to submit to the ministry competent for finance a decision on the selection of the best bidder and the concession agreement for entry into the Register of Concessions, kept pursuant to the Concessions Act.

The body under Article 172, paragraph 2 of this Act is obliged to submit to Croatian Waters a decision on the selection of the best bidder for entry into the concession records, kept pursuant to this Act.

The deadline for the submission of the acts under paragraphs 1 and 2 of this Article is 30 days from the date of signing the concession agreement.

Transfer of rights from the concession agreement

Article 178

Transfer of the concession agreement to legal successors of the concessionaire and to third parties shall be permitted upon approval of the body issuing the concession, on the condition that the person to whom the concession agreement is transferred fulfils the conditions of competence that should have been fulfilled by the original concessionaire.

Termination of the concession agreement

Article 179

A concession agreement may be unilaterally terminated for the reasons stipulated in the Concessions Act and this Act.

Revenues from the compensation of damages which the concessionaire owes to the body issuing the concession shall be the revenue of the body issuing the concession.

Revenue from the concession fee

Article 180

The concession fee under Article 163, paragraph 1 of this Act is the revenue of the State Budget.

The concession fee calculated and paid on concessions referred to in Article 163 paragraph 1 item 8 of this Act shall be divided between the State and the local self-government unit on the territory of which the concession is being realised in accordance with the Act on Financing of Local and Regional Self-Government Units (Official Gazette 117/93, 69/97, 33/00, 73/00, 127/00, 59/01, 107/01, 117/01, 150/02, 147/03, 132/06, 26/07 – Decision of the Constitutional Court of the Republic of Croatia and 73/08).

The concession fee calculated and paid on concessions referred to in Article 163 paragraph 1 items 2 to 7 and 9 shall be divided between the State and the local self-government unit on the territory of which the concession is being realised in such a way that the regional self-government unit receives an 80% share and the State receives a 20%.

The concession fee under Article 171, paragraph 3 of this Act is the revenue of the budget of the local self-government unit.

The concession fee under Article 171, paragraph 4 of this Act is the revenue of the budget of the regional self-government unit.

XII NATIONAL WATER COUNCIL AND CROATIAN WATERS

1. National Water Council

Competence

Article 181

The National Water Council shall be established for the purpose of discussing systematic issues of water management, co-ordinating different needs and interests, and proposing measures for the development and improvement of the water system in the Republic of Croatia.

Composition

Article 182

The National Water Council shall have a chairperson and ten members appointed by the Croatian Parliament to a term of four years.

The chairperson and members of the National Water Council are appointed from among representatives of the Croatian Parliament and from distinguished scientists and experts from the field of water management and similar fields.

Scope

Article 183

The National Water Council:

1. considers and gives opinions on draft acts and other regulations regulating issues related to water management;
2. considers implementation of acts and other regulations on water management;
3. considers the need to amend the Water Management Strategy and the River Basin Districts Management Plan;
4. considers the system of financing of water management and the manner of using funds so provided;
5. considers the operation and role of water management institutions;
6. considers the needs realised in different activities and aspects of life (physical planning of settlements, protection of ecosystems, agriculture, fishery, energy, navigation, industry, tourism, etc.) through the water management system.

The National Water Council issues opinions, defines views and proposals, proposes the enactment of regulations and taking of measures in relation to the issues under consideration.

Rules of Procedure and performance of expert tasks

Article 184

The National Water Council enacts the Rules of Procedure for its activities.

Expert and similar tasks necessary for the operation of the National Water Council shall be performed in accordance with the Rules of Procedure.

Expert and other tasks necessary for the operation of the National Water Council shall be performed by the Ministry.

2. Croatian Waters

Legal status

Article 185

Croatian Waters, established pursuant to Article 156 of the Water Act (Official Gazette 107/95 and 150/05), shall continue to operate pursuant to the provisions of this Act.

The full title of Croatian Waters is: Croatian Waters – legal person for water management.

The shortened title is: Croatian Waters.

The head office of Croatian Waters is in Zagreb.

Croatian Waters is subject to regulations applying to institutions unless otherwise prescribed by this Act.

Activities of Croatian Waters

Article 186

The activity of Croatian Waters is water management within the scope of work under paragraph 2 of this Article.

The activities of Croatian Waters are:

1. preparation of planning documents for water management - preparation of the draft proposal of the Water Management Strategy, preparation of the draft proposal of the River Basin Districts Management Plan, preparation of the multiyear draft proposal building programmes, enactment of detailed plans and programmes in addition to the River Basin Districts Management Plan, preparation of the draft financial plan and enactment of the Water Management Plan;
2. survey and analytical tasks - preparation of terms of reference, conceptual solutions, studies and investment programmes and review of project documents, with the exception of control of detailed designs in terms of regulations on physical planning and construction;

3. water regulation and protection from adverse effects of water - monitoring and establishing hydrological conditions (including monitoring, collection, control, processing, keeping and publication of hydrological data, analysis of the hydrological regime, prognosis of extreme hydrological occurrences, floods and droughts), estimation of flood risks, monitoring the status of watercourses and status of regulation and protection of water facilities, investment tasks in the construction and maintenance of regulation and protection of water facilities, supervision of construction and maintenance of the regulation and protection of water facilities, management of flood risks, management, supervision and implementation of preventive, regular and emergency flood control;
4. amelioration drainage – investment tasks in the construction and maintenance of basic amelioration drainage facilities, supervision of construction and maintenance of basic amelioration drainage facilities;
5. water use – determining water reserves, concern for strategic water reserves, water research works, giving opinions on implementing regulations adopted pursuant to this Act by local and/or regional self-government units, taking other measures for the intended and rational use of water, co-financing construction of public water supply facilities and supervision of purposeful use of funds during construction;
6. water protection – management of water quality, implementation of monitoring of surface waters, including the coastal water and groundwater, including laboratory tasks during monitoring, implementation and supervision of implementation of other bearers of implementation of the National Plan of Measures for Sudden and Accidental Pollution, giving opinions and exceptionally approval on implementing regulations adopted pursuant to this Act by local and/or regional self-government units, co-financing construction of public wastewater sewerage facilities and supervision of purposeful use of funds during construction;
7. irrigation – management of projects of construction of irrigation facilities in the ownership of regional self-government units in accordance with national programmes and projects, co-financing construction of irrigation facilities in the ownership of regional self-government units;
8. management of the public water estate;
9. keeping water documents and the integrated water information system, and issuing water rights documents pursuant to this Act;
10. expert tasks for the purpose of awarding concessions for the commercial use of waters;
11. expert supervision of implementation of conditions from water rights document and concession conditions (water supervision);
12. calculation and collection of fees for concessions for the commercial use of waters;

13. calculation and collection of water fees pursuant to the Act regulating financing of water management;
14. management of special projects specified by the Act, decision of the Government of the Republic of Croatia or the Management Board of Croatian Waters;
15. other tasks under the competence of Croatian Waters pursuant to this Act, other documents and the Statute of Croatian Waters.

Activities under paragraph 1 of this Article are performed as a public service.

Activities under paragraph 2, items 9, 10, 11, 12 and 13 of this Article are considered public authorities.

Assets

Article 187

The assets of Croatian Waters are determined by the balance and other ledgers.

The assets of Croatian Waters also include other items, rights, money and obligations, which are gained or taken over by Croatian Waters pursuant to the Act.

The operations of Croatian Waters are financed from water fees regulated by the act regulating financing of water management.

Responsibility for obligations

Article 188

Croatian Waters assumes responsibility for its obligations and guarantees for them with all its assets.

The Republic of Croatia assumes the solidary and unlimited responsibility for the obligations of Croatian Waters.

Prohibition and limitation of business capacity

Article 189

Croatian Waters shall not assume loans and/or credits, debts, and perform or execute collateral promise, issue guarantees or promissory notes or settle debts with or without the right to subrogation for third parties.

Debts of other parties within the meaning of paragraph 1 of this Article shall also include debts incurred due to construction of water management facilities owned by the third parties or the ownership of which shall be transferred to the third parties.

Croatian Waters may, up to the amount prescribed by the Statute, take over the debt or settle the debt of trading companies in which Croatian Waters has the majority share, except for debt incurred by the construction of buildings over which the trading company has no right of ownership, or debt transferred into the ownership of the third parties, and in

excess of the amount prescribed by the Statute, with the approval of the Croatian Government.

Legal transactions concluded contrary to paragraphs 1 through 3 of this Act shall be invalid.

Management Board

Article 190

The governing body of Croatian Waters is the Management Board which has seven members.

Six members of the Management Board are appointed and relieved of duty by the Government of the Republic of Croatia, at the proposal of the Minister.

One member of the Management Board is appointed and relieved of duty by the employees, i.e. Employees' Council of Croatian Waters, pursuant to special labour regulations.

Members of the Management Board are appointed to the term of four years.

The Chairman of the Management Board shall be appointed and relieved of duty by the members of the Management Board from amongst themselves.

Members of the Management Board are appointed primarily from among the holders of public authorities and experts in the field of water management, economy and public finance.

A person in business relations with Croatian Waters may not be a member of the Management Board.

The Government of the Republic of Croatia, employees i.e. Employees' Council, may suspend a member of the Management Board before the expiry of the appointed term of office, and are obliged to suspend the person if the circumstances under paragraph 6 of this Article arise.

Scope of the Management Board

Article 191

The Management Board:

1. enacts the Statute;
2. enacts the Water Management Plan;
3. prepares the draft proposal of the River Basin Districts Management Plan;
4. approves reports on the fulfilment of the Water Management Plan;
5. enacts an ordinance on internal organisation;
6. enacts general documents necessary for the operation of Croatian Waters and other documents enacted by Croatian Waters pursuant to this Act;

7. enacts the rules of procedure for its operations;
8. considers reports of the General Manager and reaches decisions thereon;
9. decides on establishing corporations and other legal persons, and investing therein;
10. decides on the debts in excess of the amount prescribed by the Statute;
11. decides on the alienation and encumbrance of property having value not in excess of the amount prescribed by the Statute, and
12. performs other activities and tasks prescribed by this Act, the Statute and general documents of Croatian Waters.

The document under paragraph 1, item 1 of this Act is enacted with prior consent of the Government of the Republic of Croatia.

Documents under paragraph 1, items 2, 5, 9, 10 and 11 of this Article are enacted with prior consent of the Minister.

General Manager

Article 192

The General Manager manages the operation of Croatian Waters.

The General Manager:

1. represents and acts on behalf of Croatian Waters;
2. manages and organises the operation of Croatian Waters;
3. enacts the job classification plan;
4. proposes documents under Article 191, paragraph 1 of this Act to the Management Board;
5. submits reports on the status of the water regime and operation of Croatian Waters;
6. submits documents related to operation, except those enacted by the Management Board;
7. ensures execution of expert tasks for the activities of the Management Board, and
8. performs other activities and task pursuant to the Statute.

The General Manager is responsible for the legality of operations of Croatian Waters.

Appointment and suspension of the General Manager

Article 193

The General Manager is appointed and suspended by the Government of the Republic of Croatia upon the proposal of the Minister.

The General Manager is appointed to a term of five years.

The conditions for appointment to the post of General Manager are regulated by the Statute.

Statute

Article 194

The Statute of Croatian Waters regulates: decision-making methods and other authorities of the Management Council and the General Manager; establishment and authorities of the expert council; basis for internal organisation; method and conditions of the use of funds; method for establishing relationship with the local and regional self-government units regarding water management issues; methods for achieving publicity of work; compensation fees and the compensation of travel expenses to members of the Management Council, and other issues that are, pursuant to this or other Acts, regulated by the Statute.

Performing water-watchman duties, handling and maintenance of devices at facilities for the regulation and protection of water

Article 195

The tasks of water-watchmen services, handling and maintaining mechanical and electric equipment on pumping stations for flood protection, handling and maintaining the appliances on the regulation and protection of water constructions (devices on dams and sluices), handling and maintaining water meter stations (limnographs, automatic water meter station and similar) shall be carried out by the legal person whose only founder is Croatian Waters, at the expense of water regulation fees pursuant to the Act regulating the financing of water management.

XIII PUBLIC WATER SUPPLY AND PUBLIC SEWERAGE

1. Common provisions

Activity and conditions for performance of activity

Article 196

The activities of public water supply and public sewerage are performed as a public service.

The activities of public water supply and public sewerage are of interest to local self-government units in the service area.

Local self-government units are obliged to ensure the performance of activities of public water supply and public sewerage.

Regional self-government units have the authority and obligations prescribed by this Act in relation to activities of public water supply and public sewerage.

Principles

Article 197

Water services are provided under non-discriminatory and socially acceptable conditions.

The activities of public water supply and public sewerage shall be performed in an efficient, cost-effective and purposeful manner.

The activities of public water supply and public sewerage are performed in such a manner so as to ensure their sustainable development and continuous increase in the quality of water services.

Water utility facilities are continuously kept in a functional state.

Prices of water services are determined according to the principle of full cost reimbursement as defined in the Act regulating financing of water management, social acceptability of the price of water and protection against monopoly.

Prices of water services cannot be used to cover the expenses of non-economical business operation of the provider of water services.

The public must be informed on all important information on provision of water services.

Financing of construction of water utility facilities is regulated by the Act regulating financing of water management.

Areas for performance of activities

Article 198

The basic unit for performance of activity of public water supply is the water supply area, and for performance of activity of public sewerage, an agglomeration.

A service area covers one or more water supply areas and one or more agglomerations.

Service areas

Article 199

Service areas are established for the purpose of ensuring:

1. technical and technological unity of public water supply facilities from the source to the end user;
2. technical and technological unity of the public sewerage facilities from the point of discharge to the natural recipient;
3. supply of water indented for human consumption of at least 2 million cubic metres per year.

In exceptional cases, a service area may be established even if the precondition under paragraph 1, item 3 of this Article is not met, when due to the geographical features of the area it is not possible to establish the technical and technological connection between water supply facilities and/or public sewerage facilities.

The Government of the Republic of Croatia shall enact a regulation establishing service areas and their boundaries and, if necessary, prescribe methods for enacting and implementing decisions which are, pursuant to the provisions of this Act, within the scope of public water supply and public water sewerage activities, enacted by local self-government units and water service providers, if these decisions must be enacted in a single document on the water supply area, agglomeration or service area.

The regulation under paragraph 3 of this Article may be enacted after conducting consultation procedures with local and regional self-government units and public water service providers.

Limitations regarding water utility facilities

Article 200

Water utility facilities may not be encumbered with a lien or subject to seizure.

Water utility facilities may be circulated exclusively among the persons under Article 23, paragraph 3 of this Act.

Water utility facilities in the ownership of the public water service providers shall not be included in the bankruptcy or liquidation estate. In the event of bankruptcy or liquidation, they shall be transferred into the ownership of the local self-government unit which is the owner, shareholder or founder thereof.

A private person may not become the majority owner of a public water service provider who is also the owner of a water utility facility.

Performance of activities

Article 201

Public water supply and public sewerage activities shall be performed by public water service providers.

By way of derogation from paragraph 1 of this Article, local self-government units may grant the concession referred to in Article 171, paragraph 3 of this Act to other legal or natural persons.

The legal and natural persons under paragraphs 1 and 2 of this Article are water service providers.

Public service providers

Article 202

A public water supply or public sewerage service provider is a company or an institution in which stocks or shares in the equity capital or the founders' rights are held exclusively by local self-government units.

A public water service provider may not perform activities other than public water supply, public sewerage, i.e. the activities under Article 125, paragraph 3 of this Act.

If a third party acquires a share in the company, stocks or founders' rights of the public water service provider, or if the public water service provider performs or is registered in the court registry for performing activities contrary to paragraph 2 of this Article, its legal status of a public water service provider and the right to perform activities of public water supply and public sewerage shall be revoked.

Conditions for performance of activities of public water supply and public sewerage

Article 203

For the performance of public water supply and public sewerage activities, and entry thereof in the court register, legal persons under Article 202 of this Act must comply with the special conditions regarding technical equipment and the number and qualifications of employees.

The Minister shall enact a regulation specifying special conditions under paragraph 1 of this Article.

The Ministry shall enact a decision establishing compliance with the conditions under paragraph 2 of this Article in an administrative procedure.

The decision under paragraph 3 of this Article shall be revoked by the Ministry by virtue of office if after issuing the decision it is established that the conditions under paragraph 1 of this Article are no longer fulfilled or that the status of the public water service provider under Article 202 paragraph 3 of this Act has been revoked.

An appeal against the decision under paragraphs 3 and 4 of this Act is not allowed, but administrative proceedings may be initiated.

Delivery of water to other providers

Article 204

A regional self-government unit may be the founder of a public water service provider delivering water intended for human consumption exclusively to other water service providers.

In the case under paragraph 1 of this Article, the regional self-government unit shall have the authority and obligations for the activities of public water supply vested in the local self-government units pursuant to this Act.

2. Price of water services

Price of water services

Article 205

Funds for performing activities of public water supply and public sewerage shall be secured from the price of water services.

The price of water services is revenue of the water service provider, and shall be paid by the owner or other legal possessor of the property on which the service is used (the user).

The basis for calculation of the price of water services of drainage and/or treatment of wastewater is defined according to the amount (in cubic metres) of discharged wastewater which is measured in the manner prescribed by the act regulating water management financing, for measurement of discharged wastewater for the purpose of calculating the water protection fee.

Decision on the price of water services

Article 206

The price level of water services shall be determined by the water service provider with prior consent of the self-government unit.

The price of water may not be less than the amount prescribed by the regulation under paragraph 7 of this Article.

The water service tariff for public water supply shall include at least:

- the basic price of water service, and
- the price paid by the socially endangered citizens for the quantity of delivered water required for basic household needs.

The price under paragraph 3, subparagraph 2 of this Article may not be determined in the amount greater than 60% of the basic price of water service.

The decision on the price of water services shall contain: the type of water service, the price level (water service tariff), calculation and payment methods, and the statement of public levies which are calculated and collected together with the price of the service.

Water service providers are obliged to publish the decision under paragraph 1 of this Article on the internet and in other appropriate manners, and make it publicly available during the validity period thereof.

The Government of the Republic of Croatia shall, upon the proposal of the Water Services Council, issue a regulation specifying the lowest basic price of water services and the types of expenses covered by the price of water services.

The Government of the Republic of Croatia shall, upon the proposal of the Water Services Council, issue a regulation specifying the criteria for economical business operation of water service providers.

Prior consent

Article 207

Prior consent regarding the decision on the price of water services shall be given by the mayor, i.e. heads of the local self-government units, in a water supply area or agglomeration.

Within 15 days from the date of submitting the decision to the local self-government unit for the purpose of issuing consent, the unit is obliged to give its consent, explain rejection thereof or demand amendments thereto. If the local self-government unit fails to act in the above manner, such consent shall be deemed not granted.

If the consent is to be issued by several local self-government units in a water supply area or an agglomeration, the consent shall be deemed given when it is given by the local self-government unit which is the majority owner, shareholder or founder of the public water service provider.

The providers of water services shall deliver the decision on the price of water services to the Water Services Council within 5 days from obtaining the prior consents referred to in paragraph 2 or 3 of this Article.

Price of water for other water service providers

Article 208

The water service provider delivering water intended for human consumption to other water service providers cannot determine the price of water in the amount higher than the average price of the water service tariff applicable for users in that water supply area, which can be increased by a reasonable cost of conducting the water through the public water supply facilities and in absence thereof, he is obliged to determine the price for water service pursuant to the principles under Article 197, paragraph 5 of this Act.

The person supplying a water service provider with technical and other water which, after treatment, may be used for human consumption, shall determine the price thereof pursuant to the principles under Article 197, paragraph 5 of this Act.

The dissatisfied party shall have the right to demand that the court alters the contracted price under paragraphs 1 and 2 of this Article in court proceedings. Until the court decision, the dissatisfied party may demand the Water Services Council to determine the price of water by virtue of a temporary measure.

Regulations of paragraphs 1 to 3 of this Article do not refer to the crossborder delivery of water.

3. Connection to water utility facilities

Decision on connection

Article 209

Structures and other property may be connected to water utility facilities pursuant to the decision on connection.

The decision on connection shall be enacted by the representative body of a local self-government unit at the proposal of a water service provider.

The decision under paragraph 1 of this Article shall establish:

- procedure;
- connection deadlines;
- connection fee pursuant to the act regulating water management financing;
- payment method for the connection fee pursuant to the act regulating financing of water management;
- method and conditions for financing construction of water utility facilities by the future users, and
- penalty provisions.

The representative body of the local self-government unit may exempt the owner of the property or other legal possessors thereof from the obligation to connect to water facility utilities if they have individually arranged water supply and wastewater sewerage in an appropriate manner in accordance with the provisions of this Act.

The water service provider shall publish the decision on connection on the internet and in another appropriate manner and is obliged to make it publicly available during the validity period thereof.

The local self-government unit shall deliver the decision on connection to the Water Services Council within 5 days from its enactment.

Enacting a decision on connection

Article 210

The representative bodies of local self-government units are obliged to enact the decision on connection within 30 days from the date of submission of the proposal.

If the provision under paragraph 1 of this Article is violated, the decision shall, upon the proposal of the water service provider, be enacted by the representative body of the regional self-government unit, and this decision shall remain in force until entering into force of the decision under paragraph 1 of this Article.

Water meter installation

Article 211

Structures shall be designed and constructed in such a way as to ensure that each

separate part of the structure representing an independent usable entity where water is used (apartment, office space, garage, etc.) has a water meter installed.

Obligation to connect

Article 212

The owner of a structure or the owner of other property is obliged to connect the structure or other property to the water utility facilities pursuant to the decision on connection and no later than one year from the date of notification of the water service provider on the possibility of connection.

Structures built without a document allowing construction and structures in the process of cessation of construction or construction removal pursuant to a special act may not be connected to water utility facilities.

Connection works shall be executed by the water service provider or his contractor, and the actual costs of works shall be borne by the owner or other legal possessor of the property being connected.

Failing to meet the obligation to connect

Article 213

If the owner of a structure or other property does not act pursuant to the provisions of Article 212 paragraph 1 of this Act, the unit of local self-government shall, upon the proposal of the water service provider, enact a decision in an administrative procedure on the obligation of connecting at the costs of the owner or other legal possessor of the structure or property.

An appeal against the decision is allowed and may be lodged with the body of the regional self-government unit responsible for the economy.

Financing construction of water utility facilities by future users

Article 214

When construction of a specific water utility facility is not foreseen in the plan of construction of water utility facilities, future users of water services that would connect to the facilities can participate in financing their construction, with a refund of the invested funds within a certain deadline, under the conditions established in the contract with the local self-government unit.

The funds under paragraph 1 of this Article shall be paid to the account of the local self-government unit, and the deadline for refund cannot exceed five years from the contract conclusion date.

4. General and technical conditions for the provision of water services

General and technical conditions for the provision of water services

Article 215

The water service provider is obliged to enact general and technical conditions for the provision of water services.

General and technical conditions contain provisions on:

- the procedure for giving consent and ensuring conditions for connection to water utility facilities;
- technical and technological conditions for connection (special conditions of connection);
- quality of provision of water services;
- rights and obligations of the water service provider and the user of water services;
- conditions for metering, calculation and collection of water services;
- conditions for applying the procedure for restricting or suspending the provision of water services;
- procedures in case of unauthorised use of water services, and
- technical and technological conditions for installation of water meters.

The water service provider is obliged to publish the general and technical conditions of the provision of water services on the internet and in another appropriate manner and make them publicly available during the validity period thereof.

Restriction or suspension of provision of water services

Article 216

A water service provider may, for justified reasons and pursuant to general and technical conditions for provision of water services, restrict or suspend service to users.

5. Water Services Council

Water Services Council

Article 217

The Water Services Council is established for the purpose of ensuring legality in the field of determining the price of water services under this Act, the development fee and the connection fee from the act regulating financing of water management.

The Council is comprised of nine members that are experts in the field of water supply and wastewater sewerage, water management, economy, public finance or other fields.

Members of the Council are appointed and suspended by the Croatian Parliament upon the proposal of the Government of the Republic of Croatia.

Members of the Council are appointed to a term of four years and may be suspended before the expiry of the stated period.

The Council shall enact the rules of procedure for its operation.

Members of the Council shall appoint and suspend the president and deputy president of the Council.

Council operating funds

Article 218

Funds for the operation of the Council and expert support for the operation thereof shall be secured by the Ministry.

Members of the Council are entitled to compensation for their work in the Council and compensation for travel expenses and other expenses while performing their duties as members of the Council pursuant to a document enacted by the Minister.

Scope of the Council

Article 219

The Council:

1. proposes the regulation under Article 206, paragraph 7 of this Act to the Government of the Republic of Croatia;
2. proposes the regulation on the highest amount of connection fee under the Act regulating financing of water management to the Government of the Republic of Croatia;
3. supervises the legality of the decision on the price of water services;
4. supervises the legality of the decision on the development fee under the Act regulating financing of water management;
5. supervises the legality of the decision on the connection fee under the Act regulating financing of water management, and
6. supervises the legality of determining the price of water under Article 208 of this Act.

In the supervision procedure under paragraph 1, items 3 through 5 of this Article, the Council shall have the authority to stop the execution of an illegal decision by virtue of a decision issued in the administrative procedure. An appeal against the decision of the Council under paragraph 1 of this Article is not allowed, though administrative proceedings may be initiated to be resolved in urgent proceedings.

In the surveillance procedure under paragraph 1, item 8 of this Article, the Council shall have the authority to enact a temporary measure and determine the price of water until the final court decision.

XIV SPECIAL ACTIVITIES FOR THE PURPOSES OF WATER MANAGEMENT

Special activities for the purposes of water management

Article 220

Special activities for the purposes of water management are:

1. water research works and other hydrogeological works;
2. tasks of preventive floods control and tasks and measures of regular and emergency flood control;
3. management of detailed amelioration drainage facilities and irrigation facilities;
4. prevention of spreading and elimination of effects of sudden and accidental pollution of water and the water estate;
5. sampling and analysis of water, with the exception of drinking water pursuant to regulations on food;
6. testing watertightness of facilities for wastewater sewerage and treatment, and
7. planning and construction of internal pipelines.

Conditions for the performance of special activities for the purposes of water management

Article 221

Compliance with special conditions is required for the performance of special activities for the purposes of water management, and their entry into the court registry, in particular regarding the technical equipment, and the number and qualifications of employees.

At the proposal of Croatian Waters, the Minister shall enact a regulation prescribing the special conditions under paragraph 1 of this Article, and the certification areas under Article 113, paragraph 2 of this Act, special procedural provisions for enacting decisions under paragraph 3 of this Article and special reasons for revocation of such decisions. Special conditions for the performance of activities under Article 220, item 5 of this Act shall be prescribed with the consent of the Croatian Accreditation Agency.

Compliance with the special conditions under paragraph 2 of this Article is established by virtue of a decision of the Ministry in an administrative procedure (certification decision).

For performance of the activity under Article 220, item 2 of this Act, a certification decision shall be issued for the certification area for a period of ten years.

The certification decision is revoked by the Ministry by virtue of its office (*ex officio*) and without the consent of the party, and the revocation is entered in the court registry if the Ministry establishes that the conditions under paragraph 1 of this Article are no longer fulfilled after the issuing of the certification decision.

An appeal against the decision under paragraph 3 and 5 of this Act is not permitted, though administrative proceedings may be initiated.

Scientific institution for waters

Article 222

The Government of the Republic of Croatia, pursuant to special regulations on scientific activity, may by virtue of a regulation establish a scientific institution in the field of water with the legal status of an institution for the purpose of providing scientific support to water management pursuant to the Water Management Strategy (Official Gazette 91/08), the provisions of this Act and the Act regulating water management financing.

The funds for financing of operation of the institution under paragraph 1 of this Article shall be secured in the State Budget.

The regulation referred to in paragraph 1 of this Article shall govern: bodies of the scientific institution, their authorities, methods of decision making, assets, liabilities, disposal of funds, manner of achieving the public character of the institution's work and activities.

XV SUPERVISION AND ADMINISTRATIVE MEASURES

Administrative supervision

Article 223

Administrative supervision over Croatian Waters and local and regional self-government units in the execution of public authorities pursuant to this Act and regulations adopted on the basis thereof shall be performed by the Ministry.

Administrative supervision under paragraph 1 of this Article shall be performed by government employees so authorised by the Minister.

Inspectional supervision

Article 224

Inspectional supervision over the application of the provisions of this Act and regulations adopted on the basis thereof shall be performed by the inspection established within the Ministry (hereinafter: state water rights inspection) unless prescribed otherwise by this Act.

Inspectional supervision shall also be performed over water service providers in the provision of water services.

Inspectional supervision shall not be performed over public authorities of Croatian Waters under Article 186, paragraph 4 of this Act, under Articles 191 and 192 of this Act, nor upon local and regional self-government units in the implementation of public authorities of enacting general acts under this Act and settling administrative procedures under this Act.

The tasks of inspectional supervision under paragraph 1 of this Article shall be deemed tasks with special working conditions.

State water rights inspectors

Article 225

Inspectional supervision under Article 224 of this Act shall be performed by state water rights inspectors.

Inspectional supervision under paragraph 1 of this Article may also be performed by other government employees so authorised by the Minister.

Performing inspectional supervision

Article 226

In performing inspectional supervision, the state water rights inspector shall directly inspect the acts, conditions and method of work of the supervised legal and natural persons, and shall be authorised to require that the authorised person in the legal or natural person under inspectional supervision perform the following without delay:

1. enable inspection in the premises at locations subject to inspectional supervision;
2. submit for inspection and make available all the required data, documents and other evidence, to give a statement of the facts relevant for performing the inspection;
3. report on measures taken to eliminate identified weaknesses;
4. organise and allow water sampling for analysis;
5. enable direct inspection of the way in which activities are performed.

The costs of water sample analysis under paragraph 1, item 4 of this Article shall be secured from the State Budget.

If the inspection establishes that water quality does not comply with the established conditions, the costs of analysis under paragraph 2 of this Article shall be covered by the supervised legal or natural person under paragraph 1 of this Act.

A state water rights inspector shall perform inspectional supervision in co-ordination with inspectors competent for the supervision of other environmental components at locations for which integrated environmental protection requirements have been issued or such conditions should be obtained in accordance with the act regulating issues of environmental protection.

At locations under paragraph 4 of this Article, the state water rights inspector may independently perform inspectional supervision in accordance with Article 224 of this Act.

Duties of the state water rights inspector

Article 227

If the state water rights inspector establishes a violation of the provisions of this Act or of other regulations adopted on the basis thereof, the inspector shall enact a decision ordering elimination of the identified weaknesses or irregularities and defining the measures and deadline for their elimination.

In the case under paragraph 1 of this Article, the state water rights inspector is authorised to:

1. prohibit construction or execution of other works carried out without or contrary to the required water rights acts;
2. order temporary suspension of work or activities;
3. prohibit the use of structures or plants;
4. prohibit or limit the use of water;
5. prohibit or limit the discharge of hazardous substances or other pollutants substances into water discharged contrary to this Act;
6. order measures to be taken for the treatment of polluted water and elimination of the cause of pollution;
7. order other harmonisation of procedures with the provisions of water rights acts;
8. order the elimination of damage and restoration of the prior status;
9. prohibit the disturbance of possession or dispossession of the public water estate and water management facility and order restoration of the prior status;
10. order the removal of temporary structures;
11. order temporary seizure of the item with which the violation under this Act was committed, until the finality of the decision under paragraph 1 of this Article;
12. take other measures and actions in accordance with this Act or regulations adopted on the basis thereof.

State water inspector, may not order Croatian Waters, local and regional self-government units to undertake interventions requiring investments into water constructions, i.e. into the public water good, unless it is of the utmost importance to prevent detrimental consequences caused by a force majeure.

Minutes of performed supervision

Article 228

The state water rights inspector shall keep minutes of the performed supervision, established condition and the measures and actions taken or ordered.

One copy of the minutes shall be submitted to the party subject to the inspectional supervision.

The state water rights inspector shall keep a register of performed supervisions.

The content and method of keeping the register shall be prescribed by the Minister.

Reporting to another body of the state administration

Article 229

If, during the inspectional supervision, the state water rights inspector establishes that regulations within the scope of another body of state administration have been violated, the inspector shall inform the relevant body thereof without delay.

Submission from a legal or natural person

Article 230

The state water rights inspector shall review a submission from a legal or natural person related to the supervision from his domain and inform the submitter in writing about the actions and measures taken thereof.

The state water rights inspector shall keep the data about the identity of the submitter confidential.

Reaching a verbal decision

Article 231

The state water rights inspector may reach a verbal decision and immediately order its execution if it is necessary to stop an action which may cause a direct threat to human life and health, fauna and flora, or result in major material damage, and in particular:

1. in case of direct danger of flood, outflow or deterioration of status during the flood;
2. in case of risk of water shortages or problems in water supply;
3. if there is a risk of water pollution, or if the pollution has already occurred to an extent that presents an immediate threat to human life and health or to flora and fauna.

The verbal decision shall be recorded in the minutes of the performed inspectional supervision.

The decision in writing shall be sent to the party within eight days from the date of reaching the verbal decision.

Appeals

Article 232

An appeal against the decision reached by the state water rights inspector may be lodged with the Ministry within eight days of the date of receipt of the decision.

The appeal shall be decided on by a commission appointed by the Minister.

The appeal lodged against the decision under paragraph 1 of this Article shall not postpone its execution, unless otherwise provided by the decision.

When the appeal does not postpone the execution of the decision, the commission may postpone the execution of the decision if there is a risk of irreparable damage.

Conditions to be met by the state water rights inspector

Article 233

The tasks of a state water rights inspector may be performed by a person who, in addition to legal requirements for government administration personnel, has:

1. completed undergraduate and graduate university study or integrated undergraduate and graduate university study or specialist graduate expert study in civil engineering, chemical engineering, food and biotechnology, ecological engineering, agronomy, law, geology or geodesy;
2. five years of experience in water management or environmental or nature protection;
3. passed the state licensing exam for the state water rights inspector.

By way of derogation from paragraph 1 of this Article, the tasks of the state water rights inspector may be performed by government employees performing tasks of regional water rights inspectors in state administration offices in regional self-government units and the City Office of the City of Zagreb responsible for water management, which shall be incorporated into the Ministry on the date of the entry into force of this Act.

Official identification card and badge of the state water rights inspector

Article 234

State water rights inspectors shall have official identification cards and badges proving their function, identity and authority.

The Minister shall enact an ordinance prescribing the form and content of the format of the official identification card, the form and content of the badge, and the keeping of the register on the issued official identification cards and badges.

Mining inspection

Article 235

With the aim of ensuring the implementation of the provisions of this Act and other regulations adopted on the basis thereof, the state administration body competent for mining inspection tasks can:

1. forbid the excavation and/or digging of sand and gravel, rock and earth, including clay;
2. order the deposition of illegally excavated and/or dug amounts of sand and gravel, rock and earth, including clay at a specific place or distribution within the watercourse or canal;

3. order the co-ordination of measures of the supervised person with the provisions of water rights acts under Article 98 and Article 99, paragraph 2 of this Act;

4. order other measures for which he/she is authorised by the Act and other regulations adopted on the basis thereof.

The state administration body competent for mining inspection tasks shall inform the state water inspection on the undertaken measures under paragraph 1 of this Article.

Sanitary inspection

Article 236

In order to ensure implementation of this Act and other regulations adopted on the basis thereof, bodies of state administration competent for sanitary inspection may:

1. prohibit the construction or use of structures and plants, use of land, and performance of commercial and other activities in sanitary protection zones of sources serving for drinking water supply, if such activities present a risk to the sanitary quality of water;
2. order elimination of weaknesses in water facilities and plants for drinking water supply, if these may adversely affect the quantity or sanitary quality of water;
3. prohibit the abstraction and use of drinking water that does not comply with the required standards in terms of chemical, physical, bacteriological, biological and radioactive properties;
4. order treatment and other hygienic and epidemiological measures in order to obtain drinking water of adequate sanitary quality;
5. order other measures required to ensure and protect drinking water of adequate sanitary quality;
6. order and take appropriate measures to ensure and protect the quality of bathing waters;
7. order measures to be taken in order to achieve the proper status and working order of sump pits and septic tanks;
8. prohibit direct discharge of polluted water into bodies of inland water and coastal water.

The body of state administration competent for sanitary inspection shall inform the state water rights inspection about the measures taken under paragraph 1 of this Act.

Agricultural and phytosanitary inspection

Article 237

In order to ensure the implementation of this Act and other regulations based thereon, the body of state administration competent for agricultural, i.e. phytosanitary inspection, may order the application of good agricultural practice in the case of diffuse sources of pollution pursuant to regulations in agriculture, and take other measures for which they are authorised by this Act and regulations adopted on the basis thereof.

Application of the Water Act

Article 238

The provisions of Articles 226, 231, and 232 of this Act apply accordingly the bodies of state administration competent for sanitary inspection, mining, agricultural and phytosanitary inspection when taking measures so authorised under this Act.

Administrative measures

Article 239

Should a legal person in cases under Article 227 of this Act fail to act upon the decision reached by the state water rights inspector, it shall be forced to action by an administrative measure equivalent to ten-fold amount of the net average salary in the Republic of Croatia in the past quarter.

Each subsequent administrative measure imposed on the person under paragraph 1 of this Article shall be expressed in the amount double that of the previous administrative measure.

Should a natural person in cases under Article 227 of this Act fail to act upon the decision reached by the state water rights inspector, it shall be forced to action by an administrative measure equivalent to the amount of one net average salary in the Republic of Croatia in the past quarter.

Administrative measures under paragraphs 1 through 3 of this Article shall be implemented by the bodies competent for enforcing penalties imposed for offences.

The amount of the penalty shall be paid into the budget of local self-government units on whose territory the offence was committed.

Water watchmen

Article 240

Direct supervision over the status of water bodies and water management facilities, unlawful use of the public water estate and misappropriation of gravel and sand and other material (clay, earth, rock, etc.) for the purpose of preventing, identifying and eliminating water pollution, damage to water management facilities, and inflicting damage to public property shall be performed by water watchmen.

Any change in the circumstances under paragraph 1 of this Article shall be immediately reported verbally by water watchmen to the state water rights inspection, and to the mining inspection in the case of misappropriation of gravel and sand and other material (clay, earth, rock, etc.), and in writing within 24 hours at the latest.

In performing their duties under paragraph 1 of this Act, water watchmen are authorised to verify personal identities.

The water watchmen shall have the water watchman's identity card.

The Minister shall issue a regulation specifying the conditions for performing water watchman duties, the format and content of the water watchman's identity card, and the keeping of the register on the issued identity cards.

Water watchman service duties shall be performed by the legal person under Article 195 of this Act.

XVI MISDEMEANOUR PROVISIONS

Fines ranging from HRK 30,000.00 to 300,000.00

Article 241

A fine in the amount ranging from HRK 30,000.00 to 300,000.00 shall be imposed on the legal person committing an offence if it:

1. uses the water estate contrary to the purpose under Article 9 of this Act;
2. uses the public water estate without the required documents under Article 16 of this Act;
3. does not allow temporary use of land lots outside of the system of the public water estate for the purposes under Article 18 of this Act;
4. discharges hazardous substances under Article 43 of this Act into water without a water rights permit;
5. fails to implement basic measures from the programme of water protection measures pursuant to Article 47, paragraph 1 of this Act;
6. fails to implement supplementary measures from the programme of water protection measures pursuant Article 47, paragraph 3 of this Act;
7. collects, treats and discharges wastewater contrary to the provision of Article 61 of this Act;
8. discharges wastewater contrary to the decision on wastewater sewerage under Article 67, paragraph 1 of this Act;
9. uses water contrary to the decision of the representative body of a local self-government unit under Article 78 of this Act;
10. fails to implement the required source protection measures pursuant to Article 91 of this Act;
11. uses water contrary to the decision of representative body of the local self-government unit under Article 91, paragraph 3 of this Act;
12. excavates sand and gravel in an area relevant for the maintenance of the water regime contrary to Article 97, paragraph 1 of this Act;
13. excavates sand and gravel in areas of sanitary protection of the source and outside areas relevant for the maintenance of the water regime contrary to Article 98 of this Act;
14. does not undertake all necessary measures prescribed under Article 99, paragraph 3 of this Act;
15. uses sand and gravel contrary to Article 102, paragraphs 1 to 3 of this Act;

16. is not present with staff and material means in the certification area and fails to maintain its own organisation, capacity and mobility of staff, and the status of material means pursuant to Article 117, paragraph 1 of this Act;
17. fails to respond to the state of alert and fails to take part in regular and emergency flood control pursuant to Article 117, paragraph 2 of this Act;
18. does not use reservoirs and retentions in the manner which ensures the acceptance of the flood wave under Article 119, paragraph 1 of this Act;
19. does not constantly monitor the safety of dams pursuant to Article 119, paragraph 3 of this Act;
20. does not allow the disposal of sand, gravel, clay or rock for use in flood protection upon the request of Croatian Waters pursuant to Article 129, paragraph 1, item 1 of this Act;
21. does not allow the passage of persons, transport vehicles and machinery required for flood protection upon the request of Croatian Waters pursuant to Article 129, paragraph 1, item 2 of this Act;
22. does not allow authorised persons of Croatian Waters passage on the land in its ownership and/or use in order to survey and mark it related to the construction of water management facilities and maintenance of watercourses and water management facilities pursuant to Article 130, paragraph 1 of this Act;
23. performs actions prohibited under Article 131, paragraph 1 of this Act;
24. executes works without the water rights acts under Article 143, Article 148, or Article 149 of this Act required for such interventions;
25. performs actions contrary to Article 151 of this Act;
26. fails to implement measures for the protection of human life and health, environment, and personal property pursuant to this Act and the regulations on environmental protection pursuant to Article 166, paragraph 1, item 4 of this Act;
27. performs activities under Article 220 of this Act without a valid decision prescribed in Article 221, paragraph 3 of this Act.

For an offence under paragraph 1 of this Article, the responsible person of the legal person shall also be fined in the amount between HRK 4,000.00 and 10,000.00.

For an offence under paragraph 1 of this Article, a natural person shall be fined in the amount between HRK 4,000.00 and 10,000.00.

Fines ranging from HRK 20,000.00 to 100,000.00

Article 242

A fine in the amount ranging from HRK 20,000.00 to 100,000.00 shall be imposed on the legal person committing an offence if it:

1. uses the public water estate for rest and recreation contrary to Article 17 of this Act;

2. fails to sample and analyse the composition of wastewater pursuant to Article 65, paragraph 1 of this Act;
3. fails to use and maintain the flow meter and the automatic sampler and fails to make it available to water rights supervision pursuant to Article 65, paragraph 4 of this Act;
4. fails to keep the register of discharge of dangerous substances pursuant to Article 66, paragraph 3 of this Act;
5. fails to immediately inform the National Protection and Rescue Directorate in the event under Article 72 of this Act;
6. fails to keep the register on the quantities of abstracted water pursuant to the regulation under Article 80, paragraph 2 of this Act;
7. uses water contrary to the decision on the protection of water sources under Article 91, paragraph 3 of this Act;
8. does not keep the register of excavation of sand and gravel pursuant to the regulation under Article 100, paragraph 6 of this Act;
9. plants and/or fells trees and other vegetation contrary to the regulation under Article 107, paragraph 3 of this Act;
10. fails to participate in flood protection pursuant to the conditions specified in Article 118 of this Act;
11. fails to implement ice control measures under Article 121 of this Act;
12. performs actions prohibited by Article 126 of this Act;
13. does not enable the implementation of administrative supervision under Article 223 of this Act;
14. does not enable the implementation of inspectional supervision pursuant to Article 224 of this Act;
15. does not enable direct supervision of water watchmen pursuant to Article 240 of this Act.

For an offence under paragraph 1 of this Article, the responsible person of the legal person shall also be fined in the amount between HRK 2,000.00 and 10,000.00.

For an offence under paragraph 1 of this Article, a natural person shall be fined in the amount between HRK 2,000.00 and 10,000.00.

Fines ranging from HRK 10,000.00 to 50,000.00

Article 243

A fine in the amount ranging from HRK 10,000.00 to 50,000.00 shall be imposed on the legal person committing an offence if it:

1. fails to perform wastewater monitoring under the River Basin Districts Management Plan under Article 36, paragraph 1 of this Act;

2. fails to submit to Croatian Waters the data on the sampling and analysis of the composition of discharged wastewater pursuant to Article 66, paragraph 1 of this Act;
3. fails to submit to Croatian Waters the data on the production or import of chemicals which reach water after use pursuant to Article 66, paragraph 2 of this Act;
4. fails to report, within 48 hours, the discovery of groundwater during the execution of works, fails to enable the collection of data and necessary testing in order to identify the deposits, quantity and quality of water and/or fails to implement the necessary measures ordered by the state water management inspector, pursuant to Article 82 of this Act;
5. fails to submit the data on the quantities of abstracted water pursuant to Article 80, paragraph 1 of this Act;
6. does not report the data on the quantity of excavated sand and gravel pursuant to Article 100, paragraph 4 of this Act.
7. deposits sand and gravel contrary to the Article 101, paragraphs 1 to 3 of this Act;
8. does not keep the record of deposited sand and gravel pursuant to Article 103 of this Act;
9. fails to submit the data under Article 139, paragraph 2 of this Act or fails to submit it within the prescribed deadlines.

For an offence under paragraph 1 of this Article, the responsible person of the legal person shall also be fined in the amount between HRK 1,000.00 and 5,000.00.

For an offence under paragraph 1 of this Article, a natural person shall be fined in the amount between HRK 1,000.00 and 5,000.00.

Intended use of funds collected from fines

Article 244

The fines imposed for the offences under Articles 241 through 243 of this Act shall be paid to the budgets of regional self-government units and shall be used specifically for financing projects implemented by Croatian Waters on the river basin district where the offence was committed.

Protective measures

Article 245

In addition to the penalty imposed for the offence, the competent body may also pass a protective measure of temporary confiscation of items of the offender used to commit the offence.

The protective measure under paragraph 1 of this Article shall be passed for a period of one to six months.

If the offender repeats the offence within two years, the competent body under paragraph 1 of this Article may pass a protective measure of permanent confiscation of the items of the offender used to commit the offence.

XVII TRANSITIONAL AND FINAL PROVISIONS

Implementing acts of the Government of the Republic of Croatia

Article 246

The Government of the Republic of Croatia shall enact the following:

1. document under Article 2, paragraph 3 of this Act within one year from the date of the entry into force of this Act;
2. regulation under Article 16 paragraph 7 of this Act within six months from the date of the entry into force of this Act;
3. document under Article 31, paragraph 2 of this Act within six months from the date of the entry into force of this Act;
4. regulation under Article 32, paragraph 3 of this Act within one year from the date of the entry into force of this Act;
5. regulation under Article 38 paragraph 3 within six months from the date of the entry into force of this Act;
6. regulation under Article 41, paragraph 1 of this Act within one year from the date of the entry into force of this Act;
7. document under Article 49, paragraph 2 of this Act within one year from the date of the entry into force of this Act;
8. document under Article 50, paragraph 2 of this Act within one year from the date of the entry into force of this Act;
9. regulation under Article 51, paragraph 6 of this Act within one year from the date of the entry into force of this Act;
10. National Plan of Measures for Sudden and Accidental Water Pollution under Article 70, paragraph 2 of this Act within one year from the date of the entry into force of this Act;
11. National Flood Control Plan under Article 113, paragraph 1 of this Act within one year from the date of the entry into force of this Act;
12. regulation under Article 170 of this Act within one year from the date of the entry into force of this Act;
13. regulation under Article 199, paragraph 3 of this Act within two years from the date of the entry into force of this Act;
14. regulation under Article 206, paragraph 7 of this Act within six months from the date of the entry into force of this Act.
15. regulation under Article 206, paragraph 8 of this Act within six months from the date of the entry into force of this Act.

The document under Article 222, paragraph 1 of this Act may be enacted upon the expiration of two years from the date of entry into force of this Act.

Implementing acts of ministers

Article 247

The Minister shall enact the following:

1. regulation under Article 25, paragraph 1 of this Act within one year from the date of the entry into force of this Act;
2. document under Article 33, paragraph 2 of this Act within 90 days from the date of the entry into force of the act under Article 31, paragraph 2 of this Act;
3. regulation under Article 39, paragraph 1 of this Act within one year from the date of entry into force of this Act;
4. regulation under Article 52 paragraph 2 of this Act within one year from the date of the entry into force of this Act;
5. regulation under Article 53, paragraph 2 of this Act within one year from the date of the entry into force of this Act;
6. regulation under Article 60, paragraph 3 of this Act within one year from the date of the entry into force of this Act
7. regulation under Article 68, paragraph 4 of this Act within one year from the date of the entry into force of this Act
8. regulation under Article 80, paragraph 2 of this Act within one year from the date of the entry into force of this Act;
9. regulation under Article 90, paragraph 2 of this Act within one year from the date of the entry into force of this Act;
10. regulation under Article 96, paragraph 3 of this Act within one year from the date of the entry into force of this Act;
11. regulation under Article 100, paragraph 6 of this Act within one year from the date of the entry into force of this Act;
12. regulation under Article 103, paragraph 2 of this Act within one year from the date of the entry into force of this Act;
13. regulation under Article 104, paragraph 8 of this Act within one year from the date of the entry into force of this Act;
14. regulation under Article 140 of this Act within nine months from the date of the entry into force of this Act;
15. regulation under Article 142, paragraph 2 of this Act within one year from the date of the entry into force of this Act;
16. regulation under Article 203, paragraph 2 of this Act within one year from the date of the entry into force of this Act;
17. regulation under Article 221, paragraph 2 of this Act within nine months from the date of the entry into force of this Act;

18. regulation under Article 228, paragraph 4 of this Act within six months from the date of the entry into force of this Act;
19. regulation under Article 234, paragraph 2 of this Act within nine months from the date of the entry into force of this Act;
20. regulation under Article 240, paragraph 5 of this Act within nine months from the date of the entry into force of this Act;

The Minister of Agriculture shall enact the regulation under Article 50, paragraph 4 of this Act within six months from the date of the entry into force of the document under Article 50, paragraph 2 of this Act.

General documents of local and regional self-government units

Article 248

Local and regional self-government units shall enact the general documents for whose enactment they are authorised under this Act within the deadlines specified in the implementing regulations under Articles 246 and 247 of this Act.

If local or regional self-government units fail to enact the general document under Article 91, paragraph 3 of this Act within the deadlines specified in the regulation under Article 90, paragraph 2 of this Act, the construction, reconstruction or rehabilitation of water utility structures shall not be co-financed from the State Budget, the water use fee and the water protection fee until the entry into force of such general documents pursuant to Article 91, paragraph 3 of this Act.

Documents of Croatian Waters

Article 249

Croatian Waters shall enact the Statute within six months from the date of the entry into force of this Act.

Croatian Waters shall within 30 days from the entry into force of this Act publish on the internet the plan for the drafting of the documents under Article 48, paragraph 3; Article 52, paragraph 3; Article 53, paragraph 3; Article 110, paragraph 1; Article 111, paragraph 1; and Article 112, paragraph 1 of this Act.

When stipulated by this Act that the Minister, i.e. the Ministry, enacts approval for the documents of Croatian Waters, the approval shall be issued or its refusal corroborated within the deadline ensuring the durable performance of the public service, for up to 30 days from the day of delivery of the accurate request for issuance of the approval.

Expiration of implementing documents

Article 250

Until the entry into force of this Act, regulations and other implementing documents enacted pursuant to the Water Act (Official Gazette 107/95 and 150/05) shall remain in force, those being:

1. Regulation on classification of waters (Official Gazette 77/98 and 137/08),
2. Regulation on dangerous substances in waters (Official Gazette 137/08),
3. Regulation on conditions and procedure for award of concessions on waters and the public water estate (Official Gazette 99/96 and 11/98),
4. State Water Protection Plan (Official Gazette 8/99),
5. State Flood Control Plan (Official Gazette 8/97, 32/97, 43/98, 93/99, 14/03, 188/03, 2/05, 125/05 and 28/06),
6. Decision on inventory of I order waters (Official Gazette 97/07),
7. Decision on determining borders of water regions (Official Gazette 109/08),
8. Decision on determining catchment areas (Official Gazette 20/96, 98/98 and 5/99),
9. Decision on method of keeping records on inspections conducted in the water sector (Official Gazette 3/89),
10. Decision on the amount and calculation of the sand and gravel excavation fee (Official Gazette 103/02), apart from the part revoked by Article 126 item 1 of the Act on Amendments of the Water Act (Official Gazette 150/05),
11. Ordinance on the register of intaken and abstracted water quantities (Official Gazette 57/96),
12. Ordinance on special conditions for performing water supply activities (Official Gazette 82/96, 102/97 and 147/08),
13. Ordinance on keeping registers on the quantity and quality of abstracted substances (Official Gazette 78/97),
14. Ordinance on special requirements to be fulfilled by legal persons performing activities of special significance for water management (Official Gazette 43/08),
15. Ordinance on requirements to be fulfilled by accredited laboratories (Official Gazette 78/97, 92/97 and 65/05),
16. Ordinance on technical, economic and other conditions for regulating the amelioration drainage system (Official Gazette 4/98),
17. Ordinance on special requirements to be fulfilled by legal persons performing wastewater drainage activities (Official Gazette 93/96, 53/97, 102/97, 145/08),
18. Ordinance on limit values of dangerous and other substances in wastewaters (Official Gazette 94/08),
19. Ordinance on the official identity card and badge of water inspectors (Official Gazette 17/07),
20. Ordinance on defining sanitary protection zones for sources (Official Gazette 55/02),
21. Ordinance water documentation (Official Gazette 13/06),
22. Ordinance on issuing water documents (Official Gazette 28/06),
23. Ordinance on the procedure and performance of mandatory provision of information to the public and participation of water users in the preparation of planning water management documents (Official Gazette 70/08),
24. Ordinance on the preparation of the Croatian Water Management Plan (Official Gazette 120/03),
25. Agreement on defining the demarcation lines between inland waters and sea waters (Official Gazette 104/00).

Finalisation of the initiated administrative procedures

Article 251

All administrative procedures initiated before the entry into force of this Act in accordance with the provisions of the Water Act (Official Gazette 107/95 and 150/05) shall be finalised in accordance with the provisions of that Act and the implementing regulations adopted on the basis thereof.

Concession agreements

Article 252

Concession agreements concluded pursuant to the Water Act (Official Gazette 107/95 and 150/05) shall remain in effect until the expiration of the term for which the concession agreements were concluded.

Within six months from the entry into force of this Act, concession agreements concluded under Article 143 of the Water Act (Official Gazette 197/95 and 150/05) shall be aligned with the provisions of Article 166, paragraph 1, item 6 of this Act or otherwise shall be cancelled.

Until the entry into force of the regulation under Article 170 of this Act, the concession fee under Article 163, paragraph 1, item 8 shall be calculated pursuant to the second sentence in Article 10, paragraph 1, item 2 and Article 11, paragraph 1, item 2 of the Regulation on the procedure and conditions for awarding concessions on water and the public water estate (Official Gazette 99/96 and 11/98).

Initiating registration procedures for the public water estate

Article 253

The competent State Attorney's Office shall initiate procedures to register the public water estate within five years from the entry into force of this Act.

The Ministry shall enact the decision under Article 11, paragraph 1 of this Act within one year from the date of the entry into force of this Act.

Croatian Waters shall submit to the State Attorney's Office all required documents and bear all costs for the preparation of registration and registration under paragraph 1 of this Article.

Croatian Waters shall prepare a plan for the fulfilment of the obligation under paragraph 3 of this Article within one year from the date of the entry into force of this Act.

Registration of the public water estate and the right of pre-emption to the public water estate

Article 254

Courts shall execute registration of the public water estate in the ownership of the Republic of Croatia over all property included in the water estate under Article 8 of this

Act, which has been in the possession of Croatian Waters for at least ten years prior to the date of the entry into force of this Act, regardless of the fact who is registered as the owner of property.

The registration of ownership shall be executed upon the proposal of the competent State Attorney's Office on the basis of a certificate issued by the body competent for the cadastre that the property has been in the possession of Croatian Waters for at least ten years, and a certificate issued by Croatian Waters that this is a land lot under Article 8 of this Act.

The registration of the right of pre-emption of the Republic of Croatia over the public water estate shall carry out the courts ex officio pursuant to the decision under Article 10 of this Act.

Acceptance of detailed amelioration drainage facilities

Article 255

By way of derogation from the provision of Article 24, paragraph 2 of this Act, Croatian Waters shall manage the detailed amelioration drainage facilities pursuant to the Water Management Plan during a period of up to three years from the entry of this Act into force. The provisions of Article 24, paragraph 6 of this Act apply accordingly to such management.

Within the period under paragraph 1 of this Article, Croatian Waters shall bring the detailed amelioration drainage facilities into working order and transfer them into the possession and management of regional self-government units in the condition in which these structures can serve their purpose, and the regional self-government units shall accept them.

Croatian Waters and the regional self-government unit shall keep minutes on the acceptance.

In case of a dispute, the decision on acceptance or prohibition of acceptance shall be enacted by the Minister. An appeal against the decision is not permitted, though administrative proceedings may be initiated.

Application of the provision of paragraph 2 of this Article shall begin upon the expiration of the seventh day from the date of mutual signing of the minutes under paragraph 3 of this Article, or from the date specified in the decision under paragraph 4 of this Article.

Taking over of employees

Article 256

Government employees performing inspectional supervision in state administration offices and the City Office of the City of Zagreb competent for water management shall be taken over into the Ministry as of the date of the entry into force of this Act and shall continue to perform the tasks of state water rights inspectors pursuant to the provisions of this Act and other regulations.

The Government of the Republic of Croatia shall, within 30 days of the entry into force of this Act, harmonise the Regulation on internal organisation of the Ministry with the provisions of this Act.

The Minister shall harmonise the Ordinance on the internal organisation of the Ministry with the provisions of this Act and the Regulation under paragraph 2 of this Act within 30 days from the entry of the Regulation into force.

The decisions on assigning the taken-over employees to their jobs shall be enacted by the Minister within 30 days from the date of the entry into force of the Ordinance under paragraph 3 of this Act.

Taking over of premises, equipment and assets for use

Article 257

On the date of the entry into force of this Act the Ministry shall take over for use the premises, equipment and assets which were prior to the entry into force of this Act used by the regional water rights inspectors in the state administration offices in regional self-government units for performing the tasks of water management inspection under the Water Act (Official Gazette 107/95 and 150/05).

Expiration of the provisions of the Utility Act

Article 258

On the date of the entry into force of this Act the provisions of Articles 3, 4, 5, 11, 12, 13, 14, 15, 19, 20, with the exception of paragraph 3, Articles 21, 30, 34, 35, 36, 37, 38, 39, 40, 40a, 41, 44 and 45 of the Utility Act (Official Gazette 36/95, 70/97, 128/99, 57/00, 129/00, 59/01, 82/04, 178/04, 38/09 and 79/09) shall cease to have effect in the part related to the public utility service of water supply and sewerage and treatment of wastewater.

Local self-government units in which the performance of public utility services of water supply and collection and treatment of wastewater was organised pursuant to Article 4, paragraph 1, item 3 and paragraph 3 of the Utility Act (Official Gazette 36/95, 70/97, 128/99, 57/00, 129/00, 59/01, 82/04, 178/04, 38/09 and 79/09) shall harmonise the performance of the services of public water supply and public wastewater sewerage with the provisions of this Act within two years from its entry into force.

The legal status and the subject of operation of the provider of utility services within the activities of water supply and wastewater sewerage and treatment whose legal status was regulated pursuant to the Utility Act (Official Gazette 36/95, 70/97, 128/99, 57/00, 129/00, 59/01, 82/04, 178/04, 38/09 and 79/09) shall be harmonised with the provisions of this Act within one year from the entry into force of the regulation under Article 203, paragraph 2 of this Act. Otherwise, the construction, reconstruction or rehabilitation of water utility structures shall not be co-financed from the State Budget, the water use fee and the water protection fee on the water supply area or the agglomeration of these service providers.

By way of derogation from paragraph 3 of this Article, if the provider of utility services within the activities of water supply and wastewater sewerage and treatment whose legal status is regulated pursuant to Utility Act (Official Gazette 36/95, 70/97, 128/99,

57/00, 129/00, 59/01, 82/04, 178/04, 38/09 and 79/09) performs other utility services pursuant to that Act, the provider shall exclude these utility services from its scope of work for a period to three years from the entry into force of this Act.

If the provider does not proceed according to the regulations under paragraphs 3 and 4 of this Article in the water supply area or agglomeration, the planning, construction, reconstruction or rehabilitation of water utility structures shall not be co-financed from state budget funds, water use fees or water protection fees.

Legal persons that, pursuant to the Utility Act (Official Gazette 36/95, 70/97, 128/99, 57/00, 129/00, 59/01, 82/04, 178/04, 38/09 and 79/09), supply the water service of the public water service and which are not a public water service provider pursuant to Article 198, paragraph 3 of this Act, shall continue to perform the activity of public water supply until the expiry of the document by which they were granted the right to perform such activity.

Delivery of the first River Basin Districts Management Plan

Article 259

The River Basin Districts Management Plan shall be adopted within a period of three years from the accession of the Republic of Croatia to the European Union.

Assignment of flood control tasks in the transitional period

Article 260

Within a one year period from the entry into force of this Act, the activities of preventive, regular and emergency control measures shall be assigned in accordance with Article 173 and 174 of the Water Act (Official Gazette 107/95 and 150/05).

Setting up of devices for water flow measurement and automatic sampling

Article 261

Natural and legal persons referred to in Article 65 paragraph 4 shall harmonise their activities with the provision of that Article within one year from the entry into force of this Act.

Term of office of Management Board members and Manager of Croatian Waters

Article 262

On the date of entry into force of this Act, the term of office for which the members of the Management Board of Croatian Waters were elected shall continue to run until its expiry or until removal from office by virtue of a decision of the Government of the Republic of Croatia or a decision of the workers' council of Croatian Waters.

On the date of entry into force of this Act, the term of office for which the Manager of Croatian Waters was appointed as the General Manager shall continue to run until its expiry

or until removal from office by virtue of a decision of the Government of the Republic of Croatia.

Entry into force

Article 263

This Act shall enter into force on 1 January 2010, with the exception of Article 107 paragraphs 3 and 6 of this Act which shall enter into force on 1 January 2011.

On the date of the entry into force of this Act, the Water Act (Official Gazette 107/95 and 150/05) shall cease to have effect, with the exception of Articles 173 and 174 which shall cease to have effect on 1 January 2011.

Class: 325-01/09-01/03

Zagreb, 11 November 2009

THE CROATIAN PARLIAMENT

The President

of the Croatian Parliament

Luka Bebić, m.p.