

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the

DECISION  
PROMULGATING THE ENVIRONMENTAL PROTECTION ACT

I hereby promulgate the Environmental Protection Act, passed by the Croatian Parliament at its session on 21 June 2013.

Class: 011-01/13-01/150

Reg.No: 71-05-03/1-13-2

Zagreb, 24 June 2013

The President  
of the Republic of Croatia  
Ivo Josipović, m. p.

ENVIRONMENTAL PROTECTION ACT

I GENERAL PROVISIONS

Subject matter of the Act

Article 1

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

Article 2

(1) This Act transposes the following directives into Croatian legal system:

1. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codification) (Text with EEA relevance) (OJ L 26, 28/1/2012)
2. Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (OJ L 156, 25/6/2003)
3. Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21/07/2001)
4. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Recast) (Text with EEA relevance) (OJ L 334, 17/12/2010)
5. Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (SEVESO II) (OJ L 10, 14/01/1997)
6. Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (OJ L 345, 31/12/2003)
7. Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14/02/2003)
8. Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30/04/2004)
9. Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (Text with EEA relevance) (OJ L 164, 25/06/2008)
10. Commission Directive 2001/116/EC of 20 December 2001 adapting to technical progress Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (Text with EEA relevance) (OJ L 18, 21/01/2002);
11. Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO<sub>2</sub> emissions in respect of the marketing of new passenger cars (OJ L 12, 18/1/2000);

(2) This Act regulates the framework for enforcement of the following European Union acts:

1. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (Text with EEA relevance) (OJ L 108, 29/04/2010)

2. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22/12/2009)

3. Regulation (EC) No. 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (Text with EEA relevance) (OJ L 33, 4/2/2006);

4. Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network (Codified version) (OJ L 126, 21/5/2009).

### Article 3

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

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

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

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

### Definition of terms

### Article 4

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

1. Integrated environmental management means a set of interrelated and harmonised decisions and measures, the purpose of which is to achieve integrated environmental protection, to avoid and reduce environmental risk and to improve and achieve efficient environmental protection,

2. Domino effect means a series of interrelated effects which due to their mutual position and vicinity of the installation or parts of the installation or group of installations and the quantity of dangerous substances present in those installations increase the likelihood of a major accident occurring or aggravate the consequences of an accident which has occurred,

3. Permits in line with special regulations means written authorisations to operate all or part of an installation or combustion plant, waste incineration plant or waste co-incineration plant in line with special regulations, which are issued according to competence for special environmental component or for a special activity related to environment,

4. Ecological network means a system of mutually connected or spatially close ecologically significant areas, which through a balanced biogeographical distribution significantly contribute to the preservation of natural balance and biological diversity; it is determined in line with a special regulation from the field of nature protection,

5. Emission means the release or leakage of substances, including radioactive substances and genetically modified organisms, in liquid, gaseous or solid state of matter and/or the release of heat, noise, vibration from stationary or diffuse sources into the air, water and soil, and the release of light and organisms, from a given source into the environment, as a result of human activity, as well as microbiological pollution of the environment,

6. Emission limit value means the prescribed or set value, concentration and/or level of an emission by specific indicators, expressed as an average value over a set time period, under special reference conditions which must not be exceeded during one or more periods of time,

7. Immission means the concentration of substances in the environment at a given time and place,

8. Industrial accident means an event resulting from an uncontrolled series of events during the performance of an act or activity in the installation, during production and/or use of products, product storage and/or handling or waste disposal,

9. Industrial emission means the direct or indirect release of substances, release of energy, (heat, noise, vibrations) from stationary or diffuse sources in the installation into air, water and land,

10. Environmental information means any information in written, visual, aural, electronic or other material form which refers to the environment, its components and burdens, and

especially to environmental burdening: emissions, imissions, waste, biodiversity and landscape diversity, space, cultural heritage, natural phenomena, status of environmental components, procedures conducted by public authorities pertaining to the adoption of regulations, general and specific acts in connection to environmental protection and/or pertaining to the adoption of strategies, plans, programmes and reports on the environment, environmental components and burdens, as well as information on the efficiency of implementation of strategies, plans, programmes and measures, the status, measures and manner of maintaining the initial design status of installations and other facilities which may have an impact on pollution of the environment and environmental components, that is, which may have an impact on burdens and/or procedures related to the environment,

11. Information held by public authority means environmental information in possession of the public authority which has been produced or received by that authority,

12. Information held for a public authority means environmental information held by authorised persons on behalf of the public authority,

13. Integrated coastal zone management means the dynamic process of sustainable management and use of coastal zones, simultaneously taking into account the frailty of coastal ecosystems and the landscape, the diversity of activities and use, their interaction, the maritime orientation of certain activities and uses and their impact on marine and terrestrial components,

14. Avoided accident means an unplanned event inside and/or outside of an installation which had a potential to cause human injuries and/or diseases, damages to material goods or pose risk to the environment, but has been avoided,

15. Off-road mobile machine means any mobile machine, industrial equipment or vehicle, with or without bodywork, which is not intended for road transportation of passengers and goods and which is equipped with an internal combustion engine,

16. Public interest means interest in environmental matters expressed by the State or local or regional self-government units in accordance with their respective statute,

17. Public means one or more natural or legal persons, their groups, associations and organizations in accordance with special regulations and practice,

18. Environmental quality means the status of the environment and/or a component thereof, which is the result of natural phenomena and/or human activity, expressed by morphological, physical, chemical, biological, aesthetic and other indicators,

19. Compensation requirements means measures that are set with the aim of ensuring general connectivity (coherence) of the ecological network, and are determined in line with a special regulation

20. Landscape means a certain area as perceived by the human eye, the character of which is the result of the interaction between natural and human factors and which represents an essential component of the human environs, an expression of the diversity of common cultural and natural heritage and the basis of the area's identity,

21. Environmental protection techniques (short: techniques) means environmental measures which are prescribed in the procedure for determining the environmental permit through the establishment of best available techniques for an installation, and include both the technology used and the way in which the technology is designed, built, maintained, operated and decommissioned,

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

23. Marine environment means the living space of organisms and their communities, defined by distinctive physical, chemical and biological features which includes: open sea zones, estuaries and coastal marine zones including internal sea waters, territorial sea, sea bottom and seabed, in other words sea waters under the sovereignty of the Republic of Croatia and those waters in which Republic of Croatia implements its sovereign rights and jurisdiction,

24. National indicator list (NIL) means a set of data tables for the preparation of environmental status indicators by which for individual thematic area, on the basis of national regulations and EU regulations as well as international regulations, the source, set and stream are indicated, and the timeframe for data gathering, the method of calculation and the format of data presentation, the reporting obligations and availability of data are defined,

25. Best available techniques (hereinafter: BAT) means the most advanced stage in the development of activities and related methods of operation which show the practical suitability of individual techniques for reaching emission limit values and other environmental permit requirements, and which was designed to prevent, or where it is not possible, to reduce emissions and the impact on the environment as a whole,

– techniques also include the technology applied and the method in which the installation was designed, built, maintained, used and decommissioned;

– available techniques mean techniques developed within the scope which allows application in an appropriate industrial sector, under economically and technically sustainable conditions, while taking into account costs and advantages, regardless if the techniques were used or produced in the Republic of Croatia, as long as the operator has them available at acceptable conditions;

– best means most efficient in terms of achieving general high level of environmental protection in its entirety;

26. Developer means the person submitting an application: for evaluation of the need for environmental impact assessment, for determining the content of the environmental impact study or for environmental impact assessment

27. Sea coastal region is a geomorphologic area at both sides of the coastal line (tidal wave line), including narrow coastal zone of the aquatorium, hinterland and islands, in which mutual effects between maritime and continental parts are developing in form of complex ecosystems composed of biotic and abiotic components, living environment for human settlements, and their social and economic activities. Geographic scope of the coastal region includes the area regulated by the external border of Croatia's territorial sea, while the continental boundary of the coastal region is the boundary of coastal local self-government units and local self-government units whose territory encompasses the continental part of the protected coastal zone of 1 000 metres,

28. Assessment of acceptability for the ecological network means a procedure by which the impact is assessed of a plan, programme or project, alone or with other plans, programmes and projects on the aims of preservation and integrity of the area of the ecological network,

29. Sustainable development means the development of the society which as basic criteria includes environmental, economic and social and cultural sustainability, and which through the aim of improving the quality of life and meeting the needs of the present generation respects the same ability of future generations to meet their own needs and enables long-term conservation of environmental quality, geodiversity, biological diversity and the landscape,

30. Environment means the natural and any other surrounding of organisms and their communities including man, which enables their existence and their further development: the air, water, soil, lithosphere, energy and material assets and cultural heritage as part of man-made surroundings, in their diversity and totality of mutual interaction,

31. Environmental permit means a written authorisation to operate an installation issued pursuant to an integrated procedure of determining environmental measures as prescribed pursuant to the provisions of this Act,

32. Marine environment pollution means direct or indirect introduction by man of substances or energy into the marine environment, which results or may result in fatal consequences to the living conditions of flora and fauna in the sea and seabed, that is, may generally endanger living conditions in the sea and endanger human health, hinder marine activities including fishing and other lawful uses of the sea and seabed, impair the quality of sea water and reduce the amenities of the marine environment

33. Polluter means any natural or legal person whose activity directly or indirectly causes environmental pollution or who causes environmental pollution through failure to act,

34. Environmental pollution means a change in the environmental status as a result of non-permitted emissions and/or other harmful actions or the failure to act, or the effect of a project which may change the environmental quality,

35. Pollution is a direct or indirect introduction of substances, heat or noise into the air, water or soil, as a result of human activity, which can be hazardous for human health or for quality of the environment, may lead to damaging of material assets or may degrade or reduce the value and other legitimate uses of environment.

36. Pollutant means a substance or group of substances which due to their properties, quantity and introduction into the environment, that is, into specific environmental components, may have an adverse impact on human health, flora and/or fauna, or biological and landscape diversity,

37. Dangerous substance means a substance, mixture or preparation determined by a special regulation, which is present in an installation as a raw material, product, by-product, intermediate or residue, including those substances which may be generated in the event of a major accident, and which may have an adverse impact on human health, material goods, and nature and the environment,

38. Hazard means a relevant property of a dangerous substance or the conditions in which that substance may be found, which have a potential for endangering human health and life, material assets and the environment,

39. General binding rules means emission limit values or other measures and techniques at the level of activity, adopted so that the requirements (measures and techniques) of an integrated environmental permit or a permit in line with special regulations could directly be determined through them,

40. Operator means a natural or legal person who pursuant to special regulations performs or controls economic activity pursuant to a permit, some other license, entry into registry or other public records, including operating or controlling an installation, combustion plant, waste incineration plant, waste co-incineration plant as a whole or in its part or to whom decisive economic power over the technical functioning of the installation has been delegated,

41. Burdens means: emissions of substances and their preparations, physical and biological factors (energy, noise, heat, light, etc.) and activities which endanger or might endanger environmental components,

42. Environmental burdening means any project or the result of the environmental impact of the project, or the environmental impact of a certain activity which alone or in connection

with other activities may cause or could have caused environmental pollution, reduction of environmental quality, environmental damage, risk to the environment or to environmental use,

43. Authorised person means a legal or natural person which possesses the approval for performance of professional environmental protection activities,

44. Installation site means the entire location under operator's control where there is presence of dangerous substances in one or more installations, including joint or related infrastructure or activities,

45. Plant means, in the sense of this Act, a special unit within the installation or a plant as determined by implementing regulations of this Act,

46. Installation means, in the sense of this Act, a stationary technical unit where one or more activities listed in Annexes of implementing regulations of this Act are carried out, and any other directly associated activity at the same site which has a technical connection with the activities listed in those Annexes, which could have an impact on industrial emissions and related pollution, or as determined by implementing regulations of this Act,

47. Incineration plant means any technical device in which fuels oxidise in order to use the heat obtained in that process,

48. Waste incineration plant means stationary or movable technical unit, and equipment intended for thermal treatment of waste, with or without recovery of heat produced through incineration, through incineration by oxidation of waste and other thermal treatment procedures such as pyrolysis, gasification or plasma waste processing, if the substances generated through such treatment are later incinerated.

49. Co-incineration plant means stationary or movable technical unit whose main purpose is generation of energy or products and which uses waste as regular or additional fuel, in which waste is thermally treated for the purpose of its disposal through incineration by oxidation of waste and other thermal treatment procedures such as pyrolysis, gasification or plasma waste processing, if the substances generated through such treatment are later incinerated.

50. Existing installation means an installation which is in operation, including trial operation, or was in operation and has the possibility to become operational once more independent of whether it possesses the environmental permit or not, or as otherwise determined by implementing regulations, and which was built on the basis of the act approving construction in line with a special regulation,

51. Impact area means the area significantly affected by a project, whether by the project itself or through synergy with existing or planned projects in the environment,

52. Environmental monitoring means a set of activities which includes sampling, testing and systematic measuring of emissions, imissions, monitoring of natural and other environmental phenomena for the purpose of environmental protection,

53. Right of access to justice means the right to file an appeal with the competent body and the right to lodge a complaint before the competent court which this Act, subject to the prescribed conditions, confers upon persons - citizens, other natural and legal persons, their groups, associations and organisations, with the aim of realising the right to a healthy life and sustainable environment and for the purpose of protecting the environment and individual environmental components as well as protection against the harmful impacts of burdens,

54. Imminent threat of damage means a sufficient likelihood that major damage to the environment may occur in the near future,

55. Natural phenomenon means a physical and chemical process, radiation, geological phenomenon, hydrographical and biological conditions, climate conditions as well as other natural occurrences which cause and/or have an impact on environmental changes,

56. Natural asset means a part of nature which is exclusively or simultaneously a natural public asset, natural resource or natural value,

57. Change in operation means a change in the nature and/or functioning of the installation, that is, in the organisational structure of the installation and/or company employees or an extension of the installation which may have an impact on the environment,

58. Emission levels associated with the best available techniques means the range of emission levels obtained under normal operating conditions using a best available technique or a combination of best available techniques, as described in BAT conclusions, expressed as an average over a given period of time, under specified reference conditions,

59. BAT reference document (hereinafter: BATRD) means a document resulting from the exchange of information organised by the European Commission between Member States, the industries concerned, non-governmental organisations promoting environmental protection and the Commission, drawn up for defined activities. This document describes, in particular, applied techniques, present emissions and consumption levels, techniques considered for the determination of best available techniques as well as BAT conclusions and any emerging techniques, giving special consideration to the criteria prescribed by a special regulation,

60. Environmental risk means the value measured by the likelihood of a specific event occurring and the potential environmental damage it may cause,

61. Remediation means a set of prescribed measures and/or activities by which the environmental status prior to the occurrence of damage or environmental pollution is established or restored,

62. Environmental components means: air, water, sea, soil, landscape, flora and fauna and Earth's lithosphere,

63. Environmental quality standard means a set of requirements that certain environment or its individual parts need to meet by a certain deadline, as is prescribed pursuant to the European Union acts,

64. Status of the marine environment means the overall environmental status in marine waters, taking into account the structure, functions and processes of the components of the marine environment along with natural physiographic, geographic and climate factors as well as the physical, chemical and biological conditions including those resulting from human activity,

65. Strategy, plan and programme means a document which is subject to preparation and/or adoption at the national, regional or local level or which was prepared for adoption through the legislative procedure of the Croatian Parliament or of the Government of the Republic of Croatia, and which is determined by the Act or implementing regulation of the Act, including also strategies, plans and programmes on the amendments of those strategies, plans and programmes, and those financed from EU funds,

66. Expert person in the authorised person means a natural person in the capacity of the employee of the authorised person who performs professional environmental protection activities in the role of an activity manager or expert associate,

67. Environmental damage means any damage inflicted upon:

- plant and/or animal species and their natural habitats as well as landscape structures which has significant adverse impacts on reaching or maintaining the favourable conservation status of such habitats or species or landscape quality. The significance of such negative effects is to be assessed with reference to the baseline condition, taking into account criteria prescribed by special regulations,
- waters, which has significant adverse impacts on the status of waters: ecological, chemical and/or quantitative, in accordance with special regulations,
- sea, which has significant adverse impacts on preservation and achieving good ecological status of the sea, in accordance with special regulations,
- land, the pollution or damage of which results in a risk to its ecological functions and human health, in accordance with special regulations,
- Earth's lithosphere, the pollution or damage to which results in a risk to its ecological functions and human health, in accordance with special regulations,

68. Damage in the sense of environmental liability means a measurable adverse impact or change in a natural asset or indirect or direct measurable impairment in the functioning of a natural asset,

69. Harmful substance means a substance harmful to human health or the environment with proven acute and chronic toxic effects; an extremely irritating, carcinogenic, mutagenic, corrosive, flammable or explosive substance, or a substance exhibiting such properties in certain quantities and/or concentrations

70. Soil is the upper layer of Earth's lithosphere, located between stone base and surface. Soil is comprised of particles of minerals, organic matter, water, air and living organisms,

71. Substance means chemical elements and their compounds in their natural state or obtained through a production process, including additives necessary for maintaining their stability, and impurities resulting from the production process including radioactive substances and genetically modified organisms. In the provisions of this Act referring to the environmental permit, substances are chemical elements and their compounds, except for:

- radioactive substances regulated pursuant to special regulations governing elementary safety norms for protection of workers' health and general public from the hazards of ionising radiation;
- genetically modified microorganisms regulated pursuant to special regulations on the controlled use of genetically modified microorganisms;
- genetically modified organisms regulated pursuant to special regulations governing deliberate release of genetically modified organisms into the environment,

72. Emerging technique means a novel technique for an industrial activity that, if commercially developed, could provide either a higher general level of protection of the environment or at least the same level of protection of the environment and higher cost savings than existing best available techniques

73. Baseline report means a report on the status of soil and groundwater contaminated by hazardous substances related to operator's activities,

74. Public authority means a state administration body, bodies of local and regional self-government units and legal persons with public authorities which perform activities related to the environment,

75. Impacts of an industrial or major accident means all direct or indirect, immediate or delayed adverse impacts of those accidents on human health and life, material assets and the environment,

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

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

78. City is a local self-government unit pursuant to the act governing local and regional self-government,

79. Verification means a standardised procedure whereby reliability, accuracy and credibility of the report on emissions into the environment is ensured as well as its compliance with the prescribed instructions on monitoring and reporting

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

81. BAT conclusions means documents containing the parts of a BAT reference document laying down the conclusions on best available techniques, their description, information to assess their applicability, the emission levels associated with the best available techniques, associated monitoring of process indicators and emissions, associated consumption levels and, where appropriate, relevant site remediation measures,

82. Public concerned means the public which is affected or likely to be affected by environmental decision-making or which has an interest in environmental decision-making; non-governmental organisations that work in the field of environmental protection and that meet all the requirements pursuant to this Act shall be deemed to be the public concerned,

83. Environmental protection means a set of appropriate activities and measures aimed at preventing environmental hazard, preventing the occurrence of environmental damage and/or pollution, reducing and/or removing damage caused in the environment and restoring the environment to its previous status,

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

85. Substantial change means any project and/or its amendments, including the change in operations and/or functioning and/or scope of work of an installation, combustion plant, waste incineration plant or waste co-incineration plant which, according to the opinion of competent authorities, may have a negative impact on human health or environment.

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

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

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

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

Application of other regulations and this Act in relation to special regulations

## Article 5

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

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

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

(4) This Act shall not apply to matters of liability of a polluter for property damages and other damages inflicted upon natural and legal persons.

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

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

(7) In the event that the special regulation referred to in paragraph 6 of this Article does not regulate the protection of a specific environmental component or protection against burdening in accordance with this Act, this Act shall apply accordingly to the component or burden in question.

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

Powers conferred upon the Minister

#### Article 6

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

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

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

Environmental Protection Goals

#### Article 7

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

- protection of human life and health,

- protection of flora and fauna, geodiversity, biological and landscape diversity and preservation of ecological stability,
- protection and improvement of the quality of individual environmental components,
- protection of the ozone layer and climate change mitigation,
- protection and restoration of cultural and aesthetic landscape values,
- prevention of major accidents involving dangerous substances,
- prevention and reduction of environmental pollution,
- continuous use of natural resources,
- rational use of energy and promoting the use of renewable energy sources,
- elimination of environmental pollution effects,
- improvement of the disturbed natural balance and restoration of its regeneration capabilities,
- achievement of sustainable production and consumption,
- phase-out and substitution of use of dangerous and harmful substances,
- sustainable use of natural assets,
- ensuring and development of long-term sustainability
- improving environmental status and securing a healthy environment.

(2) The goals referred to in paragraph 1 of this Article shall be accomplished through application of environmental protection principles and environmental protection instruments prescribed by this Act and regulations passed on the basis thereof, and through the implementation of principles and instruments prescribed pursuant to special regulation governing the protection of individual components, or the protection from individual environmental burdens.

## II ENVIRONMENTAL PROTECTION PRINCIPLES

### Article 8

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

#### Sustainable development principle

##### Article 9

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

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

#### Precautionary principle

##### Article 10

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

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

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

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

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

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

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

Principle of preservation of natural assets, biological diversity and landscape

#### Article 11

(1) Efforts shall be made to preserve natural assets and landscape values at a level of quality which does not endanger human health and life and is not harmful to flora and fauna, and to use them in a sustainable manner in order not to reduce their value for future generations.

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

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

Substitution and/or compensation principle

#### Article 12

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

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

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

#### Principle of removal and remediation of environmental damage at the source

#### Article 13

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

#### Principle of integrated approach

#### Article 14

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

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

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

(4) Strategic environmental assessment shall not question individual environmental impact assessment procedures nor other procedures prescribed pursuant to the Act.

#### Principle of cooperation

#### Article 15

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

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

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

#### Polluter pays principle

#### Article 16

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

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

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

#### Principle of access to information and public participation

#### Article 17

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

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

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

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

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

#### Promotion principle

#### Article 18

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

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

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

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

#### Principle of the right of access to justice

#### Article 19

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

(2) For the purpose of protecting the right to a healthy life and healthy environment, a person who proves the legitimacy of his legal interest and a person who due to the location of the project and/or due to the nature and/or impact of the project can prove in accordance with the

law that his rights have been permanently violated, shall have the right to contest the procedural and substantive legality of decisions, acts or oversights of public authorities before the competent body and/or competent court, in accordance with the law.

### III ENVIRONMENTAL COMPONENTS AND EFFECTS OF BURDENING

#### 1 Protection of environmental components

##### Article 20

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

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

#### Protection of the soil and Earth's lithosphere

##### Article 21

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

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

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

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

#### Forest protection

##### Article 22

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

## Air protection

### Article 23

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

## Water protection

### Article 24

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

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

## Marine protection and protection of coastal zones

### Article 25

(1) Marine protection and protection of coastal zones against pollution includes: management of the coastal zone, seabed and marine subsoil and marine environment on the basis of the ecosystem approach, reduction and/or removal of pollution or burdening in the marine and coastal environment, preservation of protected and environmentally significant areas of the sea and coastal environment, protection, preservation and renewal of sea resources and the structure and function of marine and coastal ecosystems, systematic monitoring and observation of marine and coastal ecosystems on the basis of the ecosystem approach.

(2) Marine protection includes measures for the protection of the marine environment including the marine ecosystem and coastal zones as a indivisible whole, prevention of projects likely to have adverse impacts on the marine ecosystem taking into account their cumulative and synergetic effects, sustainable use of natural resources, prevention of sea pollution from the air, from land, from ships and other pollutants caused by maritime traffic, including pollution caused by dumping from ships or aircraft with the intention of sinking or incinerating at sea, and transboundary pollution, as well as prevention of pollution caused by major accidents and removal of its consequences.

(3) Protection and management of the coastal zone includes measures for the protection of coastal ecosystems and sustainable and integrated management of coastal resources, as well as

coordination activities related to the improvement of harmonisation of activities by all actors competent for coastal zones by applying the approach of integrated coastal zone management.

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

(5) In order to provide starting points for achieving good state of marine environment and coastal areas, and to provide starting points for their protection and conservation, as well as to prevent degradation of marine environment and of coastal areas, a document for managing marine environment and coastal areas shall be passed in accordance with Article 56 of this Act.

## Nature protection

### Article 26

(1) Nature protection refers to the preservation of geodiversity, biodiversity and landscape value and diversity and protection of natural values.

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

## Protection against the effects of environmental burdening

### Article 27

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

## Protection against adverse effects of genetically modified organisms

### Article 28

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

## Noise protection

### Article 29

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

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

Ionising radiation protection and nuclear safety

#### Article 30

(1) Protection against ionising radiation includes principles and measures for the protection against ionising radiation, procedures in case of emergency, methods for handling radioactive waste for the purpose of controlling and reducing the risk to human life and health and to the environment.

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

Protection against adverse effects of chemicals

#### Article 31

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

Protection against light pollution

#### Article 32

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

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

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

## Waste management

### Article 33

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

## IV ACTORS IN ENVIRONMENTAL PROTECTION

### Article 34

Sustainable development and environmental protection shall be ensured by the following actors within their competencies pursuant to the Constitution:

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

### Article 35

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

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

(2) The Government, within its competencies pursuant to the Constitution, shall ensure sustainable development and environmental protection in accordance with this Act, special

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

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

#### Article 36

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

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

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

#### Environmental Protection and Sustainable Development Council

#### Article 37

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

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

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

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

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

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

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

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

Croatian Environment Agency

## Article 38

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

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

- establishment, development, maintenance and coordination of a unique environmental information system in the State,
- collection and integration of environmental data and/or information,

- maintaining appropriate environmental data bases and entry into the EMAS Eco-Management Scheme, and independent EMAS evaluation and other activities pursuant to Article 211 of this Act,
- monitoring and reporting on environmental status,
- monitoring and reporting on the environmental effects on health, in cooperation with the Croatian National Institute of Public Health,
- performing expert and advisory activities in establishing the content, methodology and manner of environmental monitoring and maintaining a unique environmental information system,
- preparation of data for drawing up documents and reports in relation to environmental protection and sustainable development,
- drawing up technical bases for developing or cooperating on developing documents on sustainable development and environmental protection as well as reports submitted on the implementation of those documents,
- developing the Environmental Status Report referred to in Article 58, paragraph 1 of this Act,
- developing the National indicator list,
- cooperation with state administration bodies, administrative departments of counties, administrative departments of the City of Zagreb, administrative departments of a city, town and municipality, legal persons with public authorities and other persons, international bodies, institutions and associations in the development and realisation of environmental protection projects and programmes,
- implementation or participation in implementation of international agreements and treaties in the field of environmental protection to which the State is a party, in the part relating to reporting in accordance with undertaken obligations,
- participating in projects and programmes in the field of environmental protection implemented pursuant to international agreements, upon authorisation from the Ministry,
- ensuring conditions for access to environmental information, held by it and under its supervision.

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

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

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

(6) The National indicator list referred to in paragraph 2 of this Article shall be developed on the basis of special regulations and international treaties, taking into account specific requirements for the environmental protection. The National indicator list shall be regularly updated and shall be published at the website of the Croatian Environment Agency.

#### Environmental Protection and Energy Efficiency Fund

#### Article 39

(1) Activities related to financing the preparation, implementation and development of programmes, projects and similar activities in the field of preservation, sustainable use, protection and improvement of the environment, energy efficiency and use of renewable energy sources, promotion of environmental protection goals and principles for the purpose of accomplishing systematic and integrated preservation of environmental quality, conservation of biodiversity, landscape diversity and geodiversity, and rational use of natural assets and energy as the basic preconditions for sustainable development and the realization of citizens' right to a healthy environment, shall be performed by the Environmental Protection and Energy Efficiency Fund pursuant to special regulations.

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

#### Persons authorised for professional environmental protection activities

#### Article 40

(1) Professional environmental protection activities, under requirements prescribed by this Act, shall be carried out by a legal person authorised for performing professional environmental protection activities (hereinafter: authorised person).

(2) The authorised person may under the requirements prescribed by this Act and the ordinance referred to in paragraph 12 of this Article perform activities related to the following sets of activities:

1. developing studies on the significant impact of strategy, plan or programme on the environment (hereinafter: strategic impact study), including the documents needed for scoping and screening,
2. developing environmental impact studies for projects, including documents for implementation of screening, and documents for scoping,
3. developing chapters, elaborates and studies on the assessment of acceptability of the strategy, plan, programme and project for the ecological network
4. preparing and developing documents for the procedure of determining the predominating public interest with a proposal of compensation requirements,
5. preparing risk assessment studies for introduction and reintroduction and breeding of wild species
6. developing risk assessment and sensitivity for environmental components,
7. developing operational programme for monitoring the state of environment,
8. developing documentation related to environmental permit issuance procedure, including the drafting of the Baseline report,
9. developing environmental protection programmes,
10. developing environmental status reports,
11. developing safety reports,
12. developing environmental protection studies for projects which are not subject to environmental impact assessment,
13. developing special studies and reports for the purpose of environmental component status assessment,
14. developing remediation studies, programmes and remediation reports,

15. developing emission projections, reports on implementation of emission reduction policies and measures and the national report on climate change,

16. developing reports on greenhouse gas emission calculations (inventory) and inventory of other pollutant emissions into the environment,

17. developing and/or verifying reports on greenhouse gas emissions from installations and aircrafts,

18. developing and/or verifying reports on sustainability of biofuel production and reports on greenhouse gas emissions,

19. developing and/or verifying reports on greenhouse gas emissions during the lifecycle of fossil fuels,

20. developing and/or verifying special studies, calculations and forecasts for the needs of environmental components,

21. assessment of environmental damage, including threats,

22. determining types of waste, dangerous properties of waste and sampling and testing of physical and chemical properties of waste,

23. environmental status monitoring,

24. performing professional activities for the needs of the Environmental Pollution Registry,

25. performing professional activities for the needs of environmental management system and independent assessment,

26. developing the basis for obtaining the Eco-friendly label.

(3) Certain activities within the framework of the set of activities referred to in paragraph 2 of this Article shall be prescribed by the Minister through an ordinance referred to in paragraph 12 of this Article, unless these activities are prescribed pursuant to special regulations.

(4) The authorised person for performing the activities referred to in paragraph 2 of this Article must fulfil the requirements in accordance with this Act and the ordinance referred to in paragraph 12 of this Article.

(5) The authorised person may commence with the performance of activities referred to in paragraph 2 of this Article after obtaining the decision of the Ministry for performing the activities in question.

(6) By way of derogation from paragraph 2 of this Article, the person authorised for professional activities of verifying reports on greenhouse gas emissions from installations and aircrafts and verifying reports on sustainability of fuel production including the reports on greenhouse gas emissions, and for verifying reports on greenhouse gas emissions during the lifecycle of fossil fuels, has to be accredited in line with a special regulation.

(7) By way of derogation from paragraph 2 of this Article, the requirements for performance of professional activities related to environmental management system and independent assessment are determined by the regulation referred to in Article 212, paragraph 2 of this Act.

(8) The authorised person which developed or participated in the development of the environmental impact study shall not perform environmental monitoring activities determined by the decision on the acceptability of that project for the environment.

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

(10) The Ministry shall regularly update publish at its website a list of issued decisions referred to in paragraph 5 of this Article.

(11) By way of derogation from paragraph 1 of this Article, the authorised person may also be a natural person when performing less complex professional environmental protection activities from paragraphs 2, subparagraphs 12, 24, 25 and 26 of this Article,.

(12) Requirements which the authorised person must fulfil to perform individual activities referred to in paragraph 2 of this Article, activities that may perform natural authorised person, method of issuance, the period of validity, the content and method of keeping the register referred to in paragraph 9 of this Article, and other related issues shall be prescribed in detail by the Minister through an ordinance.

(13) Developer or the operator may not perform professional environmental protection activities as an authorised person in the same procedure governed pursuant to the provisions of this Act.

(14) Legal persons referred to in paragraph 13 of this Article may not be connected companies pursuant to provisions of special regulations.

Application for approval issuance

#### Article 41

(1) Application for approval issuance (hereinafter: application) shall be submitted in a written form. Legal person or the natural authorised person has to indicate in the application the titles of professional activities or the set/sets of activities for which approval is requested.

(2) Legal person shall enclose to the application evidence on the meeting of prescribed requirements, as follows:

1. extract from the court registry not older than three months, which the Ministry obtains *ex officio*,

2. for professional activities manager:

– photocopy of the diploma,

– photocopy of the employment record card,

– photocopy of the certificate on passed professional examination,

- and other evidence in line with the ordinance referred to in Article 40, paragraph 12 of this Act

3. for every expert:

– photocopy of the diploma,

– photocopy of the employment record card,

4. having at disposal appropriate working premises.

5. Photocopy of the appropriate certificate by the Croatian Accreditation Agency if the obligation of obtaining such certificate is prescribed by this Act or a special regulation.

6. Other evidence in line with a special regulation.

(3) Natural authorised person shall enclose to the application the following:

– photocopy of the diploma,

– photocopy of the employment record card,

– for sets of activities referred to in Article 40 paragraph 2 subparagraphs 12, 24, 25 and 26 of this Act, the natural authorised person is obliged to enclose the certificate on passed professional examination.

Approval

Article 42

(1) Authorised person may obtain an approval for performing a certain professional activity, a set of professional activities or several sets of professional activities.

(2) The procedure of approval issuance has to be carried out within 60 days from the date of receipt of proper application.

(3) Approval for the performance of professional activities shall be issued for a period of three years in cases when the approval is issued to a legal person for the first time for appropriate activity or a set of activities. Each subsequent approval, which is issued for the same activities or same sets of activities which were covered by the previous approval, shall be issued for a period of five years.

(4) The approval referred to in paragraph 3 of this Article is an administrative act.

(5) An appeal may not be lodged against the approval referred to in paragraph 4 of this Article, however an administrative dispute can be filed.

#### Article 43

(1) When an authorised person during the performance of a registered activity decides that it will not perform professional activities for which it obtained the approval in line with this Act, it shall without delay inform the Ministry thereof by a written notification in order to be deleted from the Register on issued approvals.

(2) In case of cessation of the requirements or change in requirements prescribed for the performance of the registered activity the authorised person shall within 30 days from the day of cessation or change of prescribed requirements inform the Ministry of the new circumstances.

#### Withdrawal of the approval

#### Article 44

(1) The Ministry shall, by an official procedure, through a decision withdraw from the authorised person the approval for performance of professional activities even before the expiration of the deadline referred to in Article 42, paragraph 3 of this Act in the following cases:

1. When it is established through inspectional supervision that the authorised person ceases to meet one of the requirements prescribed by this Act or by a special regulation;

2. When the Ministry after the inspection of the appropriate documents establishes in the files, including the assessment of integrity and the expert foundation of the study which is given by the Advisory expert committee or the competent body in the procedure in line with a special regulation, that the authorised person does not perform professional activities in the prescribed manner:

- when he during performance of activities does not act in line with the Act, special regulation and/or does not participate in the prescribed procedures in the prescribed manner,

- when, during preparation of ordered documents (studies, elaborates, reports, programmes, plans, verifications, calculations, etc.), he does not act in line with special regulations prescribing requirements related to their scope and content, or does not act in line with the prescribed and/or appropriate act by the competent body on the established manner of that collection, environmental status monitoring, sampling, measurement, testing, etc.,

- in the execution of ordered tasks he does not apply provisions of special regulations or other material regulations the requirements of which, in view of the prescribed scope of the document being prepared, he is obliged to professionally process and apply in the document in an appropriate manner,

- if in the period of 24 months in two subjects of two studies prepared by the authorised person the competent body and/or advisory expert committee assessed as not integral and unfounded. This provision is in an appropriate manner also applied to elaborates, reports, verifications and other documents which the authorised person prepares on order;

3. when the Ministry establishes that the authorised person is not respecting its obligations in regards to keeping and protecting business secrets.

(2) By way of derogation, the Ministry may act in the sense of the provision referred to in paragraph 1 of this Article even when it finds out about irregularities in the work of the authorised person by other means – from the person ordering the service, project developer, investor, operator, etc., or when the authorised person informs the Ministry that it is ceasing to perform expert activities for which he has obtained approval from the Ministry, in which case the approval is withdrawn on the day that the authorised person gives in his notification.

(3) In order to adopt a decision on withdrawal of the approval it is enough to establish one of the cases referred to in paragraph 1 of this Article.

(4) An appeal may not be lodged against the decision referred to in paragraph 1 and 2 of this Article, however an administrative dispute may be filed. .

(5) When during inspectional supervision it is established that the legal person in possession of a certificate on the expert and technical qualifications for the performance of activities

pursuant to the provisions of this Act has ceased to meet any of the requirements on the basis of which such a certificate was obtained, the competent inspectional service shall inform thereof the body which issued the certificate in order to implement measures in line with special act or shall act in line with the provisions of this Act.

Submission of a new application after the withdrawal of the approval

#### Article 45

(1) A legal or natural person who had an approval withdrawn due to the cessation of the fulfilment of the prescribed requirements may submit an application for the issuance of a new approval after it meets the prescribed requirements.

(2) A legal or natural person which had an approval withdrawn due to the performance of tasks in a manner contrary to the regulations on the basis of which the approval was obtained cannot submit an application for the issuance of a new approval until a time limit of five years passes from the date the decision on the withdrawal of the approval has become final.

Cessation of the approval validity

#### Article 46

(1) The approval ceases to be valid on the day the legal person is deleted from the court registry.

(2) The authorised person shall without delay inform the Ministry of the conditions referred to in paragraph 1 of this Article taking place.

(3) The Ministry shall by a decision establish the cessation of validity of the approval in line with paragraph 1 of this Article. After the decision becomes final it is a legal basis for the change of data in the register.

(4) An appeal may not be lodged against the decision referred to in paragraph 3 of this Article, however an administrative dispute may be filed.

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

#### Article 47

(1) Natural persons employed as managers at the authorised person or the natural authorised person performing activities in the field of environmental protection (hereinafter referred to as: expert persons) shall pass the expert examination for performing activities in the field of

environmental protection according to the programme for taking expert examinations prescribed by the ordinance referred to in paragraph 5 of this Article.

(2) Expert examination shall test the knowledge of regulations in force in the area regulated by this Act and other regulations significant for implementation of this Act.

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

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

(5) The programme, requirements and manner of taking the expert examination, as well as expanding and improving the knowledge of persons who passed the exam referred to in paragraph 1 of this Article, and its verifications, shall be prescribed by the Minister through an ordinance.

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

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

#### Article 48

(1) The Ministry shall keep a registry on issued certificates on passed expert examination and approvals issued to the authorised persons.

(2) The registry referred to in paragraph 1 of this Article shall file the data on expert work of the authorised person and of the persons who passed the expert examination, and information on lifelong learning.

(3) Content and method for keeping the registry referred to in paragraph 1 of this Article shall be prescribed pursuant to an ordinance referred to in Article 47 paragraph 5 of this Act.

#### Article 49

*Lex specialis* may regulate organisation of experts performing professional environmental protection activities into a Chamber of environment and nature protection engineers and experts.

## V SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL PROTECTION DOCUMENTS

### Article 50

(1) The basic sustainable development and environmental protection documents are:

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

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

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

Strategy for Sustainable Development of the Republic of Croatia

### Article 51

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

(2) The Strategy shall contain in particular:

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

- method of implementation and liability for the implementation of the Strategy,
- monitoring the implementation of the Strategy through a series of indicators.

(3) The Strategy shall be drawn up by the Ministry in cooperation with other the central state administration bodies. The development of the Strategy shall be coordinated by the Ministry.

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

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

(6) Strategy is adopted every ten years, as well as sooner, by way of derogation, upon the proposal of the Ministry.

(7) Development documents pertaining to individual areas and activities must be harmonised with principles, basic goals, priorities and measures of sustainable development for individual areas defined in the Strategy.

## Environmental Protection Plan of the Republic of Croatia

### Article 52

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

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

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

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

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

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

(7) Plan is adopted on the basis of an analysis of the efficiency of applicable measures and the environmental status from the Environmental Status Report for that period and also sooner, upon the proposal of the Ministry.

(8) Management plans for individual environmental components have to be taken into account when developing the Plan referred to in paragraph 1 of this Article.

## Environmental Protection Programme

### Article 53

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

(2) The Programme shall contain in particular:

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

(3) The Programme shall be adopted by the representative bodies of the counties, City of Zagreb, and cities, subject to the prior approval of the Ministry issued pursuant to the prior obtained opinions by ministries and other state bodies on certain issues falling under their competence.

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

(5) The Programme shall be adopted for the period of four years.

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

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

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

(9) The Programme shall be published in the official bulletin of the local or regional self-government unit.

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

(11) Programme shall be adopted on the basis of the analysis of the efficiency of measures undertaken from the Environmental Status Report in the county or City of Zagreb or a city, and if needed may be adopted sooner.

#### Article 54

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

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

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

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

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

#### Marine Protection Strategy and Contingency Plan in Case of Sudden Sea Pollution

## Article 55

Within the meaning of Article 50 of this Act, the following shall also be considered as environmental protection documents:

- Strategy for Managing Marine Environment and Coastal Areas,
- Contingency Plan in Case of Sudden Sea Pollution (hereinafter referred to as: Contingency Plan).

## Article 56

(1) Strategy for Managing Marine Environment and Coastal Areas shall set out and direct long term goals for the management of the marine environment and marine areas based on the principles of sustainable development and integrated management of marine areas by applying the ecosystem approach in accordance with overall economic, social and cultural development in the territory of the State.

(2) Strategy for Managing Marine Environment and Coastal Areas is produced by the Ministry in cooperation with the central state administration bodies competent for physical planning, maritime affairs, tourism, transport, regional development, economy, agriculture, fishery, forestry, water management, nature, science, health and culture. The Ministry shall coordinate the drafting of the Marine Protection Strategy.

(3) Strategy for Managing Marine Environment and Coastal Areas shall be adopted by the Croatian Parliament, upon the proposal of the Government.

(4) Action programmes of the Strategy for Managing Marine Environment and Coastal Areas and their amendments shall be adopted by the Government, upon the proposal of the Ministry.

(5) Goals of marine environment protection, scope of application and determination of belonging, action plan for document preparation (initial assessment of the status of the sea water environment, a set of characteristics of good environmental status for sea water, a set of goals of marine environmental protection and the indicators, a system for monitoring and observing marine environment status) and a programme of measures (a programme of measures for achieving and/or maintenance of good environmental status), the necessity for acting, the manner of cooperation, bodies competent for implementation, the manner of implementation and exemptions, as well as the manner of reporting, public information and participation shall be regulated in detail by the Government through a regulation.

## Article 57

(1) The Contingency Plan shall establish the procedures and measures for predicting, preventing, limiting, readiness and response to sudden pollution at sea and sudden natural events in the sea for the purpose of protection of marine environment and coastal areas.

(2) The Contingency Plan contains in particular:

- types of risks and threats resulting from sea pollution,
- fields in which action is taken according to the Contingency Plan,
  - actors which are obligated to implement the measures, authorities for implementing marine protection measures and liability and authority for taking appropriate action as well as the manner of managing, coordinating and issuing orders,
- procedures and measures for forecasting, preventing and restricting pollution of the sea and sea bed,
- procedures and measures for reducing damage to the marine environment and removing the consequences of damages to the environment in the event of sudden major pollution at sea,
- a plan of human resources and material and technical assets which may be put into use as additional assistance to regular forces,
- the method of implementing state of readiness procedures and activation of operational forces,
- the method of action of operational forces and other participants,
- the method of maintaining safety and order during marine protection interventions,
- the method of securing funds for implementation of the plan,
- the method of monitoring marine environmental status and evaluation of the need to set up a network for supplementary environmental monitoring,
- the method of implementing intervention measures in emergency cases of marine pollution,
- deadlines for undertaking individual measures,
- financial sources for implementing individual measures and assessment of necessary funding.

(3) The Contingency Plan and its amendments shall be drawn up by the Ministry in cooperation with central state administration bodies competent for the following tasks:

maritime affairs, internal affairs, water management, foreign affairs, finances, defence, fishery, protection and rescue.

(4) The Contingency Plan shall be adopted by the Government in accordance with this Act and a special regulation.

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

(6) The Government shall govern pursuant to a regulation the manner of establishing a system for issuance of a prior approval for the use of chemical substances (dispersants) during accidental marine pollution and other related issues.

## Environmental Status Report

### Article 58

(1) For the purpose of monitoring the realisation of the goals set out in the sustainable development and environmental protection documents referred to in Articles 51 and 52 of this Act, the strategic, planning and programming documents pertaining to individual environmental components and burdens and other documents pertaining to environmental protection as well as for the purpose of overall insight into the environmental status, the Croatian Parliament shall review the Environmental Status Report at the state level for each four year period.

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

(3) The Environmental Status Report at the state level shall be developed on the basis of the requirements from strategic, planning and programming sustainable development and environmental protection documents, and indicators defined by the National indicator list, reports referred to in Article 59 of this Act and other reports in line with paragraph 2 of this Article.

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

### Article 59

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

(2) The Environmental Status Report relating to the implementation of the Programme of county, City of Zagreb, a city shall be developed by the competent administrative body of the county, City of Zagreb or a city.

(3) The Environmental Status Report referred to in paragraph 1 of this Article shall contain the appropriate data in accordance with Article 58, paragraph 2 of this Act and other data necessary for developing the Report in question, depending on the special features of the area for which the Report is being submitted.

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

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

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

## Article 60

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

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

(3) Legal and natural persons who perform activities in the field of environmental protection or activities pertaining to a specific environmental component and/or burden in accordance with special regulations and who have the obligation of developing appropriate planning documents for the purpose of environmental protection during the performance of their activities, shall in developing those planning documents also appropriately apply the

provisions of this Act and regulations passed on the basis thereof, pertaining to reporting and submitting data to the Agency.

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

## VI ENVIRONMENTAL PROTECTION INSTRUMENTS

### 1 Environmental quality standards and environmental protection technical requirements

#### Article 61

(1) Environmental quality standards including limit values of indicators for individual environmental components and for especially valuable, vulnerable or endangered zones shall be prescribed by an act, and if not determined by an act, they shall be prescribed by the Government by means of regulation or by the Minister competent for individual environmental component by means of an ordinance. Environmental quality standards for individual locations may be determined in the environmental impact assessment procedure for a project or in the procedure of environmental permit issuance for an existing installation.

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

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

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

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

(6) The technical standards referred to in paragraph 3 of this Article shall be prescribed by the Government by means of regulation or the minister competent for individual environmental component by means of an ordinance.

(7) The regulations referred to in paragraphs 1 and 6 of this Article shall establish the procedure and deadlines for meeting the environmental quality standards and environmental protection technical standards as well as the procedure and deadlines for their application to existing products, installations, plants, devices and equipment.

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

## 2 Strategic environmental assessment of strategies, plans and programmes

### Article 62

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

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

### Mandatory strategic assessment

### Article 63

(1) Strategic assessment shall be mandatory for:

- strategies, plans or programmes, adopted at the state, regional and local level for cities in the following sectors: agriculture, forestry, fishery, energy, industry, mining, transport, electronic communications, tourism, spatial planning, regional development, waste

management and water management, when setting the framework for projects subject to environmental impact assessment;

– strategies, plans and programmes, including their significant amendments, whose implementation is financed from European Union funds;

- the spatial plan of a county, City of Zagreb and a city, including their significant amendments;

- for physical plans of national parks, nature parks and plans with special features, including their significant amendments;

(2) Strategic assessment is mandatory for strategies, plans and programmes which have an impact on the ecological network;

(3) For strategies, plans and programmes for which strategic assessment is mandatory, also assessment of their acceptability for the ecological network is mandatory in line with a special regulation.

(4) Strategic environmental assessment may be carried out for strategies, plans and programmes brought at the local level.

(5) If the strategy and/or plan and/or programme are adopted in an integrated procedure in order to prevent duplication of procedures a unified strategic assessment procedure shall be carried out.

#### Screening procedure

#### Article 64

(1) The procedure for deciding on the need for implementation of the strategic environmental assessment procedure (hereinafter referred to as: screening) shall be mandatory for amendments to strategies, plans and programmes referred to in Article 63 of this Act. Screening shall be carried out in the manner regulated under this Act and the regulation referred to in paragraph 6 of this Article.

(2) Screening shall be done for all strategies, plans and programmes which set the framework for projects subject to environmental impact assessment.

(3) Screening shall result in a decision based on individual analysis and/or criteria prescribed by the regulation referred to in paragraph 6 of this Article, including the opinions of other competent authorities.

(4) In the event that it is decided during screening that strategic assessment is mandatory, the strategic assessment shall be carried out by implementation of provisions of this Act on strategic assessment of plans and programmes.

(5) Screening for impacts of strategies, plans and programmes on ecological network shall be regulated pursuant to special regulation.

(6) Application and criteria for implementation of screening and strategic assessment, setting the framework for projects within strategies, plans and programmes subject to environmental impact assessment, the manner of individual analysis, the criteria for determining the likely significant environmental impact of the amendments to the strategy, plan or programme in the screening procedure and the manner of carrying out the screening procedure, the manner of carrying out the strategic assessment procedure, the mandatory content and manner of developing the strategic assessment study and related procedure, the mandatory content of opinions and other relevant acts in that procedure, relevant deadlines, the mandatory content of the report on the manner in which environmental protection requirements have been integrated into the plan or programme, the method of monitoring the significant environmental impacts on the environmental status during the implementation of the strategy, plan or programme and the method of verifying the implementation of environmental protection measures which have become part of the strategy, plan or programme, procedure for appointing and recalling the strategic assessment committee, mandatory composition of the committee, working methods, mandatory content of the opinion to be issued by the strategic assessment committee, and other related issues, shall be regulated in detail by the Government by means of regulation.

Strategies, plans and programmes not subject to strategic assessment

#### Article 65

The following shall not be subject to strategic assessment:

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

Competence for carrying out strategic assessment and screening

#### Article 66

(1) The body competent for developing a strategy, plan or programme is obliged prior to initiation of the procedure, to obtain an opinion from the Ministry or competent administrative body within the county about the need to implement screening or strategic assessment.

(2) Screening of a strategy, plan and programme, and of the amendments to strategy, plan or program referred to in Article 64 of this Act shall be done by the body competent for the area in which the strategy, plan or program is adopted, in cooperation with the Ministry or competent administrative body within the county.

(3) Strategic assessment for strategy, plan and programme referred to in Article 63 and Article 64 paragraph 4 of this Act shall be carried out by the body competent for the area in which the strategy, plan or program is adopted, in cooperation with the Ministry or competent administrative body within the county.

#### Method of implementing strategic assessment

##### Article 67

(1) Strategic assessment shall be carried out during the development of the draft proposal of the strategy, plan or programme, prior to the establishment of the final proposal and its submission into the adoption procedure, in the manner prescribed by this Act and the regulation referred to in Article 64, paragraph 6 of this Act.

(2) In the strategic assessment procedure, public information and public participation shall be ensured in the manner prescribed by this Act and the regulation referred to in Article 160 paragraph 2 of this Act.

(3) By way of derogation from paragraphs 1 and 2 of this Article, the implementation of the strategic assessment procedure, public information and public participation in the procedure in question which is carried out during preparation of spatial planning document including spatial plans at the state, regional and local level, shall be carried out at an early stage of the development of this plan pursuant to *lex specialis*.

##### Article 68

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

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

(3) The content of each individual strategic impact study, depending on the strategy, plan or programme for which it is being developed, shall be determined by the body competent for carrying out the strategic assessment in accordance with the mandatory content and the procedure prescribed by the regulation referred to in Article 64, paragraph 6 of this Act.

(4) Strategic impact study gives an expert basis to be attached to the strategy, plan and programme.

#### Article 69

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

#### Article 70

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

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

#### Article 71

(1) The body competent pursuant to the provision of Article 66, paragraph 3 of this Act shall request the opinion on the strategic assessment from the Ministry, or from the competent administrative body for environmental protection within a county, prior to submitting the proposal of the strategy, plan or programme into the adoption procedure.

(2) In the event that the competent body for carrying out strategic assessment pursuant to this Act is the body referred to in Article 66 paragraph 2 of this Act, it shall obtain the opinion on the strategic assessment from the Ministry, or from the competent administrative body for environmental protection within a county, prior to submitting the proposal of the strategy, plan or programme into the adoption procedure.

(3) In the case of screening and strategic assessment of the spatial planning document or of amendments to spatial planning documents at the state, regional and local level, the opinion referred to in paragraph 1 or 2 of this Article shall be obtained as part of the request for obtaining approval of that plan according to *lex specialis*.

(4) The opinions referred to in paragraphs 1, 2 and 3 of this Article shall be issued in accordance with the provisions of the regulation referred to in Article 64 paragraph 6 of this Act.

## Article 72

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

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

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

(4) The members of the committee shall be appointed from the list of persons selected by the Minister from among scientific and expert employees, representatives of regional and local self-government, representatives of state administration bodies, representatives of legal persons with public authorities and representatives of the Ministry. One of the committee members shall be a representative of the ministry competent for environmental protection or of the administrative body competent for environmental protection within a county.

(5) The list of persons referred to in paragraph 4 of this Article shall be published on the website of the ministry competent for environmental protection.

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

(7) The amount and method of payment of the compensation for the work of the committee shall be determined by the Minister or by the head of the body competent for implementation of the strategy assessment, by means of decision.

## Article 73

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

(2) The strategic assessment procedure is concluded by the report of the body competent for the implementation of strategic assessment. Report contains information on the manner in which environmental protection issues have been integrated in the strategy, plan or programme, the results of that procedure and the environmental protection measures and method of monitoring the implementation of measures which are included in the content of the plan or programme, as well as the method of monitoring the significant environmental impacts of the plan or programme in question, and other data in conformity with the regulation referred to in Article 64, paragraph 6 of this Act.

(3) On the report referred to in paragraph 2 of this Article and the adopted strategy, plan or programme the body competent for carrying out strategic assessment in accordance with this Act and the regulation referred to in Article 160, paragraph 2 of this Act shall inform the public, bodies and/or persons designated by a special regulation and the states which participated in transboundary consultations in the case that their participation was mandatory pursuant to this Act.

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

#### Article 74

(1) When the strategic assessment also includes an appropriate assessment of the impact of the strategy, plan or programme on the ecological network in line with a special regulation the assessment procedure of the impact of the strategy, plan or programme on the ecological network shall be carried out as part of the strategic assessment.

(2) In case referred to in paragraph 1 of this Article, the report of the body responsible for carrying out the strategic assessment procedure shall also contain the information on the carried out assessment procedure of the impact on the ecological network, the results of that procedure, mitigation measures for the impact on the ecological network, the manner of monitoring the implementation of the mitigation measures and prevention of a significant impact on the ecological network.

(3) The results of the appropriate assessment of the impact on the ecological network, mitigation measures for the impact on the ecological network and the monitoring of the implementation of mitigation measures and prevention of an adverse impact on the ecological network shall be binding for the body which adopts and which implements the strategy, plan or programme.

#### Funds for strategic assessment and screening

#### Article 75

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

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

### 3. Environmental impact assessment

#### Definition and purpose of environmental impact assessment

#### Article 76

(1) Environmental impact assessment of a project is the assessment of possible significant environmental impacts set out under this Act and the regulation referred to in Article 78 paragraph 3 of this Act.

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

(3) Environmental impact assessment shall ensure the realisation of the precautionary principle in the early phase of project planning in order to reduce the effects of the project to the least possible extent and achieve the greatest possible level of preservation of environmental quality, which is achieved through harmonisation and adjustment of the intended project to the receptive capacities of the environment in a specific area.

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

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

#### Appropriate assessment of the impact of a project on the ecological network

#### Article 77

(1) When an environmental impact assessment of a project includes the appropriate assessment of the impact of the project on the ecological network in line with a special regulation, the assessment procedure of the impact of the project on the ecological network shall be carried out as part of the environmental impact assessment.

(2) In case the appropriate assessment establishes that the project has a significant negative impact on the ecological network and that there are no other feasible possibilities for its implementation, the project may still be carried out if there is a prevailing public interest with mandatory implementation of compensation measures.

(3) The appropriate assessment procedure for an impact on the ecological network and the procedure for determining the predominating public interest and compensation measures shall be carried out in line with a special regulation and the regulation referred to in Article 78 paragraph 3 of this Act.

Projects for which environmental impact assessment is mandatory and projects subject to screening

#### Article 78

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

(2) Screening is based on individual analysis and/or criteria prescribed pursuant to regulation referred to in paragraph 3 of this Article.

(3) Application and criteria for environmental impact assessment, content of the environmental impact study in the case when there are no instructions defining the content of the study, the manner of involvement of the authorised person who developed the environmental impact study, method of individual analysis and criteria on the basis of which it is decided whether it is necessary to implement environmental impact assessment, screening method, application for issuing instructions on the content of the environmental impact study and the method of issuing these instructions, the mandatory content of the written communications issued in relation to public information and participation of the public concerned in the procedures of environmental impact assessment, screening, issuing instructions on the content of the environmental impact study as well as the method of operation and mandatory content of the opinions issued by the committee participating in the environmental impact assessment procedure, developing guidelines for developing environmental impact studies, content of the elaborates referred to in Article 82 paragraph 2 subparagraph 2 of this Act, and other related issues shall be regulated in detail by the Government by means of a regulation.

#### Exemptions

## Article 79

(1) When the project, for which the regulation referred to in Article 78 paragraph 3 of this Act stipulates mandatory environmental impact assessment, serves for national defence purposes, an appropriate form of environmental impact assessment may be considered and implemented at the request of the developer or depending on the request, the screening procedure may be carried out.

(2) In the case referred to in paragraph 1 of this Article the request shall be submitted to the Ministry. The Ministry shall carry out environmental impact assessment or screening in an appropriate manner, and propose to the Government that a decision be made correspondingly.

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

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

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

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

environmental impact assessment shall not be carried out shall be brought by the Government i.e., President of the Government.

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

Developer's request

## Article 80

(1) The procedure for carrying out environmental impact assessment and the procedure for carrying out screening shall be implemented upon a written request from the developer.

(2) Request for an environmental impact assessment of a project shall contain:

1. data on the developer:

– for a legal and natural person – craftsman, the name and company headquarters, company registration number, name of the responsible person, telephone number and e-mail address,

– for a natural person: name and surname, address, telephone number and e-mail address,

2. data on the location and the project:

– for the location the name of the local and regional self-government unit in which the project location is situated, including data on the cadastral municipality,

– for the project, the exact name of the project in view of the lists of projects from the regulation referred to in Article 78, paragraph 3,

3. data on the conformity of the project with the physical planning documentation in force which is corroborated by the appropriate approval, certificate, etc of the body competent pursuant to the act governing physical planning,

4. appropriate document of the competent body on the need to implement assessment of the acceptability of the project for the ecological network pursuant to special regulation,

5. data on authorised person, corroborated by the photocopy of the approval obtained from the Ministry by the authorised person for the performance of expert tasks in environmental protection – for the preparation of an environmental impact study, including, when needed, the study on the acceptability of the planned project for nature;

6. project environmental impact study provided in a printed form and on an optical or electromagnetic media. In case it is stated in the relevant decision of the competent body that it is necessary to implement assessment of the acceptability of the project for the ecological network pursuant to special regulation, the study shall contain appropriate expert basis.

(3) Competent body shall inform the public and interested public on the developer's request for environmental impact assessment after it establishes that the request contains all prescribed information and evidence pursuant to provisions of this Act and regulation referred to in Article 78 paragraph 3 of this Act.

(4) If the developer does not submit the request referred to in paragraph 2 of this Article in a prescribed manner with the prescribed content even after being invited by the Ministry or competent administrative body within a county or City of Zagreb by means of special document to amend the request by a certain deadline pursuant to prescribed content, the request shall be rejected by means of a special decision.

(5) Deadline for amending the request in light of the provisions of paragraph 4 of this Article may be set within the three months from the day of delivering the special document requesting the amendments.

(6) If the Ministry or competent administrative body within a county or City of Zagreb determines pursuant to this Act and special regulations that the request referred to in paragraph 2 of this Act has no foundations in the law, it shall reject the request by means of special decision.

#### Article 81

(1) During screening procedure, the competent body on the basis of individual testing in line with the criteria (for example: capacity, power, surface area, etc) and/or criteria set in the regulation referred to in Article 78, paragraph 3 of this Act, establishes whether the project is likely to have significant environmental impacts and decides on the need for an assessment.

(2) When the competent body in the procedure referred to in paragraph 1 of this Article establishes that it is necessary to carry out environmental impact assessment for the project, it can in the same procedure inform the project developer of the mandatory content of the study.

#### Article 82

(1) When the developer establishes that his project is indicated in the list of projects of the regulation referred to in Article 78, paragraph 3 of this Act he can submit to the competent body a request for screening or may immediately pursuant to Article 80 of this Act submit a request for implementation of the environmental impact assessment procedure.

(2) The request referred to in paragraph 1 of this Article shall contain:

1. data on the developer:

- for a legal and natural person – craftsman, the name and company headquarters, company registration number, name of the responsible person, telephone number and e-mail address,
- for a natural person: name and surname, address, telephone number and e-mail address,

2. data on the location and the project:

- for the location the name of the local and regional self-government unit in which the project location is situated, including data on the cadastral municipality,
- for the project, the exact name of the project in view of the lists of projects from the regulation referred to in Article 78 paragraph 3 of this Act,

3. environmental protection elaborate which contains the information prescribed pursuant to regulation referred to in Article 78 paragraph 3 of this Act, and other information pursuant to special regulations.

(3) When the competent body establishes that the request referred to in paragraph 1 of this Act contains all prescribed data and evidence in line with paragraph 2 of this Article, it shall inform the public in line with this Act and the regulation governing information and participation of the public and public concerned in environmental protection issues.

(4) If the developer does not submit the request referred to in paragraph 2 of this Article in a prescribed manner with the prescribed content even after being invited by the Ministry or competent administrative body within a county or City of Zagreb by means of special document to amend the request by a certain deadline pursuant to prescribed content, the request shall be rejected by means of a special decision.

(5) Deadline for amending the request in light of the provisions of paragraph 4 of this Article may be set within the three months from the day of delivering the special document requesting the amendments.

## Article 83

Depending on the location and feature of the project, the competent body shall in an appropriate manner request opinions with regard to the request referred to in Article 82 paragraph 2 of this Act from the bodies and/or persons determined by special regulations and/or local, regional self-government unit. If the opinion establishes that it is mandatory to implement environmental impact assessment, the competent authority may also request opinion on the mandatory content of the study.

## Competence

### Article 84

(1) The decision on the request for environmental impact assessment and the request screening shall be made by the Ministry or the competent administrative body within the county or City of Zagreb, depending on which projects are placed under their competence by the regulation referred to in Article 78, paragraph 3 of this Act.

(2) The decision on the request for issuing instructions on the content of the environmental impact study prior to its development shall be made by the Ministry or the competent administrative body in the county or City of Zagreb, depending on which projects are placed under their competence by the regulation referred to in Article 78, paragraph 3 of this Act.

(3) Projects which are to be placed under the competence of the Ministry, that is, under the competence of the competent administrative body within the county or the City of Zagreb, shall be designated by the Government in the regulation referred to in Article 78, paragraph 3 of this Act.

## Environmental impact study and scoping

### Article 85

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

(2) The environmental impact study shall contain also the assessment of the acceptability of the project for the ecological network if such obligation was determined pursuant to the document referred to in Article 80 paragraph 2 subparagraph 4 of this Article.

(3) The environmental impact study for a project that may have an impact on waters must take into account the requirements pursuant to special regulations.

(4) The environmental impact study shall be developed based on the latest, authentic and available information.

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

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

#### Article 86

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

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

(3) The request for issuing instructions on the content of the environmental impact study shall be submitted in the manner prescribed by the regulation referred to in Article 78, paragraph 4 of this Act. If the request referred to in paragraph 1 of this Article is not submitted in a prescribed manner, the decision will be issued to reject the request as it is incomplete.

#### Committee in the environmental impact assessment procedure

#### Article 87

(1) The advisory expert committee (hereinafter: committee) appointed for each individual project by the Minister, that is, the head of the competent administrative body in the county and in the City of Zagreb, shall through its opinion participate in the environmental impact assessment procedure. In the event that a larger number of projects of the same type are planned, a standing committee for the type of project in question may be appointed.

(2) The committee shall evaluate the environmental impact of the project, its value and acceptability on the basis of the environmental impact study and shall give the Ministry or the competent administrative body in the county and in the City of Zagreb its opinion on the acceptability of the project, propose possible alternatives for the environment and environmental protection measures and an environmental monitoring programme.

(3) In the single procedure referred to in Article 77, paragraph 1 of this Act, the committee shall also evaluate the possible impact on the ecological network and issue an opinion on the acceptability of the project for the ecological network, and shall propose mitigation and prevention measures, the manner of implementation of measures for mitigation and prevention of a significant adverse impact on the ecological network

(4) The composition and number of members of the committee shall be determined by decision of the head of the body competent for implementation of the procedure, depending on the type of project or installation and depending on the activity which will be performed in the installation that the project pertains to.

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

(6) The list of persons referred to in paragraph 5 of this Article shall be published at the website of the ministry competent for environmental protection.

(7) The committee shall have the right to compensation for its work. The compensation for the work of the committee shall in accordance with the decision of the Minister be provided by the developer.

Deadlines for carrying out the procedure

#### Article 88

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

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

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

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

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

Decisions and mandatory content of decisions

#### Article 89

(1) The request for environmental impact assessment shall be decided on by issuing a decision.

(2) The decision on the environmental acceptability of the project shall establish that the intended project is environmentally acceptable, subject to the application of environmental protection measures and it may contain environmental monitoring programme.

(3) In case the decision decides on the acceptability of the project for the ecological network, the decision shall also contain measures for mitigating and preventing impacts on the ecological network, method for monitoring implementation of mitigation and prevention measures in regards to significant impacts on the ecological network.

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

#### Article 90

(1) The request for screening shall be decided on by issuing a decision.

(2) If during screening the competent body excludes the possibility that a project would have a significant impact on the environment, the body shall bring a decision determining that it is not necessary to implement environmental impact assessment for this project.

(3) In case it was also decided during screening on the impact of the project on the ecological network, if the competent body excludes the possibility that a project would have a significant impact on the ecological network, the decision referred to in paragraph 1 of this Article shall establish that it is not necessary to do appropriate assessment for this project pursuant to special regulation.

(4) If the decision referred to in paragraph 1 of this Article establishes that it is not necessary to implement environmental impact assessment for this project but does not exclude a possibility that this project would have an impact on the ecological network, appropriate assessment referred to in paragraph 3 of this Article shall be carried out separately pursuant to special regulation.

(5) If the decision referred to in paragraph 1 of this Article establishes that it is necessary to implement environmental impact assessment for this project and does not exclude a possibility that this project would have an impact on the ecological network, the appropriate assessment pursuant to special regulation shall be implemented within the environmental impact assessment.

(6) The decision referred to in paragraph 2 of this Article may contain environmental protection measures and environmental monitoring programme if requested so by the developer.

## Delivery of decision

### Article 91

(1) Decision referred to in Article 89 paragraph 1 of this Act and the decision referred to in Article 90 of this Act shall be delivered to the person who submitted the request.

(2) Decision referred to in Article 89 paragraph 1 of this Act and the decision referred to in Article 90 of this Act shall be published at the competent body's website pursuant to regulation referred to in Article 160 paragraph 2 of this Act.

(3) In case referred to in paragraph 2 of this Article, the deadline for appeal starts on the eighth day from the day of publishing the decision at the competent body's website.

## Validity of decisions and procedures carried out after obtaining decisions

### Article 92

(1) Decision referred to in Article 89 paragraph 1 of this Act shall be abolished if the request for location permit or other official act pursuant to *lex specialis* is not submitted within two years from the day the decision enters into force.

(2) Decision referred to in Article 90 of this Act determining the obligation to implement environmental impact assessment shall be abolished if the request for implementation of environmental impact assessment is not submitted within two years from the day the decision enters into force.

(3) Decision referred to in Article 90 of this Act determining that it is not necessary to implement environmental impact assessment shall be abolished if the request for location permit or other official act pursuant to *lex specialis* is not submitted within two years from the day the decision enters into force.

(4) Validity of the decisions referred to in Article 89 paragraph 1 and Article 90 of this Act may, at the request of the developer, be once renewed for two more years provided that the requirements established in accordance with this Act and other requirements according to which the decision was issued have not changed. The request for renewal of the validity of the decision on the environmental acceptability of the project shall be decided on by issuing a decision.

### Article 93

(1) For each substantial change or amendment to the intended project for which a decision referred to in Article 89 paragraph 1 of this Act and Article 90 of this Act was issued, the developer is obliged, prior to submitting the application for issuance of the location permit or

another act pursuant to a special regulation, to obtain a decision referred to in Article 90 of this Act relating to the occurred changes. The significance of the changes shall be determined by the competent body through an opinion or during screening.

(2) If during the procedure referred to in paragraph 1 of this Article the competent body excludes the possibility of significant impact on environment, it shall bring a decision referred to in Article 90 of this Act.

(3) In case referred to in paragraph 1 of this Article, following developer's request pursuant to the decision referred to in Article 90 of this Act, environmental protection measures and environmental monitoring programme may be changed and/or amended pursuant to the decision referred to in Article 89 paragraph 1 of this Act and Article 90 of this Act.

(4) The decision referred to in paragraph 1 of this Article shall be passed by the same body which passed the decision referred to in Article 89 paragraph 1 of this Act and Article 90 of this Act.

#### Right to appeal

#### Article 94

(1) Against the decision referred to in Article 80 paragraphs 4 and 6, Article 82 paragraph 4, Article 86 paragraph 3, Article 89 paragraph 1, Article 90 and decision referred to in Article 92 paragraph 4 of this Act issued by the Ministry, an appeal may not be lodged, however an administrative dispute can be filed.

(2) Against the decision referred to in Article 80 paragraphs 4 and 6, Article 82 paragraph 4, Article 86 paragraph 3, Article 89 paragraph 1, Article 90 and decision referred to in Article 92 paragraph 4 of this Act issued by the administrative body within the county or City of Zagreb, an appeal may be lodged with the Ministry.

(3) Decision referred to in Article 89 paragraph 1, Article 90 and decision referred to in Article 92 paragraph 4 of this Act shall be delivered to the competent inspection authority.

#### 4 Environmental permit

The purpose and aim of issuance of the environmental permit

#### Article 95

(1) Environmental permit shall be issued with the aim of integrated environmental protection through integrated prevention and control of pollution, by providing high level of environmental protection and conditions for preventing significant pollution of the environment caused by industrial activities.

(2) Operator is obliged to obtain an environmental permit pursuant to this Act and regulation referred to in paragraph 5 of this Article prior to commencement of operation of new installations, including probationary period, and prior to a substantial change in operation of an installation intended for performance of activities which may cause industrial emissions including combustion plant, waste incineration plant or waste co-incineration plant.

(3) Substantial change means any change in nature or functioning and scope of installation reaching limit values determined pursuant to a regulation referred to in paragraph 5 of this Article.

(4) Activities that may cause industrial emissions shall be regulated pursuant to regulation referred to in paragraph 5 of this Article.

(5) The Government shall through a regulation determine the application and criteria for issuance of environmental permit, conditions when environmental techniques for an installation listed in the permit need to be renewed or amended, exemptions from application of BAT reference documents, the manner of determining emission limit values, application of equivalent parameters and other technical measures and exemptions from their application, determining monitoring of processes and industrial emissions in line with BAT requirements, the manner of application of general binding rules for activities for which integrated environmental permit is obtained, forms which are a part of the application for environmental permit, content of the Baseline report for closure of installations, list of pollutants, criteria on the basis of which BAT are determined, the manner of determining BAT, and other related issues.

Obligations of operators with regard to integrated environmental protection

## Article 96

The operator shall, with the aim of integrated environmental protection against adverse effects of the activities performed in the installation within the meaning of Article 95, paragraph 1 of this Act, ensure that during the performance of activities in the installation:

- all necessary measures and measures established under special regulations and official acts are being undertaken for the purpose of preventing pollution, and especially through use of best available techniques,
- significant environmental pollution is not caused,
- generation and/or production of waste is avoided, that is, that waste is recovered or when it is technically and economically not possible to accomplish, that it is disposed of in such a manner so as to avoid or reduce effects on the environment pursuant to the waste management hierarchy and proximity principle according to special regulations,

- energy is used efficiently,
- all necessary measures and measures established under special regulations and official acts are undertaken in order to prevent accidents and remediate their consequences,
- upon termination of operation of the installation, all measure are taken in order to avoid environmental pollution and to return the installation site back to satisfactory state pursuant to provisions of Article 111 of this Act.

Competence for deciding on the application for obtaining an environmental permit for an installation

#### Article 97

- (1) The Ministry shall decide on the application for obtaining the environmental permit for an installation.
- (2) Environmental permit is issued after the decision on project's acceptability for environment is issued.
- (3) Environmental permit determines the measures for protection of soil, air and water and, if required by the location of the installation, other environmental components within the prescribed best available techniques. All the above measures need to ensue from the characteristics of the technological processes described in the application for environmental permit issuance.
- (4) Decision on project's acceptability for the environment represents the framework for environmental permit issuance.
- (5) Remarks, suggestions and opinions of the public and interested public and results of transboundary consultation if they were mandatory pursuant to this Act shall be considered during the procedure for issuing the environmental permit.
- (6) A decision for performing activities pursuant to *lex specialis* may be issued for an installation after the Ministry issues an environmental permit for this installation.
- (7) Verification of installation's operations is done by the environmental protection inspection through coordinated inspection supervision.

Manner of submitting the application for issuance of environmental permit for an installation

#### Article 98

(1) The application for an environmental permit for an installation may be submitted for an installation at the same location or for several installations or parts of an installation at the same location, in which the same operator intends to perform the activity which is subject to the obtaining of an environmental permit or performs it and/or uses the installation.

(2) By way of derogation from paragraph 1 of this Article the application may be submitted by several operators if the installation is a technological whole consisting of several parts of installation managed by various operators.

(3) In the case referred to in paragraph 2 of this Article the environmental permit determines the obligations and responsibilities of each operator separately, and the environmental permit shall be delivered to all operators.

(4) If the environmental permit is issued for two or more installations, each installation must meet the requirements prescribed pursuant to this Act.

#### Article 99

(1) The application for issuance of an environmental permit (hereinafter referred to as: the application) is submitted in a written form and on electronic media for data storage (CD, DVD, etc.).

The application for issuance of an environmental permit shall contain:

1. information about the operator: the name and company headquarters, company registration number, name of the responsible person, telephone number and e-mail address,

2. for the location, and in case of substantial changes in the installation data on location and project:

- the name of the local and regional self-government unit in which the project location is situated, including data on the cadastral municipality,

– for the project, the exact name of the project in view of the activities determined in regulation referred to in Article 95, paragraph 5 of this Act,

3. for the installation and in case of substantial changes in the installation, data on authorised person who produced the documents referred to in paragraph 3 of this Article. Information on authorised persons referred to in this indent shall be evidenced by a copy of the approval that the authorised person has obtained from the Ministry.

(3) Together with the application referred to in paragraph 1 of this Article it is mandatory to enclose expert basis for environmental permit issuance that must contain:

- a description of the installation and the activity which the operator intends to perform or is already performing in the installation,
- list of raw materials, secondary materials and other substances and data on energy which will be used or generated in the installation,
- list of polluting substances that will be present in the installation pursuant to the regulation referred to in Article 95 paragraph 5 of this Act,
- a description of the source of industrial emissions from the installation,
- a description of the status of the location and the area in which the installation is located,
- if applicable, Baseline report referred to in Article 111 of this Act
- a description of the properties and quantity of expected industrial emissions from the installation into all media, as well as identification of significant effects of emissions on the environment,
- a description of planned technology and other techniques for prevention or, where not possible, reduction of industrial emissions from the installation
- a description of techniques for prevention and preparation for re-use, recycling or recovery of waste generated in the installation,
- a description of other techniques planned with the aim of meeting general principles of operator's basic obligations in accordance with Article 96 of this Act,
- a description of techniques planned for monitoring of industrial emissions into the environment, and
- a description of main alternatives to the proposed techniques considered by the installation operator and a non-technical summary of all data indicated in subparagraphs 1 to 9 of this paragraph
- for new installation or for a substantial change in installation's operations, the decision on project's acceptability for the environment.

(4) Detailed content of the application shall be determined pursuant to a regulation referred to in Article 95 paragraph 5 of this Article.

(5) Techniques referred to in paragraph 3 of this Article shall meet BAT requirements.

(6) The application referred to in paragraph 1 of this Article for a new installation or for substantial change in installation's operations, shall contain the description of the installation in line with the regulation referred to in Article 95, paragraph 5 of this Act .

(7) If it is stipulated pursuant to this Act and implementing regulations thereof, or pursuant to special regulations that an installation for its operation besides the obligation to undergo screening for environmental impact assessment and environmental impact assessment, has also an obligation to produce a Safety Report or the obligation to obtain a permit for greenhouse gas emissions, the application pursuant to special regulation, besides the content prescribed pursuant to paragraphs 2 and 3 of this Article, shall also contain appropriate legal acts and/or data on the procedures relating to those obligations.

(8) When submitting the application, the applicant may also request data confidentiality to pertain to certain parts of the application. In that case the applicant needs to clearly state in the application for which parts of the application confidentiality is requested. Request for data confidentiality needs to be justified with reasons and evidence pursuant to special regulations governing the protection of business secret or protection of data for national defence purposes.

(9) The Ministry shall decide on the request for data confidentiality referred to in paragraph 8 of this Article by means of special conclusion. In case the Ministry grants or partially grants the request for data confidentiality, only the authorities that participate in the process of issuance of the environmental permit shall know about this data, pursuant to the conclusion. Data confidentiality shall be written on the cover of the file, with clear indication which part of data is confidential.

(10) In case the Ministry establishes that the request for data confidentiality is not legally founded, it shall reject the request by means of special decision. An appeal against this decision may be filed with the Minister.

(11) Application for issuance of environmental permit shall be deemed as valid when it contains all the proposed annexes regulated pursuant to this Act and regulation referred in Article 95 paragraph 5 of this Act.

(12) Ministry shall inform the public and the public concerned on valid applications.

(13) If all the requirements prescribed pursuant to this Act were met, the Ministry shall issue the environmental permit within six months from the day of receiving a valid application.

Permit for operations of an installation bellow indicator limit values

## Article 100

(1) By way of derogation from Article 95, paragraph 2 of this Act, when an operator in an installation operates under the limit values of indicators established by the regulation referred to in Article 95, paragraph 5 of this Act, operator may file a request that the environmental

permit would not be issued for that installation. The Ministry decides on this request by means of a decision.

(2) In the decision referred to in paragraph 1 of this Article it is decided about the operator's obligations to report to the Ministry about installation's operations and the conditions under which the operator needs to request the issuance of environmental permit.

(3) Decision referred to in paragraph 1 of this Article determines operator's obligation to obtain environmental permit in order to start operations with indicators exceeding values referred to in regulation under Article 95 paragraph 5 of this Act.

(4) Decision referred to in paragraph 1 of this Article shall be valid for a four-year period from the moment it enters into force.

(5) In case referred to in paragraph 1 of this Article, the operator is obliged to obtain all permits and approvals to perform the activities pursuant to special regulations.

(6) An appeal may not be lodged against the decision referred to in paragraph 1 of this Article, however an administrative dispute can be filed.

Content of the application

#### Article 101

(1) Application for decision on operations of an installation bellow limit values of indicators established pursuant to regulation referred to in Article 95 paragraph 5 of this Act shall be submitted together with:

1. data on the operator: the name and company headquarters, company registration number, name of the responsible person, telephone number and e-mail address.

2. data on the location and the installation:

– for the location the name of the local and regional self-government unit in which the installation location is situated, including data on the cadastral municipality,

– for the installation, the exact name of the installation in view of the activities from the regulation referred to in Article 95 of this Act.

(2) Data for monitoring operations bellow limit values of indicators established pursuant to regulation referred to in Article 95 paragraph 5 of this Act shall be submitted together with the application referred to in paragraph 1 of this Article:

- description of the installation and activities which the operator intends to perform or already performs in the installation,
- list of raw materials, assisting materials, and other substances, data on energy to be used or generated within the installation,
- list of polluting substances which will be present in the installation pursuant to the regulation referred to in Article 95 paragraph 5 of this Act,
- description of the process which causes industrial emissions,
- threshold of production or consumption bellow capacities regulated pursuant to regulation referred to in Article 95 paragraph 5 of this Act,
- proposed method for monitoring indicators of production or consumption bellow capacities regulated pursuant to regulation referred to in Article 95 paragraph 5 of this Act
- proposed reporting to the Ministry on compliance with the operations below limit values of indicators established pursuant to regulation referred to in Article 95 paragraph 5 of this Act,
- other necessary related data.

(3) The Ministry shall reject the application by a special decision if the operator fails to submit the application referred to in paragraph 1 of this Article in a prescribed manner and with the prescribed content even after being invited by the Ministry to amend the application by a certain deadline in accordance with the prescribed content. An appeal may not be lodged against this decision, however an administrative dispute can be filed.

(4) Deadline for amending the application within the meaning of paragraph 3 of this Article shall be within three months.

(5) If the Ministry establishes on the basis of this Act and special regulations that the application referred to in paragraph 1 of this Article is not legally based, the application shall be rejected by special decision. An appeal may not be lodged against this decision, however an administrative dispute can be filed.

Content of the Decision on installation's operations below indicator limit values

## Article 102

(1) Decision on installation's operations below indicator limit values shall establish the conditions for installation's operation without obtaining the environmental permit.

(2) Decision referred to in paragraph 1 of this Act shall contain:

1. list of activities and threshold of production or consumption below capacities regulated pursuant to regulation referred to in Article 95 paragraph 5 of this Act,
2. permitted threshold of production or consumption,
3. method of monitoring indicators of production or consumption below capacities regulated pursuant to regulation referred to in Article 95 paragraph 5 of this Act,
4. method of reporting to the Ministry on monitoring indicators of production or consumption below capacities established with the regulation referred to in Article 95 paragraph 5 of this Act,
5. operator's obligation to obtain an environmental permit start in order to start the operations with the indicators that exceed values set in the regulation referred to in Article 95 paragraph 5 of this Act,
6. operator's obligation to obtain permits for installations pursuant to special regulations if such an obligation exists, by the deadline prescribed pursuant to special regulations, that is within six months from the day of submitting the request referred to in Article 100 paragraph 1 of this Act.

The content of the environmental permit and obligations towards transitional periods

#### Article 103

(1) Decision on environmental permit shall contain:

1. list of activities in the installation which fall under obligations from the decision,
2. provision determining that the techniques by which environmental protection is achieved are established in the form of a book which is enclosed to the permit and is a constituent part thereof;
3. provision on data confidentiality in which it is stated what data from the permit, including the wording (the enclosed book as well) and the explanation is subject to regulations on data confidentiality,
4. provision that the prescribed techniques for the installation are enclosed to the book referred to in item 2 of this paragraph;
5. deadline for consideration of the techniques from the environmental permit as prescribed by Article 115 paragraph 1 of this Act,
6. provision that the permit is entered into the Environmental permit register.

(2) The following measures are determined in the permit:

1. Techniques related to the process in the installation:

- Process techniques with definition of normal and irregular working conditions, including techniques during the starting and stopping of the installation, malfunctions, releases, temporary stops in operations, and decommissioning of the installation,
- Pollution prevention and control techniques with included provisions for maintenance and monitoring of techniques for prevention of emissions into water and soil by waste and dangerous substances from the installation,
- Management of waste from the installation,
- Emission monitoring system with measurement methodology, measurement frequency and evaluation of measurement results
- Manner of installation removal in line with the future designation of the installation

2. Emission limit values for pollutants regulated pursuant to regulation referred to in Article 95 paragraph 5 of this Act and other pollutants (including also provisions for reducing long range or transboundary pollution) for:

- industrial emissions into the air
- industrial emissions into water, or sea
- industrial emissions into public sewage system,
- industrial emissions into soil
- industrial noise emissions

3. Measures which are applied outside the installation (if necessary, e.g. nature protection)

4. Obligations of informing the public and competent bodies on results of monitoring of industrial emissions and other data through which compliance with the prescribed techniques from the permit can be verified pursuant to this Act.

(3) Limit values referred to in paragraph 2 subparagraph 2 of this Article may be amended or replaced by equally valuable parameters or technical measures, which ensure equal level of environmental protection.

(4) In case different emission limit values are found than those that do not exceed levels of emissions related to best available techniques, time periods and referential conditions and monitoring results of these emissions need to be equal to time periods and referential conditions, and emission monitoring results relating to the best available techniques.

(5) In case referred to in paragraph 3 of this Article, the operator is obliged to deliver to the Agency a summary of results of emission monitoring which would allow comparison with emission levels related to BAT until 31 March of the current year for the previous year.

(6) If environmental quality standards impose stricter environmental quality requirements than those that can be achieved through implementation of BAT or conditions prescribed pursuant to special regulations, the environmental permit shall include additional measures. These measures cannot jeopardise other measures that can be undertaken with the objective of respecting required environmental quality standards.

(7) The installations which got transitional periods pursuant to the Act on Ratification of the Treaty of Croatia's Accession to the European Union, in the environmental permit together with the prescribed techniques have the deadlines for implementation of those listed techniques.

#### Article 104

(1) Documentation referred to in Articles 99, 101 and 107 of this Act shall be prepared on the basis of the updated, credible and available data the accuracy of which is the responsibility of the operator.

(2) The authorised person preparing the documentation related the environmental permit referred to in Article 99 of this Act is responsible for the truthfulness, accuracy, expert foundation and compliance with the prescribed requirements.

#### Delivery of the permit and right to an appeal

#### Article 105

(1) Environmental permit is delivered to the operator.

(2) An appeal may not be lodged against the environmental permit issued by the Ministry, however an administrative dispute can be filed.

(3) Environmental permit is published at the Ministry's website pursuant to the regulation referred to in Article 160 paragraph 2 of this Act.

(4) Deadline for filing an administrative dispute starts with expiration on the eighth day from the day of publication of the environmental permit at the website of the competent authority.

The manner of carrying out the procedure of obtaining the environmental permit

#### Article 106

(1) The procedure of environmental permit issuance is carried out in line with this Act and the regulation referred to in Article 95 paragraph 5 of this Act.

(2) Competent bodies participate in the procedure by considering and evaluating the proposals of the requirements from the application by the operator which are based on BATs. Participation of competent bodies in the procedure is determined according to legal competencies for environmental components for which industrial emissions and environmental burdens have been established.

(3) In the process of issuance of environmental permit it is established that:

- expert basis for issuance of environmental permit was developed in accordance with the decision on environmental impact assessment,
- expert basis for issuance of environmental permit was developed in accordance with the provisions of this Act, regulations brought pursuant to this Act, and special regulations,
- certificates were obtained from the bodies and/or persons designated pursuant to special regulations referred to in paragraph 2 of this Article and regulation referred to in Article 95 paragraph 5 of this Act,
- the application for issuance of environmental permit includes all the documents and data referred to in Article 99 of this Act and regulation referred to in Article 95 paragraph 5 of this Act,
- opinions, remarks and suggestions from the public and interested public delivered during public discussion were all taken into account, as well as the results of any transboundary consultations if they were mandatory pursuant to the provisions of this Act,
- expert basis for issuance of environmental permit referred to in Article 99 paragraph 3 of this Act was founded on implementation of BAT,
- expert basis referred to in Article 99 paragraph 3 of this Act was produced by an authorised person, except in case referred to in Article 107 of this Act.

(4) If the Ministry establishes that the requirements for issuance of environmental permit have not been met, it shall issue conclusions to the operator defining the appropriate deadline within three months by which these requirements have to be met.

(5) Ministry shall reject the application for issuance of the environmental permit if the operator does not meet the prescribed requirements by the deadline stipulated in the conclusions referred to in paragraph 4 of this Article.

(6) An appeal may not be lodged against the decision on rejecting the issuance of environmental permit, however an administrative dispute can be filed.

(7) Ministry is obliged to permanently archive the environmental permit.

Issuance of environmental permit through enforcement of general binding rules

#### Article 107

(1) By way of derogation from provisions of Article 106 of this Act, the activities regulated pursuant to a regulation referred to in Article 95 paragraph 5 of this Act, the procedure for issuing the environmental permit may be implemented through enforcement of General binding rules.

(2) General binding rules determine for individual activity or group of activities permit requirements including emission limit values, special requirements that installations need to adhere to in regards to individual environmental components or environmental pressures, and their total impact and mutual impacts.

(3) General binding rules shall be brought by the Minister in cooperation with the competent authorities, and they shall be published in the Official Gazette.

(4) Activities, conditions and the method of submitting the application for issuance of the environmental permit referred to in paragraph 1 of this Article, and other related issues, shall be prescribed pursuant to the regulation referred to in Article 95 paragraph 5 of this Act.

(5) General binding rules are based on BAT without prescribing the use of any special technique or technology.

(6) Ministry shall regularly update general binding rules in order to take into account development of BAT.

#### Article 108

(1) If the greenhouse gas emissions from the installation pursuant to special regulations are related to the activities performed within that installation, the environmental permit shall not include emission limit value for the direct emissions of this gas, unless it is necessary to do so in order to prevent significant local pollution.

(2) Environmental permit for installations subject to special regulations on greenhouse gas emission trading shall not contain special measures or techniques referring to efficient energy use in combustion units or other units releasing carbon dioxide (CO<sub>2</sub>).

(3) Provision from paragraph 1 of this Article shall not apply to an installation shall not apply to installations which are temporarily excluded from the greenhouse gas emission trading scheme in accordance with a special regulation.

Obligations of the operator after obtaining the environmental permit

#### Article 109

(1) The operator for whose installation an environmental permit has been issued in accordance with this Act shall deliver to the Agency data on the results of monitoring emissions into the soil, air, water, sea and other environmental components in accordance with prescribed obligations on reporting, and immediately report to the environmental inspection all unforeseeable events in the installation or activity in the environment which have a significant environmental impact.

(2) Data referred to in paragraph 1 of this Article shall be delivered by 1 March of the current year for the previous year, except for data for which paragraph 1 of this Article prescribes immediate delivery.

#### Article 110

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

(2) Based on review and analysis of the notification by the operator referred to in paragraph 1 of this Article, the Ministry may by virtue of a special decision instruct the operator to submit a request for:

- the issuance of the environmental permit for the installation as a whole or for part of the installation in which substantial change is planned,
- the issuance of the decision on amendments to the environmental permit.

(3) Provisions of this Act referring to submission of application and the procedure for issuance of the environmental permit shall appropriately apply to the application and to the procedure of amending the environmental permit referred to in paragraph 2 subparagraph 2 of this Article.

Baseline report and the closing of an installation at a certain location

## Article 111

(1) Ministry determines in the environmental permit all the conditions regarding closing of an installation in order to ensure compliance relating to operator's obligation according to the provisions of this Article related to the final cessation of activities in the installation on the given location.

(2) When the activity carried out at the installation includes the use, production or discharge of dangerous substances in the sense of this Act, and may cause soil and groundwater pollution, the operator shall prepare and deliver to the Ministry the Baseline report prior to issuance of an environmental permit, that is prior to its amendments.

(3) The Baseline report contains data necessary for establishing the status of soil and groundwater in order to prepare a quantity comparison with the status during and after final cessation of activity referred to in paragraph 2 of this Article.

(4) Mandatory content of the Baseline report is determined by the Government by means of regulation referred to in Article 95 paragraph 5 of this Act.

(5) After the final cessation of activity, the operator shall assess the status of soil and groundwater pollution caused by dangerous substances which the installation used, produced or discharged. If the installation caused significant soil or groundwater pollution by dangerous substances in comparison with the status established in the Baseline report, the operator shall undertake necessary measures for removal of that pollution in order to return the location to good status, that is prepare taking into consideration its further designation and use and the technical feasibility of such measures.

(6) If in the case referred to in paragraph 5 of this Article soil and groundwater pollution represents a significant risk for human health or the environment as a result of permitted activities which the operator carried out prior to the first amendment to the environmental permit for the installation, that is the issuance of a new environmental permit, the operator shall without any delay undertake all necessary actions in order to remove, control, limit or reduce the discovered dangerous substances, while taking into account the status of the location referred to in Article 99 paragraph 3 subparagraph 5 of this Act.

(7) When the operator is not obliged to prepare the Baseline report referred to in paragraph 2 of this Article, the operator shall after the final cessation of activities in the installation undertake necessary actions with the aim to remove, control, limit or reduce dangerous substances at the installation site, while taking into account its current or future approved designation or use, so that the site would no longer present risk for human health or environment due to soil and groundwater pollution generated as a result of permitted activities, and while taking into account the status of the location referred to in Article 99 paragraph 3 subparagraph 4 of this Act.

(8) Besides the requirements prescribed under paragraph 2 of this Article, the Baseline report shall be prepared by operators of installations involving dangerous substances in line with the obligation to prepare the Safety report referred to in Article 122 paragraph 2 of this Act, that is the obligation pursuant to special regulations permitting the use, production or discharge of dangerous substances.

(9) Operator shall obtain Ministry's approval of the Baseline report referred to in paragraph 2 of this Article.

(10) Approval referred to in paragraph 9 of this Article is not an administrative act. The content and the method of submitting the application for obtaining approval shall be prescribed pursuant to a regulation referred to in Article 95 paragraph 5 of this Act.

(11) If the Ministry establishes that the application referred to in paragraph 10 of this Article is not legally based pursuant to this Act and special regulations, it shall reject the application by means of special decision.

(12) An appeal may not be lodged against the decision referred to in paragraph 11 of this Article, however an administrative dispute can be filed.

#### Article 112

(1) BAT conclusions are the essential document for determining environmental permit requirements

(2) Industrial emission limit values, equivalent parameters and technical measures are based on BAT; without imposing on the operator to use any individual technique or a special technology.

(3) If the determining of environmental protection measures is carried out with BAT which are not described in any of the existing BAT conclusions or those conclusions do not refer to all potential impacts which the activity or the process have on the environment then BAT determination is carried out in line with:

- criteria from a special regulation,

- criteria prescribed pursuant to this Act and regulation referred to in Article 95 paragraph 5 of this Act, with mandatory legal hearing of the operator.

(4) If BATs are determined in the manner referred to in paragraph 3 subparagraph 1 of this Article, and do not contain the levels of industrial emissions related to BATs, techniques are applied which ensure the level of protection which would be provided by the techniques described in BAT conclusions.

(5) The Ministry may in special cases determine less stringent industrial emission limit values if it is found that achieving industrial emission levels related to BATs from the BAT conclusions would lead to disproportionately high costs as compared to environmental benefits, when the above is caused by:

- geographical situation or environmental requirements at the location in question
- technical characteristics of the installation.

(6) In the environmental permit reasons are elaborated for application of paragraph 5 of this Article which include results of a suitable assessment and which is carried out in order to establish environmental acceptability of the deviation of emission levels

(7) Industrial emission limit values established in line with paragraph 5 subparagraph 1 of this Article must not exceed industrial emission limit values determined by special regulations, including the prescribed exceptions.

#### Obligation of monitoring BATs

#### Article 113

(1) The Ministry shall follow the development of BATs, adoption of BAT conclusions, application of emerging techniques, and make the related data available to the public by publishing it at the Ministry's website.

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

(3) Legal and natural persons referred to in paragraph 2 of this Article have the right to compensation which shall be provided from the state budget.

(4) Ministry shall stimulate the development and application of emerging techniques, specially emerging techniques mentioned in the BAT reference documents.

#### Article 114

(1) Every five years, the Ministry shall *ex officio* review and, if it deems necessary, amend the environmental permit by means of special decision, and especially when:

- the pollution caused by the installation is of such significance that it is necessary to re-examine the limit values of industrial emissions established by the issued environmental permit and for the purpose of efficient environmental protection establish new emission limit values,

- significant changes in BATs enable significant emission reduction without entailing greater costs,
- safety requirements for operations or activities dictate the use of other available and accessible techniques,
- this is necessary due to alignment with the law and with European and/or international regulations,
- it is necessary to harmonise with the newly created environmental quality standard.

(2) At the Ministry's request, the operator shall submit all the information necessary for reconsidering the conditions of the environmental permit in the sense of paragraph 1 of this Article, including the results of industrial emission monitoring and other data, that enables a comparison of the operation of the installation with the BATs described in the applicable BAT conclusions and with the emission levels associated with BATs.

(3) In case referred to in paragraph 1 of this Article, the Ministry shall use data generated through monitoring and/or established during inspection supervision.

(4) Ministry shall consider *ex officio* and, if it deems necessary, amend the environmental permit by means of special decision in cases when the installation is not encompassed by any of the BAT conclusion, if the BAT development allows significant reduction of industrial emissions, or in the case referred to in Article 107 paragraph 1 of this Act.

(5) Appropriate provisions of this Act shall apply to the process of amendments of the environmental permit referred to in paragraph 4 of this Article in the part referring to submission of the application and environmental permit issuance.

#### Article 115

(1) The Ministry shall, within four years of publication of decisions on BAT conclusions referring to the main activity of the installation at the official website of the European Union consider *ex officio* and, if necessary, issue a special decision to amend the environmental permit in order to harmonise conditions for operation of an installation, combustion plant, incineration plant and plant for co-incineration of waste with that decision.

(2) In the case referred to in paragraph 1 of this Article, the Ministry shall apply new, that is amended BAT conclusions referring to the installation, published since the permit came into effect or since the latest amendments or consideration of the permit.

(3) Appropriate provisions of this Act shall apply to the process of amendments of the environmental permit referred to in paragraph 1 of this Article in the part referring to submission of the application and environmental permit issuance.

Operator's actions in cases of incidents or accidents with a significant impact on the environment

#### Article 116

In case of incidents or accidents with a significant impact on the environment the operator shall:

- immediately inform the Ministry, that is the body competent for the individual environmental component,
- undertake measures for limiting consequences for the environment and for prevention of potential mishaps and accidents;
- undertake measures determined by competent bodies in order to limit consequences for the environment and prevent potential further mishaps and accidents.

Operator's actions in cases of non-compliance of installation operations with the  
environmental permit

#### Article 117

(1) In case of non-compliance with the environmental permit conditions, the operator shall:

- inform the Ministry without delay, that is the body competent for the individual environmental component,
- immediately take the measures necessary to ensure that compliance with the environmental permit is restored within the shortest possible time,
- take any appropriate complementary measures that the Ministry considers necessary to restore compliance of the installation's operations with the environmental permit

(2) Where the breach of the permit conditions poses an immediate danger to human health or threatens to cause immediate significant adverse effect upon the environment, and until compliance is restored in accordance with the conditions from the environmental permit, the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof shall be suspended.

Cessation of validity of the environmental permit

#### Article 118

(1) The Ministry shall, at the proposal of the environmental inspector or an inspector competent for specific environmental components and environmental burdens, pursuant to a special act, withdraw the environmental permit when it establishes that:

- the operator carried out a substantial change in the installation without having previously notified the Ministry, that is the body competent for the individual environmental component,
- the operator, at the order of the environmental inspector or another inspector competent for specific environmental components and burdens, does not undertake the appropriate measures by the prescribed deadline,
- the operator did not act according to the order of the environmental inspector or another inspector competent for specific environmental components and burdens.

(2) The inspector competent for a specific environmental component or burden pursuant to a special act shall inform the Ministry without delay on the findings and the order referred to in paragraph 1 of this Article.

(3) A decision shall be issued on the withdrawal of a permit in the sense of paragraph 1 of this Article.

(4) An appeal may not be lodged against the Ministry's decision referred to in paragraph 3 of this Article, however an administrative dispute can be filed.

#### Register of issued environmental permits

#### Article 119

- (1) The Agency shall establish and maintain the register of issued environmental permits.
- (2) The content and manner of maintaining the register referred to in paragraph 1 of this Article and the manner in which the Ministry shall deliver data for the register and related deadlines shall be prescribed by the Minister through an ordinance.

#### 5 Prevention of major accidents involving dangerous substances

#### Article 120

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

process purposes; or which may be generated during a major accident (hereinafter: are present).

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

Operator's obligations relating to prevention of major accidents

#### Article 121

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

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

(3) For the purpose of fulfilling the obligations referred to in paragraphs 1 and 2 of this Article the operator shall in line with the provisions under Article 120 paragraph 2 of this Act determine the possible presence or actual presence of dangerous substances in the installation, by types and quantities, and shall notify the Ministry thereon in the prescribed manner:

1. for a new installation or a reconstruction prior to obtaining the building permit or another act approving construction;

2. for existing installations:

- in the case of substantial changes in production and operation,

- in the case of significant increase of the quantity or significant changes in the nature or physical form of the present dangerous substance in relation to the information stated in the notification which the operator delivered previously,
- in the case of any changes in the procedures in which the dangerous substance is used in relation to the change in nature or quantity of dangerous substances, which changes might significantly influence major accident hazards,
- in the case of permanent termination of installation's operations.

(4) In the case referred to in paragraph 3 of this Article the operator shall prepare a Statement in which the operator shall determine the policy for prevention of major accidents and ensure adequate implementation of that policy. Statement on actions relating to the prevention of major accidents adopted by the operator shall be prepared in such a way that it guarantees a high level of human and environmental protection by appropriate means, structures and management systems.

#### Article 122

(1) When the operator ascertains the presence of large quantities of dangerous substances in the installation in accordance with this Act and the provisions of the regulation referred to in Article 120 paragraph 2 of this Act, the operator shall produce the Safety report.

(2) Content of the Report referred to in paragraph 1 of this Article shall be prescribed pursuant to the regulation referred to in Article 120 paragraph 2 of this Act.

#### Exemptions

#### Article 123

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

- real-property used for military purposes,
- ionising radiation hazards,
- road, rail, air transport and transport of dangerous substances by inland waterways and sea,
- temporary storage of dangerous substances outside the installation to which the provisions on the prevention of major accidents apply, including loading and unloading stations and transport to or by other transportation means in docks, harbours or yard terminals,

- transport of dangerous substances through pipelines, including pump stations, with the exception of those located inside the installation to which provisions on the prevention of major accidents apply,
- utilization or exploitation (exploration, extraction and treatment) of raw minerals in mines, quarries and boreholes, with the exception of chemical and thermal processing and storage of dangerous substances within the framework of performing the abovementioned activities,
- exploration and extraction of raw minerals on platforms, including hydrocarbons,
- waste landfills.

(2) By way of derogation from paragraph 1, subparagraph 8 of this Article, the provisions of this Act on the prevention of major accidents involving dangerous substances which apply to installations of a company shall also apply to tailing dumps which include reservoirs, bulkheads/dams as well as facilities constructed for containing dangerous substances in line with the regulation referred to in Article 120 paragraph 2 of this Act, especially when dangerous substances are used in connection with chemical and thermal treatment of minerals.

#### Approval of the Safety Report

#### Article 124

- (1) The operator which performs activities in the installation referred to in Article 120 paragraph 1 shall obtain an approval of the Safety Report.
- (2) The approval referred to in paragraph 1 of this Article shall also be obtained for amendments to the Safety Report.
- (3) The approval of the Safety Report shall be issued on the basis of the assessment of whether the said Report has established all measures and activities and the manner for their implementation in line with the regulation referred to in Article 120 paragraph 2 of this Act.
- (4) The operator shall be responsible for obtaining the approval referred to in paragraphs 1 and 2 of this Article.

#### Article 125

- (1) Approval referred to in Article 124 paragraph 1 shall be granted by the Ministry. The approval is not an administrative act.

(2) The application for granting approval of the Safety Report and amendments to the Safety Report shall be submitted by the operator in the manner stipulated by the regulation referred to in Article 120 paragraph 2 of this Act.

(3) The approval referred to in Article 124 paragraph 1 of this Act shall be given for a five-year period.

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

(5) If the Ministry establishes pursuant to this Act and special regulations that the application referred to in paragraph 2 of this Article is not legally based, it shall reject the application by means of special decision.

(6) An appeal may not be lodged against the decision referred to in paragraph 5 of this Article, however an administrative dispute can be filed.

#### Article 126

(1) Expert council shall participate in the process of evaluation of the Safety Report and of the procedures for prevention of major accidents.

(2) Expert council shall be appointed by the Minister.

(3) Expert council has the right to compensation for its work. Working costs of the expert council shall be covered by the operator.

(4) Procedure for appointing and recalling the expert council, its mandatory composition, working methods, mandatory content of the opinion to be issued by the expert council, and the amount and method of paying out the compensation for the work of that council, shall be prescribed in detail by the Minister by means of an ordinance.

#### Changes in installation's operations

#### Article 127

(1) If the operator introduces changes in the operation of the installation, production process and/or type and/or quantity of dangerous substances which may cause major accidents, as well as in the event that it permanently terminates operation of the installation, the operator shall carry out an analysis and audit of activities and safety measures for preventing major

accidents and, where appropriate, accordingly amend the Safety Report for that installation and notify the Ministry and the central administration body competent for safety and rescue.

(2) In the event that the changes referred to in paragraph 1 of this Article are of such nature that they require the development of a new Safety Report and the obtaining of approval of the content of the amendments to the Report, the operator shall obtain a new approval even before the expiry of the five-year period referred to in Article 125 paragraph 3 of this Act.

Notification on the implementation of safety measures

#### Article 128

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

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

Notification in case of major accidents

#### Article 129

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

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

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

(3) For public information the operator shall immediately deliver the data referred to in paragraphs 1 and 2 of this Article to the competent administrative bodies, the town, municipality and the public, in the territory of which the major accident occurred. This data shall be delivered to the Agency in a manner and within deadlines prescribed by the ordinance referred to in Article 132 paragraph 2 of this Act and the bodies competent for the protection and rescue system.

Data exchange for the purpose of preventing and mitigating domino effects

#### Article 130

(1) Based on the data from the registry of the Agency referred to in Article 132 paragraph 1 of this Act, the Ministry shall in accordance with the provisions of the regulation referred to in Article 120 paragraph 2 of this Act organise a register in order to determine the operators who perform an activity in installations and installations in which there is a likelihood or an increased likelihood of major accidents and consequences thereof due to the location, proximity of such installations and quantity of dangerous substances.

(2) After determining the operator and installations within the meaning of the provision of paragraph 1 of this Article, the Ministry shall ensure adequate exchange of information with the central state administration bodies competent for safety and rescue and physical planning, for the purpose of enabling operators to take into account the nature and scope of the overall threat of a major accident when preparing policies and measures for prevention of major accidents, safety management systems and Safety Reports.

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

#### Article 131

The operator shall deliver the Safety Report after having obtained the Ministry's approval to the central state administration body competent for protection and rescue for the purpose of developing external plans.

Registry of installations in which dangerous substances are present

#### Article 132

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

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

## 6 Physical plans as an environmental protection instrument

### Article 133

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

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

## 7. Transboundary effect of strategies, plans and programmes, projects and installations on the environment

### Notifying another country about a strategy, plan or programme

### Article 134

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

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

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

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

Notifying another country about a project

#### Article 135

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

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

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

Participation in a procedure pertaining to a project in another country

#### Article 136

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

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

information and participation of the public and public concerned pursuant to the provisions of this Act.

(3) After having received the opinions of the bodies referred to in paragraph 2 of this Article and the comments given by the public and public concerned, the Ministry shall prepare a single opinion and deliver it to the competent body of the other country within the given deadline.

Notifying another country about installation's operations

#### Article 137

(1) If the Ministry assesses that emissions from an installation could have a significant impact on the environment of another country or if the other country so requests, the Ministry shall deliver a notification to the competent body of that country on the application of the operator for the issuance of an environmental permit, and shall at the same time carry out the procedure for public participation in the issuance of an environmental permit for the installation in question.

(2) If the country referred to in paragraph 1 of this Article notifies the Ministry of its intention to participate in the procedure for the issuance of an environmental permit for a particular installation, the Ministry shall deliver to the competent body of the country in question the relevant information on the application submitted by the operator, and determine the deadline for the delivery of the opinion..

(3) When the procedure for the issuance of an environmental permit for the installation has been carried out, the Ministry shall notify the country referred to in paragraph 1 of this Article of the decision which has been issued related to the application by the operator.

(4) Content of the notification referred to in paragraph 3 of this Article shall be prescribed pursuant to a regulation referred to in Article 160 paragraph 2 of this Act.

Participation in the procedure for the issuance of an environmental permit related to an installation in another country

#### Article 138

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

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

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

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

Notifying another country about a major accident

#### Article 139

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

8 Environmental protection measures for projects for which environmental impact assessment is not mandatory

#### Article 140

(1) Environmental protection measures for projects for which this Act does not prescribe mandatory environmental impact assessment, and for which, in order to fulfil contractual obligations assumed under international treaties and agreements, it is necessary to establish the acceptability of a project in terms of its environmental impact, shall be set out in an environmental protection study.

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

(3) Upon the request of the developer and after having verified the content of the study referred to in paragraph 1 of this Article in relation to the intended project and having reached a positive finding in terms of its acceptability regarding environmental impact, the Ministry

shall issue a certificate confirming that the measures set out in the study are in accordance with the environmental protection principles regulated by this Act.

(4) By way of derogation from paragraph 3 of this Article, competent administrative body within the county or City of Zagreb may issue the certificate referred to in paragraph 3 of this Article, in case this obligation was set for the purpose of meeting the obligations undertaken pursuant to international agreements and treaties, and for the purpose of implementing procedures pursuant to special acts and regulations.

(5) Certificate referred to in paragraphs 3 and 4 of this Article is not an administrative act.

(6) If the Ministry establishes pursuant to this Act and special regulations that the request referred to in paragraph 2 of this Article is not legally based, it shall reject the request by means of special decision.

(7) An appeal may not be lodged against the decision referred to in paragraph 5 of this Article, however an administrative dispute can be filed.

## VII ENVIRONMENTAL MONITORING

### Scope of environmental monitoring

#### Article 141

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

(2) Environmental monitoring comprises:

- monitoring imissions, that is, quality of air, water, sea, soil, flora and fauna, as well as exploitation of raw minerals,
- monitoring environmental pollution, that is, emissions into the environment,
- monitoring the impact of environmental pollution on human health,
- monitoring waste generation and waste management
- monitoring the impact of significant economic sectors on environmental components,
- monitoring natural phenomena, that is, monitoring and supervising meteorological, hydrological, erosion, seismological, radiological and other geophysical phenomena, which is performed in accordance with a special regulation,

- monitoring the conservation status of nature, which is performed in accordance with a special regulation,
- monitoring other phenomena that impact the environmental status.

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

(4) The Minister shall prescribe in detail by ordinance, unless regulated otherwise pursuant to special regulations, the type of emissions and imissions, natural and other phenomena which are subject to monitoring, sampling and measuring methodology, deadlines for delivering data to competent administration bodies in a county, that is, the City of Zagreb and to the Agency, manner of keeping registers referred to in Article 142, paragraphs 1 and 3 and Article 144 paragraph 3 of this Act, the content of forms for delivering data for those registers, manner of regular informing of the public, requirements in relation to professional qualifications and technical equipment of an authorised person performing environmental monitoring, that is, monitoring of environmental pollution.

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

(6) Competent public administration bodies and other persons authorised for environmental status monitoring in line with paragraphs 2 and 3 of this Article shall regularly deliver data to the environmental information system in electronic format free of charge.

Obligations of the developer and operator in relation to environmental monitoring

#### Article 142

(1) For projects for which in the environmental impact assessment procedure mandatory environmental status monitoring is determined, the developer shall perform environmental monitoring by:

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

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

(3) The operator shall perform environmental monitoring for the installation for which such monitoring is prescribed by the environmental permit by:

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

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

(5) The operator shall be responsible for accuracy of data delivered to the competent authority.

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

#### Article 143

(1) Operational programme for environmental monitoring may be produced following developer's request in order to have better enforcement and verification of implementation of environmental protection measures and supervision over environmental monitoring programme and nature, resulting from the procedures implemented before the competent bodies.

(2) Operational programme for environmental monitoring shall be produced by the authorised person and agreed on by the developer and competent body.

(3) Operational programme for environmental monitoring shall be implemented by the developer after signing an agreement with the competent body in cooperation with the authorised person, at the developer's expense.

#### Article 144

(1) The respective county, that is, the City of Zagreb shall ensure imission measurement in case of environmental pollution on its territory when the polluter is unknown, as well as ensure environmental monitoring and monitoring of the effects of restoration measures when they are obligated to implement a restoration programme by a special act or regulation.

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

(3) The competent administrative body in a county or in the City of Zagreb shall keep the prescribed register on environmental monitoring within the meaning of paragraph 1 of this Article and the register on the delivered data referred to in Article 142 paragraph 4 of this Act and deliver the data from those registers to the Agency within the prescribed deadlines.

Establishment of Agency reference centres

#### Article 145

(1) At the proposal of the Minister, the Government shall appoint, by a special decision, Agency reference centres for the purpose of environmental monitoring and for the needs of the environmental information system and for reporting, as well as for exchange of data and information within the EIONET and participation in the work of thematic groups of the European Environment Agency.

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

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

(4) The requirements that must be fulfilled by a specific reference centre, the scope of activities, as well as the method of performing activities under its competence, the procedure for appointing reference centres and their financing, the period for which they are appointed, and other related issues shall be prescribed by the Minister by means of an ordinance.

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

Analyses of environmental monitoring data

#### Article 146

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

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

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

(4) The Minister is authorised to bring ordinances in cooperation with the ministers competent for individual environmental components for the purpose of monitoring the success of the policy and individual measures for the protection of the environment and its components (water, soil, Earth's lithosphere, forests, air, water, sea and coastal area and nature) and environmental burdens.

Expropriation and limitation of ownership and other real rights for the purpose of environmental monitoring

#### Article 147

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

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

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

(4) For the purpose of environmental monitoring, the authorised person shall in general use land owned by the State, that is, by local or regional self-government units and the City of Zagreb, depending on the location where the monitoring is being performed, taking into account that interference with the regular use of that land is minimal. When performing activities on the installation of a facility or measurement device and equipment referred to in

paragraph 1 of this Article, the authorised person shall minimise the interference with the use of that land as much as possible and after the performance of his activities re-establish the original status of the land.

(5) Authorised person is obliged to sign a contract on land use with the State or with the persons of public right referred to in paragraph 4 of this Article or persons managing their real-property, and the land owners or these bodies are obliged to allow for the contract to be signed as soon as possible.

(6) When the real-property referred to in paragraph 1 of this Article is used for military purposes, placing of facilities and/or measuring devices or equipment for the purpose of environmental monitoring shall be regulated in a special legal act pursuant to special regulations.

(7) If it is necessary to place a facility and/or device for environmental monitoring in the maritime domain, the authorised person is obliged to obtain a concession for special use pursuant to the provisions of special regulations.

## VIII ENVIRONMENTAL PROTECTION INFORMATION SYSTEM

Purpose of establishing and manner of operating the information system

### Article 148

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

(2) Information system shall contain data and information on environmental status, burdens and environmental impacts and public responses, and particularly:

- data on the status of the environment and its components collected and processed in accordance with this Act and special regulations, and the National indicator list,
- data on emissions of pollutants into the environment from the Environmental Pollution Registry,
- data on natural and physical characteristics,
- data on natural phenomena,

- data on natural assets and use of natural assets,
- data on areas which are defined as protected or endangered under special regulations,
- data on biological diversity,
- data on effects of environmental pollution on human health,
- data on waste and waste management,
- data on dangerous substances,
- data on avoided accidents, sudden incidents and major industrial accidents,
- data on environmental polluters,
- data on organisations in the EMAS scheme,
- data which are significant for sustainable development assessment,
- social and economic data,
- factual, methodological, documentary data,
- spatial data,
- expert and scientific data collected from domestic and foreign and international institutions, and authorised persons performing expert activities in the field of environment and nature protection,
- environmental protection measures, policies, strategies, plans and programmes, and
- other data necessary for environmental monitoring, analyzing and forecasting (modelling).

#### Article 149

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

(2) Reference centres referred to in Article 145 of this Act present a part of the information distribution system within the meaning of paragraph 1 of this Article.

(3) The Government shall prescribe in detail, by a regulation, the structure, content, form and operation method, manner of operating and maintaining the information system, methodologies used, obligations, manner and deadlines for the delivery of environmental data and information and relevant reports to the Agency, as well as the manner of managing the data and information and other related issues.

#### Obligations to deliver data for the information system

#### Article 150

(1) State administration bodies, the competent administrative body in a county or in the City of Zagreb, legal persons with public authorities and authorised persons, which perform activities related to environmental monitoring pursuant to this Act, shall in accordance with the regulation referred to in Article 149 paragraph 3 of this Act, deliver the prescribed data and information, as well as relevant reports to the Agency for the needs of the information system within the prescribed deadlines and shall also provide the Agency undisturbed access to the data and use of that data for the needs of the information system. Delivered data need to be accurate, complete and reliable.

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

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

(4) Data, information and reports referred to in paragraph 1 of this Article have to be available to state administration bodies, competent administrative bodies in counties and the City of Zagreb, legal persons with public authorities and authorised persons performing environmental monitoring activities, operators and the public.

#### Environmental Pollution Registry

#### Article 151

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

(2) The Environmental Pollution Registry shall be established, managed and maintained by the Agency.

(3) The Minister shall prescribe in detail, by ordinance, the mandatory content and manner of keeping the registry referred to in paragraph 1 of this Article, methodology and deadlines for collecting and delivering data on emissions and imissions, data on release, transfer and landfill of polluting substances into the environment and on waste, data on the polluter,

operator, installation, organisational unit of the polluter, deadline and manner of informing the public, method of verifying and ensuring the quality of data delivered to and kept in the registry, period of time for safekeeping registers from which the data were obtained, manner of authorising the persons authorised for performing activities related to keeping the registry, programme and manner of verifying professional qualifications of the employees of the authorised person, as well other related issues.

(4) The party obliged to deliver data to the Environmental Pollution Registry shall deliver reliable, accurate and updated data by the prescribed deadline.

(5) The competent administrative body in the county or in the City of Zagreb, in cooperation with the competent inspection service, shall verify if the data delivered by the obliged party is complete, consistent and reliable, as well as if the deadlines were met, and shall deliver verified data to the Agency by 15 June of the current year for the previous year, unless otherwise prescribed pursuant to the ordinance referred to in paragraph 3 of this Article.

Reporting to EU bodies, international bodies and organisations

#### Article 152

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

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

(3) State administration bodies and other public authorities, competent administrative body in county or the City of Zagreb, public scientific institutes and authorised persons performing environmental status monitoring shall in line with this Act deliver to the Agency for the purposes of cooperation with the European Environment Agency and reporting in line with the requirements of the EIONET network and towards international bodies and organisation, in the manner and within deadlines determined by the EU acquis.

(4) Competent authorities shall deliver information and data referred to in paragraph 3 of this Article to the Agency without any compensation and, following Agency's request shall amend them in reporting phases and audits done by competent EU bodies, international bodies and organisations. In case competent authorities do not deliver data, they are obliged to inform the Agency about the reasons for not doing so, together with the proposed measures to be undertaken with the purpose of data delivery.

(5) In case the Agency for any reason does not deliver data to the competent EU body it is obliged to inform the Ministry about the reasons for not doing so, together with the proposed measures to be undertaken with the purpose of data delivery.

(6) For the purpose of fulfilling obligations within the meaning of paragraph 1 of this Article, the Minister may regulate in detail administrative procedures for collection of necessary data and information, monitoring the implementation of sustainable development and environmental protection documents, individual measures for the protection of the environment and environmental components.

#### Article 153

(1) Ministry shall deliver via Agency to the European Commission all the data related to environmental permits in accordance with the provisions of the ordinance referred to in Article 152 paragraph 6 of this Act. Availability of this data needs to be provided in electronic format.

(2) The type, format and frequency of data which has to be available in line with paragraph 1 of this Article and related issues are regulated pursuant to an ordinance referred to in Article 152 paragraph 6 of this Act.

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

#### 1 Public information on environmental matters

#### Article 154

Public authority shall ensure access to environmental information that it possesses and/or supervises pursuant to this Act and special regulations regulating the right of the public to access information.

#### Right on access to environmental information

#### Article 155

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

– the status of environmental components particularly of: air and atmosphere, water, sea, soil, nature, biological and landscape diversity, habitats, marshes, coastal areas, including GMOs, as well as interactions between individual environmental components and burdens,

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

#### Obligation to publish environmental information

#### Article 156

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

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

- studies and risk assessments related to environmental components,
- other data relevant for environmental protection.

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

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

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

#### Request and deadline for providing environmental information

##### Article 157

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

(2) Public authorities which hold environmental information or to which environmental information refers to, shall enable access to information as soon as possible, pursuant to the special regulation on right to access information.

(3) If there is a need to prolong the deadline referred in paragraph 2 of this Article, the public authority shall notify as soon as possible within one month the person who submitted the request about the need to prolong the deadline and about the reasons for this prolongation.

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

#### Refusal of the request to provide environmental information

##### Article 158

(1) A public authority may reject the request to provide environmental information by means of decision in cases when:

- it does not hold the requested information or if the requested information is not connected to that public authority and it does not know which public authority holds the requested information,

- the request is apparently incomprehensible,
- the request is too general even after supplements and explanations have been requested in accordance with a special regulation,
- the request refers to information, materials, documents or data which are currently in the preparation phase, that is, awaiting completion,
- the information refers to documents and activities related to internal communication of public authorities and in connection with carrying out tasks which fall under the competence of those authorities

(2) In the case referred to in paragraph 1, subparagraph 4 of this Article, the public authority shall name in its decision the body which is competent for developing the materials for which access to information has been requested, as well as state the time needed for their completion if the public authority holds such information.

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

- confidentiality of the procedure performed by the public authority, if confidentiality of the procedure is guaranteed under a special regulation,
- international relations, public security and national defence,
- court proceedings, that is, rights of natural and legal persons to a fair trial and the right of government authorities to investigate in criminal and misdemeanour proceedings, and disciplinary proceedings against an official person,
- confidentiality of commercial and/or industrial data where confidentiality is protected under special regulations which protect a legitimate economic interest, including public interest in relation to maintaining confidentiality of taxation data and statistics,
- protection of persons and protection of secrecy of personal data which refer to natural persons who have not given their consent for public access to that data, the confidentiality of which is guaranteed by regulations,
- protection of intellectual and industrial property,
- interest or protection of persons who have voluntarily delivered the requested data without the legal obligation to do so, unless they have given their consent for the disclosure of that data,

- protection of environmental components to which the data refer to – for example: habitats of protected plant and animal species.

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

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

(6) It is possible to file an appeal to the Information Commissionaire against the decision referred to in paragraphs 1 and 3 of this Article issued by the competent administrative body or the Ministry, within 15 days from the day of decision delivery, pursuant to special regulations on the right to access information.

#### Article 159

(1) Public authorities are obliged within their competencies to ensure that the information they give and data they collect and give are accurate, timely and comparable.

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

#### Public information in special procedures regulated by this Act

#### Article 160

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

(2) The Government shall regulate in detail, by a regulation, the manner of informing the public in the procedures for: developing the strategic impact study, evaluation of the need for

strategic assessment, evaluation of the need for environmental impact assessment, establishing the content of the environmental impact study prior to its development; issuing approval on the Safety Report and establishing environmental liability and liability for an imminent threat of environmental damage; giving approval on the Remediation Programme, method of informing the public and public concerned and their participation, in the event that public participation is envisaged in the procedures for: strategic assessment, adoption of plans and programmes for which strategic assessment is not performed, preparation of implementing regulations and other generally- applicable legally binding rules; as well as the method of informing the public and public concerned and their participation in the procedures for: environmental impact assessment, and environmental permit issuance for an operator's installation; manner of conducting a public debate, public inspection and public display as well as related deadlines in connection to relevant procedures stipulated by this Act.

#### Article 161

(1) In the procedures regulated by this Act that relate to environmental impact assessment, screening and scoping, the environmental permit for an installation, as well as approval of the Safety Report, the public shall be informed on the submitted request and the issued act stating the decision on the request, pursuant to the regulation referred to in Article 160 paragraph 2 of this Act.

(2) The deadline which is set for informing the public in the cases referred to in Article 160 paragraph 1 of this Act and on the submitted requests in the procedures referred to in paragraph 1 of this Article may not be shorter than 30 days.

#### 2 Participation of public and public concerned

Participation of public and public concerned in the decision-making procedure for specific activities related to environmental protection

#### Article 162

(1) The public and public concerned shall be appropriately, timely and efficiently informed in the early phase of the environmental decision-making procedure relating to the developer's or operator's relevant activity regarding their right to participate in the procedure pursuant to the regulation referred to in Article 160 paragraph 2 of this Act.

(2) In the decision-making procedure for environmental issues referred to in paragraph 1 of this Article, the public and public concerned have the right to express their opinions, proposals and objections in relation to the issuing of a specific decision or official act by a public authority, in the manner and within the deadlines set out in the regulation referred to in Article 160 paragraph 2 of this Act.

Informing the public and public concerned of their right and participation in procedures and related deadlines

#### Article 163

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

(2) The notice referred to in paragraph 1 of this Article shall, besides the data on which the public is being informed, also contain information on the right of the public and public concerned to participate in procedures carried out in accordance with this Act, as well as information on the bodies to which opinions, proposals and/or questions are submitted.

(3) The minimum deadline for public participation within the meaning of Article 164 paragraph 1 of this Act and within the meaning of Article 165 paragraph 1 of this Act shall be 30 days.

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

(5) After the suggestions and opinions expressed during the procedure for participation of the public and public concerned within the meaning of Article 162 paragraph 1, Article 164 paragraph 1 and within the meaning of Article 165 paragraph 1 of this Act have been reviewed in accordance with paragraph 4 of this Article, the competent body shall inform the public and the public concerned of its decision and the reasons on which its decision is based, including data on the procedure related to participation of the public and public concerned.

Public participation in the process of preparing implementing regulations and/or generally applicable legally binding normative instruments

#### Article 164

(1) Public authorities shall enable timely and efficient public participation in the procedure of preparing implementing regulations and other generally applicable legally binding rules under

their competence, which could have a significant impact on the environment, including the procedures for preparing their amendments.

(2) The provisions of the regulation referred to in Article 160 paragraph 2 of this Act shall appropriately apply to the procedure referred to in paragraph 1 of this Article.

#### Public participation in relation to plans and programmes concerning the environment

##### Article 165

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

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

(3) The list of strategies, plans and programmes from the field of environmental protection, for which it is necessary to enable public participation in accordance with paragraph 1 of this Article, shall be established by the regulation referred to in Article 160 paragraph 2 of this Act.

(4) The regulation referred to in Article 160 paragraph 2 of this Act shall also lay down, along with each strategy, plan and programme from the established list, which public may participate in the procedure referred to in paragraph 2 of this Article, taking into account the appropriateness of participation of the relevant public concerned in terms of the content of the strategy, plan or programme from the list.

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

#### Participation of the public and public concerned in special procedures regulated pursuant this Act

##### Article 166

(1) Public shall participate in strategic assessment of a strategy, plan or programme. Public and public concerned shall participate in the environmental impact assessment and in the procedure for determining environmental permit. Entire environmental impact study sent for public discussion shall be published at the website of the Ministry or of the competent body within the county or City of Zagreb for the purpose of implementation of environmental impact assessment.

(2) Public, that is the public and concerned public in the procedures referred to in paragraph 1 of this Article shall participate through giving written opinions, proposals and objections. Public inspection shall be done during the process of participation of public and public concerned, and it needs to include at least one public display depending on the complexity of the procedure referred to in paragraph 1 of this Article. Public inspection procedure shall last at least 30 days.

(3) By way of derogation of paragraph 2 of this Article, public participation during strategic assessment of a strategy, plan or programme may be governed by the provisions on public participation from *lex specialis* if not contrary to the provisions of this Act.

decisions on the developer's and operator's request are issued, the opinions, objections and suggestions of the public and public concerned which were expressed while participating in those procedures, must be reviewed prior to issuing those decisions in accordance with this Act.

(5) Bodies competent pursuant to this Act shall, in the manner prescribed by the regulation referred to in Article 160 paragraph 2 of this Act, inform the public and public concerned on the content of the decisions on the requests made by developers and operators in the procedures referred to in paragraph 1 of this Article.

### 3 Access to justice

#### Recognition of legal interest of persons belonging to the public concerned

#### Article 167

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

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

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

activities related to environmental protection on the territory of the city or municipality where it has a registered seat in accordance with its Statute.

#### Article 168

(1) The persons referred to in Article 167 paragraphs 1 and 2 of this Act which participated in the procedures regulated under this Act as the public concerned, shall have the right to instigate a legal action against a certain administrative act of a public authority, for which this Act or a special regulation provides for the possibility of instigating a legal action, and may file an appeal with the Ministry or file a complaint before the competent court in conformity with this Act and a special regulation, for the purpose of re-examining the legality of acts, actions or oversights.

(2) The persons referred to in Article 167 paragraphs 1 and 2 of this Act belonging to the public concerned shall be notified of a relevant administrative act issued by a public authority and of their right to file an appeal with the Ministry or file a complaint before the competent court, by the act being delivered to them if the public authority has their personal information or through a public notice or in any other appropriate manner in accordance with the regulation referred to in Article 160 paragraph 2 of this Act.

Re-examination of decisions, acts or oversights of public authorities and actions or oversights on the part of legal and natural persons in environmental matters

#### Article 169

(1) A legal or natural person which fulfils the requirements referred to in Article 167 paragraph 1 of this Act, which considers that a decision, act or oversight of a public authority or an action or oversight on the part of a natural or legal person (such as: an operator, polluter) in environmental matters constitutes a violation of this Act or a special regulation on protection of an individual environmental component or protection from the effects of burdening and the regulations passed on the basis thereof, shall have the right to request before a competent court the re-examination of the legality of the issued decision, act or oversight in relation to environmental protection and to contest the legality of actions or oversights in environmental issues.

(2) The request within the meaning of paragraph 1 of this Article shall be submitted in the prescribed format in line with a special regulation, within 30 days from the date on which it was delivered to parties, or the date of publication at the website of the body which passed the decision which is disputed, or from the date on which the deadline for execution of the act or issuing the decision expired. The request shall state and explain what the violation is or what the violation of the regulations referred to in paragraph 1 of this Article is related to. The request must be supported by appropriate evidence.

#### Article 170

In the procedure referred to in Article 169 of this Act, the competent court may:

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

#### Article 171

If a specific official act by the public authority is not final due to the request submitted in line with Article 169 of this Act, and for that reason the developer, or operator or another legal or natural person to which that act refers to, decides to wait for the official act to become final and effective, if it is ascertained that the applicant has abused the right conferred upon him by virtue of this Act, then the developer, or operator or another legal or natural person has the right to demand compensation for general average and loss of profit from the person who has submitted the request.

#### Article 172

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

### X ENVIRONMENTAL LIABILITY

#### Environmentally dangerous activities

#### Article 173

(1) Damage to the environment and threatening risk of damage may be generated during activity that presents a risk to environment and human health (hereinafter: dangerous activity).

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

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

(4) Damage to the environment and threatening risk of damage inflicted upon protected flora, fauna and/or natural habitats (hereinafter: protected species) pursuant to special regulations can be generated during activities than those listed in the regulation referred to in paragraph 1 of this Act.

#### Exemptions

##### Article 174

Activities whose main purpose is national defence or international safety and the activities whose sole purpose is the protection of natural disasters shall not be subject to the provisions of this Act related to environmental liability.

#### Identification of the endangered area

##### Article 175

(1) Upon the proposal of the Ministry, the Government may identify, by a decision, the environmentally endangered area in relation to the threat of damage due to dangerous activities.

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

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

#### Establishing more stringent obligations in relation to emission limit values

## Article 176

(1) In the area referred to in Article 175 paragraph 1 of this Act, the Government may establish, by a special decision, obligations for operators that are stricter than the prescribed emission limit values if it is not possible to achieve improvement of the environmental status by any other measures.

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

## Liability for damage to the environment

## Article 177

(1) Operator who performs a dangerous activity shall be responsible for damage in the environment and/or imminent threat of damage, unless he can prove that the hazardous activity was not the cause of damage in the environment or of imminent threat, pursuant to this Act.

(2) Operator shall be responsible for damage in the environment and/or imminent threat of damage also in the case when he performs an activity which is not considered as hazardous pursuant to regulation referred to in Article 173 paragraph 3 of this Article, when while performing this activity he fails to eliminate danger and prevent damage in the environment.

(3) Operator shall be responsible for damage in the environment and/or imminent threat of damage if through illegal or irregular activities he allowed environmental pollution or imminent threat of damage to happen.

## Types of liability

## Article 178

(1) Operator who performs a dangerous activity within the meaning of Article 173 paragraph 1 of this Act, shall be responsible according to the principle of objective responsibility (causality).

(2) Operator referred to in Article 173 paragraph 4 of this Act shall be responsible for caused damage in the environment and/or imminent threat of damage according to the principle of guilt or negligence.

## Article 179

(1) If several operators referred to in Article 177 paragraphs 1 and 2 of this Act perform an activity jointly, they shall with solidarity share liability for the environmental damage or imminent threat of damage.

(2) The liability for environmental damage and imminent threat of damage relating to installations which are no longer in operation shall be borne by the operator that last performed an activity in the installation.

(3) Operator shall be liable of caused damage in the environment or for imminent threat caused by diffuse pollution if it is possible to determine causal relationship between caused damage and the activity of individual operator.

## Exemptions

## Article 180

(1) The operator referred to in Article 177 paragraphs 1 and 3 of this Act shall not be liable for the environmental damage if it proves that the damage resulted from:

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

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

(3) The operator referred to in Article 177 paragraphs 1 and 2 of this Act shall be free from the obligation to cover expenses for removing damage to the environment if it proves that in performing the activity there was no intent or carelessness on its part and that the environmental damage was caused by:

- an emission or event which was explicitly permitted in an appropriate official act,
- an emission or activity or by the use of a specific product in any manner during a specific activity for which the operator in question proves that, on the basis of scientific and technical

findings at the moment when the damage occurred, it was not considered likely that it would cause environmental damage.

(4) Preventive measures and measures for removing generated environmental damages, as well as information measures undertaken by the competent authority shall not bring into question operator's responsibility for imminent threat of damage or generated damage in the environment.

#### Article 181

(1) If the operator referred to in Article 177 paragraphs 1 and 2 of this Act, due to certain accidental and unforeseeable circumstances causes environmental damage in performing a dangerous activity, it will be considered that the damage was caused as the result of those accidental and unforeseeable circumstances.

(2) If the operator referred to in Article 177 paragraphs 1 and 2 of this Act proves that damage within the meaning of paragraph 1 of this Article was not caused by its activity, or proves that the damage was caused by the activity of another legal or natural person or that the damage occurred due to some other circumstance, operator's responsibility shall be dismissed.

#### Obligation to remediate damage and remove imminent threat of damage

#### Article 182

(1) Operator referred to in Article 177 paragraph 1 of this Act shall be obliged to remediate damage in the environment and remove imminent threat of damage referred to in Article 173 paragraph 1 of this Act.

(2) Operator referred to in Article 177 paragraph 2 of this Act shall be obliged to remediate damage in the environment and remove imminent threat of damage referred to in Article 173 paragraph 4 of this Act.

(3) In case it is not possible to determine who is the responsible operator or in case that the situation requires that urgent methods are undertaken pursuant to this Act for remediation of damage in the environment and for elimination of imminent threat of damage, these can be implemented by the Ministry or other competent body via third party.

(4) Operators referred to in Article 177 paragraphs 1 and 2 of this Act and the Ministry, that is another competent body referred to in the case from paragraph 3 of this Article, shall remove the created damage in the environment and imminent threat of damage in the manner prescribed pursuant to this Act and regulation referred to in Article 173 paragraph 3 of this Act.

#### Obligation to undertake preventive measures and reporting

## Article 183

(1) Operator referred to in Article 177 paragraphs 1 and 2 of this Act who, by acting or by failing to act while performing their activity cause imminent threat of damage, shall be obliged to immediately undertake preventive measures or elimination measures pursuant to this Act and implementing regulations thereof.

(2) Preventive measures referred to in paragraph 1 of this Article mean any activities and measures undertaken as a reaction to an event, activity, or oversight that has caused imminent threat of damage or pollution, with the objective to prevent damage in the environment or to reduce it to the smallest extent possible.

(3) Operator referred to in Article 177 paragraphs 1 and 2 of this Act shall immediately inform competent authorities about all relevant aspects of the situation when it is necessary to do so and when in spite of all the undertaken preventive measures, the imminent threat of damage in the environment has not been eliminated.

## Article 184

(1) In case of imminent threat of damage competent bodies may at any time:

- request from the operator information on imminent threat of damage or on cases in which is suspected and imminent threat of damage
- request from the operator to undertake necessary measures in order to prevent damage in the environment,
- issue instructions to the operator regarding necessary preventive measures that need to be undertaken,
- in cooperation with other bodies competent for undertaking interventions undertake necessary measures to prevent adverse consequences.

(2) Measures referred to in paragraph 1 of this Article may be verbally ordered by the competent body or environmental protection inspection or inspection competent for other environmental components, or by means of Ministry's or other competent body's decision.

(3) Obligation to implement verbal decision starts with the day of informing the party of this verbal decision.

(4) Written form of the verbal decision referred to in paragraph 2 of this Article shall be sent to the party or the operator within eight days from the day of issuing this verbal decision.

## Article 185

(1) If the operator referred to in Article 177 of this Act fails to undertake all necessary measures referred to in Article 183 paragraph 1 of this Act, or if the operator cannot be identified or if Articles 174 and 180 of this Act apply to the operator, competent bodies must ensure implementation of necessary preventive measures.

(2) Competent bodies may implement necessary preventive measures referred to in paragraph 1 of this Article via third party.

Obligation to undertake measures for removal of damage and reporting

## Article 186

(1) In case damage is generated through operator's performance of activities referred to Article 177 paragraphs 1 and 2 of this Act, the operator shall:

- immediately notify competent bodies,
- undertake all implementable activities and measures for immediate supervision, limitation, removal and other necessary actions for placing the cause of damage under control with the purpose of prevention of further damage in the environment and risk for human health and life or further degradation of environment,
- undertake all necessary measures for removing damage in the environment pursuant to regulation referred to in Article 173 paragraph 3 of this Act.

(2) In case of damage in the environment, competent bodies may at any time:

- request from the operator all data related to caused damage,
- undertake, request from operator to undertake, or issue instructions to the operator to undertake all actions pursuant to paragraph 1 subparagraph 2 of this Article,
- order the operator to implement necessary measures for removing the damage pursuant to special regulations,
- issue instructions to the operator on measures for damage removal that need to be undertaken,
- independently undertake necessary measures for damage removal.

(3) In case the operator or operators do not undertake measures for removal of damage in the environment, or do not abide by issued instruction, or it is not possible to determine which

operator is responsible for the damage, the Ministry or the other competent body shall ensure that measures are undertaken to remove the damage or threat or shall inform the Government about the need to act according to the provisions of this Act.

(4) In the case referred to in paragraph 3 of this Article and in case the other competent body does not undertake measures for removal of damage or imminent threat of damage, the Ministry shall inform the Government about the need to act according to the provisions of this Act.

#### Emergency procedures

#### Article 187

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

(2) Competent bodies may also, through a third party, implement the measures referred to in paragraph 1 of this Article at the expense and liability of the operator if the operator fails to do so within the prescribed deadline.

(3) The authorisation referred to in paragraph 1 and 2 of this Article shall encompass temporary restriction, and, when necessary, also suspension of operator's operations.

#### Article 188

(1) The expenses of emergency implementation of measures referred to in Article 187 of this Act shall be covered from the State Budget until collection of payment from the operator which had the obligation to implement the measures for preventing and limiting environmental damage in accordance with this Act.

(2) By way of derogation from paragraph 1 of this Article, if the emergency measures referred to in Article 187 of this Act are implemented under emergency procedure upon the request of a local or regional self-government unit, the expenses for the performance of those measures shall be covered from the budget of the local or regional self-government unit which has submitted the request for emergency implementation of measures, until collection of payment from the company which had the obligation to implement the measures in accordance with this Act.

(3) In the case referred to in paragraph 2 of this Article, the expenses for carrying out measures referred to in Article 187 of this Act shall be compensated in favour of the budget of the local or regional self-government unit.

## Article 189

(1) In case several damages happen in the environment so that the competent bodies cannot ensure simultaneous undertaking of all necessary measures for removing damage in the environment, the Government shall, by means of decision, determine the order and priorities of endangered areas for which restoration programs referred to in Article 192 paragraph 1 of this Article will be produced and implemented and for whose implementation the finances would be provided.

(2) When making a decision referred to in paragraph 1 of this Article, the Government shall take into account, among other things, the nature, scope and significance of damage in the environment, and the possibility of natural recovery, as well as human health.

Obligation to identify the operator who caused the damage in the environment and the obligation to assess the significance of damage and of imminent threat of damage

## Article 190

(1) Central state administration body, which in accordance with its competence performs an investigation at the site of damage in the environment or threat of damage, in case it is possible given the undertaken investigation, shall identify the operator within the meaning of Article 177 paragraphs 1 and 2 of this Act who caused the damage in the environment and/or imminent threat of damage, and shall via authorised assessor assess the significance of damage in the environment and/or imminent threat of damage.

(2) If the central state administration body referred to in paragraph 1 of this Article cannot identify the operator within the meaning of Article 177 paragraphs 1 and 2 of this Act in an appropriate manner, it shall inform the Ministry of Interior about that fact in order for it to undertake activities to identify the operator.

(3) Measures for removing the damage in the environment and/or imminent threat of damage that need to be undertaken in light of regulation referred to in Article 173 paragraph 3 of this Act shall be determined on the basis of assessment referred to in paragraph 1 of this Article.

Reporting damage in the environment

## Article 191

(1) Public which is affected and/or which will probably be affected by the damage in the environment, including the public concerned, may file to the competent authority a report on damage in the environment and/or imminent threat of damage. The report shall be accompanied with appropriate evidence on existence of damage in the environment and/or imminent threat of damage.

(2) After receiving a report on damage in the environment and/or imminent threat of damage, inspection services of the competent body shall investigate the location from the report.

(3) Competent body shall decide by means of decision on the reported damage in the environment and/or imminent threat of damage.

(4) An appeal may not be lodged against the decision referred to in paragraph 3 of this Article, however an administrative dispute can be filed.

#### Obligation to prepare the Restoration Programme

#### Article 192

(1) Operator shall be obliged to produce the Restoration Programme by the prescribed deadline together with the proposal of measures for removing damage from the environment in accordance with the regulation from Article 173 paragraph 3 of this Act and ordinance from paragraph 4 of this Article, unless central state administration body has undertaken the measures from Article 186 paragraph 2 subparagraph 5.

(2) When the known polluter does not produce Restoration Programme by the prescribed deadline or when the Ministry rejects the Restoration Programme two times, the preparation and drafting of the Restoration Programme shall be done by the Ministry or other competent authority at the expense of the known polluter. If it is not possible to determine who the environmental polluter is, Ministry or other competent body shall organise the drafting of the Restoration Programme.

(3) When the drafting of the Restoration Programme is organised by the Ministry or other body competent for individual environmental components, it is also obliged to produce the Restoration Programme with the proposal of measures for removing damage from the environment in accordance with the regulation from Article 173 paragraph 3 of this Act and ordinance from paragraph 4 of this Article.

(4) Minister shall prescribe in detail, by means of an ordinance, in cooperation with the minister competent for water management and central state administration body competent for protection and rescue, the measures for removal of damage in the environment, types of Restoration Programmes, scope and methodology for producing Restoration Programmes, and other related issues.

#### Article 193

(1) Deadline for drafting of the Restoration Programme referred to in Article 192 shall be set by the Ministry.

(2) Authorised person who produces the Restoration Programme shall be responsible for validity, accuracy, expert base and meeting prescribed requirements relating to the production and content of the Restoration Programme.

#### Article 194

(1) Operator or the competent body must obtain Ministry's approval of the Restoration Programme referred to in Article 192 of this Act.

(2) Measures for remediation of damage in the environment, environmental protection measures and environmental monitoring programme after implemented restoration, shall all be determined during the process of obtaining the approval of the Restoration Programme. Procedure for determining measures shall be regulated pursuant to regulation referred to in Article 173 paragraph 3 of this Act.

(3) Approval referred to in paragraph 1 of this Article shall be brought by the Ministry on the basis of the opinion of the expert committee referred to in Article 195 of this Act.

(4) Approval referred to in paragraph 1 of this Article is an administrative act. An appeal may not be lodged against the approval, however an administrative dispute can be filed.

(5) Ministry shall inform the public on the issued approval of the Restoration Programme pursuant to the Act and regulation governing issues related to informing the public and public concerned on environmental matters.

#### Committee in the procedure for issuing approvals of the Restoration Programme

#### Article 195

(1) Expert committee shall participate in the process of obtaining approval of the Restoration Programme by giving its opinion, and the Minister shall appoint the committee for every individual Restoration Programme.

(2) Expert committee shall determine the measures for removing the damage in the environment, and shall give its opinion to the Ministry or competent body on the necessary measures for remediation of damage in the environment, environmental protection measures and environmental monitoring after implemented remediation.

(3) Representatives of competent bodies for water management, environmental and nature protection shall participate in the work of the expert committee in the process of obtaining approval of the Restoration Programme.

(4) Minister shall issue a decision on the composition and number of members of the expert committee.

(5) Members of the expert committee shall be appointed from the list of persons determined by the Minister from among scientific and expert employees, representatives of central state administration bodies and/or persons designated pursuant to special regulations, representatives of local and regional self-government units, and representative of the Ministry.

(6) List of persons referred to in paragraph 5 of this Article shall be published at the Ministry's website.

(7) Expert committee has the right to be compensated for its work. Compensation for the work of the expert committee shall be provided by the party obliged to produce the Restoration Programme pursuant to Minister's decision.

#### Application for drafting of the Restoration Programme

#### Article 196

(1) Application for issuing approval of the Restoration Programme shall be submitted in a written format.

(2) Application referred to in paragraph 1 of this Article shall be accompanied with:

1. Restoration Programme in a written form and on electronic media for data storage (CD, DVD, etc.),

2. data on the party responsible to produce the Restoration Programme:

– for a legal and natural person – craftsman: the name and company headquarters, company registration number, name of the responsible person, telephone number and e-mail address,

– for a natural person: name and surname, address, personal registration number, telephone number and e-mail address,

- for competent body: name of the competent body with first and last name of the contact person, address; telephone number and e-mail address of the contact person,

3. data on the location of the damage in the environment for which the Restoration Programme is produced:

– for the location the name of the local and regional self-government unit in which the project location is situated, including data on the cadastral municipality.

#### Implementation of restoration

## Article 197

- (1) Remediation of damage in the environment has to be done in accordance with the approved Restoration Programme and by the deadline set in the approval of the Restoration Programme, while respecting the measures for remediation of damage in the environment and environmental protection measures.
- (2) Compliance of implementation of the Restoration Programme with the obtained approval shall be supervised by a person authorised for expert activities of producing the Restoration Programme and of supervising the implementation of the restoration.
- (3) Authorised person referred to in paragraph 2 of this Article may not participate in the drafting of the supervised Restoration Programme, and shall report to the Ministry on the executed restoration after the completion of the restoration.
- (4) Committee referred to in Article 195 of this Act shall give its opinion on the executed restoration on the basis of the report referred to in paragraph 3 of this Article.
- (5) Ministry shall issue a certificate on executed remediation of damage in the environment on the basis of the opinion of the committee referred to in Article 195 of this Act. Certificate on remediation shall not be an administrative act.
- (6) By way of derogation from paragraph 5 of this Article when remediation is a project pursuant to special regulation, the remediation requires a location permit pursuant to special regulation.
- (7) Certificate on executed remediation, or the decision on rejecting the certificate on remediation shall be delivered to the operator or to the applicant for drafting of the Restoration Programme.
- (8) If the Ministry established that the application referred to in Article 196 of this Act is not legally founded pursuant to this Act and special regulations, it shall reject the application by means of special decision.
- (9) An appeal may not be lodged against the decision referred to in paragraph 8 of this Article, however an administrative dispute can be filed.

## Article 198

- (1) In case the operator does not execute remediation of damage in the environment in accordance with the approved Restoration Programme, or by the given deadline, the Ministry shall by a third party implement the restoration programme at the expense and liability of the operator.

(2) Authorisation from paragraph 1 of this Article shall include temporary limitation of operations, and when necessary, interruption of operator's operations.

(3) In case referred to in paragraph 1 of this Article, the Republic of Croatia has the right to compensation of all costs for undertaken remediation. In order to ensure collection of costs of undertaken remediation, the Republic of Croatia pursuant to this Act shall gain a right of lien over operator's movable and immovable property.

(4) Competent landregistry court shall implement registration of lien on behalf of the Republic of Croatia.

(5) Provisions of this Article shall apply to legal person undergoing bankruptcy procedures as well as to real property owned by these legal persons. Remediation costs shall be deemed to be the costs of bankruptcy procedure.

#### Obligation to compensate costs and damages

#### Article 199

(1) Operator referred to in Article 177 of this Act shall cover all the costs relating to undertaking measures for removing imminent threat of damage or for remediating damage in the environment, pursuant to the provisions of this Act.

(2) In the event that it is established that the operator referred to in Article 177 of this Act is liable for environmental damage and/or imminent threat of damage pursuant to this Act, then the operator shall, in conformity with the claim made for compensation of expenses and remediation of damage, have the obligation to refund:

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

– all other unforeseeable expenses generated through implementation of measures for eliminating damages.

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

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

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

Claim for compensation of costs and damages

Article 200

Republic of Croatia shall file to the competent court the claim for compensation of costs of removing damages in the environment and costs related to removing imminent threat of damage, pursuant to this Act.

Compensation for other damage which occurred during environmental damage

Article 201

Compensation for damage inflicted upon natural and legal persons during the occurrence of environmental damage or damage to protected species, caused by activities within the meaning of Article 173 of this Act or caused by a polluter, and the compensation for damage which was at that time inflicted upon the property of those persons or for any economic loss or for the violation of any right shall be realised pursuant to the provisions of a special regulation governing civil obligations.

Statute of limitation for collection of costs of remediation of damage or of removal of imminent threat of damage

Article 202

(1) Competent body has the right to initiate the procedure for collection of costs from the operator, or if appropriate, from the third party who caused damage or imminent threat of damage relating to the measures undertaken on the basis of this Act within five years from the day that these measures were undertaken or the responsibility of the operator or of the third party was established.

(2) Deadline from paragraph 1 of this Article shall start from the day of undertaken measures, that is from the day of determining responsibility of the operator or of the third party.

#### Article 203

(1) Operator or another person who according to this Act is obliged to implement the remediation programme, shall provide environmental monitoring measures after implementation of the remediation measures, or the monitoring of effects of remediation on the environment, and secure necessary funds to do this.

(2) When the implementation of the remediation programme is financed from the State Budget according to the provisions of this Act, environmental monitoring and monitoring of effects of remediation measures shall be provided by the Ministry.

(3) When the implementation of the remediation programme is financed from the budget of the County or City of Zagreb, environmental monitoring after implementation of the remediation programme and monitoring of effects of remediation measures shall be provided by the executive authority of the county or of the City of Zagreb.

(4) When the implementation of the remediation programme is financed from the budget of a city or municipality, environmental monitoring after implementation of the remediation programme and monitoring of effects of remediation measures shall be provided by the executive authorities of these local self-government units.

#### Article 204

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

(2) In the event of environmental pollution when it is impossible to identify the polluter among several originators, or to identify their respective shares (cumulative or chain pollution), the expenses of eliminating pollution, preventing, or limiting further adverse environmental impacts shall be covered by all polluters who have caused the pollution with solidarity.

Obligation to secure available funds for compensation of damage

#### Article 205

(1) The operator referred to in Article 177 paragraphs 1 and 2 of this Act shall secure available funds for the compensation of a potential environmental damage or the removal of

an imminent threat of environmental damage through insurance at an insurance company in accordance with the law or in any other appropriate manner in accordance with the law.

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

Subsidiary coverage of expenses for undertaking Measures for removing environmental damage

#### Article 206

(1) In the case of environmental pollution, the consequences of which are removed pursuant to ordinance referred to in Article 192 paragraph 4 of this Act, when it is impossible to identify the polluter, the resources for removing pollution shall be secured from the budget of the local or regional self-government unit and from the State Budget.

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

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

#### Article 207

(1) In the event that the operator has not prepared the plan referred to in Article 60 paragraph 1 of this Act, that is, if it does not comply with the prescribed technical standards and/or prescribed environmental emission limit values nor with the prescribed related deadlines, and the State as a consequence has to pay a fine for the established emission exceedances pursuant to assumed international obligations, the amount of that fine shall be covered by the operator whose installation has caused emission limit value exceedances, that is, by the operator which does not comply with the prescribed obligations in relation to technical standards and/or prescribed environmental emission limit values nor with the prescribed related deadlines.

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

Cooperation with EU Member States on environmental damage

#### Article 208

(1) In case of environmental damage in the territory of the State, which could cause transboundary effects in another EU Member State, the Ministry shall ensure that sufficient information about generated damages are delivered via the authority competent for foreign affairs.

(2) If the State establishes there is damage within its borders which did not originate from its territory, the State may report about this damage to the Commission and any other interested EU Member State.

(3) Ministry or the other body competent for individual environmental components may issue recommendations for adoption of measures for prevention or removal of damages, and may request additional compensation of expenses related to measures for damage prevention or removal.

## XI FINANCING ENVIRONMENTAL PROTECTION

### Article 209

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

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

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

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

## XII ELEMENTS OF THE GENERAL ENVIRONMENTAL PROTECTION POLICY

### 1. Eco-Management and Audit Scheme (EMAS)

### Article 210

(1) Legal and natural persons – crafts (hereinafter: organisations) can join the voluntary Community eco-management and audit scheme pursuant to the provisions of this Act.

(2) This Act shall regulate competent authorities and their tasks regarding implementation of Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (hereinafter: Regulation 1221/2009).

(3) Terms used within the meaning of this Title of the Act shall have the same meaning as the terms used in the Regulation 1221/2009.

Authorities competent for implementation and their competencies

#### Article 211

(1) Ministry shall be competent for the implementation of inspection and administrative supervision with purpose of enforcing the Regulation 1221/2009.

(2) With the purpose of enforcement of Regulation 1221/2009 the Agency shall be competent for:

- keeping the EMAS registry,
- receiving applications for registration within the EMAS and managing the procedure for verification of received applications,
- entering organisation into the EMAS registry and issuing certificates on registration into the EMAS registry,
- suspending and deleting organisations from the EMAS registry.

(3) With the purpose of enforcement of Regulation 1221/2009 Croatian Accreditation Agency shall be competent for:

- accreditation of verifiers,
- supervision over verifiers' work.

#### Article 212

(1) Legal and natural person – craft shall use EMAS logo pursuant to Regulation 1221/2009.

(2) Government shall regulate by means of regulation the procedure of submitting the application for registration, fee, content and method for managing the registry, incentives and tax incentives for organisations, special conditions for rejecting the entry, temporary or

permanent deletion from the registry, education and promotion of the EMAS, working method of the EMAS committee, as well as other related issues.

## 2. Environmental protection label

### Environmental Protection Label – “Environmentally Friendly”

#### Article 213

(1) Ministry may award the national Environmental Protection Label “Environmentally Friendly” (hereinafter: the Label) to legal and natural persons who produce or distribute products, or provide services, with the objective of promoting products or provision of services which, in comparison with equivalent products, have a reduced environmental impact throughout their life cycle and thereby contribute to more efficient use of environmental components and a high level of environmental protection.

(2) Label shall not be awarded for food and pharmaceutical products and professional medical equipment.

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

(4) Application for obtaining the Label shall contain all documents and evidence that the product or service in question meets the prescribed requirements.

(5) If the person referred to in paragraph 1 of this Article does not act in line with the requirements under which the label has been awarded or no longer fulfils the prescribed requirements for the award of the label, the Ministry may revoke the awarded label.

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

#### Article 214

(1) Legal and natural persons shall use the environmental protection label “Environmentally Friendly” pursuant to the provisions of this Act and the ordinance referred to in paragraph 2 of this Act.

(2) The Minister shall prescribe in detail, by means of an ordinance, the procedure, manner of awarding, requirements for obtaining the Label, design of the Label, use and validity of the

awarded Label, the composition and working method of the expert advisory committee, the participation of individuals, associations and organisations in the Label awarding procedure, as well as all other related issues.

#### European Union environmental protection label – EU Ecolabel

##### Article 215

(1) European Union environmental protection label – EU Ecolabel (hereinafter: the EU Ecolabel) may be awarded to legal and natural persons who place certain products on the market or provide services (producer, importer, service provider, retailer or wholesaler) for the purpose of promoting products or providing services which have a reduced environmental impact throughout their life cycle and providing consumers with the information about product's impact on the environment, pursuant to the provisions of this Act.

(2) This Act shall govern competent authority and its tasks regarding implementation of the Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (Text with EEA relevance) (OJ L 108, 29. 4. 2010.) (hereinafter: the Regulation 66/2010).

(3) Terms used within the meaning of this Title of the Act shall have the same meaning as the terms used in the Regulation 66/2010.

##### Article 216

For the purpose of implementation of Regulation 66/2010 the Ministry shall be competent for:

- awarding EU Ecolabel,
- implementing supervision over the use of the label,
- checking product's compliance with the standards for awarding EU Ecolabel.

##### Article 217

(1) Legal and natural persons shall use the EU Ecolabel pursuant to the Regulation 66/2010.

(2) The Minister shall prescribe in detail, by means of an ordinance, the procedure for awarding the EU Ecolabel, fees, the composition and working method of the expert advisory committee, the participation of individuals, associations and organisations in the EU Ecolabel awarding procedure, as well as all other related issues.

#### 3 Acknowledgements and awards

## Article 218

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

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

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

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

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

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

4 Producer's obligations regarding product and packaging labelling, consumer protection

## Article 219

(1) Producer, that is the person placing a product on the market, shall be obliged in cases it is so prescribed to put, prior to placing a product on the market, an instruction on the packaging or on the technical document accompanying the product informing the consumer about the environmental impact of the product and of the packaging, and instructing how to handle the product and packaging after their use.

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

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

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

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

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

## 5 Education on environmental protection and sustainable development

### Article 220

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

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

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

## 6 Economic incentives

### Article 221

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

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

### XIII SUPERVISION

#### 1. Administrative supervision

##### Article 222

(1) Administrative supervision over the implementation of this Act and regulations adopted on the basis thereof, as well as the legality of work and actions by competent administrative bodies and the persons with public authorities for the state administration tasks entrusted to them related to environmental protection, shall be performed by the Ministry.

(2) Administrative supervision shall be performed by a Ministry official authorised by the Minister.

##### Article 223

The Ministry shall perform administrative supervision over legality of operations and general legal acts of the Agency and reference centres relating to the activities for which they were authorised for pursuant to Government's decision.

#### 2. Inspectional supervision

##### Performing inspectional supervision

##### Article 224

(1) Inspectional supervision over the implementation of this Act and regulations passed on the basis thereof is performed by civil servants employed at the Ministry assigned to posts with authorities to perform inspectional supervision over environmental protection if not otherwise prescribed by this Act.

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

(3) Joint inspectional supervision by the environmental inspection and inspections competent in line with special regulations for supervision of individual environmental components and

protection from the effects of environmental burdening is carried out in a coordinated inspectional supervision in the manner determined by this Act.

(4) Supervision over producers or persons placing a product on the market, with regard to product and packaging labelling and consumer protection referred to in Article 2019 is carried out by the State Inspectorate.

#### Requirements for performing environmental protection inspectional supervision

##### Article 225

(1) A person with completed undergraduate and graduate university programme or the integrated undergraduate and graduate university programme or a specialist graduate professional programme in chemical engineering and technology, or food biotechnology, or natural science and mathematics, or agriculture, or geology and mining, or pharmaceutical-biochemistry, or veterinary medicine, or forestry, or mechanical engineering with at least ten years of work experience in the field, of which three years at environmental inspection tasks, and with the passed state expert examination can be appointed to the position of the head environmental inspector.

(2) A person with completed undergraduate and graduate university programme or the integrated undergraduate and graduate university programme or a specialist graduate professional programme in chemical engineering and technology, or food biotechnology, or natural science and mathematics, or agriculture, or geology and mining, or pharmaceutical-biochemistry, or veterinary medicine, or forestry, or mechanical engineering seven years of work experience in the field, of which two years at environmental tasks and with the passed state expert examination can be appointed to the position of senior environmental inspector.

(3) A person with completed undergraduate and graduate university programme or the integrated undergraduate and graduate university programme or a specialist graduate professional programme in chemical engineering and technology, or food biotechnology, or natural science and mathematics, or agriculture, or geology and mining, or pharmaceutical-biochemistry, or veterinary medicine, or forestry, or mechanical engineering with at least five years of work experience in the field and with the passed state expert examination can be appointed to the position of environmental inspector.

(4) Civil servants found performing environmental inspection tasks who do not possess professional requirements prescribed in paragraph 1, 2 and 3 of this Article, and who on the day this Act enters into force have at least five years of work experience at environmental inspection tasks shall be deemed to meet the prescribed professional requirements.

(5) A senior environmental inspector with at least three years of work experience at environmental inspection tasks can be appointed to managerial positions in the environmental inspectorate.

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

(7) Posts with inspectional supervision authorities related to environmental protection as well as detailed requirements and their authorities which must be fulfilled by persons occupying those posts shall be established by the Minister in the Ordinance on the internal organisation of the Ministry.

(8) Environmental inspectional supervision tasks are tasks in which special working conditions exist.

Official identity card and badge of the environmental protection inspector

#### Article 226

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

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

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

Planning inspectional supervision

#### Article 227

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

(2) Environmental inspection work plan includes:

- general assessment of significant environmental issues,
- geographic area encompassed with the inspection work plan,

- registry of installations encompassed with the inspection work plan,
- procedures for composing the programme of regular inspection supervisions,
- procedure for implementation of irregular, extraordinary inspection supervisions,
- provisions on cooperation between different inspection bodies, when necessary.

(3) The environmental inspection work plan is based on the frequency of installation supervisions on the basis of the assessment of the adverse environmental impact of the installation, either due to objective reasons based on certain indicators and/or subjective reasons i.e. public perception, general assessment of significant environmental issues, continuity of systematic supervisions, potential accidental environmental impact of an installation, application and improvement of environmental protection measures by supervised objects, and the plan for training of environmental inspectors.

(4) The annual plan for coordinated inspectional supervisions is based on the systematic assessment of the risk which the installation concerned poses to the environment. Supervision of installations which present the greatest risk to the environment is planned once a year, while supervision of installations which present the lowest risk to the environment is planned once every three years.

(5) Annual work plan of the environmental inspection is published on the website of the Ministry.

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

(7) The Minister shall establish, in agreement with the ministers responsible for sea, agriculture, forestry, water management, fire protection, occupational safety, health, physical planning and construction, and the head inspector of the State Inspectorate, within the scope of those inspectional services, the content and manner of cooperation in the performance of coordinated inspectional supervisions related to environmental protection.

(8) Extraordinary, irregular inspection supervision or the coordinated inspection supervision of installations which are obliged to obtain the environmental permit is implemented in cases when prior to issuance, or reconsideration or amendments to the environmental permit it is necessary to explore serious complaints relating to environmental issues, serious accidents and mishaps related to environmental issues and non-compliance with the requirements set out in the environmental permit.

Subject of inspectional supervision

## Article 228

(1) In the course of inspectional supervision, the inspector shall supervise persons who are obligated to implement measures and activities related to environmental protection, fulfilment of requirements and manner of operation of supervised persons, perform direct inspection into general and individual acts, as well as when necessary, undertake measures provided by this Act and regulations passed on the basis thereof, in order to prevent and reduce pollution and remove consequences of environmental pollution.

(2) When performing inspectional supervision, the inspector shall supervise in particular:

- implementation of environmental protection measures and environmental monitoring prescribed by the decision on the environmental acceptability of a project,
- harmonisation of operation techniques applied in installations and installation operation with the environmental permit,
- substantial operational change or reconstruction in installations which the operator reports as having environmental impact,
- implementation of operators' obligations in relation to preparation and implementation of measures and activities from the Safety Report,
- fulfilment of the prescribed requirements, activities and safety measures in accordance with approvals issued for the Safety Report,
- preparation and implementation of Statement establishing the policy of prevention of major accidents,
- delivery of the prescribed data and reports for the purpose of the Environmental Information System,
- delivery of a report on the performed environmental monitoring,
- keeping the register on environmental status and delivery of that data to the Registry of Polluters,
- preparation, implementation and monitoring of effects of the measures from the restoration programme,
- fulfilment of the requirements prescribed for the performance of professional environmental protection activities by an authorised person,

- application of environmental quality standards, that is, technical standards of environmental protection for specific products, installations, plants or devices, equipment and production processes that might cause risk or threat to the environment,
- prescribed use of the Environmental Protection Label for products, processes or services,
- implementation of ratified international treaties from the field of environmental protection.

(3) The inspector shall prepare minutes on the performed inspectional supervision.

(4) The supervision of installations for which the obligation to obtain the environmental permit is prescribed, as well as the supervision of an installation in which dangerous substances are present in quantities that can cause major accidents, is performed by environmental inspectors also in coordinated inspectional supervision and according to the annual plan of coordinated supervisions in line with the agreement referred to in Article 227 paragraph 7 of this Act.

(5) The report on performed coordinated inspectional supervision is delivered to the supervised person within two months from the performed supervision, and shall contain data on determined facts and undertaken measures.

#### Obligations of supervised persons

#### Article 229

(1) Supervised persons shall enable the inspector to perform inspectional supervision and ensure the conditions for his uninterrupted work, provide access to all necessary documentation, as well as deliver or prepare additional data required for the performance of inspectional supervision free of charge at the inspector's written request.

(2) Supervised persons shall temporarily at the inspector's request halt business operations, or operation of the installation during inspectional supervision if the inspector cannot perform inspectional supervision or establish facts in any other way,.

(3) The inspector may also request that the supervised person carry out certain actions after the performance of inspectional supervision, for the purpose of completing the establishment of facts and set a deadline for carrying out that action.

(4) It shall be deemed that the supervised person has failed to enable inspectional supervision if:

- it failed to enable the performance of inspection at business premises of the supervised person, that is, of the competent administrative body,

- it failed to enable access to the requested documentation and papers for the purpose of establishing facts within the deadline established in the minutes on inspectional supervision,
- it failed to deliver, upon a written request and within the prescribed deadline, data and documentation required for the performance of the supervision,
- it failed to notify on measures undertaken for the purpose of removing the established deficiencies,
- it failed to ensure the presence and participation of responsible persons or authorised persons in the inspectional supervision,
- did not allow entry into and inspection of facilities, buildings, premises, areas, plants with installations, equipment and devices, vehicles and other means over which inspectional supervision is performed,
- it failed to carry out the actions referred to in paragraphs 2 and 3 of this Article.

Authorities of the inspector in the inspectional supervision procedure

#### Article 230

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

- request and inspect identification documents (identity card, passport and the like) on the basis of which he can establish the identity of the supervised person, as well as other persons who are present at the inspectional supervision,
- enter facilities, buildings, premises and areas (industrial production facilities, installations with plants or devices with associated land on a building plot, and residential, business and business and residential buildings with associated land on a building plot) and inspect them, as well as forests, farmland and other land, temporary construction sites; performance of works, products, equipment, working instruments and tools, mobile devices, vehicles and vessels,
- inspect business documentation that provides insight into business activities of the supervised person concerning the application of this Act (business records, registers, documents, contracts, papers etc.),
- take statements from responsible persons for the purpose of gathering evidence on facts that cannot be directly established, as well as from other persons who are present at the inspectional supervision,

- present a written request to the supervised person to provide accurate and complete data and documentation required for the inspectional supervision,
- establish facts in visual form (taking photos, filming with camera, video recording and the like),
- order sampling of soil, sea, air and waste through an authorised person,
- stop the operation of the installation if he establishes the necessity of testing the efficiency of devices which serve for removal or purification of pollutants for which standards are not prescribed
- request a written report from the supervised person on the undertaking of measures ordered in the course of the inspectional supervision, as well as
- perform other activities for the purpose of inspectional supervision.

(2) Within the meaning of this Act, business premises are residential and business premises and other areas, means of transport, mobile devices and the like, for which there are indications that the supervised person performs the concerned activity in.

(3) If during supervision physical resistance is encountered, by the inspector or if such resistance is expected the authorised person from the competent police department shall upon the inspector's request assist him.

(4) The inspector shall handle the data for which the supervised person proves that they are a business secret in accordance with the specific requirements prescribed for their keeping.

(5) The expenses of the sampling referred to in paragraph 1 subparagraph 7 of this Article shall be covered by the supervised person if the sampling results prove deviations from the prescribed requirements; on the contrary, the expenses shall be covered from the State Budget.

(6) By way of derogation from provision referred to in paragraph 5 of this Article, in the case referred to in Article 253 paragraph 4, the sampling costs shall be covered by the person submitting the application.

(7) When performing inspectional supervision, the inspector may, temporarily confiscate documentation and items that might serve as evidence in a misdemeanour or court procedure and issue a receipt with accurate data on the confiscated documentation and items until a decision on the committed misdemeanour or a court ruling is reached.

(8) If in the course of inspectional supervision the inspector establishes that he is not authorised to take direct action, he shall immediately inform the competent state

administration body and request the initiation of a procedure and the undertaking of measures in line with special regulations.

(9) The inspector is not obliged to inform the supervised person of the beginning of inspectional supervision, except if he deems the notification to be necessary for the purpose of performing the supervision.

#### Inspectional measures

#### Article 231

(1) If during inspectional supervision the inspector establishes a violation of the provisions of this Act and regulations passed on the basis thereof, he shall as his official duty initiate the administrative dispute order the supervised person, by a decision, to undertake measures prescribed by this Act and regulations adopted on the basis thereof within an adequate deadline for their fulfilment

(2) If during inspectional supervision of an installation which is obliged to obtain environmental permit it is established that there is non-compliance with the requirements set out in the permit, the environmental and other inspectors competent for individual components and/or burdens shall undertake the prescribed measures and shall repeat the inspections supervision of such an installation within six months from the day of establishing non-compliance with the requirements from the environmental permit.

(3) If the inspector establishes a violation of the provisions of this Act and/or regulations passed on the basis thereof he may pass an inspectional decision even without questioning the party.

(4) Inspector shall by a decision order:

- prohibition of operation, that is its part and equipment and/or performance of the activity,
- prohibition of undertaking activities in the production process,
- prohibition of handling dangerous substances,
- undertaking of adequate preventive and other measures for the protection of the environment from dangerous substances,
- in the event of major accidents undertaking measures and procedures in line with the Safety Report as well as measures for restoration and prevention of spreading of environmental pollution,

- removal of consequences of environmental pollution, that is implementation of measures of the restoration programme,
- bringing installation to a state of compliance with the requirements set out in the environmental permit, that is the removal of established irregularities in the operation,
- removal of irregularities and/or illegalities in proceeding,
- preparation of a plan for harmonisation of an installation with the technical environmental protection standards, environmental impact study,
- preparation of a Safety Report,
- implementation of environmental protection measures and environmental monitoring,
- suspension of works and operation of the installation,
- deleting the organisation from the EMAS registry,
- forbidding to use environmental label,
- forbidding to use EU Ecolabel.

(5) The inspector shall adopt a decision at the latest within eight days from the date of supervision completion with established facts crucial for the passing of the decision.

(6) By way of derogation from paragraph 1 of this Article, if during performance of inspectional supervision faults and irregularities in the operation the inspector may point out to the supervised person through his minutes the faults and irregularities and determine the deadline for their removal.

(7) The supervised person over whom supervision was carried out shall inform the inspector in writing of undertaken measures within a deadline no longer than 7 days from the day of their determination.

(8) If the supervised person fails to remove faults and irregularities within the set deadline removal of faults shall be ordered by a decision and/or indictment shall be proposed.

(9) During coordinated inspectional supervision in line with the provisions under Articles 232, 233, 234, 235, 236, 237 and 238 of this Act other inspectional services referred to in Article 224 paragraph 3 of this Act shall also undertake measures prescribed by those provisions.

Prohibition of operation of the installation and/or performance of activity

## Article 232

(1) When performing inspectional supervision or coordinated inspectional supervision, the inspector shall prohibit, by a decision, the supervised person from operating the installation, a part of installation, equipment and devices and/or performing the activity if he establishes that the supervised person:

- performs an activity without having obtained the environmental permit or the decision on installation's operations below indicator limit values, which it was obliged to obtain,
- performs an activity although the environmental permit for the performance of that activity has expired,
- has made a change to or a reconstruction of the installation for which it had to obtain an amendment of the environmental permit without having obtained an amendment to the integrated environmental permit,
- does not fulfil the prescribed standards of environmental protection quality or technical environmental protection standards for plants, devices, adequate equipment, production processes and specific products that may pose a risk or threat for the environment.

(2) The supervised person may resume operating the installation or perform an activity after it has removed the causes due to which the operation of installation or performance of an activity was prohibited. The party shall inform the inspector of the resumption of operation.

Prohibition of performing actions in the production process and prohibition of handling dangerous substances

## Article 233

(1) When conducting inspectional supervision or coordinated inspectional supervision the inspector shall, by a decision, prohibit the supervised person from performing actions in the production process, as well as from using a technique, technological process, product, semi-product or raw material if he establishes that they have caused or might cause environmental pollution.

(2) When conducting inspectional supervision or coordinated inspectional supervision the inspector shall, by a decision, prohibit the supervised person from handling dangerous substances if he establishes that:

- the supervised person has failed to obtain an approval of the Safety Report or amendments to the Safety Report,
- 
- the supervised person is acting contrary to the Safety Report.

## Undertaking measures in the event of an accident

### Article 234

(1) When conducting inspectional supervision or coordinated inspectional supervision in the event of an accident, the inspector shall order, by a decision, the supervised person to immediately apply measures and procedures in line with the Safety Report, that is, measures for the prevention of environmental pollution spreading and remediation, and if needed to undertake other necessary measures as well.

(2) The inspector shall order, by the decision referred to in paragraph 1 of this Article, the supervised person to inform the public on the carried out measures for reducing environmental damage or removal of occurrence of further risks, danger or environmental damage.

(3) If the supervised person fails to act in line with the decision referred to in paragraph 1 of this Article, the decision shall be executed through a third party at the expense and responsibility of the supervised person.

## Removal of pollution consequences

### Article 235

(1) When conducting inspectional supervision or coordinated inspectional supervision, the inspector shall order, by a decision, the supervised person to remove established consequences of environmental pollution or implementation of measures under the remediation programme, the deadline for their execution and the application of new protection activities and measures for the purpose of harmonisation with the provisions of this Act.

(2) If the supervised person fails to act in line with the decision referred to in paragraph 1 of this Article, the inspector shall force it to act by imposing a fine.

(3) If the supervised person fails to act in line with the decision referred to in paragraph 1 of this Article even after the payment of the fine, the decision shall be executed through a third party at the expense and responsibility of the executor.

## Removal of irregularities in operations

### Article 236

((1) When conducting inspectional supervision or coordinated inspectional supervision, the inspector shall order, by a decision, the removal of irregularities which resulted in deviations

from the integrated environmental permit, if he establishes that the supervised person is acting contrary to those requirements.

(2) The inspector shall, by the decision referred to in paragraph 1 of this Article, order the examination of a specific technique, technological process, product, semi-product or raw material if he suspects that they might cause environmental pollution, as well as temporarily prohibit their use until the test results are delivered to him for inspection, and in that case he shall also prohibit the release of pollutants and dangerous substances, waste waters or energy into the air, water or soil in a manner and in a quantity, that is, in concentrations or levels which are higher than those permitted.

(3) The inspector shall also prohibit, by the decision referred to in paragraph 1 of this Article, the operation of the installation, that is, of its part and equipment, and/or performance of the activity if he establishes that the supervised person did not harmonise its activities with the integrated environmental permit that is with the decision on installation's operations below indicator limit values, within the deadline ordered in the said decision.

Undertaking prescribed measures

#### Article 237

(1) When conducting inspectional supervision, or coordinated inspectional supervision the inspector shall, by a decision, order the supervised person to:

- undertake measures regulated pursuant to special regulations or legal acts, with the purpose of integrated environmental protection from hazardous impacts of activities performed within an installation,
- undertake all preventive measures necessary for reducing the risks of major accidents and for prevention of major accidents, and measures for limiting the effects of major accidents on people, material assets and environment,
- implement prescribed analyses and audits of activities and safety measures, if it is established that the supervised person has not implemented them.

(2) If the supervised person does not act according to the decision referred to in paragraph 1 of this Article, the inspector shall force it to act by imposing a fine.

Implementation of environmental protection measures and environmental monitoring

#### Article 238

(1) When conducting inspectional supervision, or coordinated inspectional supervision the inspector shall, by a decision, order the supervised person to implement environmental

protection measures and environmental monitoring established in the integrated environmental permit or the decision on the environmental acceptability of the project if he establishes that the supervised person is not implementing them.

(2) If the supervised person fails to act in line with the decision referred to in paragraph 1 of this Article, the inspector shall force it to act by imposing a fine.

(3) In the course of inspectional supervision and coordinated inspectional supervision the inspector shall order the supervised person by a decision to cease performance of works if he establishes that they are carried out contrary to the environmental permit, that is environmental protection measures set by the decision on the environmental acceptability of the project.

Removal of illegalities and/or irregularities in procedure

#### Article 239

(1) The inspector shall, by a decision, order the supervised person to remove illegalities and/or irregularities in procedure within an appropriate deadline if he establishes that:

- the person does not keep and does not prepare the prescribed registers, records, reports and forms, or does not keep them in a prescribed manner
- the person did not deliver to the competent body reports and/or data within the prescribed deadline.

(2) The inspector shall, by a decision, order the supervised person to remove illegalities and/or irregularities in procedure if he establishes that the supervised person does not operate in line with the implementing regulations adopted pursuant to this Act.

(3) If the supervised person fails to act in line with the decision referred to in paragraph 1 and 2 of this Article, the inspector shall force it to act by imposing a fine.

Preparation of environmental protection documents and instruments

#### Article 240

(1) When conducting inspectional supervision, the inspector shall, by a decision, order the supervised person to prepare the prescribed sustainable development and environmental protection documents or environmental protection instruments if he establishes that it is, pursuant to the provisions of this Act, obliged to prepare the following:

- a plan for harmonisation of the installation with technical environmental protection standards,
- a report on installation safety,

- decision on project's acceptability for the environment,
- decision on scoping for environmental impact assessment,
- environmental protection study.

(2) The inspector shall, by the decision referred to in paragraph 1 of this Article, set a deadline within which the supervised person shall prepare the prescribed sustainable development and environmental protection documents or environmental protection instruments.

(3) If the supervised person fails to act in line with the decision referred to in paragraph 1 of this Article, the inspector shall force it to act by imposing a fine.

Adoption of sustainable development and environmental protection documents

#### Article 241

(1) When conducting inspectional supervision the inspector shall, by a decision, order the County, the City of Zagreb and a city to prepare and adopt the environmental protection programme and/or environmental status report within an appropriate deadline if he establishes that the County, the City of Zagreb and a city failed to prepare and adopt those documents within the prescribed deadline, or obtained a prior approval from the ministry to the environmental protection programme.

(2) If the County, the City of Zagreb or a city fail to act in line with the decision referred to in paragraph 1 of this Article, the inspector shall force it to act by imposing a fine.

Prohibition of performance of professional environmental protection activities

#### Article 242

(1) The inspector shall, by a decision, prohibit the supervised person to perform professional environmental protection activities if during supervision he establishes that the supervised person performs professional environmental protection activities and:

- does not possess a decision issued by the Ministry for performance of those activities
- does not fulfil requirements on the basis of which it obtained the Ministry's decision for the performance of those activities

(2) If the supervised person fails to act in line with the decision referred to in paragraph 1 of this Article, the inspector shall force it to act by imposing a fine.

Prohibition to use environmental protection label and deletion from the EMAS system

#### Article 243

(1) Inspector shall forbid the supervised person by means of decision to use the environmental protection label “Environmentally Friendly” if it is established during supervision that the supervised person is using the label contrary to the provisions of this Act.

(2) Inspector shall forbid the supervised person by means of decision to use the EU Ecolabel if it is established during supervision that the supervised person is using the label contrary to the provisions of Regulation 66/2010.

(3) Inspector shall order the Agency by means of decision to delete the supervised person from the EMAS registry if it was established during inspectional supervision that the organisation is acting contrary to Regulation 1221/2009.

(4) If the supervised person fails to act in line with the decision referred to in paragraphs 1 and 2 of this Article, the inspector shall force it to act by imposing a fine

#### Emergency measures

#### Article 244

(1) In the case of an imminent threat to human lives and health and the environment, the inspector may verbally order a party to undertake emergency measures for the purpose of preventing further environmental pollution and protection against the imminent threat, that is, when necessary prohibit the operation of the installation until fulfilment of his order, report and request other competent inspections to intervene as well in line with special regulations in the field of environment, and undertake other necessary measures.

(2) The inspector shall immediately inform the central state administration body competent for safety and rescue, as well as the competent police department on the issuance of the decision referred to in paragraph 1 of this Article.

(3) The obligation to enforce the verbal order shall begin to run from the day on which the verbal order was pronounced to the party concerned.

(4) If the polluter is not available or it is not possible to pronounce the emergency measure to him for any reason or if he refuses to undertake it within the given deadline, the inspector shall order by the same decision that the emergency measure be undertaken via a third party, at the expense and responsibility of the executor.

(5) The written communication of the verbal order referred to in paragraph 1 of this Article shall be delivered to the party concerned within eight days from the date of issuing the verbal order.

(6) The inspector will not issue the written communication to the party concerned if the emergency measure has been undertaken during inspectional supervision, that is, prior to forwarding the written communication of the verbal order, which the inspector shall establish and record in his minutes.

#### Enforcement of the inspectional decision

##### Article 245

(1) If the executor fails to act in line with the decision within the given deadline the inspector shall issue a decision on enforcement whereby the manner of execution of the decision shall be determined as well as a warning given of the consequences of a failure to execute.

(2) The costs of the enforcement of the inspectional decision shall be covered from the state budget until they are collected from the executor.

(3) The costs of the enforcement of the inspectional decision issued to an unknown polluter shall be covered from the state budget until they are collected from a city, town or municipality.

#### Enforcement of the inspectional decision through payment of a pecuniary penalty

##### Article 246

(1) If the executor fails to carry out the measure ordered by the decision referred to in Article 235 paragraph 1, Article 237 paragraph 1, Article 238 paragraph 1, Article 239 paragraphs 1 and 2, Article 240 paragraph 1, Article 241 paragraph 1, Article 242 paragraph 1 and Article 243 paragraphs 1 and 2 of this Act, the inspector shall by a pecuniary penalty force the executor to act pursuant to special regulation governing general administrative procedure.

(2) Pecuniary penalty referred to in paragraph 1 of this Article the executor shall pay out to the State Budget within thirty days from the day of receiving the decision on execution. If the executor does not deliver proof of payment of the pecuniary penalty to the inspector after the deadline of thirty days has expired, the penalty shall be forcibly collected pursuant to the provisions on execution of financial obligations prescribed pursuant to special regulations governing general administrative procedure.

#### Enforcement of the inspectional decision through a third party

##### Article 247

(1) If the executor fails to act in line with the final decision referred to in Article 234 paragraph 1 of this Act, that is if even after the one-time pecuniary penalty referred fails to act in line with the final decision referred to in Article 235 paragraph 1, the inspector shall by a

decision on enforcement determine the manner of enforcement of that decision by a third party within thirty days at the expense and responsibility of the executor.

(2) In case of enforcement through a third party the inspector shall by a conclusion order the executor to deposit in advance the amount necessary to cover the costs of enforcement.

(3) The amount of the costs of enforcement through a third party shall be decided by a decision.

#### Sealing measure

#### Article 248

(1) In order to ensure implementation of measures referred to in Article 232 paragraph 1, Article 233, Article 236 and Article 238 paragraph 3 of this Act the inspector may close by sealing the working premises, areas, devices and equipment or in any other way prevent further illegal performance of an activity.

(2) In implementation of emergency measures pursuant to this Act the inspector may on the spot close by sealing the premises, areas or close access to the area where the supervised person performs a specific activity and prevent him from using the installation or equipment and other working instruments.

(3) For the purpose of an unhindered execution of an inspectional decision referred to in paragraph 1 and 2 of this Article the competent police department shall secure the building from people and objects prior to the execution of the inspectional decision.

(4) If the supervised person continues to perform activities even after sealing, the inspector shall implement further prevention with the help of the police that would remove the party from the working premises.

(5) The inspector shall remove the seal after a supervised person acts in line with the inspectional decision.

(6) The Minister shall by an ordinance prescribe the manner of sealing of premises and working instruments referred to in paragraph 1 of this Article.

#### Suspension of the enforcement procedure

#### Article 249

If the supervised person has fulfilled the obligation arising from the inspectional decision the inspector shall issue, in the line of duty, a conclusion on the suspension of the enforcement procedure, pursuant to special regulation governing general administrative procedure.

## Right to an appeal

### Article 250

- (1) An appeal may be lodged with the Appeals committee against the decision passed by the inspector within 15 days from receipt of the said decision.
- (2) The Committee referred to in paragraph 1 of this Article shall be appointed by the Government, and shall comprise 2 members out of which one is the Chair and the other is an alternate member.
- (3) A person may be appointed as member of the Committee if he has completed legal graduate university study and has at least four years of work experience in administration, and as an alternate member if he has completed graduate university study in natural or technical sciences and has at least four years of work experience in environmental inspection tasks.
- (4) The Committee shall adopt the Rules of procedure.
- (5) An appeal submitted against the decision referred to in paragraph 1 of this Article shall not postpone its enforcement.

## Special cases of delivery of an inspectional decision

### Article 251

- (1) If the party's place of residence is unknown the inspectional decision shall be delivered by placement on the Ministry's notice board. The notification thereof shall also be posted at the place of pollution, if possible.
- (2) After the first unsuccessful delivery of the inspectional decision to a known party in line with a special act, the delivery shall be carried out through the placement of the decision on the Ministry's notice board.
- (3) In case of delivery referred to in paragraphs 1 and 2 of this Article it shall be deemed that the decision had been delivered on the day of placement on the Ministry's notice board.
- (4) The obligation of the enforcement of the inspectional decision and the deadline for the submission of an appeal shall start on the first following day from the day of placement.

## Unknown polluter

### Article 252

(1) If environmental pollution is caused by an unknown polluter, the party in the inspectional procedure is a city, town or municipality in the territory of which the pollution was established.

(2) If the inspector establishes that the pollution presents a direct threat to people and the environment he shall order, by a decision, the city, town or municipality to undertake measures for reducing or removing pollution via another person, and if a city, town or municipality fails to do so within the deadline established by the decision, measures shall be undertaken by the county at the expense of the budget of a city, town or municipality.

## Proceeding upon a report

### Article 253

(1) The inspector shall in writing inform the known person submitting a report on the factual situation established during inspectional supervision at the latest within thirty days from the day on which the factual situation was established.

(2) Person submitting the report is not a party in inspectional procedure within the meaning of this Act.

(3) If during inspectional supervision it is established that there is no infringement of this Act and regulations adopted on the basis of this Act which environmental inspectorate is authorised to supervise and no justifiable reason for further continuation of the procedure, and the person submitting the report demands deduction of evidence the proceedings shall be continued upon request by the person submitting the report.

(4) The costs of continuation of the proceedings referred to in paragraph 3 of this Article shall be borne in full by the person submitting the report.

(5) In the case referred to in paragraph 3 of this Article the inspector shall by a conclusion request from the person submitting the report to deposit in advance the amount necessary to cover the costs of deducing other evidence.

## Revoking the Environmental Protection Label

#### Article 254

The inspector shall propose to the Ministry to revoke by a decision, the Environmental Protection Label awarded to a supervised person if it has been established during inspectional supervision that that person does not act according to the requirements under which the label was awarded or no longer fulfils the prescribed requirements for the award of that label.

Revoking the decision for performance of professional environmental protection tasks

#### Article 255

The inspector shall propose to the Ministry to revoke approval for the performance of professional environmental protection activities given to an authorised person if he, during inspectional supervision, establishes that the authorised person does not fulfil the prescribed requirements or that he performs professional environmental protection activities contrary to this Act or regulations passed on the basis thereof.

Annual work report

#### Article 256

(1) The environmental inspection shall prepare an annual report on its activities.

(2) The content of the report referred to in paragraph 1 of this Article shall include:

- data and information related to implementation of the work plan and programme,
- data and information related to measures undertaken for the purpose of implementing regulations under the competence of the Ministry,
- joint report on the performed coordinated inspectional supervisions and other activities within the framework of mutual cooperation with other inspections in the area of environmental protection,
- proposals for improvement of inspectional supervision in the field of environment and improvement of environmental protection status.

(3) The Ministry shall deliver the annual report referred to in paragraph 1 of this Article to the Government and it shall be published at the Ministry's website.

Public participation in the performance of inspectional supervision

#### Article 257

The Ministry shall inform the public on the website of the Ministry on:

- individual inspectional supervisions and activities of the environmental inspection,
- coordinated inspectional supervisions and other activities performed within the framework of mutual cooperation of environmental inspectors and other inspections in the field of environmental protection.

(2) The public shall be informed about coordinated inspectional supervisions on a quarterly basis.

(3) Information on implemented inspectional supervisions referred to in paragraphs 1 and 2 of this Act shall include:

- name of the supervised subject and supervision location,
- date when supervision was implemented,
- information on inspectional services that participated in the implementation of supervision,
- established state of affairs regarding implementation of regulations,
- undertaken inspectional measures, and
- state of execution of ordered measures.

Misdemeanour and criminal charges

Article 258

If during inspectional supervision, it is established that this Act and/or regulations passed on the basis thereof have been violated, the Ministry shall:

- issue a misdemeanour order in accordance with the Misdemeanour Act,
- file criminal charges for a criminal act to the competent body,
- undertake other measures and implement other activities that it is authorised to undertake and execute pursuant to this Act and special regulation.

#### XIV MISDEMEANOR PROVISIONS

Article 259

(1) A misdemeanour fine in an amount ranging from HRK 50 000 to 200 000 shall be imposed on a legal person for:

1. performing professional environmental protection activities without fulfilling the requirements prescribed by this Act (Article 40 paragraph 4),
2. performing professional environmental protection activities without having obtained approval from the Ministry for performance of those activities (Article 40 paragraph 5),
3. performing activities of environmental monitoring while having participated in the preparation or having prepared the environmental impact study which defines that environmental monitoring (Article 40 paragraph 8),
4. performing professional environmental protection activities as an authorised person in the same procedure in which he/she is the developer or the operator (Article 40 paragraph 13),
5. when it is established that these are connected companies referred to in Article 40 paragraph 14 of this Act (Article 40 paragraph 14),
6. failing to deliver accurate, complete and reliable data and appropriate reports to the Agency for the purpose of the Environmental Protection Information System within the prescribed deadlines and/or failing to ensure undisturbed access to data and use of data for the purpose of the Environmental Protection Information System (Article 150 paragraph 1),
7. failing to deliver reliable, accurate and updated data to the Environmental Pollution Registry within the prescribed deadline (Article 151 paragraph 4).

(2) A fine in an amount ranging from HRK 10 000 to 15 000 shall also be imposed on a responsible person of the authorised person for misdemeanours referred to in paragraph 1 of this Article.

(3) A fine in an amount ranging from HRK 5 000 to 10 000 shall also be imposed on a natural person – authorised person for misdemeanours referred to in paragraphs 1 and 2 of this Article.

#### Article 260

(1) A misdemeanour fine in an amount ranging from HRK 100 000 to 250 000 shall be imposed on a legal person in the following cases:

1. for failing to prepare the Plan for harmonisation of the installation with the technical environmental protection standards prescribed by this Act or a special regulation and with the measures prescribed by ratified international treaties (Article 60 paragraph 1),

2. for failing to comply with the technical standards and deadlines for the adjustment of the installation prescribed by this Act and special regulations when preparing the Plan referred to in Article 60 paragraph 1 of this Act and/or for failing to comply with the established technical standards and/or deadlines during the implementation of the Plan (Article 60 paragraph 2),
3. for failing to prepare plans and programmes in accordance with this Act and regulations adopted on the basis thereof, that is, in accordance with a special regulation which prescribes the obligation to prepare those documents in relation to the activity which he performs (Article 60 paragraph 3),
4. for failing to deliver data or failing to report to the Agency every unforeseen event, type of event or activity in the environment, all in accordance with the prescribed provisions on reporting (Article 109 paragraph 1),
5. for failing to deliver the prescribed data within the prescribed deadline referred to in Article 109 paragraph 2 (Article 109 paragraph 2),
6. for failing to notify the Ministry on each planned significant change in operation of the installation (Article 110 paragraph 1),
7. for failing to prepare and deliver to the Ministry the Baseline report prior to issuance or amendments of an environmental permit (Article 111 paragraphs 2 and 8)
8. for failing to carry out necessary measures for the removal of significant soil or groundwater pollution by dangerous substances caused by the installation ( Article 111 paragraph 5)
9. for failing to carry out necessary actions with the aim of removing, controlling, limiting or reducing discovered dangerous substances (Article 111 paragraph 6)
10. for failing to carry out necessary actions with the aim of removal, control, limiting or reduction of dangerous substances at the installation location (Article 111 paragraph 7)
11. for failing to immediately inform the Ministry or failing to undertake measures for limiting consequences for the environment and prevention of possible accidents, or failing to undertake measures for limiting consequences for the environment and prevention of further accidents determined by the competent body (Article 116)
12. for failing to inform the Ministry and to undertake all necessary and all additional measures so the installation could immediately harmonise its operation with the environmental permit (Article 117 paragraph 1)

13. for failing to undertake preventive measures necessary for reducing the risk of occurrence and preventing the occurrence of major accidents in an installation, as well as measures for limiting the impact of major accidents on human beings, material assets and the environment (Article 121 paragraph 1),

14. for failing to provide to the Ministry at any time evidence that he has undertaken all necessary measures for preventing a major accident in accordance with this Act and implementing regulations of this Act (Article 121 paragraph 2),

15. if it establishes the presence of dangerous substances and then fails to prepare Safety Report (Article 122 paragraph 1)

16. fails to produce a Statement establishing its actions regarding the prevention of major accidents or fails to act in accordance with this Statement (Article 121 paragraph 4),

17. for failing to deliver data and inform the Ministry and the central state administration body competent for protection and rescue on activities and safety measures which it implements in line with its Safety Report, and for failing to inform legal and natural persons that are likely to be affected by major accidents which can be caused by its installation (Article 128 paragraph 1),

18. for failing to deliver the Safety Report to the central state administration body competent for protection and rescue for the purpose of preparing external plans (Article 131),

19. for failing to perform environmental monitoring and to deliver data on emission and imission measurements to the Agency in written and electronic format (Article 141 paragraph 5),

20. for failing to deliver to the Agency on the prescribed forms and within the prescribed periods, that is, deadlines the data from the register referred to in Article 142 subparagraph 1 of this Act (Article 142 paragraph 2),

21. for failing to ensure measurement of emissions in and from installations, which directly cause environmental pollution, that is, failing to ensure supervision of their environmental impacts and the keeping of records thereon, as well as failing to ensure measurement of imissions, that is, participation in measuring imissions according to the respective share in environmental pollution of the installation it manages and failing to keep records thereon (Article 142 paragraph 3),

22. for failing to deliver to the competent administrative body in the county or City of Zagreb on the prescribed forms and within the prescribed periods, that is, deadlines the data from the register on monitoring emissions and imissions (Article 142 paragraph 4),

23. for failing to deliver and/or for delivering inaccurate or false data to the competent authority (Article 142 paragraph 5),

24. for failing to ensure financial resources for environmental status monitoring in line with this Act (Article 142 paragraph 6),

25. for failing to prepare, at all or within the deadline prescribed by the Ministry, a remediation programme for eliminating environmental pollution caused by exceedances of the emission limit values in line with a special regulation (Article 192 paragraph 1),

26. for failing to obtain the approval of the Ministry for the remediation programme referred to in Article 192 paragraph 1 of this Act (Article 194 paragraph 1),

27. if it is obliged to implement the remediation programme pursuant to this Act, yet after the implementation of remediation measures it fails to ensure environmental status monitoring, that is, monitoring of the effects of the remediation programme on the environmental status and fails to ensure financial resources for that purpose (Article 203 paragraph 1),

28. uses EMAS logo against the Regulation 1221/2009 (Article 212 paragraph 1),

29. uses environmental protection label that is places on the market a product that does not meet the standards for obtaining the label (Article 214 paragraph 1),

30. uses EU Ecolabel against the provisions of the Regulation 66/2010 (Article 217 paragraph 1).

(2) A pecuniary penalty in an amount ranging from HRK 10 000 to 15 000 shall be imposed on a responsible person within the legal person for misdemeanours referred to in paragraph 1 of this Article.

(3) A pecuniary penalty in an amount ranging from HRK 5 000 to 10 000 shall also be imposed on the natural person - craft for misdemeanours referred to in paragraph 1 of this Article.

## Article 261

(1) A pecuniary penalty in an amount ranging from HRK 50 000 to 200 000 shall be imposed on the producer or the person placing a product on the market who, before placing a product on the market, fails to fix in the prescribed manner, on the packaging of a product, that is, on the technical documentation of the product, a warning informing the consumer on the environmental impact of the product or its packaging, as well as information regarding the manner of handling the product and its packaging after use (Article 219 paragraph 1).

(2) A pecuniary penalty in an amount ranging from HRK 50 000 to 200 000 shall also be imposed on the supplier of new vehicles intended for sale or leasing, that fails to make available data on fuel consumption and CO<sub>2</sub> emissions and a guide book at each sale point, including promotional fairs, for the purpose of protecting and informing consumers (Article 219 paragraph 2).

(3) A pecuniary penalty in an amount ranging from HRK 50 000 to 200 000 shall also be imposed on the dealer who, at sale points, visibly displays labels, posters, promotional material or guide books with labels, symbols and signs which are contrary to those prescribed by environmental protection regulations if their display might confuse the consumer, that is, the potential buyer of a new vehicle (Article 219 paragraph 4).

(4) A pecuniary penalty in an amount ranging from HRK 5 000 to 10 000 shall also be imposed on the responsible person of the producer or the person placing a product on the market for the misdemeanour referred to in paragraph 1 of this Article.

(5) A pecuniary penalty in an amount ranging from HRK 5 000 to 10 000 shall also be imposed on the responsible person of the supplier for the misdemeanour referred to in paragraph 2 of this Article.

(6) A pecuniary penalty in an amount ranging from HRK 5 000 to 10 000 shall also be imposed on the responsible person of the dealer for the misdemeanour referred to in paragraph 2 of this Article.

#### Article 262

(1) A pecuniary penalty in an amount ranging from HRK 300 000 to 900 000 shall be imposed on a legal person:

1. for failing to obtain the environmental permit in line with this Act and implementing regulations of this Act (Article 95 paragraph 3),
2. for failing to undertake all or failing to undertake some of the measures for preventing pollution during installation's operations (Article 96),
3. if for the purpose of fulfilling the obligations referred to in Article 121 paragraph 3 of this Act it fails to establish the possible presence or actual presence of dangerous substances, according to types and quantities, that is, quantities which are higher than those permitted and failing to notify the Ministry thereon in the prescribed manner (Article 121 paragraph 3),
4. for performing activities in the installation which include the presence of dangerous substances without having obtained an approval of the Safety Report (Article 124 paragraphs 1 and 2),

5. if it fails to act in accordance with the provision of Article 127 paragraph 1 of this Act (Article 127 paragraph 1),

6. for failing to obtain a new approval of the Safety Report (Article 127 paragraph 2),

7. if it fails to act in accordance with the provisions of Article 129 paragraph 1, 2 and 3 of this Act in the event of a major accident (Article 129),

8. if it fails to remediate damage in the environment and remove imminent threat from damage referred to in Article 173 paragraph 1 of this Act (Article 182 paragraph 1),

9. if it fails to remediate caused damage in the environment and remove imminent threat from damage referred to in Article 173 paragraph 4 of this Act (Article 182 paragraph 2),

10. for causing an environmental hazard, that is, environmental pollution by its actions or oversights and failing to immediately undertake preventive and removal measures in line with this Act and the implementing regulations of this Act (Article 183 paragraph 1),

11. if in case of occurrence of environmental damage:

- fails to immediately notify the body competent in accordance with a special regulation on safety and rescue,
- fails to undertake all possible activities and measures for immediate supervision, limitation, removal and other necessary actions for establishing control over the cause of damage for the purpose of preventing further environmental damages and threats to human health,
- fails to undertake all necessary measures for removing the damage in accordance with regulation referred to in Article 173 paragraph 3 of this Act (Article 186 paragraph 1).

(2) A pecuniary penalty in an amount ranging from HRK 10 000 to 15 000 shall be imposed on the natural person for misdemeanours referred to in paragraph 1 of this Article.

(3) A pecuniary penalty in the amount of HRK 10 000 shall also be imposed on the responsible person in a legal person for misdemeanours referred to in paragraph 1 of this Article.

#### Article 263

(1) A pecuniary penalty in an amount ranging from HRK 100 000 to 250 000 shall be imposed on the developer legal person for failing to perform emission measurements by expert and qualified persons and failing to keep registers thereon, as well as for failing to perform imission measurements by expert and qualified persons, that is, failing to participate in imission measurements, according to its respective share in environmental pollution, as well as failing to participate in monitoring natural and other phenomena caused by environmental pollution concerning a project for which environmental impact assessment is prescribed (Article 142 paragraph 1 subparagraphs 1, 2 and 3).

(2) A pecuniary penalty in the amount of HRK 5 000 shall also be imposed on the responsible person of the developer for the misdemeanour referred to in paragraph 1 of this Article.

(3) A pecuniary penalty in the amount ranging from HRK 5 000 to 15 000 shall also be imposed on the developer natural person for the misdemeanour referred to in paragraph 1 of this Article.

#### Article 264

(1) A pecuniary penalty in the amount ranging from HRK 15 000 to 100 000 shall also be imposed on the legal person if it prevents the inspector, that is, the inspector competent pursuant to a special act from performing supervision or fails to deliver for inspection all the data and documents necessary for the performance of the supervision within the prescribed deadline (Article 229 paragraph 1).

(2) A pecuniary penalty in the amount ranging from HRK 5 000 to 15 000 shall also be imposed on the natural person in the capacity of a developer for the misdemeanour referred to in paragraph 1 of this Article.

(3) A pecuniary penalty in the amount ranging from HRK 5 000 to 15 000 shall also be imposed on the responsible person within the legal person for the misdemeanour referred to in paragraph 1 of this Article.

#### Article 265

(1) Failure to fulfil any of the obligations which implementing regulations of this Act referred to in Article 268 paragraph 3 and Article 269 prescribe for the operator, developer, authorised person, and polluter, and the failure to fulfil those obligations within the prescribed deadline and in the prescribed manner shall be considered a misdemeanour within the meaning of this Act.

(2) A fine in an amount ranging from HRK 100 000 to 800 000 shall be imposed on the legal person developer, authorised person and legal person polluter for the misdemeanours referred to in paragraph 1 of this Article.

(3) A fine in an amount ranging from HRK 3 000 to 15 000 shall also be imposed on the responsible person within the legal persons referred to in paragraph 2 of this Article for the misdemeanour referred to in paragraph 1 of this Article.

#### Article 266

(1) A misdemeanour procedure cannot be initiated for misdemeanours prescribed by this Act after the expiry of three years from the date on which the misdemeanour was committed.

(2) The pronounced misdemeanour sanctions may not be enforced after the expiry of three years from the date on which the misdemeanour decision became final.

## XV TRANSITIONAL AND FINAL PROVISIONS

### Article 267

(1) The Government shall submit to the Croatian Parliament the Proposal of the Strategy for Sustainable Development referred to in Article 51 within two years from the day this Act enters into force.

(2) The Government shall submit to the Croatian Parliament the Proposal of the Marine Protection Strategy referred to in Article 56 paragraph 3 within two years from the day this Act enters into force.

### Article 268

(1) The Government shall adopt the Environmental Protection Plan of the Republic of Croatia referred to in Article 52 of this Act within one year from the date of adoption of the Strategy for Sustainable Development of the Republic of Croatia.

(2) The Government shall adopt the Contingency Plan referred to in Article 57 of this Act within one year from the day this Act enters into force.

(3) The Government shall adopt the regulations referred to in Article 56 paragraph 4, Article 57 paragraph 6, Article 64 paragraph 6, Article 78 paragraph 3, Article 95 paragraph 5, Article 120 paragraph 2, Article 149 paragraph 3, Article 160 paragraph 2, Article 173 paragraph 3 and Article 212 paragraph 2 of this Act within one year from the day this Act enters into force.

### Article 269

The Minister shall pass the regulations referred to in Article 40 paragraph 12, Article 47 paragraph 5, Article 119 paragraph 2, Article 126 paragraph 4, Article 132 paragraph 2, Article 141 paragraph 4, Article 145 paragraph 4, Article 151 paragraph 3, Article 192 paragraph 4, Article 214 paragraph 2, Article 217 paragraph 2, Article 218 paragraph 5, Article 219 paragraph 5 and paragraph 6, Article 226 paragraph 3 and Article 248 paragraph 6 of this Act within one year from the day this Act enters into force.

### Article 270

The County Council, that is, the City Council of the City of Zagreb or City Council of a city shall pass the programme referred to in Article 53 of this Act within six months from the date of adoption of the Environmental Protection Plan of the Republic of Croatia.

## Article 271

(1) Until the documents referred to in Article 267, Article 268 paragraph 2 and Article 270 of this Act are passed, the environmental protection documents adopted pursuant to the Environmental Protection Act (Official Gazette 110/07) shall apply, and shall remain in force until the appropriate documents are adopted pursuant to this Act.

(2) Until the implementing regulations referred to in Article 268 paragraph 3 and Article 269 of this Act enter into force, the following regulations adopted pursuant to the Environmental Protection Act (Official Gazette 110/07) shall remain in force, in the part in which they are not contrary to the provisions of this Act:

1. Regulation on technical standards of environmental protection from VOC emissions by storage of petrol and its distribution (Official Gazette 135/06),
2. Regulation on environmental impact assessment (Official Gazette 64/08, 67/09),
3. Regulation on strategic environmental assessment of plans and programmes (Official Gazette 64/08),
4. Regulation on information and participation of the public and public concerned in environmental matters (Official Gazette 64/08),
5. Regulation on the Environmental Information System (Official Gazette 68/08),
6. Regulation on sea bathing water quality (Official Gazette 73/08),
7. Regulation on the procedure for establishing integrated environmental requirements (Official Gazette 114/08),
8. Regulation on the prevention of major accidents involving dangerous substances (Official Gazette 114/08),
9. Regulation on the involvement of organisations in the system of environmental management and independent assessment (Official Gazette 114/08),
10. Regulation on the manner of establishing environmental damage (Official Gazette 139/08),
11. Regulation on environmental technical standards for reduction of volatile organic compound emissions from refuelling of motor vehicles with petrol at service stations (Official Gazette 5/11),

12. Regulation establishing a framework for action of the Republic of Croatia in the field of marine environment protection (Official Gazette 136/11),
13. Contingency plan for accidental marine pollution (Official Gazette 92/08),
14. Ordinance on the environmental pollution register (Official Gazette 35/08),
15. Ordinance on the committee for strategic assessment (Official Gazette 70/08),
16. Ordinance on the environmental label (Official Gazette 70/08, 81/11),
17. Ordinance on the register of use permits establishing integrated environmental requirements and of decisions on integrated environmental requirements for existing installations (Official Gazette 113/08),
18. Ordinance on the register of installations in which dangerous substances have been identified and on the register of reported major accidents (Official Gazette 113/08),
19. Ordinance on measures for environmental damage remediation and remediation programmes (Official Gazette 145/08),
20. Ordinance on awards and prizes for environmental achievements (Official Gazette 31/10),
21. Ordinance on requirements for issuing approvals to legal persons for performing professional environmental protection activities (Official Gazette 57/10),
22. . Ordinance on the official identity card and badge of environmental inspectors (Official Gazette 126/10),
23. Ordinance on the manner of sealing premises, areas and working instruments of supervised persons pursuant to environmental protection regulations (Official Gazette . 126/10),
24. Ordinance on the manner of sealing premises, areas and working instruments of supervised persons pursuant to environmental protection regulations (Official Gazette . 43/12),
25. Ordinance on the official identity card and badge of environmental inspectors (Official Gazette 43/12).

On the basis of the final decision approving the planned project issued pursuant to the Environmental Protection Act (Official Gazette 82/94 and 128/99) an application may be submitted for the issuance of the location permit or another approval for the project for which location permit issuance is not mandatory, in line with a special regulation at the latest by 31 December 2013, and may not be submitted after the said deadline has expired.

#### Article 273

Authorised persons who meet the requirements for performing professional activities in environmental protection prescribed by the Environmental Protection Act (Official Gazette 110/07) and the Ordinance on requirements for issuing approvals to legal persons for performing professional environmental protection activities (Official Gazette 57/10), shall continue working as authorised persons who possess the approval pursuant to this Act, with the exception of authorised persons that have an obligation to obtain accreditation pursuant to special regulations, which they need to obtain by 31 December 2014.

#### Article 274

Authorised persons who meet the requirements for performing professional activities in environmental protection prescribed by the Environmental Protection Act (Official Gazette 110/07) and the Ordinance on requirements for issuing approvals to legal persons for performing professional environmental protection activities (Official Gazette 57/10), shall continue working as authorised persons who possess the approval pursuant to this Act, with the exception of authorised persons that have an obligation to obtain accreditation pursuant to special regulations, which they need to obtain by 31 December 2014.

(2) Natural persons who are employed by an authorised person and perform professional environmental protection activities and to whom the provisions of paragraph 1 of this Article do not apply, shall pass the expert examination in accordance with the provisions of this Act within one year from the date of entry into force of the ordinance referred to in Article 47 paragraph 5 of this Act.

(3) If they fail to pass the expert examination within the prescribed deadline, the right of natural persons referred to in paragraph 2 of this Article to perform professional environmental protection activities at the authorised person shall terminate.

(4) Inspectors with more than five years of work experience at environmental inspection tasks shall be deemed as persons who have passed the expert examination in accordance with this Act.

#### Article 275

(1) The Environmental Protection and Sustainable Development Council established pursuant to the provisions of the Environmental Protection Act (Official Gazette 110/07) shall continue its work as the Council in accordance with this Act.

(2) Commission for appeals established pursuant to the provisions of the Environmental Protection Act (Official Gazette 110/07) shall continue its work until the Commission for appeals is established pursuant to provisions of this Act.

#### Article 276

(1) Installations that have obtained integrated environmental requirements pursuant to Environmental Protection Act (Official Gazette 110/07) before 7 January 2013, that is installations that have submitted an application for integrated environmental requirements before this Act entered into force under the condition that they start their operations by 7 January 2014, are obliged to harmonise themselves with the provisions of this Act by 7 January 2013, with the exception of installations regulated pursuant to special regulation in the field of air protection.

(2) Existing installations which need to obtain environmental permit pursuant to the new list of activities from the regulation referred to in Article 95 paragraph 5 of this Act, which were operating on 7 January 2013 and which are not on the list of activities from the Regulation on the procedure for establishing integrated environmental requirements (Official Gazette 114/08), are obliged to harmonise themselves with the provisions of this Act by 7 June 2015, with the exception of installations regulated pursuant to special regulations on air protection and waste management.

#### Article 277

(1) Proceedings initiated under the provisions of the Environmental Protection Act (Official Gazette 110/07) prior to the entry into force of this Act shall be completed in accordance with the provisions of the former Act.

(2) Integrated procedures referred to in Article 170 of the Environmental Protection Act (Official Gazette 110/07) which are managed according to applications submitted prior to the day this Act entered into force, shall be completed according to regulations in force at the time of application submission.

(3) By way of derogation from paragraph 2 of this Article, integrated procedures from Article 70 of the Environmental Protection Act (Official Gazette 110/07) which are managed according to applications submitted prior to the day this Act entered into force, can be split following the party's request, in which case a decision on project's acceptability for environment is brought pursuant to the regulations that were in force at the time of application submission, and the part of the procedure referring to integrated environmental protection requirements shall be discontinued.

(4) Proceedings initiated before a misdemeanour court under the provisions of the Environmental Protection Act (Official Gazette 110/07) prior to the entry into force of this Act shall be completed in accordance with the provisions of the former Act.

#### Article 278

(1) By virtue of the entry into force of this Act the Environmental Protection Act (Official Gazette 110/07) shall cease to be effective.

(2) Article 188 paragraph 5, Article 193 paragraph 2 and Article 257 paragraph 3 of the Physical Planning and Construction Act (Official Gazette 76/07, 38/09, 55/11, 90/11 and 50/12) shall cease to be effective on the day this Act enters into force.

#### Article 279

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette, with the exception of the provisions of Article 210, 211, 212, 215, 216 and 217, which shall enter into force on the date of accession of the Republic of Croatia to European Union.

Class: 022-03/13-01/135

Zagreb, 21 June 2013

CROATIAN PARLIAMENT

President of the

Croatian Parliament

Josip Leko, m.p.