

# **THE CROATIAN PARLIAMENT**

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

## **DECISION**

### **PROMULGATING THE AIR PROTECTION ACT**

I hereby promulgate the Air Protection Act, passed by the Croatian Parliament at its session on 28 October 2011.

Class: 011-01/11-01/208  
Reg. No: 71-05-03/1-11-2  
Zagreb, 4 November 2011

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

## **AIR PROTECTION ACT**

### **I GENERAL PROVISIONS**

#### **Article 1**

This Act sets out the competences and liabilities for air protection and ozone layer protection, mitigating climate change and adaptation to climate change, planning documents, air quality monitoring and assessment, measures for prevention and reduction of air pollution, air quality reporting and data exchange, activity of monitoring air quality and emissions into the air, ozone depleting substances and fluorinated greenhouse gases, greenhouse gas emission monitoring and measures for mitigation and adaptation to climate change, air protection information system, financing of air protection, ozone layer protection, climate change mitigation and climate change adaptation, and administrative and inspectional supervision.

#### **Article 2**

(1) This Act contains provisions in compliance with the following acts of the European Union:

– Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008),

– Directive 2004/107/EC of the European Parliament and of the Council relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (OJ L 23, 26.1.2005),

- Directive 2001/81/EC on national emissions ceilings for certain atmospheric pollutants (OJ L 309, 27.11.2001),
- Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003),
- Directive 2004/101/EC of the European Parliament and of the Council amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms (OJ L 338, 13.11.2004),
- Directive 2008/101/EC of the European Parliament and of the Council amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (OJ L 8, 13.1.2009),
- Directive 2009/29/EC of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community (OJ L 140, 5. 6. 2009),
- Directive 2009/30/EC of the European Parliament and of the Council amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (OJ L 140, 5.6.2009),
- Decision No 406/2009/EC of the European Parliament and of the Council on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 5.6.2009),
- Commission Decision determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 130, 17.5.2011),
- Regulation (EC) No. 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer (OJ L 286, 31.10.2009),
- Regulation (EC) No 842/2006 of the European Parliament and of the Council on certain fluorinated greenhouse gases (OJ L 161, 14.6.2006).

(2) This Act establishes the framework for implementation of the following acts of the European Union:

- Council Decision 97/101/EC establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the Member States (OJ L 35, 5.2.1997),
- Commission Decision 2001/752/EC amending the Annexes to Council Decision 97/101/EC establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the Member States (OJ L 282, 26.10.2001),
- Commission Decision 2004/224/EC laying down arrangements for the submission of information on plans or programmes required under Council Directive 96/62/EC in relation to limit values for certain pollutants in ambient air (OJ L 68, 6.3.2004),

- Commission Decision 2004/461/EC laying down a questionnaire to be used for annual reporting on ambient air quality assessment under Council Directives 96/62/EC and 1999/30/EC and under Directives 2000/69/EC and 2002/3/EC of the European Parliament and of the Council (replacing Decision 2001/839/EC) (OJ L 156, 30.4.2004),
- Decision No 280/2004/EC of the European Parliament and of the Council concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol (OJ L 49, 19.2.2004),
- Commission Regulation (EU) No 1031/2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community (OJ L 302, 18.11.2010),
- : Commission Decision 2007/589/EC establishing guidelines for the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council as last amended by Commission Decision 2011/540/EU (OJ L 229, 31.8.2007).

### Article 3

- (1) The protection and improvement of air quality and the ozone layer, climate change mitigation and adaptation to climate change, with the aim of sustainable development, are based on the environmental protection principles set out in the Environmental Protection Act and on the requirements prescribed by international law and the *acquis communautaire* of the European Union.
- (2) In the protection and improvement of air quality and the ozone layer, climate change mitigation and adaptation to climate change, the provisions of the Environmental Protection Act and other regulations shall also apply, unless otherwise prescribed by this Act.
- (3) Protection of air from pollution resulting from radioactive substances, technological accidents and natural disasters shall be regulated under special regulations.

### Article 4

Measures undertaken with the aim of protection and improvement of air quality and the ozone layer, climate change mitigation and adaptation to climate change shall not endanger other environmental components and the quality of life of present and future generations and they shall not be in contravention with legislation in the areas of occupational safety and protection of human health.

### Article 5

Measures for the protection and improvement of air quality and the ozone layer, climate change mitigation and adaptation to climate change are introduced in order to achieve the following objectives:

- to avoid, prevent or reduce adverse consequences to human health, quality of life and the environment as a whole,
- to establish, maintain and advance the overall system for air quality management in the Republic of Croatia,

- to preserve the quality of air, if it is clean or negligibly polluted, and to improve air quality in case of pollution,
- to assess air quality and collect appropriate air quality data based on standardised methods and criteria in application within the territory of the European Union,
- to prevent and reduce pollution that affects the ozone layer and results in climate changes,
- to use more efficient technologies as regards energy consumption and to promote use of renewable energy resources,
- to provide for public access to information on air quality, greenhouse gas emissions and consumption of substances that deplete the ozone layer,
- to fulfil commitments undertaken pursuant to international treaties and agreements to which the Republic of Croatia is a Party, and to participate in international cooperation in the field of air protection, ozone layer protection and climate change mitigation.

## Article 6

- (1) The efficiency of protection and improvement of air quality and the ozone layer, climate change mitigation and adaptation to climate change shall be ensured by the Croatian Parliament and the Government of the Republic of Croatia (hereinafter: the Government) as well as representative and executive bodies of local and regional self-government units within their respective competencies and the competencies determined by this Act.
- (2) Administrative and expert activities regarding protection and improvement of air quality and the ozone layer, climate change mitigation and adaptation to climate change and the implementation of measures for protection and improvement of air quality and the ozone layer, climate change mitigation and adaptation to climate change shall be carried out and ensured by central state administrative bodies, administrative bodies of local and regional self-government units competent for carrying out environmental protection activities and other legal persons vested with public authority.
- (3) Air quality assessment shall be carried out by the central state administrative body in charge of environmental protection (hereinafter: the Ministry).
- (4) Monitoring of air quality, monitoring of pollutant emissions from stationary sources into the air, verification of accuracy of the measuring system for continuous measurement of emissions from stationary sources and monitoring of product quality shall be carried out by legal persons – testing laboratories.
- (5) Harmonisation of the programmes for assurance of measurement quality and air quality data shall be performed by reference laboratories.
- (6) The air protection information system shall be managed by the Croatian Environment Agency (hereinafter: the Agency).
- (7) Citizens, as individuals and/or organised for carrying out air protection and ozone layer protection, climate change mitigation and adaptation to climate change activities in expert associations and organisations, contribute to the fulfilment of the objectives of protection and

improvement of air quality and the ozone layer, to climate change mitigation and adaptation to climate change and to the implementation of efficient protection and improvement of air quality.

#### Article 7

(1) The method of operation of local and regional self-government bodies and legal persons vested with public authority as regards the implementation of this Act shall be prescribed by virtue of Instructions to be passed by the Minister competent for environmental protection activities (hereinafter: the Minister).

(2) For the purpose of producing proposals of national plans, national programmes, national reports and draft proposals of implementing regulations to be adopted by the Government pursuant to this Act and drafting subordinate regulations to be issued by the Minister, the Minister shall issue a decision on the establishment of an Expert Committee.

#### Article 8

Terms used in this Act have the following meanings:

##### A. Air quality improvement and air pollution reduction

1. *agglomeration* means a region with a population of more than 250 000 inhabitants or a region with less than 250 000 inhabitants, with a population density above the average in the Republic of Croatia or with significantly impaired air quality necessitating assessment and management of air quality,

2. *arsenic, cadmium, nickel, lead and benzo(a)pyrene* means the total share of those elements and compounds in PM<sub>10</sub> particulate matter,

3. *national exposure reduction target* means a percentage reduction of the average exposure indicator set with the aim of reducing harmful effects to human health, to be attained where possible over a given period,

4. *target value* means a level of pollution fixed with the aim of avoiding, preventing or reducing harmful effects to human health and/or the environment as a whole, to be attained where possible over a given period,

5. *diffuse source* means a source of air pollution from which pollutants are introduced into the air without a specific stack/chimney (equipment, surface and other locations),

6. *lower assessment threshold* means a level below which modelling or objective-estimation techniques alone may be used to assess ambient air quality,

7. *long-term objective* means the level of pollution to be attained in the long term, save where not achievable through proportionate measures, with the aim of providing effective protection of human health and the environment,

8. *oxides of nitrogen* means the sum of the volume mixing ratio (ppbv) of nitrogen monoxide and nitrogen dioxide expressed in micrograms per cubic metre (µgm<sup>-3</sup>) of nitrogen dioxide (NO<sub>2</sub>),

9. *emission* means the release/introduction of a pollutant substance into the air,

10. *emission quantity* means the total allowed annual emission allocation (expressed in weight units per time period) for a single source or several sources jointly, or for certain areas and/or for the territory of the Republic of Croatia,

11. *emission data* means all measured, calculated or estimated values which are used in determining emissions,

12. *fugitive (diffuse, unstable) emissions* means emissions of volatile organic compounds into the air, soil and water from solvents contained in any product, and which are not discharged into the environment through a stack, but via windows, doors, vents and similar openings,

13. *upper assessment threshold* means the level of pollution below which a combination of fixed measurements and modelling techniques and/or indicative measurements may be used to assess ambient air quality,

14. *urban background locations* means places in urban areas where exposure levels are representative of the exposure of the general urban population,

15. *margin of tolerance (MT)* means the percentage of the limit value by which this value may be exceeded subject to prescribed conditions,

16. *limit value (LV)* means the level of pollution which must be attained in a given period, below which, on the basis of scientific knowledge, there is no risk or there is the least possible risk of harmful effects to human health and/or the environment as a whole and which must not be exceeded once attained,

17. *emission limit value* means the greatest permitted emission, expressed either as the concentration of the pollutant in gaseous emissions and/or the released/introduced amount of a pollutant in a set period of time,

18. *measurement/sampling frequency* means the number of measurement/sampling results for an individual air quality indicator and/or indirect air quality indicator per unit of time,

19. *volatile organic compounds (VOC)* means all organic compounds from anthropogenic and biogenic sources, other than methane, that are capable of producing photochemical oxidants by reactions with nitrogen oxides in the presence of sunlight,

20. *indicative measurements* means measurements which meet data quality objectives that are less strict than those required for fixed measurements,

21. *quality control* means a system of standard technical activities for measuring and monitoring the quality of the emission inventory, undertaken during its preparation,

22. *critical level* means a level of pollution fixed on the basis of scientific knowledge, above which direct adverse effects may occur on some receptors, such as trees, other plants or natural ecosystems but not on humans,

23. *air quality* means characteristics of the air which show the significance of the level of pollution contained therein,

24. *measurement method* means a meaningful series of procedures, described according to type, which are used to carry out measurement,



25. *measurement* means set of procedures used to determine the value of a certain dimension,

26. *network* means a set of two or more stations for monitoring air quality,

27. *assessment* means an appropriate method used to measure or estimate (calculate, predict) the level of pollution,

28. *polluted air* means air whose quality is such that it may impair health, quality of life and/or may adversely effect any of the environmental components,

29. *contributions from natural sources* means volcanic eruptions, seismic activities, geothermal activities, wild-land fires, high-wind events, sea sprays or the atmospheric re-suspension or transport of natural particles from dry regions and the like,

30. *polluter* means any legal or natural person - tradesperson whose activity either directly or indirectly pollutes the air,

31. *pollutant* means any substance present in ambient air and likely to have harmful effects on human health and/or the environment as a whole,

32. *operator* means any legal or natural person - tradesperson who operates a stationary source or controls its work, or a person to whom decisive economic power over the technical functioning of the stationary source has been delegated,

33. *air quality action plans* means plans that set out measures aimed at attaining the prescribed limit values or target values,

34. *air quality data* means the value of each measured, calculated or estimated variable used for determining the quality of air,

35. *average exposure indicator* means an average pollution level determined on the basis of measurements at urban background locations throughout the territory of a Member State and which reflects population exposure. It is used to calculate the national exposure reduction target and exposure-related obligations,

36. *air quality indicator* means a measurable dimension of a chemical element and/or compound, i.e. physical phase and/or occurrence, which causes change in air quality,

37. *polycyclic aromatic hydrocarbons* means organic compounds, composed of at least two fused aromatic rings made entirely from carbon and hydrogen,

38. *indirect air quality indicator* means a measurable dimension used to notice changes on plants, buildings, and in biological findings, which point to the effect of air pollution,

39. *station* means a stationary and/or mobile facility equipped to collect, analyse and transfer measured/sampled results, and to observe occurrences important for air quality monitoring,

40. *emission monitoring* means measuring and/or assessment of emissions of pollutants from air pollution sources,

41. *air quality monitoring* means the systematic measuring and/or assessment of the level of pollution according to spatial and time schedules,

42. *information threshold* means a pollution level beyond which there is a risk to human health from brief exposure for sensitive sections of the population and at which immediate prescribed steps are to be taken,

43. *alert threshold* means a pollution level beyond which there is a risk to human health from brief exposure for the whole population and for which provision of immediate and appropriate information to the public is necessary,

44. *PM<sub>10</sub>* means particulate matter which passes through an inlet of a collector prescribed by the HRN EN 12341 standard with a 50 % efficiency cut-off at 10 µm aerodynamic diameter,

45. *PM<sub>2,5</sub>* means particulate matter which passes through an inlet of a collector prescribed by the EN 14907 standard with a 50 % efficiency cut-off at 2,5 µm aerodynamic diameter,

46. *ground level ozone precursor substances* means substances which cause the formation of ground level ozone,

47. *measurement data collection* means manual, semi-automatic and/or automatic registering and storage of measurement data,

48. *verification of measuring instrument accuracy* means a set of procedures designed to verify if the measuring instrument has a systematic error, which is carried out in compliance with measurement requirements,

49. *measurement quality verification* means verification of stability, accuracy and repeatability of criteria, traceability of the measurement result, measurement accuracy of the gauge, and verification of measurement principles, methods or procedures,

50. *monitoring period* means a time period of prescribed duration, from which individual pollution level values make a set for determining statistical parameters,

51. *pollution level* means the concentration of a pollutant in air or the deposition thereof on surfaces in a given time,

52. *fixed measurement site* means a site for carrying out continuous or occasional sampling in order to establish pollution levels in accordance with appropriate data quality objectives,

53. *statistical parameter* means chosen statistics of collectively assessed pollution levels,

54. *adjustment* means the procedure used for bringing the measuring instrument into the technical condition appropriate for its usage,

55. *total gaseous mercury* means elemental mercury vapour (Hg<sup>0</sup>) and reactive gaseous mercury, i.e. water-soluble mercury species with sufficiently high vapour pressure to exist in the gas phase,

56. *calibration of measuring instrument* means a set of procedures that is used in certain conditions to establish a relation between the values of the dimensions displayed by the measuring instrument or a measurement system, or the values displayed by a substance measure or a reference substance, and the corresponding values determined as standard, which is carried out by following a set measurement procedure,



57. *air quality management* means ensuring the implementation of measures by which the strategy for prevention and reduction of air pollution are carried out at all levels, in such a manner that sustainable development is not disrupted,

58. *sampling* means the procedure of collecting individual samples of air and precipitation,

59. *major city* means a large city and a city that is the county centre, as stipulated by special regulations,

60. *averaging period* means an interval of time of prescribed duration, over which the average value per time represents the individual value of the pollution level (as required under the HRN ISO 9169 standard),

61. *exposure concentration obligation* means a level fixed on the basis of the average exposure indicator with the aim of reducing harmful effects to human health, to be attained over a given period,

62. *air* means outdoor air in the troposphere, excluding air in workplaces.

63. *zone* means a part of the territory of the Republic of Croatia delimited from other such parts, which represents a functional unit with regard to monitoring, protection and improvement of air quality and air quality management,

#### B. Ozone layer protection and climate change mitigation and adaptation

64. *supplier* means the legal or natural person - tradesperson (producer, importer and/or distributor) who places liquid oil fuel on the market and who is, pursuant to special regulations governing excise duties, considered an excise duty payer,

65. *administering Member State* means EU Member State responsible for performing administration of the Community emission allowance trading system in relation to aircraft operators,

66. *life cycle greenhouse gas emissions* means all net emissions of carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>) and dinitrogen oxide (N<sub>2</sub>O) that can be assigned to liquid oil fuel placed on the domestic market (including any blended components). This includes all relevant stages from extraction, transport and distribution, processing and combustion, irrespective of where those emissions occur,

67. *greenhouse gas emissions per unit of energy* means the total mass of CO<sub>2</sub> equivalent greenhouse gas emissions associated with the liquid oil fuel placed on the domestic market, divided by the total energy content of the liquid oil fuel placed on the domestic market (expressed as its low heating value),

68. *emission allowance* means the entitlement to emit one tonne of carbon dioxide equivalent, valid for a specified period and transferable in line with the provisions of this Act,

69. *Kyoto flexible mechanisms* means the clean development mechanism, the joint implementation mechanism and emission trading, which Parties to the Kyoto Protocol use in addition to national emission reduction measures in order to fulfil their obligations under Annex B of the Kyoto Protocol,

70. *fluorinated greenhouse gases* means hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF<sub>6</sub>) and/or preparations containing those substances which contribute to global warming and therefore need to be controlled,

71. *assigned amount unit* means unit issued by a party to the Kyoto Protocol Annex B based on assigned amounts,

72. *removal unit* means a unit issued by a party to the Protocol Annex B on the basis of activities of land use, land-use change and forestry,

73. *controlled substances* means substances that deplete the ozone layer and that are controlled under the Montreal Protocol on Substances That Deplete the Ozone Layer, including their isomers, either alone or in a mixture, regardless of whether they are new, recovered, recycled or reclaimed.

74. *clean development mechanism* is an instrument of the Kyoto Protocol which allows countries which are not Parties to Annex I of the UN Framework Convention on Climate Change (hereinafter: UNFCCC) to implement emission-reduction or emission-removal projects,

75. *joint implementation mechanism* is an instrument of the Kyoto Protocol which allows countries which are Parties to Annex I of the UNFCCC to implement emission-reduction or emission-removal projects,

76. *new substances* means dibromodifluoromethane, 1-bromopropane, bromoethane, trifluoriodomethane and chloromethane, either alone or in a mixture, regardless of whether they are previously used, recovered, recycled or reclaimed, and which have the potential to damage the ozone layer and must be controlled,

77. *new installation* means any installation performing an activity resulting in the emission of greenhouse gases, who began operation and obtained a greenhouse gas emission permit for the first time after 30 June 2011 or whose capacity has been significantly increased after 30 June 2011, exclusively with respect to the capacity increase in question,

78. *recycling* means reuse of recovered controlled substances and fluorinated greenhouse gases following a basic cleaning process such as filtering and drying. For refrigerants, recycling normally involves recharging of equipment, units or systems and is often carried at the point of generation,

79. *sink* means the process, activity or mechanism by which greenhouse gases, aerosols and greenhouse gas precursors are removed from the atmosphere through the process of photosynthesis in plants,

80. *aircraft operator* means the person who performs an aviation activity, or where that person is not known or is not identified by the owner of the aircraft, the owner of the aircraft,

81. *reclamation* means reprocessing and purification of recovered controlled substances and fluorinated greenhouse gases through processes such as filtering, drying, distillation and chemical treatment in order to restore the substance to a specified standard of performance, which often involves processing off site at a facility intended for such purposes,

82. *activity data* means a numerical value expressing the total amount of product, consumed fuel or raw material, or the amount of work accomplished for a certain activity,

83. *recovery* means collection and storage of controlled substances and fluorinated greenhouse gases from, for example, units, equipment and systems during servicing and maintenance or before their disposal,

84. *CDM registry* means the registry of the UNFCCC Secretariat for participants in the clean development mechanism,

85. *servicing* means actions of recovery, checking for leakage, installation and maintenance or servicing of cooling and air-conditioning products units and equipment, heat pumps and stationary fire fighting systems and fire extinguishers that contain controlled substances and or fluorinated greenhouse gases or are produced with the aid of these substances,

86. *greenhouse gases* means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation, controlled under the provisions of the UNFCCC,

87. *tonne-kilometres* means the product of multiplication of the distance travelled by an airplane between the departure airport and the destination airport and the payload, in line with a special regulation,

88. *transaction* means the registered transfer of entitlements to emission allowances realised either through trade or in some other prescribed manner,

89. *emission trading* means an instrument of the Kyoto Protocol which allows trade exchange of emission allowances among Parties to Annex I of the UNFCCC,

90. *disposal (destruction)* means the process of destroying waste controlled substances and fluorinated greenhouse gases using environmentally acceptable technologies,

91. *verifier* means a person authorised in accordance with the Environmental Protection Act for the verification of reports on greenhouse gas emissions,

92. *high efficiency cogeneration* means cogeneration based on consumption of useful heat and primary energy savings in line with a special regulation governing the electricity market,

## Article 9

(1) Sources of air pollution include stationary emission sources and mobile emission sources.

(2) Stationary sources are:

- pointed: from which pollutants are released into the air through formed outlets (installations, technological processes, industrial plants, equipment and buildings, etc.)
- diffuse: from which pollutants are introduced into the air without a specific outlet/chimney (equipment, specific activities, surfaces and other locations).

(3) Mobile sources are means of transport which release pollutants into the air: motor vehicles, forestry and agricultural machinery, non-road mobile machinery (compressors, bulldozers, crawler tractors, hydraulic excavators, road rollers, asphalt finishers, mobile cranes, road maintenance equipment etc.), locomotives, sailing vessels, airplanes.

(4) The sources referred to in paragraph 1 of this Article must be constructed and/or produced,

equipped, used and maintained in such a manner that they do not release pollutants into the air exceeding the emission limit values, that is, that they do not release/introduce into the air pollutants in amounts which may be harmful to human health, the quality of life and the environment.

(5) Limit values of emissions from mobile sources shall be prescribed by special legislation.

(6) Facilities and equipment used for preparing food out in the open and for which conditions and operating methods are prescribed by a special regulation shall not be considered as stationary sources within the meaning of paragraph 2 of this Article.

## II PLAN, PROGRAMMES AND REPORTS

### Article 10

(1) The Plan on air protection, ozone layer protection and climate change mitigation (hereinafter: the Plan) sets out the objectives and priorities in air protection, ozone layer protection and climate change mitigation in the Republic of Croatia and contains in particular:

- principles and criteria for determining objectives and priorities,
- assessment of air quality status,
- priority measures and activities,
- preventative measures for preservation of air quality,
- short-term measures, when there is a risk of exceeding the alert thresholds,
- measures for achieving limit values for specific atmospheric pollutants within a set period of time if they have been exceeded,
- measures for achieving long-term objectives for ground level ozone,
- measures for the reduction of pollutant emissions and greenhouse gases by activity types,
- measures for meeting commitments on limiting greenhouse gas emissions in accordance with the national emission ceilings for greenhouse gas emissions not covered by the emissions allowance trading system,
- measures for phase out of consumption of controlled substances that deplete the ozone layer and reduction of emissions of fluorinated greenhouse gases,
- measures for the reduction of emissions of persistent organic pollutants and heavy metals,
- measures for encouraging an increase in energy efficiency and use of renewable energy,
- measures for reducing total emissions from traffic,

- measures for reducing the adverse effects of acidification, eutrophication and photochemical pollution,
- manner of implementing measures,
- order of realisation of measures,
- deadline for performance of measures,
- subjects under the obligation of implementing measures,
- international commitments of the Republic of Croatia,
- estimate of funds for the implementation of the Plan and the order of use of funds according to the Plan's set priority measures and activities,
- cost-benefit analysis with regard to air quality improvement.

(2) The competent authority for drafting the Plan is the Ministry, in cooperation with central state administrative bodies in charge of the following areas: health, industry, energy, agriculture, forestry, science, water, sea, transport, tourism, monitoring meteorological conditions and others.

(3) The Plan shall be adopted by the Government for a period of five years.

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

#### Article 11

(1) For the purpose of fulfilling contractual obligations under international treaties and agreements in the area of air protection, ozone layer protection, climate change mitigation and adaptation to climate change, national action plans, national programmes and national reports shall be adopted.

(2) Proposals of national action plans, national programmes and national reports shall be drafted by the Ministry and adopted by the Government.

(3) National action plans, national programmes and national reports shall be published in the Official Gazette.

#### Article 12

(1) The representative body of the county, City of Zagreb and major city shall adopt a programme for air protection, ozone layer protection, climate change mitigation and adaptation to climate change which is a constituent part of the environmental protection programme for the territory of the county, City of Zagreb and major city (hereinafter: the Programme).

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

#### Article 13

(1) For the purpose of monitoring the achievement of the objectives of the Plan referred to in Article 10 of this Act and other documents significant for air protection, ozone layer protection and climate change mitigation and for the purpose of gaining insight into the air quality status, a Report shall be drafted on the air quality status, reduction of greenhouse gas emissions and consumption of substances that deplete the ozone layer for the territory of the Republic of Croatia (hereinafter: the Report) covering a four year period.

(2) The Report shall contain:

- the air quality status: the regions and levels of pollution, duration of specific indicative pollution levels, general information regarding the region, pollution type and assessment, origin of the pollution, analysis of the factors which caused air pollution, specific information regarding measures and projects undertaken for the improvement of air quality,
- assessment of implemented measures and their effectiveness,
- realisation of measures from the Plan, Programme and other documents for air protection, ozone layer protection and climate change mitigation,
- the implementation of obligations ensuing from international treaties in the field of air protection, ozone layer protection and climate change mitigation,
- data on pronounced fines,
- data on use of funds for protection and improvement of air quality,
- proposed amendments to existing documents and other data of significance to air protection, ozone layer protection and climate change mitigation.

(3) The Ministry shall be the competent authority for drafting the Report, while the drafting itself shall be done by the Agency.

(4) The Ministry shall submit the Report to the Government.

#### Article 14

(1) The administrative body competent for environmental protection (hereinafter: competent administrative body) of the county, City of Zagreb and major city shall draft a report on the implementation of the Programme referred to in Article 12 of this Act, to be adopted by the representative body of the county, City of Zagreb and major city.

(2) The report referred to in paragraph 1 of this Article shall be drafted in accordance with the Report referred to in Article 13 of this Act.

#### Article 15

The Report referred to in Article 13 of this Act shall be published in the Official Gazette, while the report referred to in Article 14 of this Act shall be published in the official bulletin of the local and regional self-government unit depending on which representative body adopted it.



## Article 16

- (1) The draft Plan referred to in Article 10 of this Act, draft national action plan, national programme and national report referred to in Article 11 of this Act, draft report referred to in Article 13 of this Act, draft plan referred to in Article 100 paragraph 2 of this Act and the draft action plan for adaptation to climate change referred to in Article 118 of this Act must be publicly displayed to enable the public to give their opinions, suggestions and comments.
- (2) The Ministry shall inform the public via the media as to the location where the documents referred to in paragraph 1 of this Article shall be accessible and the manner and period during which opinions, suggestions and comments may be given.
- (3) The period within which the public may give their comments, suggestions and opinions may not be less than 30 days from the day of announcement.
- (4) The Ministry shall review the opinions, suggestions and comments of the public and shall evaluate and decide upon their justifiability.
- (5) The provisions of paragraphs 1, 2, 3 and 4 of this Article shall also apply accordingly to the adoption of the Programmes and reports of the county, City of Zagreb and major city and to air quality action plans.

## III AIR QUALITY MONITORING AND AIR QUALITY ASSESSMENT

### Article 17

Air quality shall be monitored by:

- measuring at fixed measurement sites and/or assessing air pollution levels in zones and agglomerations,
- measuring at fixed measurement sites and/or assessing air pollution levels which are the result of long-range or transboundary transmission of air pollutants and precipitations on the territory of the Republic of Croatia,
- measuring and analysis of meteorological conditions and air quality,
- measuring and observing changes which point to effects of air pollution (secondary indicators of air quality): on the ground, plants, buildings, in biological findings, etc.,
- modelling pollutant transfer and dispersion by using appropriate atmospheric models,
- using other assessment methods and criteria applied on the territory of the European Union.

### Article 18

- (1) Air quality monitoring and air quality assessment shall be performed in zones and in agglomerations on the territory of the Republic of Croatia.

(2) Zones and agglomerations and their classification according to air pollution levels based on the Plan referred to in Article 10 and the Report referred to in Article 13 of this Act, shall be prescribed by the Government by virtue of a regulation.

(3) The air pollution level shall be assessed by analysis of the existing status on the basis of results of measurements performed at fixed measurement sites throughout at least five years, based on indicative measurements, by application of standardised mathematical models and other assessment methods applied in the European Union.

### *Air quality assessment*

#### Article 19

(1) Air quality assessment in zones and agglomerations as defined by this Act, shall be performed for the following pollutants: sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>), lead, benzene, carbon monoxide, ground level ozone, arsenic, cadmium, mercury, nickel and benzo(a)pyrene.

(2) Air quality assessment on the territory of the Republic of Croatia shall be performed by the Ministry based on assessment criteria defined by the ordinance referred to in Article 52 of this Act and shall be performed as least once every five years.

(3) The minimum number of measurement sites for monitoring of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>), lead, benzene, carbon monoxide, ground level ozone, arsenic, cadmium, mercury, nickel and benzo(a)pyrene in the air shall be determined in line with the criteria prescribed in Article 52 of this Act.

(4) Sampling points for benzo(a)pyrene shall also serve for sampling other polycyclic aromatic hydrocarbons, while ozone precursors shall also be measured at at least one measurement site for ground level ozone.

(4) The list of measurement sites for monitoring of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>), lead, benzene, carbon monoxide, ground level ozone, arsenic, cadmium, mercury, nickel and benzo(a)pyrene and other polycyclic aromatic hydrocarbons in the air shall be prescribed by the Government by virtue of a regulation.

#### Article 20

(1) Assessment of air pollution levels in relation to the following pollutants: sulphur dioxide, nitrogen dioxide and nitrogen oxides, particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>), benzene, carbon monoxide and lead, shall be carried out by:

- measuring at fixed measurement sites in zones and agglomerations where the level of the pollutants concerned exceeds the upper assessment threshold. These fixed measurements are supplemented by modelling techniques and/or indicative measurements to provide adequate data on the spatial distribution of air quality;
- using a combination of fixed measurements and modelling techniques and/or indicative measurements in zones and agglomerations where the level of pollutants is below the upper assessment threshold;

- using mathematic modelling techniques and/or other assessment methods in line with generally accepted practices in Member States of the European Union, in zones and agglomerations where the level of pollutants is below the lower assessment threshold.

(2) At rural background locations, away from significant emission sources of air pollution, as a minimum, measurements of the total mass concentration of particulate matter PM<sub>2,5</sub> shall be performed and the chemical speciation concentrations of particulate matter PM<sub>2,5</sub> shall be measured on an annual average basis for the elements and compounds prescribed by the ordinance referred to in Article 52 of this Act.

(3) Assessment criteria, measurement sites, measurement programmes, quality objectives and reference measurement methods for the pollutants referred to in paragraphs 1 and 2 of this Article shall be applied in line with the ordinance referred to in Article 52 of this Act.

#### Article 21

(1) Assessment of air pollution levels as regards ground level ozone shall be performed in zones and agglomerations where the pollution levels of ozone have exceeded the long-term objectives during any of the previous five years of measurement and a fixed measurement site shall be set up for monitoring ground level ozone concentrations.

(2) Where fewer than five years' data are available, for the purposes of determining whether the long-term objectives referred to in paragraph 1 of this Article have been exceeded during those five years, it shall be possible to combine the results from measurement campaigns of short duration carried out when and where levels are likely to be at their highest, with the data on pollutant emissions from the Environmental Pollution Registry and the results obtained from modelling.

(3) Assessment criteria, measurement sites, measurement programmes, quality objectives and reference measurement methods for ground level ozone and ground level ozone precursors shall be applied in line with the ordinance referred to in Article 52 of this Act.

#### Article 22

(1) Assessment of air pollution levels in relation to arsenic, cadmium, mercury, nickel and benzo(a)pyrene shall be performed in zones and agglomerations where the target values have been exceeded during any of the previous five years of measurement and a fixed measurement site shall be set up for monitoring these substances.

(2) In zones and agglomerations where the air pollution levels in relation to the substances referred to in paragraph 1 of this Article exceed the upper assessment threshold, assessment of pollution levels shall be performed using fixed measurements.

(3) In zones and agglomerations where the air pollution levels in relation to the substances referred to in paragraph 1 of this Article fall between the upper and lower assessment threshold, assessment of pollution levels shall be performed by combining fixed measurements with indicative measurements and modelling techniques.

(4) In zones and agglomerations where the air pollution levels in relation to the substances referred to in paragraph 1 of this Article are below the lower assessment threshold, assessment of pollution levels shall be performed by using modelling techniques and objective-estimation techniques.

(5) Assessment criteria, measurement sites, measurement programmes, quality objectives and reference measurement methods for the substances referred to in paragraph 1 of this Article shall be applied in line with the ordinance on air quality monitoring referred to in Article 52 of this Act.

## Article 23

(1) Classification of zones and agglomerations in relation to the following pollutants: sulphur dioxide, nitrogen dioxide and nitrogen oxides, particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>), lead, benzene, carbon monoxide and ground level ozone, shall be carried out at least every five years by application of the prescribed upper and lower assessment thresholds and in relation to long-term objectives for ground level ozone, in line with the regulation referred to in Article 25 paragraph 1 of this Act.

(2) Classification of zones and agglomerations in relation to arsenic, cadmium, mercury, nickel and benzo(a)pyrene in air shall be carried out at least every five years by application of the prescribed target values and by assessment of the concentrations in air and the deposition of those substances on the territory of the Republic of Croatia, in relation to the upper and lower assessment thresholds, in line with the regulation referred to in Article 25 paragraph 1 of this Act.

(3) In the event of significant changes in activities relevant to the concentrations of the pollutants referred to in paragraphs 1 and 2 of this Article, classifications of zones and agglomerations shall be reviewed at an earlier time.

## Article 24

(1) According to pollution levels, given the prescribed limit values (LV), target values and long-term objectives, the following categories of air quality have been determined:

– first category of air quality – clean or negligibly polluted air: the limit values (LV), target values and long-term objectives for ground level ozone have not been exceeded,

– second category of air quality – polluted air: the limit values (LV), target values and long-term objectives for ground level ozone have been exceeded.

(2) The categories of air quality referred to in paragraph 1 of this Article shall be determined for each pollutant separately and shall take into account the protection of human health, quality of life, protection of vegetation and the ecosystem.

(3) The categories of air quality referred to in paragraph 1 of this Article shall be determined once a year for the previous calendar year.

(4) The annual report on air quality monitoring on the territory of the Republic of Croatia, along with the list of air quality categories, shall be drawn up by the Agency and published on its web site.

## Article 25

(1) The limit values (LV) and target values for each atmospheric pollutant and the long-term objectives and target values for ground level ozone in air shall be prescribed by the Government by virtue of a regulation.

(2) The regulation referred to in paragraph 1 of this Article shall, depending on the properties of

the pollutants concerned, prescribe the upper and lower assessment thresholds, margins of tolerance (MT), target values, basic components of the stated values, average exposure indicator, national exposure reduction target, exposure concentration, critical levels, alert threshold and information threshold and special measures for the protection of human health undertaken at the moment of their occurrence, in addition to deadlines for gradual reduction of the margins of tolerance and for achieving the long-term objectives for ground level ozone.

(3) The regulation referred to in paragraph 1 of this Article shall prescribe the limit values (LV) for the protection of human health and quality of life, the protection of vegetation and the ecosystem.

#### Article 26

(1) If in a specific zone or agglomeration levels exceeding the alert threshold or information threshold are established, the executive body of the City of Zagreb, the city or municipality shall order the application of special measures aimed at protecting human health and shall define the manner of implementation thereof.

(2) If in a specific zone or agglomeration critical levels prescribed for the protection of vegetation are established, the representative body of the local and regional self-government unit shall order the application of special measures and shall define the manner of implementation thereof.

(3) The special measures for protecting human health referred to in paragraph 1 of this Article also include measures relating to mobile sources.

(4) The public shall be informed of the occurrence of alert thresholds or information thresholds by the executive body of the City of Zagreb, city or municipality through an announcement issued to all the media covering the territory of the local self-government unit in question.

#### *Air quality monitoring*

#### Article 27

(1) For monitoring air quality in zones and agglomerations in the Republic of Croatia, a state network for permanent monitoring of air quality shall be set up (hereinafter: the state network).

(2) The state network is an integral part of monitoring of the state of the environment and shall be financed by the State Budget of the Republic of Croatia.

(3) Locations of stations referred to in paragraph 1 of this Article shall be prescribed by virtue of a regulation by the Government, at the proposal of the Ministry.

(4) The criteria for the siting of stations shall be prescribed by the Minister by virtue of the ordinance referred to in Article 52 of this Act.

#### Article 28

(1) The Meteorological and Hydrological Service shall manage the operation of the state network and shall ensure the setting-up of new stations in the state network.

(2) Air quality monitoring in stations belonging to the state network for monitoring air quality (measurement, data collection, assurance and verification of air quality data and air measurement quality, adjustment and checking of technical characteristics of measurement equipment in

conformity with the reference measurement methods and processing and presentation of results of measurements) shall be performed by the legal person - reference laboratory holding the permit referred to in Article 61 of this Act.

(3) The legal person – reference laboratory referred to in paragraph 2 of this Article shall deliver to the Ministry and to the Agency initial and validated data and the report on pollution levels and air quality assessment by 30 April of the current year for the previous calendar year.

(4) Supervision over the operation of the state network for monitoring air quality shall be performed by the Ministry.

#### Article 29

(1) Air quality monitoring shall be performed at the stations referred to in Article 27 paragraph 1 of this Act according to the Programme for measuring pollution levels.

(2) The Programme for measuring pollution levels in the state network, the measurement frequency and the measurement period shall be passed by the Minister.

#### Article 30

(1) The air quality data from the state network shall be public and shall be published on the website of the Agency.

(2) The data referred to in paragraph 1 of this Article shall be used for the purpose of producing the report on air quality status and represent an integral part of the air protection information system.

#### Article 31

(1) The county, City of Zagreb and cities shall set up measurement stations for monitoring air quality in their region if they establish that the pollution levels exceed the limit value (LV), that is, if they conclude that justified reasons exist for doing so (especially in the case of increased industrial development, expansion of business and industrial zones etc.).

(2) The representative body of the units referred to in paragraph 1 of this Article shall determine the locations of the air quality monitoring stations, adopt a programme for measuring pollution levels and ensure conditions for its implementation.

(3) The county, City of Zagreb and cities setting up air quality monitoring stations in their regions, shall be obligated to set them up in line with the provisions of the ordinance referred to in Article 52 of this Act.

(4) The competent administrative body of the unit referred to in paragraph 1 of this Article shall perform supervision over the implementation of activities referred to in paragraphs 1 and 3 of this Article and shall publish data on the performed measurements.

(5) The competent administrative body of the unit referred to in paragraph 1 of this Article shall submit to the Agency initial and validated data and a report on pollution levels and air quality assessment for the previous calendar year by 30 April of the current year.

#### Article 32



(1) The polluter shall perform monitoring of air quality as defined in the decision on environmental impact assessment or the decision on integrated environmental protection requirements issued pursuant to the Environmental Protection Act.

(2) The legal person – testing laboratory that performs measurements for the polluter referred to in paragraph 1 of this Article shall submit the original and validated air quality monitoring data and the report on pollution levels and air quality assessment to the competent administrative body of the county, of the City of Zagreb and of the city for the previous calendar year by 31 March of the current year.

(3) The competent administrative body of the unit referred to in paragraph 2 of this Article shall submit to the Agency original and validated data and the report referred to in paragraph 2 of this Article for the previous calendar year by 30 April of the current year.

### Article 33

(1) In cases where there is reasonable doubt, as reported by a concerned citizen, that the air has become polluted and its quality is such that it may be harmful to human health, the quality of life and/or that it may adversely affect any component of the environment, either special purpose measurements or an assessment of the pollution level must be carried out.

(2) The executive body of the City of Zagreb, the city and municipality shall determine the justifiability of the reasonable doubt referred to in paragraph 1 of this Article and shall render a decision on special purpose measurement with regard to the content and measurement period or the pollution level assessment and the manner of payment of the expenses of the special purpose measurements or assessment of pollution level.

(3) If measurement or assessment reveals that there is no excessive pollution or that there is excessive pollution but the polluter is unknown, the expenses shall be borne by the local self-government unit whose executive body issued the decision referred to in paragraph 2 of this Article.

(4) If the measurement or assessment reveals excessive air pollution and the polluter is known, the expenses for measurement or assessment shall be borne by the polluter pursuant to the decision referred to in paragraph 2 of this Article.

(5) Upon receiving a request from the environmental inspection as regards determining justifiability of reasonable doubt referred to in paragraph 1 of this Article, the executive body of the City of Zagreb, the city or municipality shall issue a decision on special purpose measurement or pollution level assessment within three days.

(6) If the executive body of the City of Zagreb, the city or municipality does not issue the decision referred to in paragraph 5 of this Article, the Ministry shall provide for the special purpose measurement or pollution level assessment at the expense and liability of the local self-government unit whose executive body did not issue the decision in question.

### Article 34

(1) Measurement data referred to in Article 31 paragraph 1 and Article 32 paragraph 1 of this Act shall be public and shall be published annually in the official bulletin or on the website of the local and regional self-government unit, in summarised form and in a manner comprehensible to the wider public.

(2) The data referred to in paragraph 1 of this Article shall be used for the needs of the report on air quality status and shall be a constituent part of the air protection information system.

## IV MEASURES FOR PREVENTION AND ABATEMENT OF AIR POLLUTION

### Article 35

Effective protection and improvement of air quality and of other parts of the environment that are threatened by air pollution shall be ensured by applying the principles of sustainable development and an integrated approach and through implementation of the best available techniques, technical solutions and measures.

### Article 36

(1) In zones and agglomerations for which it is determined that the levels of pollutants referred to in Article 19 paragraph 1 of this Act are below the prescribed LV, target values and long-term objectives for ground level ozone, preventative measures shall be undertaken so that these values are not exceeded due to construction and development of the region.

(2) In zones and agglomerations for which it is determined that the levels of pollutants referred to in Article 19 paragraph 1 of this Act exceed the prescribed LV, target values and long-term objectives for ground level ozone, pollution abatement measures shall be undertaken so that LV, target values and long-term objectives for ozone may be achieved. These measures shall be in compliance with the air quality action plans referred to in Article 46 paragraph 1 of this Act.

(3) In zones and agglomerations for which it is determined that the levels of sulphur dioxide and nitrogen dioxide exceed the prescribed alert thresholds or alert thresholds in the case of ground level ozone, measures set out by short-term action plans shall be undertaken in line with Article 47 paragraph 1 of this Act so that limit values (LV) or target value in the case of ground level ozone may be achieved.

### Article 37

Air pollution prevention and abatement shall be carried out by:

- harmonisation of physical planning documents with programmes for air protection, that is, by integrated planning,
- prescribing limit values for emissions from stationary sources and limit values with regard to the composition of certain products and/or other characteristics of product quality,
- applying air protection measures defined in the decision on environmental impact assessment or the decision on integrated environmental protection requirements pursuant to the Environmental Protection Act,
- applying air protection measures defined in the activity performance permit issued by the competent body pursuant to a special regulation if environmental impact assessment is not prescribed as mandatory for the project concerned and if a decision on integrated environmental protection requirements is not issued for the given installation,
- application of best available techniques,

- prescribing emission quantities for individual pollutants,
- allocation of greenhouse gas emission allowances and emission quantities,
- promoting use of clean technologies and renewable energy sources,
- promoting introduction of energy efficiency measures,
- gradual reduction (phase out) of controlled substances and fluorinated greenhouse gases,
- implementation of measures laid down in the air quality action plans and in the short-term action plans.

(2) The air protection measures referred to in paragraph 1 subparagraph 4 of this Article shall be set out in the environmental protection study for the field of air protection, to be produced by an authorised legal person pursuant to the Environmental Protection Act.

#### Article 38

(1) Polluters, owners and/or users of sources of pollution referred to in Article 9 paragraph 2 of this Act, shall in particular:

- ensure regular monitoring of emissions and keep records thereof,
- ensure performance of measurements of pollutant emissions from stationary sources,
- keep records on performed measurements along with data on measurement stations and measurement results and the frequency of emission measurement,
- keep records on used fuel and waste used in the co-incineration process,
- keep records on the operation of emission abatement equipment.

(2) Data referred to in paragraph 1 of this Article shall be submitted to the Environmental Pollution Register in line with a special regulation governing the Environmental Pollution Register.

(3) For sources of air pollution referred to in Article 9 paragraph 3 of this Act, data on emission sources shall be kept in the manner prescribed for means of transport, in accordance with special legislation.

#### Article 39

(1) Emission limit values for emissions of pollutants into the air from the stationary sources referred to in Article 9 paragraph 2 of this Act, emission monitoring and evaluation, entry of data on stationary sources using organic solvents or products containing volatile organic compounds into the Register of the Ministry, method of reducing pollutant emissions from stationary sources, the method and deadline for delivering emission reports to the Agency, the method of provision of information to the public and the method of submission of data to competent European Union bodies shall be prescribed by the Government by virtue of a regulation.

(2) In the regulation referred to in paragraph 1 of this Article, the Government may define for existing sources a permitted level exceeding the prescribed limit values for a specific period of time.

#### Article 40

- (1) Emission quantities for individual pollutants which cause the adverse effects of acidification, eutrophication and photochemical pollution in the territory of the Republic of Croatia shall be set in line with the Plan referred to in Article 10 of this Act and the national programme for abatement of pollutant emissions referred to in Article 11 paragraph 1 of this Act.
- (2) The pollutants referred to in paragraph 1 of this Article, their emission quantities for specific periods and the method for calculating annual emission inventories shall be prescribed by the Government by virtue of a regulation.

#### Article 41

- (1) Limit values for components and/or other product quality characteristics, manner of determining and monitoring product quality, requirements of accredited laboratories for sampling and laboratory analysis of product quality, manner of conformity attestation, names and labelling of products, the method and deadline for delivering product quality reports to the Agency and the method for delivering data to the competent bodies of the European Union shall be prescribed by the Government by virtue of a regulation.
- (2) In the regulation referred to in paragraph 1 of this Article, the Government may define for existing products the permitted exceedance of the prescribed limit values for components and/or other product quality characteristics for a specific period of time.

#### Article 42

- (1) In the region belonging to the first category of air quality, no new project carried out in the environment or reconstruction of an existing source of air pollution referred to in Article 9 paragraph 2 of this Act shall endanger the existing air quality category.
- (2) In the region belonging to the second category of air quality, a location, building or use permit may be issued for a new source of air pollution or for reconstruction of an existing source of pollution if:
- the works in question will ensure the replacement of an existing, non-compliant stationary source with a new one that reduces the air pollution,
  - in the environmental assessment procedure it is established that the project concerned will not endanger the quality of air, that is, if air pollution prevention measures have been prescribed.

#### ***National PM<sub>2.5</sub> exposure reduction target for the protection of human health***

#### Article 43

- (1) The Ministry, in cooperation with other central state administration bodies, counties, the City of Zagreb and cities shall ensure implementation of all necessary measures not entailing disproportionate costs in order to reduce exposure and attain the PM<sub>2.5</sub> exposure reduction target, in

line with the pollution levels and deadlines set out in the regulation referred to in Article 25 paragraph 1 of this Act.

(2) The average exposure indicator for PM<sub>2,5</sub>, distribution and number of measurement sites on which the average exposure indicator for PM<sub>2,5</sub> is based, which adequately reflects the general population exposure, shall be set out in the regulation referred to in Article 25 paragraph 1 of this Act.

### ***Contributions from natural sources***

#### **Article 44**

(1) In zones and agglomerations where exceedances of limit values for a given pollutant are attributable to natural sources the Ministry shall provide for collection of data on pollution concentrations and sources and the evidence demonstrating that the exceedances are attributable to natural sources, for each year in which exceedances of limit values for a given pollutant has been established.

(2) Based on the information and evidence referred to in paragraph 1 of this Article the Ministry shall produce a list of zones and agglomerations where exceedances of limit values for a given pollutant are attributable to natural sources.

(3) The Ministry shall transmit to the European Commission the list referred to in paragraph 2 of this Article along with the information and evidence on the basis of which the list was produced.

### ***Exceedances attributable to winter-sanding or -salting of roads***

#### **Article 45**

(1) The Ministry shall keep records on the zones or agglomerations within which limit values for PM<sub>10</sub> in air are exceeded due to the re-suspension of particulates following winter-sanding or -salting of roads, together with information on concentrations and sources of PM<sub>10</sub> therein.

(2) The Ministry, in cooperation with other central state administration bodies, counties, the City of Zagreb and cities shall provide for the collection of required evidence to demonstrate that the exceedances are due to re-suspended particulates and that reasonable measures have been taken to lower the concentrations of PM<sub>10</sub>.

### ***Air quality action plans***

#### **Article 46**

(1) Where, in a given zone or agglomeration, the levels of pollutants in air exceed any limit value or target value, in each case, the representative body of the local self-government unit and the City of Zagreb competent for the zone or agglomeration in question shall adopt an air quality action plan for that zone and agglomeration, in order to achieve the limit values or target values as soon as possible. The air quality action plan may additionally include special measures aiming at the protection of sensitive population groups, including children.

(2) Where, in given a zone or agglomeration, compliance cannot be achieved with the limit values prescribed for nitrogen dioxide or benzene by the regulation referred to in Article 25 of this Act, the Ministry shall request from the European Commission exemption from the obligation to apply those limit values for a maximum period of five years for the given zone or agglomeration,

provided that the air quality action plan referred to in paragraph 1 of this Article has been produced for the zone or agglomeration for which the exemption is requested and that the plan provides for achieving conformity with the limit values before the set deadline.

(3) Where, in a given zone or agglomeration, compliance with the limit values for PM<sub>10</sub> cannot be achieved because of site-specific dispersion characteristics, adverse climatic conditions or transboundary contributions, the Ministry shall request from the European Commission exemption from the obligation to apply those limit values until a set deadline, provided that all appropriate measures have been taken at the national, regional and local level and that the requirements set out in paragraph 1 of this Article have been met.

(4) Where paragraph 2 or paragraph 3 of this Article is applied, it must be ensured that the limit values for each pollutant is not exceeded by more than the maximum margin of tolerance specified in the regulation referred to in Article 25 paragraph 1 of this Act.

(5) The action plan referred to in paragraph 1 of this Article shall contain in particular: identification of the region in which excessive pollution has appeared, general information, competent authority, pollution type and assessment, origin of pollution, status analysis, details on implemented measures, air pollution abatement measures, order of realisation and deadlines for realisation of measures and cost estimate.

(6) The action plan referred to in paragraph 1 of this Article shall be adopted within 12 months from the end of the year in which the exceedance was established.

(7) The representative body of the local self-government unit shall submit the action plan referred to in paragraph 1 of this Article to the Ministry, upon its adoption.

(8) The Ministry shall deliver the action plan referred to in paragraph 7 of this Article to the European Commission immediately upon its adoption, and at the latest two years from the end of the year in which the exceedance was established.

(9) Where the European Commission does not raise any objections within nine months from receipt of the action plan, it shall be deemed that it has no objections. The Commission may raise objections and request that the action plan be adjusted or that a new action plan be adopted.

(10) The polluter shall implement and finance the air pollution abatement measures set out in the action plan referred to in paragraph 1 of this Article.

### ***Short-term action plans***

#### **Article 47**

(1) Where, in a given zone or agglomeration, there is a risk that the levels of pollutants will exceed the alert thresholds, the representative body of the local self-government unit in charge of the given zone or agglomeration shall provide for the adoption of a short-term action plan indicating the measures to be taken in the short term in order to reduce the risk or duration of such an exceedance.

(2) The short-term action plans referred to in paragraph 1 of this Article may, depending on the individual case, provide for effective measures to control and, where necessary, suspend activities which contribute to the risk of the respective limit values or target values or alert threshold being exceeded. The short-term action plan may include measures in relation to motor-vehicle traffic, construction works, ships at berth, operation in industrial plants, use of industrial products and



domestic heating and may also include specific actions aiming at the protection of sensitive population groups, including children.

(3) Where, in a given zone or agglomeration, there is a risk that the alert threshold for ground level ozone will be exceeded, the Ministry shall only provide for the adoption of short-term action plans when in its opinion there is a significant potential for reducing the risk or duration of such an exceedance, taking into account the national geographical, meteorological and economic conditions.

(4) The Ministry and the representative body of the local self-government unit shall inform the public, including environmental protection organisations and associations, consumer protection organisations, organisations representing the interests of sensitive population groups, competent health-care and public health bodies and industrial federations, on the results of their investigations on the feasibility and the content of the short-term action plan and on the implementation thereof.

(5) The polluter shall implement and finance the air pollution abatement measures set out in the short-term action plan referred to in paragraph 1 of this Article.

### ***Transboundary air pollution***

#### **Article 48**

(1) Where any alert threshold, limit value or target value plus any relevant margin of tolerance or long-term objective is exceeded due to significant transboundary transport of air pollutants or their precursors, the Ministry shall cooperate with the competent authorities of neighbouring European Union Member States and may propose to the competent authorities of neighbouring European Union Member States that joint or coordinated air quality action plans be prepared pursuant to Article 46 of this Act, in order to remove such exceedances through the application of appropriate, but proportionate measures.

(2) The Ministry shall, in cooperation with the competent authorities of neighbouring European Union Member States and as needed in line with Article 47 of this Act, prepare and implement joint short-term action plans covering neighbouring zones in other countries and provide for the exchange of all relevant and necessary data.

(3) Where the information threshold or alert thresholds are exceeded in zones or agglomerations close to national borders, information shall be provided as soon as possible to the competent authorities in the neighbouring European Union Member States concerned. The information shall also be made available to the public.

(4) The Ministry shall initiate cooperation with the competent authorities of third, non-EU countries, as needed in line with Article 46 of this Act, for the purpose of preparing and implementing joint short-term action plans covering neighbouring zones close to the national borders where the pollution occurred, providing for the exchange of all relevant and necessary data.

(5) Where the information threshold or alert thresholds are exceeded in zones or agglomerations close to national borders of third, non-EU countries, information shall be provided as soon as possible to the competent authorities of the countries concerned. The information shall also be made available to the public. The Ministry shall deliver the data to the competent authorities of those countries via the ministry competent for foreign affairs.

## **V AIR QUALITY REPORTING AND DATA EXCHANGE**

#### **Article 49**

(1) The Ministry, local and regional self-government units, the City of Zagreb and the Agency shall inform the public, environmental protection organisations and associations, consumer protection organisations, associations and organisations representing the interests of sensitive population groups, industrial federations and competent health-care and public health bodies on:

- the quality of air in zones and agglomerations,
- implementation of air quality protection measures set out in the Plan in Article 10 of this Act,
- implementation of air quality action plans,
- implementation of short-term action plans,
- annual reports on the pollutants covered by this Act.

(2) The competent body for healthcare and public welfare shall, based on the data referred to in paragraph 1 of this Article, ensure the provision of relevant information related to impacts on human health, pursuant to special legislation.

#### Article 50

(1) The Ministry shall ensure availability and exchange of air quality data as defined in the ordinance specified in Article 120 paragraph 3 of this Act.

(2) For the specific purpose of assessing compliance with the limit values (LV) and critical levels and the attainment of target values, data submitted to the European Commission shall include:

- the changes made in that year to the delimitation of zones and agglomerations,
- the list of zones and agglomerations in which the levels of one or more pollutants are higher than the limit values, plus the margin of tolerance where applicable, or higher than target values or critical levels; and for these zones and agglomerations:

(a) the pollutant levels and, if relevant, the dates and periods when such levels were observed;

(b) an assessment on contributions from natural sources and from re-suspension of particulates following winter-sanding or -salting of roads to the levels assessed, if appropriate.

(3) All measurement data collected from stations, both in initial and validated form and along with the measurement frequency, must be available to state administration bodies, bodies of local and regional self-government units, the City of Zagreb and legal persons vested with public authorities in charge of air quality monitoring activities, air quality management activities and producing air quality protection and improvement plans.

(4) In the zones and agglomerations in which limit values (LV) or target values are exceeded the following data shall be provided for the purpose of taking further action:

- (a) list of zones and agglomerations,
- (b) list of zones in which target values have been exceeded,
- (c) amounts of assessed concentrations,

- (d) reasons for exceedance of target values and especially the sources contributing thereto,
- (e) percentage of population exposed to increased values.

(5) The data referred to in paragraphs 2 and 4 of this Article shall be provided by the Agency, while the Ministry shall deliver them to the European Commission by 30 September of the current year, for the previous calendar year.

#### Article 51

(1) The annual report on air quality monitoring on the territory of the Republic of Croatia shall be drawn up by the Agency and delivered to the Ministry by 31 July of the current year, for the previous calendar year.

(2) The report referred to in paragraph 1 of this Article shall be prepared in the manner prescribed by the Ordinance referred to in Article 52 of this Act and shall contain in particular: a summary of the pollution levels exceeding limit values, target values, long-term objectives, information thresholds and alert thresholds, for the relevant averaging periods and all the relevant information required under Article 50 paragraphs 2 and 4 of this Act. That information shall be combined with a summary assessment of the effects of those exceedances on human health and vegetation.

### VI ACTIVITIES OF MONITORING OF AIR QUALITY AND EMISSIONS INTO THE AIR

#### Article 52

The method of monitoring air quality and collection of data, criteria for siting measurement sites, criteria for determining the minimum number of measurement sites, reference measurement methods, manner of demonstrating equivalence for other measurement methods, manner of checking the quality of measurements and data, also including the manner of processing and presenting results and compliance with Croatian standards, manner of verification of measuring instrument accuracy and calibration of measuring instruments, operation methods and costs of reference laboratories, the establishment and method of operation of the commission for monitoring the work of reference laboratories, manner of submitting data for the needs of the air protection information system, content of the annual report and the manner of regular provision of information to the public shall be prescribed by the Minister by virtue of an ordinance.

#### Article 53

The manner of monitoring emissions from stationary sources into the air, scope and type of measurement, reference measurement methods, manner of demonstrating equivalence for other measurement methods, manner of verification of measuring instrument accuracy and calibration of measuring instruments, manner of verification of the accuracy of the measurement system for continuous measurement of emissions from stationary sources into the air, procedure for sampling and evaluation of measurement results, manner of submitting data on emissions for the needs of the air protection information system and the manner of regular provision of information on emission monitoring to the public shall be prescribed by the Minister by ordinance.

#### Article 54

A legal person – testing laboratory registered for performing air quality monitoring activities, activities for monitoring pollutant emissions from stationary sources and/or verification of the accuracy of the measurement systems for continuous monitoring of emissions from stationary sources into the air may begin operation upon obtaining a permit from the Ministry.

#### Article 55

(1) The permit referred to in Article 54 of this Act shall be issued to a legal person – testing laboratory that meets the following criteria:

- is registered for performing air quality monitoring activities, activities for monitoring pollutant emissions from stationary sources and/or activities of verification of the accuracy of the measurement systems for continuous monitoring of emissions from stationary sources into the air,
- employs at least three employees with a university degree or of a profession in natural, technical or biotechnical sciences or a university degree in sanitary engineering, field of biomedicine and health, with at least five years of work experience in activities of monitoring air pollution levels and monitoring pollutant emissions from stationary sources, who have passed the required professional examination in the field of air protection, in line with a special regulation governing professional examinations for the performance of professional environmental protection activities,
- has the required work premises including a laboratory for performing sample analysis, processing and presentation of measurement results and checking of measuring procedures and data collected through measurement and sampling, apart from those procedures whose very nature requires that they be performed in the open i.e. directly at the point of discharge of the waste gases,
- for monitoring air quality, has measuring equipment available for performing air quality monitoring activities, in line with the reference measurement methods prescribed by the ordinance referred to in Article 52 of this Act and that it has been accredited pursuant to the HRN EN ISO/IEC 17025 standard, for each reference measurement method separately, and that it possesses a certificate from the reference laboratory for measurement quality assurance and air quality data assurance for each measurement method used,
- for monitoring emissions from stationary sources into the air, has measuring equipment available for performing activities of monitoring emissions from stationary sources into the air in conformity with the measurement methods prescribed by the Ordinance referred to in Article 53 of this Act and it has been accredited pursuant to the HRN EN ISO/IEC 17025 standard, for each reference measurement method separately,
- for activities of verification of the accuracy of the measurement system for continuous measurement of emissions from stationary sources, that it has been accredited pursuant to the HRN EN ISO/IEC 17025 standard, for the reference methods for emission measurement prescribed by the ordinance referred to in Article 53 of this Act, and which are in compliance with the HRN EN 14181 standard.

(2) The legal person – testing laboratory may also use other measurement methods for monitoring air quality, apart from the reference methods prescribed by the ordinance referred to in Article 52 of this Act, if it has been accredited and possesses a certificate from the reference laboratory for measurement quality assurance and air quality data assurance for the measurement methods used and possesses a certificate from the reference laboratory that equivalence tests have been performed for those methods in line with European Commission standards.

(3) The legal person – testing laboratory may also use other measurement methods for monitoring

pollutant emissions from stationary sources into the air, apart from the testing measurement methods prescribed by the ordinance referred to in Article 53 of this Act, if it has been duly accredited and can provide evidence of equivalence in line with the HRN CEN/TS 14793 standard.

(4) The legal person – testing laboratory may perform air quality monitoring, monitoring pollutant emissions from stationary sources and/or verification of the accuracy of the measurement system for continuous emission measurement of emissions from stationary sources into the air in compliance with the reference measurement method or other measurement method for which it has obtained the permit referred to in Article 54 of this Act.

#### Article 56

(1) The following documents shall be submitted along with the application for issue of the permit referred to in Article 54 of this Act:

- excerpt from the court register, in the original or as a notarised copy, not older than six months,
- list of employees along with evidence of their professional qualifications – notarised copies of employment records and diplomas,
- copy of certificate on the passed professional examination in the air protection field,
- description of the worker's work experience and list of expert activities of air quality monitoring and monitoring of emissions from stationary sources into the air in which the worker took part,
- excerpt from the land registry or lease contract for the work premises, in the original or as a notarised copy,
- accreditation air quality monitoring certificate in line with the HRN EN ISO/IEC 17025 standard or certificate of the reference laboratory for measurement quality assurance and air quality data assurance, along with a list of reference measurement methods and other methods for which the procedure for proving equivalence with the reference measurement methods prescribed by the ordinance referred to in Article 52 of this Act, for which the permit is being applied, in the original or as a notarised copy,
- accreditation certificate for monitoring pollutant emissions from stationary sources in line with the HRN EN ISO/IEC 17025 standard, along with a list of reference measurement methods and other methods for which the equivalence procedure for proving equivalence has been implemented in accordance with the prescribed reference measurement methods prescribed by the ordinance referred to in Article 53 of this Act, for which the permit is being applied, in the original or as a notarised copy,
- accreditation certificate for monitoring pollutant emissions from stationary sources in line with the HRN EN ISO/IEC 17025 standard, along with a list of reference measurement methods in line with the HRN EN 14181 standard for which the permit is being applied, in the original or as a notarised copy,

(2) The accreditation certificate referred to in paragraph 1 subparagraphs 6, 7 and 8 of this Article shall be issued by the accreditation authority.

(3) The certificate of the reference laboratory for measurement quality assurance and air quality data assurance for each of the measurement methods referred to in paragraph 1 subparagraph 6 of this Article shall be issued by the reference laboratory referred to in Article 61 of this Act.

(4) By way of exception from paragraph 3 of this Article, if for a certain reference measurement method no reference laboratory exists in the Republic of Croatia, the original or notarised copy of a certificate issued by a reference laboratory for measurement quality assurance and air quality data assurance for the measurement methods concerned in the European Union Member States shall be accepted. The certificate must be translated into the Croatian language by an authorised person.

(5) The reference laboratory certificate of performance of equivalence tests for other air quality measurement methods in line with European Commission standards shall be issued by the reference laboratory referred to in Article 61 of this Act.

#### Article 57

(1) An owner or user of a source of air pollution may begin to independently carry out activities of monitoring air quality and/or monitoring emissions from stationary sources into the air, as part of its registered activity, upon obtaining a permit from the Ministry.

(2) The permit referred to in paragraph 1 of this Article shall be issued to an owner or user of an air pollution source under the condition that they meet the requirements set out in Article 55 of this Act.

(3) The application for issue of the permit referred to in paragraph 1 of this Article shall be accompanied by the supporting documents set out in Article 56 of this Act.

#### Article 58

(1) The permit referred to in Articles 54, 57 and 61 of this Act shall be issued with validity until the expiry of the accreditation certificate.

(2) By way of exception from paragraph 1 of this Article, the permit for performance of air quality monitoring activities issued on the basis of the reference laboratory certificate referred to in Article 56 paragraph 3 of this Act, shall be issued for a five year term, under the condition that for each year of permit validity the legal person – testing laboratory shall deliver to the Ministry a new reference laboratory certificate.

(3) If the legal person – testing laboratory that obtained the permit referred to in paragraph 2 of this Article does not deliver the reference laboratory certificate referred to in Article 56 paragraph 3 of this Act, the Ministry shall revoke the validity of the permit for the year in question.

(4) In the event of change of circumstance as regards fulfilment of permit issue conditions referred to in Article 54, 57 and 61 of this Act, the legal person shall inform the Ministry thereof, within 8 days from the day the change occurred.

#### Article 59

(1) The legal person that obtained a permit from the Ministry shall perform the activities of air quality monitoring and emission monitoring, as well as the annual verification of the accuracy of the measurement system for continuous measurement of pollutant emissions from stationary sources into the air, in a high-quality and responsible manner, in accordance with the rules of the profession, and shall be liable for the accuracy and expert foundation of the acquired data and performed activities.

(2) The legal person that obtained a permit from the Ministry shall ensure that their employees are impartial and that they are not exposed to business, financial and other pressures which might affect



their technical judgement.

### ***Reference laboratory***

#### **Article 60**

(1) The activity of measurement quality assurance and air quality data assurance on the territory of the Republic of Croatia shall be performed by the reference laboratory.

(2) The reference laboratory referred to in paragraph 1 of this Article shall perform the following tasks for the reference methods for which it is accredited:

- ensure and verify measurement traceability of testing laboratories in the Republic of Croatia, in compliance with the HRN EN ISO/IEC 17025 standard,
- cooperate with reference laboratories for air quality monitoring of EU Member States and the European Commission for the purpose of ensuring measurement comparability and quality,
- participate in European Union testing of professional aptitude of laboratories by inter-laboratory comparison,
- organise and participate in regular testing of professional aptitude of testing laboratories for air quality monitoring by inter-laboratory comparison,
- ensure that measurements are conducted by using reference methods or issue certificates that for other measurement methods equivalence tests have been performed in line with European Commission standards,
- provide scientific and technical assistance in the area of air quality monitoring, upon the request of the Ministry.

(3) The reference laboratory from paragraph 1 of this Article shall issue a separate certificate to the testing laboratories for assurance of measurement quality and air quality data for each measurement method, based on the measurement traceability verification referred to in paragraph 2 subparagraph 1 of this Article.

(4) The reference laboratory referred to in paragraph 1 of this Article shall perform the activities set out in paragraph 2 of this Article in the manner prescribed by the ordinance in Article 52 of this Act.

#### **Article 61**

(1) The legal person – reference laboratory may perform the activity referred to in Article 60 paragraph 1 of this Act upon obtaining a permit from the Ministry.

(2) The permit referred to in paragraph 1 of this Article shall be issued by the Ministry to the legal person – reference laboratory that meets the requirements referred to in Article 55 paragraph 1 subparagraphs 1 and 2 and the following special requirements:

- is registered for performing measurement quality assurance and data quality assurance activities,
- has been accredited in line with the HRN EN ISO/IEC 17025 standard for one or more reference

- measurement methods prescribed by the ordinance referred to in Article 52 of this Act,
- has successfully participated in inter-laboratory test comparisons in international inter-laboratory comparison programmes for the reference measurement methods prescribed by the ordinance referred to in Article 52 of this Act for which it has been accredited,
  - has successfully organised or assisted in the organisation of inter-laboratory test comparisons for testing laboratories for air quality monitoring,
  - has the measurement equipment and work premises necessary for performing regular inter-laboratory test comparisons for testing laboratories for air quality monitoring.
- (3) The application for issue of the permit referred to in paragraph 1 of this Article shall be accompanied by the supporting evidence referred to in Article 56 paragraph 1 subparagraphs 1 to 5 of this Act and the following special evidence:
- excerpt from the court register no more than 6 months old, in the original or as a notarised copy,
  - accreditation certificate in line with the HRN EN ISO/IEC 17025 standard along with a list of reference measurement methods prescribed by the ordinance in Article 52 of this Act and for which the permit is being requested, in the original or as a notarised copy,
  - evidence of successful participation in inter-laboratory test comparisons in international inter-laboratory comparison programmes for the reference measurement methods prescribed by the ordinance referred to in Article 52 of this Act for which it has been accredited.
  - evidence of successfully organising or assisting in the organisation of inter-laboratory test comparisons for testing laboratories for air quality monitoring,
  - evidence of possessing the measurement equipment and work premises necessary for performing regular inter-laboratory test comparisons for testing laboratories for air quality monitoring.

#### Article 62

- (1) The funds needed for the participation of the reference laboratory in international laboratory aptitude tests and for cooperation with European Union Member States and the European Commission for the purpose of ensuring measurement comparability and quality shall be secured by the Ministry.
- (2) The reference laboratory shall deliver to the Ministry the annual work programme covering the tasks referred to in paragraph 1 of this Article, on the basis of which it shall be entitled to coverage of part of the costs.
- (3) The Commission for monitoring the work of the reference laboratories shall be established by the Minister by virtue of a decision. The method of operation of the Commission is prescribed by the ordinance referred to in Article 52 of this Act.

#### Article 63

The list of legal persons which have been issued the permit for performing air quality monitoring activities, monitoring of pollutant emissions from stationary sources into the air, verification of accuracy of the measuring system for continuous measurement of emissions from stationary sources and measurement quality assurance and air quality data assurance shall be published on the website of the Ministry.

## VII SUBSTANCES THAT DEplete THE OZONE LAYER AND FLUORINATED GREENHOUSE GASES

### Article 64

(1) The phase out and removal from use of substances that deplete the ozone layer in the Republic of Croatia shall be implemented by control of consumption of these substances, ban on use of products which contain these substances or are produced with the aid of these substances, reduction of leakages from these products, recovery and destruction of these substances and other cost-efficient measures that contribute to the protection of the ozone layer.

(2) Fluorinated greenhouse gases are used as substitutes for substances that deplete the ozone layer, and due to their global-warming potential measures are implemented in order to reduce emissions from those gases and so mitigate the effects of climate change.

### Article 65

(1) The phase out and removal from use of controlled and new substances reduction of emission of fluorinated greenhouse gases, list of these substances, handling of these substances, handling of products and equipment which contain these substances or are produced with the aid of these substances, handling of these substances after phasing out of products containing them, checking for leakages of these substances, methods of recovery, recycling, reclamation and destruction of these substances, import, export, placing on the market and use of products and equipment which contain these substances or are produced with the aid of these substances, method for determining the annual import quantity for controlled substances, the amount of the fee for covering the costs of recovery, recycling, reclamation and destruction of these substances and the method of calculating the costs of recovery, recycling, reclamation and destruction of these substances, methods of labelling the products which contain these substances or are produced with the aid of these substances and manner of reporting shall be prescribed by the Government by virtue of a regulation.

(2) The programme, conditions and manner of taking the professional examination, criteria for selection of the establishments and companies which will hold the professional training and professional examinations, the organisation and method of operation of the testing authority holding the professional examination, the method of payment of costs for taking the professional examination and the obtaining of the certificate on the passed professional examination shall be prescribed by the Minister by virtue of an ordinance, subject to prior obtaining of an opinion from the minister competent for the field of education.

(3) The Ministry shall select the institutions and companies that will conduct professional training and hold professional examinations, through a public invitation.

### Article 66

(1) Traders and undertakings importing controlled substances and fluorinated greenhouse gases for the purpose of placement on the market or for own consumption shall pay a fee to the Environmental Protection and Energy Efficiency Fund for coverage of costs of recovery, recycling, reclamation and destruction of these substances.

(2) The funds collected from the fee referred to in paragraph 1 of this Article may also be used to finance the replacement of devices and equipment using controlled substances or fluorinated

greenhouse gases with new technologies that do not deplete the ozone layer and do not cause climate change.

#### Article 67

(1) A legal person or natural person – tradesperson may perform activities of recovery, checking for leakage, installation and maintenance or servicing (hereinafter referred to as: servicing) of cooling and air-conditioning units and equipment, heat pumps and stationary fire fighting systems and fire extinguishers that contain controlled substances or fluorinated greenhouse gases or are produced with the aid of these substances, upon obtaining a permit from the Ministry.

(2) The permit referred to in paragraph 1 of this Article shall be issued to a legal person or natural person – tradesperson that meet the following criteria:

- is registered for the performance of activities of servicing of products and equipment that contain controlled substances or fluorinated greenhouse gases or are produced with the aid of these substances,
- has one or more employee with necessary professional qualifications for handling controlled substances and/or fluorinated greenhouse gases,
- has equipment for recovering controlled substances and/or fluorinated greenhouse gases.

(3) The following documents shall be submitted along with the application for issue of the permit referred to in paragraph 1 of this Article:

- excerpt from the court register or trades&crafts register, in the original or as a notarised copy, not older than six months, demonstrating that they are registered for performing the activities referred to in paragraph 1 of this Article,
- a notarised copy of the certificate on having passed the professional examination for employees that handle controlled substances and fluorinated greenhouse gases,
- evidence of possessing a device for recovering controlled substances and/or fluorinated greenhouse gases.

(4) If the legal or natural person referred to in paragraph 1 of this Article also performs the activity of recycling controlled substances and/or fluorinated greenhouse gases during servicing, the application referred to in paragraph 2 of this Article must be accompanied by evidence demonstrating possession of a device for recycling such substances.

(5) The permit referred to in paragraph 1 of this Article shall be issued for a period of five years.

(6) The application for renewal of the permit referred to in paragraph 1 of this Article must be submitted at the earliest four months and at the latest two months prior to the expiry of the deadline specified in paragraph 5 of this Article.

(7) In the event of change of circumstance as regards fulfilment of permit issue conditions referred to in paragraph 1 of this Article, the legal person or natural person – tradesperson shall inform the Ministry thereof, within eight days from the day the change occurred.

#### Article 68

(1) Recovered controlled substances and fluorinated greenhouse gases which cannot be recycled on the spot during maintenance and/or servicing of products and/or equipment on the spot, or those which are recovered when phasing out the products and/or equipment shall be handed over to legal persons which within the scope of their registered activity have a specially formed unit – Centre for recovering, recycling and reclaiming of such substances (hereinafter: the Centre).

(2) The Centre may perform the activities of recovering, recycling and reclaiming of controlled substances and fluorinated greenhouse gases upon obtaining a permit from the Ministry.

(3) The permit referred to in paragraph 2 of this Article shall be issued to the legal person referred to in paragraph 1 of this Article which meets the following criteria:

- is registered for performing activities of recovery, recycling, reclamation and placing on the market of reclaimed controlled substances and fluorinated greenhouse gases,
- has at disposal an area for setting up equipment for processes of recycling and reclaiming of these substances,
- possesses equipment for recovery, recycling, reclamation as well as physical and chemical analysis of used controlled substances and fluorinated greenhouse gases,
- has at disposal an area for temporary storage of recovered, recycled and reclaimed controlled substances and/or fluorinated greenhouse gases as well as for temporary storage of such waste substances whose physical and chemical properties do not correspond to the quality of a new substance,
- holds a permit for performance of the activities referred to in Article 67 of this Act,
- holds a permit for waste storage in line with a special regulation,
- employs a person with a university degree in the technical field,
- has appointed a person in charge of supervising the performance of activities of recovery, recycling and reclamation, who possesses the required professional training.

(4) Along with the application for issue of the permit referred to in paragraph 2 of this Article the legal person from paragraph 1 of this Article shall submit evidence on fulfilment of the criteria set out in paragraph 3 of this Article.

#### Article 69

(1) The Ministry shall keep a Registry of legal persons and natural persons – tradespersons performing the activity of import/export and placement on the market of controlled substances and/or fluorinated greenhouse gases, servicing, recycling and reclamation of such substances (hereinafter referred to as: the Registry) in which legal persons and natural persons – tradespersons holding issued permits referred to in Article 67 paragraph 1 and Article 68 paragraph 2 of this Act shall be entered.

(2) Legal and natural persons – tradespersons performing the activity of import/export and placement on the market of controlled substances and/or fluorinated greenhouse gases must be entered in the Registry referred to in paragraph 1 of this Article.

- (3) End users, using these substances for necessary laboratory and analytical purposes, as process agents, or as raw materials, must be entered in the Registry referred to in paragraph 1 of this Article.
- (4) The list of legal persons and natural persons – tradespersons from the Registry shall be published on the website of the Ministry.

#### Article 70

- (1) The permit for import and/or export of controlled substances shall be issued by the central state administration body competent for trade, subject to obtaining the prior opinion of the Ministry.
- (2) If the Ministry does not render a decision within 30 days from the day of delivery of the request for opinion referred to in paragraph 1 of this Article, it shall be deemed that the opinion was given in favour of the applying party.

#### Article 71

- (1) The legal person and the natural person – tradesperson performing the activity of servicing and of cooling and air-conditioning units and equipment, heat pumps, stationary fire fighting systems and fire extinguishers that contain controlled substances or fluorinated greenhouse gases or are produced with the aid of these substances shall keep a register of overtaken used quantities of such substances, handling those substances and on amounts of introduced new or restored controlled substances and fluorinated greenhouse gases.
- (2) The persons from paragraph 1 of this Article shall deliver to the Agency the data from the register, by 31 January of the current year for the previous calendar year.

#### Article 72

- (1) Employees performing activities of collecting, checking for leakage, installation and maintenance or servicing of cooling and air-conditioning units and fire fighting systems and fire extinguishers must take the professional examination for performing those activities and regularly refresh and perfect their knowledge.
- (2) Employees recovering fluorinated greenhouse gases from high-voltage switchgear assemblies at their owners' and/or users' premises must pass a professional examination for performance of the abovementioned activities and must regularly renew and perfect their knowledge.
- (3) Employees recovering solvents with a fluorinated greenhouse gas base at their owners' and/or users' premises must pass a professional examination for performance of the abovementioned activities and must regularly renew and perfect their knowledge.
- (4) Employees recovering controlled substances or fluorinated greenhouse gases from air-conditioning systems in motor vehicles at the premises of legal or natural persons - tradespersons performing servicing of motor vehicles shall pass a professional examination for performance of the abovementioned activities and must regularly renew and perfect their knowledge.

#### Article 73

- (1) The Ministry shall, at the proposal of the environmental inspector referred to in Article 138 paragraph 5 of this Act, revoke the permit referred to in Articles 54, 57, 61, 67 and 68 of this Act, by issuing a decision.



(2) Appeal shall not be permitted against the permit referred to in Articles 54, 57, 61, 67 and 68 of this Act and the decision referred to in paragraph 1 of this Article.

## VIII MONITORING GREENHOUSE GAS EMISSIONS AND MEASURES FOR MITIGATING AND ADAPTING TO CLIMATE CHANGE

### Article 74

(1) Reduction of greenhouse gas emissions on the territory of the Republic of Croatia shall be achieved by gradual restriction of emission allowances to economic operators by trading in emission allowances, application of Kyoto flexible mechanisms and implementing other measures that contribute to mitigating climate change.

(2) By trading in emission allowances, the amount of which is gradually restricted, greenhouse gas emissions are reduced, thereby contributing to climate change mitigation in a cost-efficient manner.

(3) For the purpose of implementing greenhouse gas emission reduction measures, monitoring of greenhouse gas emissions shall be performed.

### *Monitoring greenhouse gas emissions*

### Article 75

(1) Greenhouse gas emission monitoring is used in order to collect data on activities in which greenhouse gases are emitted and data on greenhouse gas emissions.

(2) The data referred to in paragraph 1 of this Article are used for planning and implementing policies and measures for reducing and mitigating climate changes.

(3) The data referred to in paragraph 1 of this Article are used for producing reports required under the UNFCCC and the European Union regulation governing the monitoring of greenhouse gas emissions:

- reports on greenhouse gas emissions, including removal by sinks,
- reports on implementation of policies and measures for mitigating climate changes and reports on greenhouse gas emission projections and
- the National Communication to the UNFCCC.

(4) The reports listed in paragraph 3 of this Article shall be produced following the guidelines and instructions provided by the UNFCCC and the Intergovernmental Panel on Climate Change.

(5) The guidelines and instructions referred to in paragraph 4 of this Article shall be published on the website of the Ministry.

(6) The reports referred to in paragraph 3 subparagraphs 1 and 2 of this Article shall also be produced according to the European Union regulation governing the monitoring of greenhouse gas emissions.

(7) The method and conditions for the implementation of the European Union regulation governing greenhouse gas emission monitoring shall be prescribed by the Minister by virtue of an ordinance.

## Article 76

- (1) The Agency shall be the competent authority for producing the reports listed in Article 75 paragraph 3 subparagraphs 1 and 2 of this Act.
- (2) The Ministry shall be the competent authority for producing the report listed in Article 75 paragraph 3 subparagraph 3 of this Act.
- (3) The Ministry shall deliver the reports listed in Article 75 paragraph 3 of this Act to the UNFCCC Secretariat and the European Commission.

## Article 77

- (1) State administration bodies and other public bodies competent for activities pertaining to environmental protection, the economy, agriculture, forestry, water management, sea, transport, official statistics, as well as the companies Hrvatske šume d.o.o. (Croatian Forests) and Hrvatska kontrola zračne plovidbe (Croatia Control ltd.), which collect and/or hold data on activities according to sectors, in which greenhouse gas emissions are emitted or removed, and which data are required for producing the reports referred to in Article 75 paragraph 3 of this Act shall deliver such data to the Agency.
- (2) The data referred to in paragraph 1 of this Article shall be delivered free of charge, in line with the deadlines prescribed by the regulation referred to in Article 81 paragraph 1 of this Act, in the scope and format published by the Ministry on its website.
- (3) Data required for producing the reports referred to in Article 75 paragraph 3 subparagraph 1 of this Act shall be delivered to the Agency by 30 June of the current year for the previous calendar year.
- (4) The bodies referred to in paragraph 1 of this Article are obligated to participate each year in all the phases of data preparation and data submission, report review and revision carried out by the UNFCCC Secretariat in line with the regulation referred to in Article 81 paragraph 1 of this Act.

## Article 78

- (1) For the purpose of monitoring the production of the reports referred to in Article 75 paragraph 3 of this Act and providing opinions on those reports and participating in the review of those reports, the Interdepartmental coordination commission for the national greenhouse gas emission monitoring system shall be established.
- (2) For monitoring and evaluating the implementation and planning of policies and measures for climate change mitigation and adaptation to climate change in the Republic of Croatia, providing opinions on the Draft Plan referred to in Article 10 of this Act and Draft Action Plan referred to in Article 118 paragraph 6 of this Act, as well as the reports referred to in Article 75 paragraph 3 subparagraphs 2 and 3 of this Act and participating in the review of those reports, the Interdepartmental coordination commission for climate change mitigation and adaptation policies and measures shall be established.
- (3) The commissions referred to in paragraphs 1 and 2 of this Article shall be established by virtue of a decision of the Government, at the proposal of the Ministry.
- (4) By virtue of the decision referred to in paragraph 3 of this Article the Commission members

shall be appointed and the Commission's tasks and method of operation shall be determined.

(5) The members of the Commission who are not representatives of state administration bodies shall be entitled to remuneration for their work in the Commission.

(6) The funds needed for the work of the Commission shall be secured from the State Budget of the Republic of Croatia, and the amount of the remuneration for work in the Commission shall be determined in the decision referred to in paragraph 3 of this Article.

(7) The Ministry shall perform administrative and technical tasks for the Commission.

### ***Monitoring life-cycle greenhouse gas emissions from liquid oil fuel***

#### **Article 79**

(1) For liquid oil fuels used in road transport which are placed on the domestic market, life-cycle greenhouse gas emissions are monitored per unit of energy.

(2) The monitoring of emissions referred to in paragraph 1 of this Article shall be provided for by the supplier that placed the fuel on the domestic market.

(3) The supplier shall submit to the Agency a verified report on the emissions referred to in paragraph 2 of this Article by 30 April of the current year for the previous calendar year.

(4) The monitoring and reporting referred to in paragraphs 1 and 3 of this Article shall be performed in line with the European Union regulation governing life-cycle greenhouse gas emissions.

#### **Article 80**

(1) The supplier referred to in Article 79 of this Act shall, as gradually as possible, reduce the life-cycle greenhouse gas emissions from liquid oil fuels that he has placed on the domestic market, by 31 December 2020, by 6% in comparison with the emission level from 2010.

(2) The emission level referred to in paragraph 1 of this Article shall be determined by the European Union regulation governing life-cycle greenhouse gas emissions.

(3) Several suppliers may undertake the joint commitment of reducing the emissions referred to in paragraph 1 of this Article and shall be considered as a single supplier.

#### **Article 81**

(1) The list of greenhouse gases, manner and methods for monitoring greenhouse gas emissions, data on greenhouse gas emissions, deadlines for producing and submitting the reports specified in Article 75 of this Act to the UNFCCC Secretariat and European Commission, method of inventorying (calculating) greenhouse gas emissions, manner of verifying reports and the method and deadlines for delivering data to the Agency shall be prescribed by the Government by virtue of a regulation.

(2) The method of monitoring and verifying life-cycle greenhouse gas emissions from liquid oil fuels placed on the domestic market, method and transitional deadlines for compliance with reduction commitments relating to life-cycle greenhouse gas emissions from liquid oil fuels placed on the domestic market shall be prescribed by the regulation referred to in Article 41 of this Act.

## *Greenhouse gas emission permit*

### Article 82

- (1) The installation operator may perform an activity emitting greenhouse gases upon obtaining a greenhouse gas emission permit from the Ministry.
- (2) The activity performance referred to in paragraph 1 of this Article shall also include trial operation pursuant to building regulations.
- (3) The activities and greenhouse gases referred to in paragraph 1 of this Article shall be prescribed by the regulation referred to in Article 114 of this Act.

### Article 83

- (1) The application for the issue of a greenhouse gas emission permit shall include the following:
  - description of the installation and activity, including the technology used,
  - description of raw and auxiliary materials,
  - sources of greenhouse gas emissions.
- (2) The application referred to in paragraph 1 of this Article shall be accompanied by a plan for monitoring greenhouse gas emissions from the installation, to be produced in line with the ordinance referred to in Article 108 paragraph 5 of this Act, and a brief non-technical summary of the installation and the activity.

### Article 84

- (1) The Ministry shall submit the plan for monitoring greenhouse gas emissions from the installation to the Agency, in order to obtain its expert opinion on the compliance of the plan with the provisions of the ordinance referred to in Article 108 of this Act.
- (2) The Agency shall issue its expert opinion referred to in paragraph 1 of this Article within 30 days from the date of receipt of the integrated plan for monitoring greenhouse gas emissions from the installation.
- (3) The Ministry shall issue the greenhouse gas emission permit for the installation, part of the installation or several installations managed by the same operator at the same location, if it establishes that the installation operator is capable of performing monitoring and reporting on greenhouse gas emissions in line with the provisions of this Act.

### Article 85

- (1) The greenhouse gas emission permit shall contain the following:
  - the name and address of the operator,
  - a description of the activities and emissions from the installation,
  - emission monitoring requirements,

- reporting requirements,
  - the obligation to surrender a number of emission allowances equal to the total greenhouse gas emissions discharged by the installation in the previous calendar year, by 30 April of each year, as verified in accordance with Article 109 of this Act.
- (2) The plan for monitoring greenhouse gas emissions from the installation shall be an integral part of the permit referred to in paragraph 1 of this Article.
- (3) The Ministry shall decide on the application for issuing the permit referred to in paragraph 1 of this Article within four months from the receipt of an orderly application.

#### Article 86

- (1) The installation operator shall notify the Ministry of planned changes to the technical and technological features of the installation, including changes to the type of fuel, raw material or other substances used in the installation, increase or decrease in thermal input or installation capacity and of planned change of installation operator.
- (2) If based on the notification referred to in paragraph 1 of this Article the Ministry establishes that the planned changes to the installation require amendment of the contents of the permit referred to in Article 82 of this Act and/or amendment of the plan for monitoring greenhouse gas emissions from the installation, within 30 days from receipt of the notification it shall invite the operator to submit the appropriate application therefor.
- (3) If the installation operator does not receive the invitation referred to in paragraph 2 of this Article within 30 days from the date the Ministry received the notification referred to in paragraph 1 of this Article, it shall be deemed that the planned changes to the installation do not require amendment of the contents of the permit referred to in Article 82 of this Act and/or plan for monitoring greenhouse gas emissions from the installation, and that the operator may proceed with introducing the planned changes to the installation.
- (4) The application referred to in paragraph 2 of this Article shall be accompanied by a description of the changes and the amended plan for monitoring greenhouse gas emissions from the installation, produced in line with the ordinance referred to in Article 108 of this Act.
- (5) To the procedure following submission of the application referred to in paragraph 2 of this Article, the provisions of Article 84 of this Act shall apply.
- (6) If the installation operator does not submit the application referred to in paragraph 2 of this Article it shall be deemed that they have abandoned the plans for changes to the installation.
- (7) In the case of change of installation operator, the rights and obligations stemming from the permit referred to in Article 82 of this Act shall be transferred to the legal successor.
- (8) The Ministry shall review the permit every five years from the date of finality of the permit referred to in Article 82 of this Act and if it deems necessary, it shall adopt a decision amending the permit's contents ex officio.

#### Article 87

- (1) The installation operator shall, within eight days, notify the Ministry of the planned date of termination of operation of the installation. The notification on termination of operation of an

installation undergoing bankruptcy proceedings shall be delivered by the manager in bankruptcy.

(2) Upon receipt of the notification referred to in paragraph 1 of this Article, the Ministry shall issue a decision revoking the permit referred to in Article 84 of this Act.

(3) At the proposal of the environmental inspector referred to in Article 138 paragraph 5 of this Act, the Ministry shall revoke the permit referred to in paragraph 82 of this Article, by virtue of issuing a decision.

(4) Appeal shall not be permitted against the permit referred to in Article 82 of this Act and the decision referred to in paragraphs 2 and 3 of this Article.

#### Article 88

(1) In the case referred to in Article 87 paragraph 1 of this Act, the installation operator shall produce an emissions report in line with the provisions of Articles 108 and 109 of this Act, for the period from the beginning of the year till the date of finality of the decision referred to in Article 87 paragraph 2 of this Act.

(2) The installation operator shall submit to the Agency the verified report referred to in paragraph 1 of this Article within two months from the date of finality of the decision referred to in Article 87 paragraph 2 of this Act.

(3) The installation operator shall surrender to the Union Registry a number of emission allowances which equals the total greenhouse gas emissions established in the report referred to in paragraph 2 of this Article, within 15 days from the submission of the report.

(4) The emission allowances allocated to the installation operator referred to in Article 87 paragraph 1 of this Act shall be valid until the end of the trading period referred to in Article 89 paragraph 2 of this Act.

(5) The installation operator shall not be allocated emission allowances from the year following the year in which the installation operation has been terminated.

(6) The installation operator referred to in Article 87 paragraph 1 of this Act shall not be assigned emission allowances for the subsequent years of the trading period unless they submit proof to the Ministry that the installation will resume operation within six months after the date of the termination of installation operation.

(7) By way of exception from paragraph 6 of this Article, the deadline for submitting proof that the installation will resume operation shall be 18 months from the date of termination of installation operation if the installation operator proves that the installation is unable to resume operation within six months from the date of termination of installation operation due to unavoidable extraordinary and unforeseeable circumstances beyond the control of the installation operator concerned, especially natural disasters, war, war threats, terrorism, revolution, riots, sabotage and vandalism.

(8) The installation operator who finds it technically impossible to continue or resume operation shall be deemed to have terminated installation operation.

#### *Allocation of emission allowances*

#### Article 89



- (1) Installation operators holding the permit referred to in Article 82 of this Act and aircraft operators with an approved monitoring plan in line with Article 93 of this Act shall be allocated emission allowances.
- (2) For the trading period from 2013 to 2020, allocation of emission allowances shall be carried out through auction, unless free allocation is prescribed by this Act.
- (3) The operator of power generation installations, including new installations for generation of electricity and carbon capture, transport and storage installations (CCS), shall not be allocated emission allowances free of charge.
- (4) Installation operators, apart from the installations referred to in paragraph 3 of this Article, and including installations for generation of electricity from waste gases, central heating plants and high-efficiency cogeneration plants only in relation to generation of heating and cooling energy, shall be allocated emission allowances free of charge, in a defined amount in line with paragraph 5 of this Article.
- (5) In 2013 the amount of emission allowances to be allocated free of charge shall equal 80% of the amount defined in line with the ordinance referred to in Article 90 paragraph 4 of this Act. Each subsequent year, the amount of emission allowances to be allocated free of charge shall be proportionally reduced by equal amounts, so that in 2020 the amount of emission allowances to be allocated free of charge will equal 30% of the amount defined in line with that Ordinance.
- (6) By way of exception, the installation operators referred to in paragraph 4 of this Article that perform their activity in sectors or subsectors exposed to high risk of outsourcing of greenhouse gas emissions to third countries shall be allocated all their emission allowances free of charge.
- (7) The first year for which the emission allowances shall be issued to the installation operators is 2013.
- (8) Emission allowances issued starting from 1 January 2013 and after that date shall be valid for emissions during a period of eight years starting from 1 January 2013.

#### ***Free allocation of emission allowances to installation operators***

##### **Article 90**

- (1) The operators of existing installations referred to in Article 89 paragraphs 4 and 6 of this Act shall be allocated emission allowances free of charge in line with the ordinance referred to in paragraph 4 of this Article.
- (2) The existing installation referred to in paragraph 1 of this Article is any installation performing an activity in which greenhouse gases are emitted and:
  - which has obtained a greenhouse gas emission permit by 30 June 2011 or
  - which operates, has obtained an appropriate permit in line with the regulation governing construction and environmental protection by 30 June 2011 and fulfils all the requirements for obtaining the greenhouse gas emission permit pursuant to this Act.
- (3) New installation operators shall be allocated emission allowances free of charge in line with the Ordinance referred to in paragraph 4 of this Article.

(4) Free allocation of emission allowances, method and deadlines for submitting data on performed activities and the list of sectors or subsectors exposed to high risk of outsourcing of greenhouse gas emissions to third countries shall be prescribed by the Minister by virtue of an ordinance.

#### Article 91

(1) The installation operator that has obtained the permit referred to in Article 82 of this Act may submit an application to the Ministry requesting free allocation of emission allowances.

(2) Along with the application referred to in paragraph 1 of this Article the installation operator shall submit verified data on performed activities, in conformity with the ordinance referred to in Article 90 paragraph 4 of this Act. The verification of data on activities shall be performed by a legal person authorised for the performance of professional report verification activities in line with the Environmental Protection Act.

(3) The Ministry, in cooperation with the Agency, shall draw up a list of operators of existing installations that hold the permit referred to in Article 82 of this Act.

(4) The list referred to in paragraph 3 of this Article shall also contain the amount of emission allowances allocated free of charge, based on the submitted applications referred to in paragraph 1 of this Article, to operators of existing installations for the period from 2013 to 2020, in proportionate shares for each calendar year in the stated period.

(5) The list referred to in paragraph 3 of this Article shall be published on the website of the Ministry and shall be forwarded to the European Commission for opinion.

(6) If the European Commission does not reject the list referred to in paragraph 3 of this Article, the Ministry shall issue a decision defining the amount of emission allowances to be allocated to an installation operator free of charge, for the trading period from 2013 to 2020, in proportionate shares for each calendar year in the stated period.

(7) The decision referred to in paragraph 6 of this Article shall be delivered to the Agency.

(8) Appeal shall not be permitted against the decision referred to in paragraph 6 of this Article.

(9) To free allocation of emission allowances to operators of installations referred to in Article 90 paragraph 3 of this Act, the provisions of paragraphs 1 to 8 of this Article shall apply appropriately.

#### *Aviation activities*

#### Article 92

(1) Aircraft operators shall monitor and report on greenhouse gas emissions resulting from the performance of aviation activities in line with Article 108 of this Act and shall surrender emission allowances in line with Article 105 of this Act.

(2) The obligations specified in paragraph 1 of this Article shall apply to aircraft operators that:

- have an operating licence in compliance with air traffic regulations, or
- have been assigned to the Republic of Croatia as the administering Member State, as the country with the greatest estimated attributed aviation emissions from flights performed by that aircraft operator in the base year.

(3) The aviation activities and greenhouse gases referred to in paragraph 1 of this Article shall be set out in the regulation referred to in Article 114 of this Act.

#### Article 93

(1) For the purpose of monitoring and reporting on greenhouse gas emissions from aircrafts and tonne-kilometre data from aircrafts, the aircraft operator shall produce a plan for monitoring and reporting on greenhouse gas emissions from aircrafts and a plan for monitoring and reporting on aircraft tonne-kilometre data and obtain the Ministry approval for them.

(2) The aircraft operator shall submit the plan for monitoring and reporting on tonne-kilometre data and the plan for monitoring and reporting on greenhouse gas emissions in the Croatian and English language, to the Ministry for approval, at the latest four months prior to the start of the reporting period.

(3) By way of exception from paragraph 2 of this Article, the aircraft operator which performs additional aviation activities shall submit to the Ministry for approval the plan for monitoring and reporting on greenhouse gas emissions, drawn up in the Croatian and English language for the trading period from 2014 to 2020, at the latest by 30 September 2012.

(4) The additional aviation activities referred to in paragraph 3 of this Article relate to flights within the territory of the Republic of Croatia, departure flights from airports within the territory of the Republic of Croatia towards non-EEA countries and arrival flights to airports within the territory of the Republic of Croatia from non-EEA countries.

(5) The Ministry shall deliver the monitoring and reporting plans specified in paragraphs 1 and 3 of this Article to the Agency for opinion.

(6) The approval referred to in paragraphs 2 and 3 of this Article shall be issued based on the opinion obtained from the Croatian Environment Agency, stating that the monitoring and reporting plan has been prepared in conformity with the ordinance referred to in Article 108 paragraph 4 of this Act.

(7) The approval referred to in paragraphs 2 and 3 of this Article is an administrative act.

(8) Appeal shall not be permitted against the approval specified in paragraphs 2 and 3 of this Article.

#### ***Free allocation of emission allowances to aircraft operators***

#### Article 94

(1) For each trading period, the aircraft operator that has approved monitoring plans as set out in Article 93 of this Act may submit an application for free allocation of emission allowances.

(2) By way of exception from paragraph 1 of this Article, the aircraft operator performing additional aviation activities and having an approved plan for monitoring and reporting on tonne-kilometre data referred to in Article 93 of this Act may apply for free allocation of emission allowances for additional aviation activities for the trading period from 2014 to 2020.

(3) Along with the application referred to in paragraph 1 of this Article the aircraft operator shall submit the verified report on tonne-kilometre data and the verified report on emissions for the year

ending 24 months before the start of the trading period (hereinafter: monitoring year).

(4) By way of exception from paragraph 3 of this Article, along with the application referred to in paragraph 2 of this Article, the aircraft operator shall submit the verified report on tonne-kilometres for 2012.

(5) The Ministry shall submit the reports referred to in paragraphs 3 and 4 of this Article to the Agency for a completeness check.

(6) The Agency shall check the completeness of the reports referred to in paragraphs 3 and 4 of this Article and shall notify the Ministry thereof within 15 days from receipt of those reports.

#### Article 95

(1) The applications referred to in Article 94 paragraph 1 of this Act shall be delivered by the Ministry to the European Commission for the purpose of defining the benchmark based on which the amount of emission allowances to be allocated free of charge shall be determined, at least eighteen months before the start of the period to which the application relates.

(2) By way of exception from paragraph 1 of this Article, the Ministry shall submit the applications referred to in Article 94 paragraph 2 of this Act to the European Commission in order to determine the benchmark used to calculate the amount of emission allowances to be allocated free of charge, at the latest by 1 July 2013.

(3) Based on the decision of the European Commission defining the benchmark referred to in paragraphs 1 and 2 of this Article, the Ministry shall issue a decision on free emission allowance allocation for each submitted application referred to in Article 94 paragraphs 1 and 2 of this Act, within 3 months from the date of adopting that decision, defining the following:

- the total amount of emissions allowances allocated free of charge for the trading period to which the decision relates,

- the amount of emission allowances allocated free of charge per each year of the trading period.

(4) The total amount of emission allowances referred to in paragraph 3 subparagraph 1 of this Article shall equal the number of tonne-kilometres specified in the application referred to in Article 94 paragraphs 1 and 2 of this Act multiplied by the benchmark established in the decision of the European Commission referred to in paragraph 3 of this Article.

(5) The amount of emission allowances referred to in paragraph 3 subparagraph 2 of this Article shall be calculated by dividing the total amount of emission allowances referred to in paragraph 4 of this Article by the number of years in the trading period during which the aviation activities will be performed.

(6) The decision referred to in paragraph 3 of this Article shall be delivered to the Agency and shall be published on the website of the Ministry.

(7) Appeal shall not be permitted against the approval specified in paragraph 3 of this Article.

#### *Special reserve for aircraft operators*

#### Article 96

- (1) For every trading period the aircraft operator may request free allocation of emission allowances from the special reserve for aircraft operators if they meet the following criteria:
- if they started performing the aviation activities referred to in Article 114 of this Act after the monitoring year, or
  - if their tonne-kilometre data increases by an average of more than 18% annually between the monitoring year and the second calendar year of that period, and
  - if their activity under subparagraphs 1 or 2 of this paragraph, is not in whole or in part a continuation of an aviation activity previously performed by another aircraft operator.
- (2) The application for allocation of emission allowances free of charge referred to in paragraph 1 of this Article shall be submitted to the Ministry by 30 June of the third year of the trading period.
- (3) The application referred to in paragraph 2 of this Article shall contain:
- a report on tonne-kilometre data for the aviation activities performed by the aircraft operator in the second calendar year of the trading period verified in line with the ordinance referred to in Article 108 paragraph 5 of this Act and the regulation referred to in Article 114 of this Act.
  - evidence that the criteria referred to in paragraph 1 subparagraph 3 of this Article have been met.
- (4) In the event that the aircraft operator is submitting the application referred to in paragraph 2 of this Article in connection with the criteria related to paragraph 1 subparagraph 2 of this Article, the application shall be accompanied by the following:
- the percentage increase in tonne-kilometres performed by the aircraft operator referred to in paragraph 1 of this Article between the monitoring year for which tonne-kilometre data was submitted and the second calendar year of that period,
  - the absolute growth in tonne-kilometres performed by the aircraft operator referred to in paragraph 1 of this Article between the monitoring year for which tonne-kilometre data was submitted and the second calendar year of that period, and
  - the absolute growth in tonne-kilometres performed by the aircraft operator referred to in paragraph 1 of this Article between the monitoring year and the second calendar year of that period which exceeds the percentage specified in paragraph 1 subparagraph 2 of this Article.
- (5) The Ministry shall submit to the Agency the report referred to in paragraph 3 subparagraph 1 of this Article upon receiving the application referred to in paragraph 2 of this Article.
- (6) The Agency shall check the completeness of the report referred to in paragraph 3 subparagraph 1 of this Article and shall notify the Ministry thereof within 15 days from receipt of that report.
- (7) The Ministry shall forward to the European Commission the applications referred to in paragraph 2 of this Article for the purpose of establishing the benchmarks on the basis of which the amount of emission allowances to be allocated free of charge from the special reserve shall be calculated, within six months from the deadline referred to in paragraph 2 of this Article.
- (8) The provisions of paragraphs 1, 2, 3, 4, 5, 6 and 7 of this Article shall apply appropriately to the trading period from 2014 to 2020. Within that period aircraft operators, performing additional aviation activities referred to in Article 93 paragraph 4 of this Article, may submit an application for

free allocation of emission allowances from the special reserve for aircraft operators if they meet the conditions referred to in paragraph 1 of this Article by 30 June 2015, the monitoring year being 2012, and the second calendar year being 2014.

(9) For the purpose of deciding on the application referred to in paragraph 8 of this Article, as regards fulfilment of the conditions referred to in paragraph 1 subparagraph 2 of this Article, overall data on tonne-kilometres from performing aviation activities referred to in Article 91 paragraph 3 of this Act and additional aviation activities referred to in Article 93 paragraph 4 of this Act shall be taken.

#### Article 97

(1) Based on the decision of the European Commission establishing the benchmark referred to in Article 96 paragraph 7 of this Article, the Ministry shall issue a decision on the free allocation of emission allowances for each submitted application referred to in Article 96 paragraph 2 or 8 of this Act, within 3 months from the day of issuing that decision,, defining the following:

- the total amount of emission allowances allocated from the special reserve to each aircraft operator that submitted the application referred to in Article 96 paragraph 2 or 8 of this Act,
- the amount of emission allowances allocated to each aircraft operator for each year for which they submitted the application referred to in Article 96 paragraph 2 or 8 of this Act.

(2) The total amount of emission allowances referred to in paragraph 1 subparagraph 1 of this Article shall be calculated by multiplying the benchmark with the number of tonne-kilometres defined in the application submitted pursuant to Article 96 paragraph 1 subparagraph 1 of this Act, that is, by multiplying the benchmark with the absolute growth in tonne-kilometres defined in the application submitted pursuant to Article 96 paragraph 1 subparagraph 2 of this Act.

(3) The amount of emission allowances referred to in paragraph 1 subparagraph 2 of this Article shall be determined by dividing the total number of emission allowances referred to in paragraph 2 of this Article by the number of calendar years remaining in the trading period in which the aviation activities will be performed.

(4) The aircraft operator that has submitted the application referred to in Article 96 paragraph 2 or 8 of this Act based on Article 96 paragraph 1 subparagraph 2 of this Act cannot be allocated more than 1,000,000 emission allowances.

(5) The amount of emission allowances received based on the benchmark referred to in paragraph 1 of this Article cannot be larger than the annual amount of emission allowances allocated pursuant to Article 95 paragraph 3 subparagraph 2 of this Act.

(6) The decision referred to in paragraph 1 of this Article shall be delivered to the Agency and shall be published on the website of the Ministry.

(7) Appeal shall not be permitted against the decision referred to in paragraph 1 of this Article.

(8) All non-allocated emission allowances from the special reserve shall be sold at auction.

#### Article 98

(1) In the trading period from 2013 to 2020, that is in the trading period from 2014 to 2020, installation operators and aircraft operators may meet their obligations by using allowances



resulting from implementation of project activities.

(2) The method and extent of using the allowances referred to in paragraph 1 of this Article shall be prescribed by the regulation referred to in Article 114 of this Act.

### ***Auction***

#### **Article 99**

(1) Auctioning of emission allowances shall be carried out in accordance with the European Union regulation governing the auctioning of emission allowances.

(2) The manner of performing the auction, conditions for access to the auction, tasks of the competent authorities and the auctioneer in relation to the implementation of the European Union regulation governing the auctioning of emission allowances, shall be prescribed by the Government by virtue of a regulation.

(3) Upon the proposal of the Ministry, the Government shall issue the decision on the auctioneer and the selection of the auction system.

(4) The Ministry shall notify the European Commission on the auctioneer and the selected auction system referred to in paragraph 3 of this Article.

(5) The Ministry and the auctioneer referred to in paragraph 3 of this Article shall conclude a contract regulating in detail the rights and obligations related to holding the emission allowance auction.

#### **Article 100**

(1) The funds collected by sale of emission allowances through auctioning referred to in Article 99 paragraph 1 of this Act shall be transferred into a special account of the Environmental Protection and Energy Efficiency Fund.

(2) The plan for use of the funds referred to in paragraph 1 of this Article shall be passed by the Government, at the proposal of the Ministry.

(3) The funds referred to in paragraph 1 of this Article shall be used for the following purposes:

- reducing greenhouse gas emissions,
- adapting to climate changes,
- financing measures for mitigating the effects of climate change and adapting in third countries,
- financing renewable energy sources for the purpose of meeting the commitment of using a 20% share of renewable energy sources by 2020,
- improving forestry resources and reporting from the forestry sector,
- reducing traffic emissions,
- financing research aimed at mitigating the effects of climate change and adapting to climate changes, including the field of aeronautics and air traffic,

- environmentally friendly capture and geological storage of carbon dioxide, especially from power plants operating on fossil fuels and from certain industrial sectors and subsectors, including those located in third countries,
- promoting low-emission forms of transport and public transportation,
- financing research and development in the field of energy efficiency and clean technologies,
- financing research and development in the field of reporting on greenhouse gas emissions
- measures aimed at increasing energy efficiency and insulation, i.e. securing financial support for resolving socially sensitive issues in households with low and moderate income.

(4) By way of exception from paragraph 1 of this Article, 5% of the funds collected through auctioning of emission allowances referred to in Article 99 paragraph 1 of this Act shall be paid into the State Budget of the Republic of Croatia for covering the costs of administering the emission allowance trading system, for administrative tasks, tasks related to the functioning of the Registry, the auctioneer, National system for monitoring greenhouse gas emissions and other activities related to climate change.

(5) The report on use of the funds referred to in paragraph 3 of this Article shall be submitted by the Environmental Protection and Energy Efficiency Fund to the Government, by 30 June of the current year for the previous calendar year, subject to prior approval of the Ministry.

(6) The Ministry shall deliver to the European Commission the report referred to in paragraph 5 of this Article.

(7) The Report referred to in paragraph 5 of this Article shall be published by the Ministry on its website.

### ***Registry***

#### Article 101

(1) Emission allowances issued as of 1 January 2013 shall be managed in the Union Registry in line with the regulation governing the administration of the Union Registry.

(2) The tasks of administering the user accounts opened in the Union Registry shall be performed by the Agency as the national administrator.

(3) The data from the Union Registry shall be accessible to the public in compliance with the regulation governing the administration of the Union Registry.

(4) The tasks of authorities competent for the implementation of the regulation governing the administration of the Union Registry, manner of Union Registry operation, methods, deadlines and conditions for opening and closing accounts and other procedures related to accounts in the Union Registry, shall be prescribed by the Minister by virtue of an ordinance.

#### Article 102

(1) The Ministry shall manage the accounts of the Republic of Croatia in the Union Registry on behalf of the Republic of Croatia.

(2) Orders pertaining to the administration of the accounts of the Republic of Croatia in the Union Registry shall be given to the Agency by the Ministry.

#### Article 103

(1) Each natural and legal person may dispose of and freely trade in emission allowances if they open a user account with the Union Registry.

(2) The legal transaction referred to in paragraph 1 of this Article shall be considered valid upon entry in the Union Registry in line with the EU regulation governing the administration of the Union Registry.

(3) The installation operator holding a permit referred to in Article 82 paragraph 1 of this Act and the aircraft operator referred to in Article 92 paragraph 1 of this Act shall be obligated to open a user account with the Union Registry.

(4) The emission allowances at the disposal of the account owner shall be kept on the user account referred to in paragraphs 1 and 3 of this Article.

(5) The account owner shall pay a fee to the Agency for covering the operating costs of opening and administering the personal and user accounts.

(6) The amount of the fee specified in paragraph 5 of this Article shall be determined by the Minister by virtue of a decision.

(7) The decision referred to in paragraph 6 of this Article shall be published on the website of the Ministry and of the Agency.

#### Article 104

(1) Based on the decision referred to in Article 91 paragraph 6 of this Act, the Agency shall issue, to the installation operator, from the amount of emission allowances allocated free of charge per each year in the trading period, the proportionate share of the emission allowances to which they are entitled in the given calendar year, by 28 February of the current year.

(2) Based on the decision referred to in Article 95 paragraph 3 and Article 97 paragraph 1 of this Act, the Agency shall issue, to the aircraft operator, from the amount of emission allowances allocated free of charge per each year in the trading period, the proportionate share of the emission allowances to which they are entitled in the given calendar year, by 28 February of the current year.

(3) By way of exception from paragraph 1 of this Article, the Agency shall issue the installation operator the proportionate share to which they are entitled in a given calendar year within eight days from the date of receipt of the decision referred to in Article 91 paragraph 9 of this Act.

#### Article 105

(1) The installation operator shall by 30 April of the current year at the latest, surrender to the Union Registry an amount of emission allowances equalling the verified total greenhouse gas emissions from the installation in the previous calendar year, in line with the report referred to in Article 108 paragraph 1 of this Act, or the decision referred to in Article 109 paragraph 9 of this Act.

(2) The aircraft operator shall by 30 April of the current year at the latest, surrender to the Union Registry an amount of emission allowances equalling the verified total greenhouse gas emissions resulting from aviation activities in the previous calendar year, in line with the report referred to in Article 108 paragraph 1 of this Act, or the decision referred to in Article 109 paragraph 9 of this Act.

(3) By way of exception from paragraph 1 of this Article, the installation operator shall not be obliged to surrender an amount of emission allowances which have been verified as captured, transported and permanently stored in geological areas, for which an appropriate act allowing geological storage of carbon dioxide has been issued.

#### Article 106

(1) The installation operator and the aircraft operator that do not surrender the appropriate amount of emission allowances in line with Article 105 of this Act shall pay a penalty for the excess greenhouse gas emissions, amounting to EUR 100 in HRK equivalent according to the medium exchange rate of the Croatian National Bank on the day of adoption of the decision referred to in paragraph 3 of this Article, for each tonne of carbon dioxide equivalent which the installation or aircraft emitted and for which they did not surrender emission allowances.

(2) The Agency shall determine the amount of excess emissions referred to in paragraph 1 of this Article and shall immediately notify the Ministry thereon.

(3) Based on the notification referred to in paragraph 2 of this Article the Ministry shall adopt a decision on the amount of the penalty referred to in paragraph 1 of this Article.

(4) The installation operator and aircraft operator shall have the obligation to surrender an amount of emission allowances equalling the amount of excess emissions specified in paragraph 1 of this Article in the following calendar year, in line with Article 105 of this Act.

(5) The penalty defined by the decision referred to in paragraph 3 of this Article shall be paid to the Environmental Protection and Energy Efficiency Fund.

(6) If the operator does not surrender the emission allowances to the Union Registry within the deadline set out in Article 105 of this Act, the Agency shall withdraw the corresponding number of emission allowances from the user account in the Union Registry, according to the decision referred to in Article 109 paragraph 9 of this Act.

(7) The names of the installation operators and aircraft operators that have violated their obligations to surrender emission allowances to the Union Registry referred to in Article 105 of this Act shall be published on the website of the Ministry.

(8) Upon a proposal of the Minister and in line with the European Index of Consumer Prices, the Government shall adopt a decision on increasing the penalty referred to in paragraph 1 of this Article.

#### Article 107

(1) The Ministry may recommend to the European Commission that it adopt a decision imposing an operating ban on the aircraft operator which does not comply with the obligations of:

– delivering the monitoring plan within the prescribed deadline,

- delivering the verified report on tonne-kilometres and emissions within the prescribed deadline,
- paying the compensation specified in Article 106 of this Act.

(2) The recommendation specified in paragraph 1 of this Article shall contain:

- evidence on non-compliance with the obligations referred to in paragraph 1 of this Article,
- notification on the measures taken against the aircraft operator,
- justification for the imposition of an operating ban on the aircraft operator,
- recommendation on the scope of the operating ban and any conditions under which the ban would be applied.

(3) The aircraft operator referred to in paragraph 1 of this Article has the right to be notified by the European Commission of the essential facts and reasons based on which the decision referred to in paragraph 1 of this Article was adopted.

(4) The aircraft operator referred to in paragraph 1 of this Article shall have the opportunity to submit their objections to the European Commission in written form, within 15 days from the day of the notification referred to in paragraph 3 of this Article.

(5) In the event that the European Commission adopts the decision referred to in paragraph 1 of this Article, the decision shall be enforced by the central state administration authority competent for air traffic.

(6) The authority referred to in paragraph 5 of this Article shall notify the European Commission of all undertaken measures aimed at enforcing the decision referred to in paragraph 1 of this Article.

### ***Monitoring and reporting on greenhouse gas emissions***

#### **Article 108**

(1) The installation operator that has been issued the permit referred to in Article 82 of this Act and the aircraft operator referred to in Article 91 paragraph 1 of this Act shall monitor greenhouse gas emissions and submit a report on emissions and a report on verification (hereinafter: verified report), to the Agency, by 31 March of the current year for the previous calendar year.

(2) The aircraft operator referred to in Article 92 paragraph 1 of this Act shall monitor greenhouse gas emissions and submit a verified report to the Agency, by 31 March of the current year for the previous calendar year.

(3) By way of exception from paragraph 2 of this Article, for the period from 1 July to 31 December 2013, the aircraft operator performing additional aviation activities shall monitor greenhouse gas emissions and submit a verified report to the Agency, by 31 March 2014.

(4) The Agency shall check the completeness of the reports referred to in paragraphs 1, 2 and 3 of this Article and notify the Ministry thereof within 15 days after the date of receipt of those reports.

(5) The manner and conditions for the implementation of the European Union regulation governing monitoring and reporting on greenhouse gas emissions from installations and aircrafts and tonne-kilometre data and verification of reports on greenhouse gas emissions from installations and

aircrafts and reports on tonne-kilometre shall be prescribed by the Minister by virtue of an ordinance.

#### Article 109

- (1) The data from the report referred to in Article 108 paragraphs 1, 2 and 3 of this Act must be previously verified in line with the ordinance referred to in Article 108 paragraph 5 of this Act. Verification is performed by a legal person authorised pursuant to the Environmental Protection Act for carrying out professional report verification activities (hereinafter: verifier).
- (2) If during verification of the report specified in Article 108 paragraphs 1, 2 and 3 of this Act it is ascertained that the installation or the performed aviation activities contain significant deviations from the monitoring plan set out in Article 85 paragraph 2 or Article 93 of this Act, the verifier shall discontinue the verification process and propose to the installation operator or the aircraft operator that they amend the monitoring plan in line with Article 86, or Article 93 of this Act.
- (3) The installation operator and the aircraft operator referred to in paragraph 2 of this Article shall amend the monitoring plan and submit it to the Ministry for approval in line with Article 86, or Article 93 of this Act.
- (4) In the event that the Ministry receives the monitoring plans specified in paragraph 3 of this Article by 31 December of the current year, the procedure set out in Article 86, or Article 93 of this Act shall apply.
- (5) In the event that the Ministry receives the monitoring plan referred to in paragraph 3 of this Article after the deadline specified in paragraph 4, the procedure specified in paragraph 8 of this Article shall apply.
- (6) In the event that inspectional supervision uncovers the fact referred to in paragraph 2 of this Article, the procedures set out in the provisions of paragraphs 4 and 5 of this Article shall apply appropriately.
- (7) The verification of the report from the installation or aircrafts referred to in paragraph 3 of this Article shall continue based on the amended and approved monitoring plan.
- (8) If installation operators or aircraft operators have not submitted the report in line with Article 108 paragraphs 1, 2 and 3 of this Act, or their verified report has not been evaluated as integrated according to the prescribed criteria, the Ministry shall, ex officio, estimate emissions from the installation or aircraft or verify the emissions report, at the installation or aircraft operator's expense.
- (9) The Ministry shall issue a decision on the estimated emissions referred to in paragraph 8 of this Article.
- (10) Appeal shall not be permitted against the decision referred to in paragraph 9 of this Article.
- (11) The decision referred to in paragraph 9 of this Article shall be delivered to the Agency.
- (12) The Union Registry user account of the installation or aircraft operator referred to in paragraph 8 of this Article shall be blocked in accordance with the European Union regulation referred to in Article 101 paragraph 4 of this Act until the fulfilment of the reporting obligation in line with Article 108 of this Act.



## Article 110

- (1) The Ministry may perform subsequent verification of the submitted verified report referred to in Article 108 paragraphs 1, 2 and 3 of this Act by using a second verifier.
- (2) If the verification referred to in paragraph 1 of this Article establishes that the emissions from the installation or aircraft are not in conformity with the verified report referred to in Article 108 paragraph 1 of this Act, in the following calendar year the Agency shall, in line with Article 104 paragraphs 1 and 2 of this Act, issue the given operator an amount of emission allowances which has been reduced or increased by the difference from the number of emission allowances the operator surrendered in conformity with Article 105 of this Act.
- (3) By way of exception from paragraph 2 of this Article, the amount of emission allowances that the installation operator referred to in Article 89 paragraph 3 of this Act is obligated to surrender in the following calendar year pursuant to Article 105 of this Act, shall be reduced or increased by the difference in emission allowances established during the verification referred to in paragraph 1 of this Article.
- (4) The costs of verification referred to in paragraph 1 of this Article shall be borne by the Ministry.
- (5) If it is established that the verifier did not verify the report referred to in Article 108 paragraphs 1, 2 and 3 of this Act in conformity with the rules on verification of emission reports, action shall be taken in accordance with a special regulation that regulated activities in a field of environmental protection.
- (6) The legal person that prepared the emission report referred to in Article 108 paragraphs 1, 2 and 3 of this Act or the greenhouse gas emission monitoring plan for a given installation or aircraft operator may not act as verifier for the report relating to that installation or aircraft operator.

## Article 111

- (1) Based on the report on implementation of obligations under the Kyoto Protocol, the Republic of Croatia may decide on borrowing assigned amount units, or purchasing assigned amount units and units resulting from the implementation of project activities for the purpose of meeting its obligations under the Kyoto Protocol.
- (2) For purchasing the allowances referred to in paragraph 1 of this Article, financial resources of the Environmental Protection and Energy Efficiency Fund shall be used.
- (3) The decision on borrowing or purchasing of the allowances referred to in paragraph 1 of this Article shall be passed by the Government at the proposal of the Ministry.

### ***Exclusion of an installation from emission allowance trading***

## Article 112

- (1) The installation operator who obtained the permit under Article 82 this Act may submit to the Ministry an application for exclusion from the emissions trading system if they meet the following requirements:
  - have greenhouse gas emissions under 25,000 tonnes of carbon dioxide equivalent in each of the three previous years, according to verified emissions report and,

- for combustion plants, have a rated thermal input below 35 MW,
  - shall undertake measures for achieving an equivalent contribution to emission reductions, as prescribed by the regulation referred to in Article 114 of this Act and special regulation governing payments of penalties for carbon dioxide emissions.
- (2) By way of exception from paragraph 1 of this Article, a hospital may submit an application for exclusion from the emissions trading system if it shall undertake the measures referred to in paragraph 1 subparagraph 3 of this Article.
- (3) The Ministry shall prepare a list of installation operators that have submitted an application under paragraph 1 of this Article which also contains the measures for achieving an equivalent contribution to emission reductions.
- (4) The list referred to in paragraph 3 of this Article shall be published on the Ministry's website and submitted to the Commission for approval.
- (5) Upon the European Commission's approval of the list in paragraph 3 of this Article, or the expiry of the nine month deadline from the delivery of the list to the Commission, the Ministry shall issue a decision to the installation operators who have submitted an application under paragraph 1 of this Article excluding them from the emissions trading system and establishing:
- the obligation to implement measures to achieve an equivalent contribution to emission reductions,
  - the obligation of monitoring and reporting on the implementation of measures to achieve an equivalent contribution to emission reductions.
- (6) The decision referred to in paragraph 5 of this Article shall be delivered to the Agency.
- (7) Appeal shall not be permitted against the decision referred to in paragraph 5 of this Article.
- (8) Exclusion from the emissions trading system the installation does not obligate the operator to surrender emission allowances in accordance to Article 105 of this Act.
- (9) For the installation excluded from the emissions trading system the emission allowances shall not be allocated free of charge.
- (10) The operator of the installation which has been excluded from emissions allowance trading shall monitor greenhouse gas emissions and deliver a verified report to the Agency by 31 March of the current year for the previous calendar year.

#### Article 113

- (1) In the event that any of the installations referred to in Article 112 paragraph 1 of this Act, in any given calendar year, emits 25,000 tonnes or more of carbon dioxide equivalents or in the event that measures for achieving equivalent contribution to emission reductions which are applied to the installation cease to be in effect, that installation will be reincluded in the emission trading system.
- (2) If an installation is reincluded into the trading system pursuant to paragraph 1 of this Article, the emission allowances issued to those installations shall be deducted from the amount that the Republic of Croatia will sell at auction.

(3) The installation operator from paragraph 1 of this Article cannot submit application related to Article 112 of this Act in that emission trading period.

#### Article 114

(1) The method of trading in greenhouse gas emission allowances shall be prescribed by the Government by virtue of a regulation.

(2) The regulation referred to in paragraph 1 of this Article shall define the activities and greenhouse gases for which the obtaining of a greenhouse gas emission permit shall be mandatory, aviation activities for which emission monitoring shall be mandatory, procedure and criteria for excluding small installations that are subject to application of equivalent measures and installations that have terminated operation, procedure and criteria for free allocation of emission allowances, method of submitting data for free allocation of emission allowances, method (percentage) of use of allowances from clean development mechanisms and joint implementation mechanisms, obligations of installation operators and aircraft operators, method of monitoring and reporting on emissions and tonne-kilometres, criteria for monitoring and verifying data from emission reports, method of verification and assurance of data quality, contents of the application and requirements to be met by the aircraft operator when submitting an application for free allocation of emission allowances from the special reserve, method of operation of the Union Registry, method of covering Registry-related costs, method of disposal of emission allowances, method of applying financial measures favouring sectors exposed to carbon leakage risks, method of disposal of the emission allowance reserve, access to information, method of reporting to the competent European Union authorities and manner of public participation.

#### ***Greenhouse gas emissions not covered by the emission allowance trading system***

#### Article 115

(1) For each year in the period from 2013 to 2020, the amount of greenhouse gas emissions from sectors not covered by the emission allowance trading system shall be limited to a national annual emission allocation which is set by the European Union regulation.

(2) The fulfilment of the obligation to limit emissions to the national annual emission allocation referred to in paragraph 1 of this Article shall fall under the competence of state administration authorities competent for activities pertaining to environmental protection, construction, the economy, energy industry, entrepreneurship, agriculture, forestry, tourism, transport and development.

(3) The measures aimed at reducing greenhouse gas emissions referred to in paragraph 1 of this Article shall be prescribed by the Plan referred to in Article 10 of this Act.

(4) The Ministry shall control the fulfilment of the obligation referred to in paragraph 1 of this Article based on the reports referred to in Article 75 paragraph 3 of this Act and the verified reports referred to in Article 108 of this Act.

(5) The Ministry shall recommend additional measures for reducing greenhouse gas emissions with the aim of meeting the obligations referred to in paragraph 1 of this Article.

(6) The Republic of Croatia may trade with part of its annual emission allocation referred to in paragraph 1 of this Article.

(7) The Republic of Croatia may decide to purchase units resulting from implementing the project activities referred to in Article 116 of this Act.

(8) Transactions with a part of the national annual emission allocation referred to in paragraph 1 of this Article shall be entered in the Union Registry in line with the European Union regulation governing administration of the Union Registry.

(9) For realising trading under paragraph 6 of this Article the Government shall conclude an agreement on purchase or sale of a part of the national annual emission allocation referred to in paragraph 1 of this Article.

(10) The method of monitoring fulfilment of the national annual emission allocation, manner of trading with part of the national annual emission allocation, method of using units resulting from the implementation of project activities and reporting to the European Commission on the fulfilment of the obligation to limit emissions to the level of the national annual emission allocation referred to in paragraph 1 of this Article shall be further prescribed by the Government by virtue of the regulation referred to in Article 81 paragraph 1 of this Act.

### ***Kyoto flexible mechanisms***

#### **Article 116**

(1) Flexible mechanisms under the Kyoto Protocol include capital investments in project activities and programmes aimed at reducing greenhouse gas emissions for the purpose of obtaining emission reduction units or certified emission reductions, as an addition to national measures aimed at prevention and reduction of pollution affecting climate change.

(2) Project activities or programmes under the flexible mechanisms, their evaluation and acceptability shall be assessed by a commission to be appointed by the Minister.

(3) The method of carrying out the Kyoto flexible mechanism application procedures, composition of the commission for assessment of project activities and programmes and the method of reporting on their implementation shall be prescribed by the Government by virtue of a regulation.

### ***Geological storage of carbon dioxide***

#### **Article 117**

(1) Upon a proposal of the ministries competent for mining and environmental protection the Government shall adopt a decision allowing geological storage of carbon dioxide in an environmentally safe manner for the purpose of permanent containment of CO<sub>2</sub> and mitigating climate changes.

(2) The manner of selecting storage sites, method and conditions for issuing a storage permit, obligations related to exploitation, closure and post-closure, manner of control, access to the transport network and storage sites shall be prescribed by the Government by virtue of a regulation, upon the proposal of the ministries competent for mining and environmental protection.

### ***Adaptation to climate change***

#### **Article 118**

(1) Adaptation to climate change implies the assessment of harmful effects of climate changes and

undertaking of appropriate measures in order to prevent or mitigate potential damage that they may cause.

(2) Adaptation to climate change shall be performed by undertaking adaptation measures in the following sectors which are exposed to climate change impacts: hydrology and water resources; agriculture; forestry; biological diversity and natural inland ecosystems; biological diversity and marine ecosystems; coast and coastal area management; tourism and human health.

(3) For the purpose of assessing climate change impacts in the sectors referred to in paragraph 2 of this Article, climate models shall be used as the basis for preparing impact and vulnerability scenarios, as well as assessment of adaptation measures.

(4) Modelling, assessing impacts and vulnerability, as well as adaptation measures shall be conducted by central state administration authorities and other public authorities competent for activities related to metrology, environmental protection, agriculture, fishery, forestry, water management, energy, physical planning, nature protection, sea, tourism and protection of human health.

(5) Modelling, impact and vulnerability assessment for each sector referred to in paragraph 2 of this Article shall be conducted for the period until 2030 and shall serve as the basis for the preparation of the Action Plan for Climate Change Adaptation.

(6) The Action Plan shall establish objectives and priorities for the implementation of climate change adaptation measures in the Republic of Croatia and shall contain in particular:

- principles and criteria for defining objectives and priorities,
- assessment of current status, base scenario without climate change impacts,
- assessment of climate change impacts,
- assessment of scenario including adaptation measures,
- assessment of required data and research,
- priority measures and activities,
- integrating adaptation measures into sector development plans,
- manner of implementing measures,
- order of realisation of measures,
- deadline for fulfilling measures,
- obligated entities and coordination of implementation of measures,
- international commitments and international cooperation of the Republic of Croatia,
- estimate of funds required for the implementation of the Action Plan and the order of using funds according to priority measures and activities defined by the Action Plan,
- cost and benefit analysis related to climate change adaptation measures.

(7) The state administration authorities and other public authorities referred to in paragraph 4 of this Article shall report to the Ministry on the implementation of the Action Plan.

(8) The competent authority for the preparation of the Action Plan referred to in paragraph 6 of this Article is the Ministry in cooperation with central state administration authorities and other public authorities referred to in paragraph 4 of this Article.

(9) The Action Plan referred to in paragraph 6 of this Article shall be adopted by the Government for a period of ten years.

(10) The Action Plan referred to in paragraph 6 of this Article shall be published in the Official Gazette.

## IX AIR PROTECTION INFORMATION SYSTEM

### Article 119

(1) The air protection information system is a constituent part of the environmental information system managed pursuant to the Environmental Protection Act which forms an integral part of the European Information Environment System.

(2) The air protection information system contains the following:

- data on air quality from the state network,
- data on air quality from measurement stations of local and regional self-government units and special purpose measurements which are provided by the polluter,
- data on emissions from sources of air pollution,
- data on emissions from sources that effect climate change,
- data on controlled substances and fluorinated greenhouse gases,
- data on quality of products and equipment on terminals,
- data on product quality,
- plans and programmes for the protection and improvement of air quality,
- measures and programmes for the protection of the ozone layer,
- measures and programmes for mitigating climate changes,
- measures and programmes for adapting to climate changes,
- data on exceedances of the alert thresholds, information thresholds and measures for the protection of human beings and the environment in such cases,
- data on legal persons carrying out the activities of air quality monitoring, monitoring emissions of pollutants from stationary sources, manner of verification of the accuracy of the measurement system for continuous measurement of pollutant emissions into the air from stationary sources as



well as ensuring quality of measurement and air quality data,

- data on legal and natural persons – tradespersons performing the activities of collecting, checking for leakage, installation and maintenance or servicing of cooling and air-conditioning units and equipment, heat pumps and stationary fire fighting systems and fire extinguishers that contain controlled substances and fluorinated greenhouse gases or are produced with the aid of these substances or which have been entered into the Register kept by the Ministry,
- data from the Environmental Pollution Register,
- data on performed inspectional supervision,
- data on imposed fines,
- other data of relevance to air protection, ozone layer protection and mitigating climate changes and adapting to climate changes.

(3) Central state administrative bodies and bodies of local and regional self-government units as well as legal persons vested with public authority must supply data from within their competencies in a timely manner and free of charge, including data that is necessary for running the air protection information system and for drafting the Plan, Programme and Report.

(4) The air protection information system is harmonised and connected with the information systems of other state administrative bodies, local and regional self-government bodies and legal persons vested with public authority.

(5) State administration bodies, local and regional self-government bodies and legal persons vested with public authority that hold data of relevance to air quality management and management of the air protection information system are obligated to forward these data to the Agency at its request, in electronic form.

#### Article 120

(1) Data from the air protection information system in relation to measurement stations referred to in Article 19 paragraph 5 of this Act shall be used for exchanging information on data from air quality monitoring networks, and data on networks, stations and measuring techniques, as well as for annual reporting on air quality assessment.

(2) Data from the air protection information system, collected in the appropriate format, shall be used to deliver information on the plans referred to in Article 46 of this Act, and to deliver data on emissions from sources of air pollution for the purpose of reporting under international treaties and other international commitments in line with the *acquis communautaire* of the European Union.

(3) The method, deadlines, content and format of exchange of data referred to in paragraphs 1 and 2 of this Article shall be prescribed by the Minister by virtue of an ordinance.

#### Article 121

(1) The Ministry shall mediate and exchange data on emissions with international organisations and organisations of other countries in accordance with ratified international treaties.

(2) The Ministry and/or the Agency shall mediate and exchange data with competent European Union bodies in the manner and according to the deadlines set by the *acquis communautaire* of the

European Union.

## X FINANCING AIR AND OZONE LAYER PROTECTION, CLIMATE CHANGE MITIGATION AND ADAPTATION TO CLIMATE CHANGE

### Article 122

(1) Funds for financing air protection, ozone layer protection, climate change mitigation and adaptation to climate change shall be secured from the State Budget of the Republic of Croatia, the budgets of local and regional self-government units, the Environmental Protection and Energy Efficiency Fund and other sources, pursuant to the provisions of this Act.

(2) The funds referred to in paragraph 1 of this Article shall be used for financing:

- the state network,
- measurements stations and special purpose measurements carried out by local and regional self-government units,
- obligations ensuing from international treaties,
- drafting of programmes for special purpose measurements,
- measures for the protection of humans in the event of alert thresholds,
- drafting and implementation of action plans for protection and improvement of air quality and short-term action plans,
- measures and programmes for ozone layer protection,
- measures and programmes for mitigating climate changes,
- measures and programmes for adapting to climate changes,
- research and development in the field of reporting on greenhouse gas emissions,
- expert and scientific research necessary for achieving the objectives of this Act,
- promotion of use of environmentally friendly motor vehicles.

(3) Other sources referred to in paragraph 1 of this Act are: funds from polluters, donations, loans, state aid funds, international assistance funds, foreign investment funds intended for the protection and improvement of air quality, the ozone layer, mitigating climate changes and adapting to climate change.

(4) The Environmental Protection and Energy Efficiency Fund shall perform financial and expert supervision over the funds, incentives and administrative matters from within its scope of competence.

## XI ECONOMIC INCENTIVES

### Article 123

Exemptions from payment of profit tax or income tax may be prescribed for investments into purification equipment, plants which use technology, raw materials and manufacturing processes that less adversely affect air quality than other similar manufacturing processes and technologies, use of renewable energy sources, according to special regulations.

## XII ADMINISTRATIVE SUPERVISION

### Article 124

Administrative supervision over the application of this Act and regulations adopted on the basis thereof, including the legality of operation and procedures of state administration bodies, bodies of local and regional self-government units and legal persons vested with public authority and reference laboratories over administrative and other expert activities entrusted to them in the field of air protection shall be performed by the Ministry.

## XIII INSPECTIONAL SUPERVISION

### Article 125

(1) Inspectional supervision over the implementation of this Act and regulation adopted on the basis thereof shall be performed by an environmental inspector of the Ministry (hereinafter: the inspector) pursuant to the provisions of an act regulating environmental protection, unless otherwise prescribed by this Act.

### Article 126

Inspectional supervision which relates to the implementation of this Act and regulations adopted on the basis thereof which prescribe limit values in relation to the composition of products and/or other quality characteristics of a product, method of determining the quality of a product, placement of products on the domestic market and attestation of conformity shall be carried out by an economic inspector of the State Inspectorate in the manner prescribed by a special act.

### Article 127

In performing inspectional supervision the economic inspector shall, by issuing a decision, prohibit the placement of products on the domestic market and prohibit the sale of products that are not marked or are not fully marked the composition of which contains substances above prescribed limit values or if the quality of the product has not been determined in the prescribed manner or attestation of conformity of a product has not been carried out or has not been carried out in the prescribed manner, or the product contains prohibited substances.

### Article 128

(1) Inspectional supervision pertaining to the implementation of this Act and regulations adopted on the basis thereof, which prescribe limit values in relation to the composition of marine fuels and/or characteristics of marine fuel quality, method for determining the quality of marine fuels and attestation of conformity of marine fuels shall be carried out by a marine safety inspector of the ministry competent for the sea.

(2) In performing inspectional supervision, a marine safety inspector shall issue a decision

prohibiting the use of marine fuel on a marine vessel if that fuel contains substances exceeding the limit values.

#### Article 129

(1) In carrying out inspectional supervision the inspector shall have direct access to general and particular documents, supervise the conditions and operation methods of supervised legal and natural persons and undertake measures foreseen by this Act and other legislation in order to bring the identified status into compliance with this Act and regulations adopted on the basis thereof.

(2) In performing inspectional supervision, the inspector shall supervise:

- stationary sources of air pollution,
- the regularity of monitoring emissions from stationary sources of air pollution and aircraft operators,
- the functioning of equipment for reduction of emissions,
- the keeping of records on performed measurements with data on measurement points and results of measurements, on utilised fuel and waste in co-incineration and submission of data on air quality and emissions from stationary sources,
- the fulfilment of obligations prescribed by this Act on the part of the county, City of Zagreb, city and municipality,
- implementation of the action plans referred to in Article 46 paragraph 1 of this Act,
- implementation of short-term action plans referred to in Article 47 paragraph 1 of this Act,
- monitoring of air quality in stations for permanent air quality monitoring,
- implementation of the measures for protection of air quality determined in the environmental impact assessment decision and the decision on integrated environmental protection requirements pursuant to a special regulation,
- implementation of air quality measurements set out in Article 32 paragraph 1 of this Act,
- handling of controlled substances and fluorinated greenhouse gases and their consumption,
- handling of products containing controlled substances and fluorinated greenhouse gases or are produced with the aid of these substances,
- handling of controlled substances and fluorinated greenhouse gases after end of use of the product which contains them, manner of recovery, reclamation and permanent disposal of these substances,
- performance of activities pertaining to air quality monitoring and air pollutants emission monitoring from stationary sources, verification of accuracy of the measuring system for continuous measurement of emissions from stationary sources and assuring quality of measurement and air quality data,
- performance of activities related to assuring quality of measurement and air quality data,

- performance of activities relating to recovery, checking for leakage, installation, maintenance or servicing of cooling and air-conditioning units and equipment, heat pumps and stationary fire fighting systems and fire extinguishers that contain controlled substances and fluorinated greenhouse gases or are produced with the aid of these substances,
- implementation of international treaties in the field of air protection.

#### Article 130

Parties in the inspection procedure regarding the application of this Act and other legislation adopted on the basis thereof, may be the polluter, the legal person performing the activity of monitoring air quality and pollutant emissions from stationary sources and verification of accuracy of the measuring system for continuous measurement of emissions from stationary sources, legal person that performs the activity of providing measurement quality and air quality data, legal or natural person – tradesperson handling controlled substances and/or fluorinated greenhouse gases, legal or natural person – tradesperson supplier, legal or natural person – tradesperson installation operator and aircraft operator, as well as local and regional self-government units (hereinafter: supervised person).

#### Article 131

When performing inspectional supervision, in the event of violation of this Act and/or regulations adopted on the basis thereof, the inspector has the right and obligation to order by decision the supervised person to carry out measures by a set deadline, those being:

- removal of defects,
- removal of irregularities in performed activities,
- ban on performance of activities in the manufacturing process,
- ban on use of installation or equipment,
- measuring of emissions from stationary sources,
- ban on use of installation and equipment that have caused exceedance of emission limit values,
- ban on performance of monitoring air quality activities and monitoring pollutant emissions from stationary sources, as well as verification of the accuracy of the measuring system for continuous measurement of emissions from stationary sources,
- ban on activities relating providing measurement quality and air quality data,
- ban on maintenance and repair of products that contain controlled substances and recovery, recycling and reclamation of used controlled substances without a permit or without complying with the requirements from the activity performance permit,
- ban on performance of activities related to recovery, checking for leakage, installation and maintenance or servicing of cooling and air-conditioning units and equipment, heat pumps and stationary fire fighting systems and fire extinguishers that contain controlled substances and fluorinated greenhouse gases and fluorinated greenhouse gases or are produced with the aid of these substances, as well as recovery, recycling and reclamation of used controlled substances and fluorinated greenhouse gases without holding a permit, or failing to fulfil the requirements from the

permit for performing that activity,

- ban on performance of activities in which greenhouse gases are emitted in the installation, without holding a permit,
- implementation of air protection measures from the environmental impact assessment decision and/or the decision on integrated environmental protection requirements,
- implementation of air protection measures from the action plan issued by the competent authority in the local self-government unit,
- implementation of air protection measures from the short-term action plan issued by the competent authority in the local self-government unit and the undertaking of other actions aimed at preventing air pollution contrary to this Act.

#### Article 132

(1) The inspector shall, by virtue of a decision, order the supervised person to remove the found irregularities within an appropriate deadline if he establishes that the supervised person has failed to:

- maintain and produce the prescribed registries, inventories and balance sheets and pass the prescribed plans and programmes,
- produce the prescribed reports, records and forms,
- submit the reports, records, balance sheets, forms and data from the registries to the competent bodies,
- register an installation, in which organic solvents or products containing volatile organic compounds are used in the Installation Registry,
- deliver data on stationary equipment which contains three or more kilograms of controlled substances or fluorinated greenhouse gases,
- enter itself in the Registry referred to in Article 69 paragraph 2 of this Act which is administered by the Ministry,
- open a user account with the Union Registry.

(2) The inspector shall, by virtue of a decision, order the supervised person to remove the defects if he finds that the supervised person does not keep or produce the documents referred to in paragraph 1 subparagraphs 1, 2 and 3 of this Article in the prescribed manner.

(3) If the supervised person does not take action in accordance with the decision ordering the removal of irregularities and defects referred to in paragraphs 1 and 2 of this Article, the supervised person shall be coerced into carrying out the ordered measures through payment of the coercive fine referred to in Article 141 paragraph 1 of this Act.

#### Article 133

(1) The inspector shall, by virtue of a decision, order a known polluter to remove identified defects or irregularities in operation which have caused or may cause exceedance of limit values (LV) for the protection of human health, within a set time period.



(2) If the polluter does not take action in accordance with the decision of the inspector referred to in paragraph 1 of this Article, he shall be coerced into carrying out the ordered measures through the payment of a coercive fine referred to in Article 141 paragraph 1 of this Act. If the polluter referred to in paragraph 1 of this Article does not execute the decision even after the pronounced fine, the inspector shall prohibit the use of the plant or equipment which has caused the exceedance of limit values (LV) for the protection of human health.

#### Article 134

The inspector shall, by virtue of a decision, prohibit a known polluter from performing activities in the manufacturing procedure, and using the plants and equipment which have caused air pollution above the alert threshold until the defects are removed.

#### Article 135

(1) The inspector shall, by virtue of a decision, order the supervised person to perform measurement of emissions from stationary sources:

- to identify the cause of the air pollution,
- if a change in the fuel used has occurred,
- if he did not perform occasional emission measurements,
- if he did not perform occasional emission measurements within the prescribed deadlines,
- if he did not perform measurements for new and reconstructed stationary sources,
- if irregularities are identified in the measuring process, at the expense of the person that performed the measuring,
- if it is established that measurements were performed by an unauthorised person.

(2) The inspector shall, by virtue of a decision, order the supervised person to conduct special measurements if there is reasonable doubt that a release of excess air pollutants has occurred.

(3) The inspector shall, by virtue of a decision, order the supervised person to conduct continuous measurements of pollutant emissions from stationary sources, within an appropriate deadline, if he establishes that the supervised person does not conduct continuous measurements or does not conduct them in the prescribed manner.

(4) If the supervised person does not take action in accordance with the decision of the inspector and does not carry out the ordered measures referred to in paragraph 1, paragraph 2 and paragraph 3 of this Article, he shall be coerced into carrying out the ordered measures through the payment of the coercive fine set out in Article 141 paragraph 1 of this Act. If the supervised person does not execute the decision of the inspector referred to in paragraphs 1, 2 and 3 of this Article even after the pronounced fine, the decision shall be enforced via a third party, at the expense and liability of the supervised person.

#### Article 136

The inspector shall, by virtue of a decision, place a ban on the use of the supervised person's

installation or equipment that caused the exceedance of emission limit values until such time that the defects and irregularities are removed.

#### Article 137

(1) The inspector shall order the supervised person, by virtue of a decision, to implement the measures:

- set out in the decision on environmental impact assessment or the decision on integrated environmental protection requirements, if the supervised person does not implement them.

(2) If the supervised person does not take action in accordance with the inspector's decision referred to in paragraph 1 of this Article, the decision shall be enforced by pronouncement of the coercive fine referred to in Article 141 paragraph 1 of this Act.

#### Article 138

(1) The inspector shall, by virtue of a decision, ban the supervised person from performing activities or operations in relation to air quality monitoring and monitoring of pollutant emissions from stationary sources and verification of accuracy of the measuring system for continuous measurement of pollutant emissions from stationary sources:

- if he does not have a permit issued by the Ministry,
- if he fails to meet the conditions on the basis of which he obtained the permit from the Ministry, until he meets the required conditions,
- if the legal person performs activities or operations connected with air quality monitoring and monitoring of pollutant emissions from stationary sources and verification of accuracy of the measuring system for continuous measurement of emissions from stationary sources by using a reference method for which he does not possess a permit.

(2) The inspector shall, by virtue of a decision, ban the supervised person from performing activities relating to measurement quality assurance and assurance of air quality data:

- if he does not have a permit issued by the Ministry,
- if he fails to meet the conditions on the basis of which he obtained the permit from the Ministry, until he meets the required conditions,
- if the legal person performs assurance of measurement quality and assurance of air quality data by using a reference method for which it does not possess a permit.

(3) The inspector shall, by virtue of a decision, ban the supervised person from recovery, checking for leakage, installation and maintenance or servicing of cooling and air-conditioning units and equipment, heat pumps and stationary fire fighting systems and fire extinguishers that contain controlled substances and fluorinated greenhouse gases or are produced with the aid of these substances:

- if he does not have a permit issued by the Ministry,
- if he fails to meet the conditions on the basis of which he obtained the permit from the Ministry, until he meets the required conditions,

– if he fails to handle controlled substances and fluorinated greenhouse gases in the prescribed manner.

(4) The inspector shall, by virtue of a decision, ban the supervised person from performing activities emitting greenhouse gases:

– if he does not have a permit issued by the Ministry,

– if he fails to meet the conditions on the basis of which he obtained the permit from the Ministry, until he meets the required conditions.

(5) If the supervised person referred to in paragraph 1 subparagraphs 2 and 3, paragraph 2 subparagraphs 2 and 3, paragraph 3 subparagraphs 2 and 3 and paragraph 4 subparagraph 2 of this Article does not take action in accordance with the decision, the inspector shall propose that the Ministry withdraw the permit.

(6) The inspector shall, by virtue of a decision, order the supervised person to eliminate irregularities established in the handling of substances:

– if the owner and/or user of the equipment that contains controlled substances or fluorinated greenhouse gases does not handle such substances and devices in the prescribed manner,

– if the importer, exporter and/or person placing the controlled substances and fluorinated greenhouse gases on the market does not handle them in the prescribed manner.

(7) If the supervised person does not take action in accordance with the inspector's decision referred to in paragraph 6 of this Article, the decision shall be enforced by pronouncement of the monetary fine referred to in Article 141 paragraph 1 of this Act.

#### Article 139

(1) If the inspector establishes exceedance of the limit values for pollutant emissions from stationary sources on the basis of emission data, he may even issue an inspection decision without hearing the party.

(2) The inspector may issue an oral decision in the event of exceedance of alert thresholds to a known polluter who has caused air pollution.

(3) The inspector may issue an oral decision in a situation where it is necessary to eliminate immediate danger to human health and the environment.

(4) A written copy of the oral decision must be delivered to the party within eight days from the date of issuing the verbal decision.

(5) The obligation to carry out the provisions of the oral decision shall begin from the day the oral decision is communicated to the party.

(6) If the supervised person does not execute the decision of the inspector referred to in paragraph 2 of this Article, the decision shall be enforced via a third party, at the expense and liability of the supervised person.

#### Article 140

(1) With the aim of ensuring the implementation of measures referred to in Article 133 paragraph 1, Article 134, Article 136 and Article 138 paragraphs 1, 2, 3 and 4 of this Act, the inspector may seal the working areas, business premises and equipment.

(2) The manner of sealing referred to in paragraph 1 of this Article is set out by the Environmental Protection Act.

#### Article 141

(1) If the supervised person does not carry out the measures ordered by the decision referred to in Articles 132 paragraphs 1 and 2, Article 133 paragraph 1, Article 135 paragraphs 1, 2 and 3, Article 137 paragraph 1 and Article 138 paragraph 6 of this Act, the inspector shall coerce the supervised person into execution by payment of a fine in the amount of HRK 30,000.00 for a legal person and natural person - tradesperson.

(2) The fine ensuing from the coercive measure referred to in paragraph 1 of this Article shall be paid into the State Budget of the Republic of Croatia within thirty days from the day on which it was established that corrective action was not taken in accordance with the decision. If the supervised person does not deliver to the inspector proof of payment of the fine within thirty days, the amount shall be collected forcibly, without the adoption of a special enforcement decision.

#### Article 142

(1) If the supervised person does not carry out the measures ordered by the decision referred to in Article 135 paragraphs 1, 2 and 3 and Article 138 paragraph 6 of this Act, its enforcement shall be carried out via a third party, at the expense of the supervised person to whom the execution was ordered.

(2) The expenses ensuing from the enforcement of the inspection decision shall be paid from the State Budget of the Republic of Croatia until collection from the supervised legal or natural person to whom the execution was ordered.

#### Article 143

(1) Against a decision issued by an environmental inspector in a branch unit of the Ministry an appeal may be submitted to a Commission whose members are appointed by the Government.

(2) The Commission shall be made up of two permanent members, those being the Commission president and one alternating member.

(3) The position of permanent member of the Commission shall be filled by a person with a law degree and at least four years of work experience in the administration, while the position of alternating member shall be filled by a person with a degree in natural or technical sciences or profession and at least four years of work experience on environmental inspection activities.

(4) The Commission shall adopt its Rules of Procedure.

(5) An appeal filed against the decision referred to in paragraph 1 of this Article shall not postpone its execution.

#### Article 144

(1) If during the performance of inspectional supervision it is established that this Act and/or

regulations adopted on the basis thereof has/have been violated, the Ministry shall forward to the competent authority an indictment or criminal charge due to commitment of a misdemeanour or criminal offence.

(2) If during the performance of inspectional supervision it is established that this Act and/or regulations adopted on the basis thereof has/have been violated, the inspector shall have the right and obligation to also undertake other measures and perform other actions for which he is authorised pursuant to this Act and special regulations.

## XIV PENAL PROVISIONS

### Article 145

(1) A legal person shall be fined for committing a misdemeanour in an amount ranging from HRK 300,000.00 to 600,000.00 if:

- a pointed stationary source is not constructed or manufactured, equipped, used and maintained in such a manner that it does not release air pollutants above the emission limit values which may be harmful to human health, quality of life and the environment (Article 9 paragraph 4),
- a diffuse stationary source is not constructed or manufactured, equipped, used and maintained in such a manner that it does not release/introduce pollutants into the air in amounts which may be harmful to human health, quality of life and the environment (Article 9 paragraph 4),
- he does not carry out air quality monitoring in compliance with the environmental impact assessment decision or decision on integrated environmental protection requirements (Article 32 paragraph 1),
- the emission of air pollutants from a stationary source exceeds the limit values prescribed by the regulation referred to in Article 39 paragraph 1 of this Act (Article 39 paragraph 1),
- the components of a product and/or other quality characteristics exceed limit values prescribed by the regulation referred to in Article 41 paragraph 1 of this Act (Article 41 paragraph 1),
- he does not implement and finance measures for air pollution abatement determined by the air quality action plan (Article 46 paragraph 10),
- he does not implement and finance measures for reduction of pollutant emissions determined by the short-term action plan (Article 47 paragraph 5).

(2) The responsible person in the legal person shall also be fined in an amount ranging from HRK 40,000.00 to 70,000.00 for committing the misdemeanours referred to in paragraph 1 of this Article.

(3) A natural person – tradesperson shall be fined in an amount ranging from HRK 100,000.00 to 250,000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

### Article 146

(1) A legal person shall be fined for committing a misdemeanour in an amount ranging from HRK 100,000.00 to 300,000.00 if:

- he does not submit initial and validated data on performed air quality measurements determined in the environmental impact assessment decision or the decision on integrated environmental

protection requirements and the report on pollution levels and air quality assessment, to the competent administrative authority of the county, City of Zagreb and city by 31 March of the current year for the previous calendar year (Article 32 paragraph 2),

- he does not ensure regular monitoring of pollutant emissions from a stationary source and keep records thereon (Article 38 paragraph 1 subparagraph 1),

- he does not perform measurements of pollutant emissions from the stationary source (Article 38 paragraph 1 subparagraph 2),

- he does not keep records on performed measurements with data on measurement points and measurement results, including frequency of emission measurements (Article 38 paragraph 1 subparagraph 3),

- he does not keep records on utilised fuels and waste in the co-incineration process (Article 38 paragraph 1 subparagraph 4),

- he does not keep records on the functioning of the emission reduction equipment (Article 38 paragraph 1 subparagraph 5),

- he does not carry out the procedure for determining product quality and method of conformity assessment in the manner prescribed by the regulation referred to in Article 41 paragraph 1 of this Act (Article 41 paragraph 1),

- he does not mark products in the manner prescribed by the regulation referred to in Article 41 paragraph 1 of this Act (Article 41 paragraph 1),

- he does not perform air quality monitoring in the manner prescribed by the ordinance referred to in Article 52 of this Act (Article 52),

- he does not perform monitoring of pollutant emissions from stationary sources in the manner prescribed by the ordinance referred to in Article 53 of this Act (Article 53),

- he does not verify accuracy of the measuring system for continuous measurement of emissions from stationary sources in the manner prescribed by the ordinance referred to in Article 53 of this Act (Article 53),

- he performs the activity of monitoring air quality and monitoring of pollutant emissions from stationary sources and verification of accuracy of the measuring system for continuous measurement of emissions from stationary sources without a permit from the Ministry (Article 54 and Article 57 paragraph 1),

- he performs the activity of monitoring air quality and monitoring of pollutant emissions from stationary sources and verification of accuracy of the measuring system for continuous measurement of emissions from stationary sources by using the reference measurement method or another measurement method without having obtained a permit from the Ministry (Article 55 paragraph 4),

- he fails to perform the activities of the reference laboratory referred to in Article 60 paragraph 2 of this Act in the manner prescribed by the ordinance referred to in Article 52 of this Act (Article 60 paragraph 4),

- he performs the activity of assurance of measurement quality and air quality data without a permit



from the Ministry (Article 61 paragraph 1)

- he fails to ensure monitoring of lifecycle greenhouse gas emissions for liquid oil fuels (Article 79 paragraph 2),
- he fails to submit the verified report to the Agency by 30 April of the current year for the previous calendar year (Article 79 paragraph 3),
- he performs activities in which greenhouse gases are emitted without having obtained a greenhouse gas emission permit (Article 82 paragraph 1),
- he does not notify the Ministry of planned changes to the installation (Article 86 paragraph 1),
- he does not notify the Ministry of a planned change in the operator's identity (Article 86 paragraph 1),
- he does not notify the Ministry of planned termination of operation (Article 87 paragraph 1),
- he does not submit to the Agency a verified report within the prescribed deadline (Article 88 paragraph 2),
- he does not obtain approval of the plan for monitoring and reporting on greenhouse gas emissions from aircrafts (Article 93 paragraph 1),
- he does not open a user account with the Union Registry (Article 103 paragraph 3),
- he does not perform greenhouse gas emission monitoring and does not submit the verified report to the Agency by 31 March of the current year for the previous calendar year (Article 108 paragraphs 1 and 2, Article 112 paragraph 10).

(2) The responsible person in the legal person shall be fined in an amount ranging from HRK 25,000.00 to 50,000.00 for committing the misdemeanours referred to in paragraph 1 of this Article.

(3) A natural person – tradesperson shall be fined in an amount ranging from HRK 70,000.00 to 150,000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

#### Article 147

(1) A legal person shall be fined for committing a misdemeanour in an amount ranging from HRK 30,000.00 to 100,000.00 if:

- he does not deliver data to the Ministry's registry in the prescribed manner (Article 38 paragraph 2),
- he does not deliver the annual report on pollutant emissions from stationary sources into the air in the manner prescribed by the regulation referred to in Article 39 paragraph 1 of this Act (Article 39 paragraph 1),
- he does not deliver data on the quality and quantity of products placed on the domestic market in the manner prescribed by the regulation referred to in Article 41 paragraph 1 of this Act (Article 41 paragraph 1),
- he does not handle controlled and new substances and fluorinated greenhouse gases in the manner

prescribed by the regulation referred to in Article 65 paragraph 1 of this Act (Article 65 paragraph 1),

- he does not handle products and equipment that contain controlled substances and or fluorinated greenhouse gases or are produced with the aid of these substances in the manner prescribed by the regulation referred to in Article 65 paragraph 1 of this Act (Article 65 paragraph 1),

- he performs the activity of recovery, checking for leakage, installation and maintenance or servicing of cooling and air-conditioning products units and equipment, heat pumps and stationary fire fighting systems and fire extinguishers that contain controlled substances and fluorinated greenhouse gases or are produced with the aid of these substances, as well as recovery, recycling and reclamation of used controlled and fluorinated greenhouse gases without having obtained a permit from the Ministry (Article 67 paragraph 1 and 68 paragraph 2),

- he does not employ professionally qualified workers for handling controlled substances and fluorinated greenhouse gases (Article 67 paragraph 2),

- does not pay the fee for covering operative costs and administering the account to the Agency (Article 103 paragraph 5).

(2) The responsible person in the legal person shall be fined in an amount ranging from HRK 5,000.00 to 25,000.00 for the misdemeanours referred to in paragraph 1 of this Article.

(3) The natural person – tradesperson shall be fined in an amount ranging from HRK 25,000.00 to 70,000.00 for the misdemeanours referred to in paragraph 1 of this Article.

#### Article 148

(1) The county, City of Zagreb or major city shall be fined for committing a misdemeanour in an amount ranging from HRK 100,000.00 to 500,000.00 if:

- it does not adopt and publish the Programme (Article 12 paragraphs 1 and 2),

- it does not issue the report on implementation of the programme for a two-year period (Article 14 paragraph 1).

(2) The county, City of Zagreb or city shall be fined for committing a misdemeanour in an amount ranging from HRK 100,000.00 to 500,000.00 if:

- it does not submit initial and validated data on air quality monitoring and the report on pollution levels and data quality assessment to the Agency, by 30 April of the current year for the previous calendar year (Article 31 paragraph 5),

- it does not submit initial and validated data on air quality monitoring and the report on pollution levels and data quality assessment to the Agency, by 30 April of the current year for the previous calendar year (Article 32 paragraph 3).

(3) The City of Zagreb, city or municipality shall be fined for committing a misdemeanour in an amount ranging from HRK 100,000.00 to 500,000.00 if:

- it does not order the application of special measures for the protection of human health and the method of their implementation (Article 26 paragraph 1),

- it does not inform the public on alert thresholds or information thresholds (Article 26 paragraph 4),
- it does not render a decision on special purpose measurement or pollution level assessment (Article 33 paragraph 3),
- it does not adopt an air quality action plan (Article 46 paragraph 1),
- it does not adopt a short-term action plan (Article 47 paragraph 1).

(4) For the misdemeanours referred to in paragraphs 1, 2 and 3 of this Article the responsible person in the county, City of Zagreb, major city, city and municipality shall be fined in an amount ranging from HRK 15,000.00 to 25,000.00.

#### Article 149

(1) Each non-fulfilment of obligations established by the subordinate regulations of this Act, on the part of: the polluter, legal person authorised for performing professional activities of monitoring air quality and monitoring emissions from stationary sources into the air, legal or natural person tradesperson that handles controlled substances and/or fluorinated greenhouse gases, legal or natural person – tradesperson supplier, legal or natural person – tradesperson installation operator and legal or natural person – tradesperson aircraft operator, as well non-fulfilment of prescribed obligations within the set deadline and in the prescribed manner shall be considered a misdemeanour within the meaning of this Act.

(2) For the misdemeanours referred to in paragraph 1 of this Article the polluter, legal person polluter, legal person authorised for performing professional activities of monitoring air quality and monitoring emissions from stationary sources into the air, legal person that handles controlled substances and/or fluorinated greenhouse gases, legal person supplier, legal person installation operator and legal person aircraft operator shall be fined in an amount ranging from HRK 100,000.00 to 300,000.00.

(3) For the misdemeanour referred to in paragraph 1 of this Article the responsible person in the legal person referred to in paragraph 2 of this Article shall also be fined in an amount ranging from HRK 15,000.00 to 30,000.00.

(4) For the misdemeanours referred to in paragraph 1 of this Article the polluter natural person - tradesperson, natural person - tradesperson that handles controlled substances and/or fluorinated greenhouse gases, natural person – tradesperson supplier, natural person – tradesperson installation operator and natural person – tradesperson aircraft operator shall also be fined in an amount ranging from HRK 25,000.00 to 70,000.00.

### XV TRANSITIONAL AND FINAL PROVISIONS

#### Article 150

(1) The Government shall adopt the regulations referred to in Article 81 paragraph 1, Article 99 paragraph 2 and Article 114 paragraph 1 of this Act within six months from the entry into force of this Act.

(2) The Government shall adopt the regulations referred to in Article 25 paragraph 1, Article 27 paragraph 3, Article 39 paragraph 1, Article 40 paragraph 2, Article 41 paragraph 1, Article 65 paragraph 1 and Article 116 paragraph 3 of this Act within twelve months from the entry into force

of this Act.

(3) The Government shall adopt the regulations referred to in Article 18 paragraph 2 and Article 19 paragraph 5 of this Act within eighteen months from the entry into force of this Act.

(4) The Government shall adopt the plan referred to in Article 10 of this Act by 31 December 2012.

(5) The Government is hereby authorised to adopt the regulations necessary for enforcement of European Union legislation adopted after the entry into force of this Act.

(6) The Minister shall pass the regulations referred to in Article 29 paragraph 2, Article 52, Article 53, Article 65 paragraph 2 and Article 120 paragraph 3 of this Act within twelve months from the entry into force of this Act.

(7) The Minister shall pass the regulations referred to in Article 75 paragraph 7, Article 90 paragraph 4, Article 101 paragraph 4 and Article 108 paragraph 5 of this Act within six months from the entry into force of this Act.

#### Article 151

(1) Until the entry into force of the regulations referred to in Article 150 paragraphs 1, 2, 3, 6 and 7 of this Act, in the part in which they are not contrary to the provisions of this Act, the following regulations shall apply: Regulation on siting stations in the state network for continuous air quality monitoring (Official Gazette 4/02), Regulation on substances that deplete the ozone layer (Official Gazette 120/05), Regulation on ozone in air (Official Gazette 133/05), Regulation on limit values of pollutants in air (Official Gazette 133/05), Regulation on critical levels of pollutants in air (Official Gazette 133/05), Regulation on quality of biofuels (Official Gazette 141/05 and 33/11), Regulation on greenhouse gas emission monitoring in the Republic of Croatia (Official Gazette 01/07), Regulation on limit values for pollutant emissions from stationary sources into the air (Official Gazette 21/07, 150/08), Regulation on limit values of volatile organic compounds in certain paints and varnishes and vehicle refinishing products (Official Gazette 94/07), Regulation on designation of zones and agglomerations according to categories of air quality (Official Gazette 68/08), Regulation on emission quantities for certain pollutants in the Republic of Croatia (Official Gazette 141/08), Regulation on the implementation of the flexible mechanisms of the Kyoto Protocol (Official Gazette 142/08), Regulation on greenhouse gas emission quantities and the method of trading in emission allowances (Official Gazette 142/08 and 113/10), Regulation on the quality of liquid oil fuels (Official Gazette 33/11), the Programme for air quality measurement in the state network for continuous air quality monitoring (Official Gazette 43/02), Ordinance on air quality monitoring (Official Gazette 155/05), Ordinance on monitoring pollutant emissions from stationary sources into the air (Official Gazette 1/06) and the Ordinance on exchange of information on data from the network for continuous air quality monitoring (Official Gazette 135/06).

(2) Until the entry into force of the ordinance referred to in Article 108 paragraph 5 of this Act, the mandatory instructions on monitoring, reporting and verifying reports on greenhouse gas emissions from installations published on the web site of the Ministry in the form of a manual, in accordance with Article 47 paragraph 4 of the Air Protection Act (Official Gazette 174/04 and 60/08), shall be implemented.

#### Article 152

(1) The Ministry shall issue a decision on the free allocation of emission allowances to aircraft operators referred to in Article 94 paragraph 2 subparagraph 1 of this Act, that have, in line with EU regulations, been assigned to other administering Member States, for departure flights from airports

within the territory of the Republic of Croatia towards EEA countries and arrival flights to airports within the territory of the Republic of Croatia from EEA countries, establishing the following:

- the remaining total amount of emission allowances for the trading period from 2014 to 2020, to be allocated free of charge, and
- the amount of emission allowances for each individual trading year from 2014 to 2020 to be allocated free of charge.

#### Article 153

(1) An installation operator performing a new activity which emits greenhouse gases, or performing an activity emitting new greenhouse gases pursuant to the regulation referred to in Article 114 of this Act, shall submit an application for the issuing of a greenhouse gas emission permit within sixty days from the entry into force of that regulation.

(2) The installation operator that has obtained its greenhouse gas emission permit pursuant to the regulation referred to in paragraph 1 of this Article shall be considered an operator of an existing installation as set out in Article 90 paragraph 1 of this Act until 31 December 2012.

(3) The Ministry, shall ex officio, update greenhouse gas emission permits issued pursuant to Article 47.a of the Air Protection Act (Official Gazette 178/04 and 60/08) in line with Article 85 paragraph 1 subparagraph 5 of this Act until 31 December 2012.

#### Article 154

(1) Permits and approvals for performing air quality monitoring activities and activities of monitoring emissions from stationary sources into the air, issued pursuant to the provisions of the Air Protection Act (Official Gazette 174/04 and 60/08) and the Ordinance on the issue of permits or approvals for performing air quality monitoring activities and activities of monitoring emissions from stationary sources into the air (Official Gazette 79/06), shall be valid until their expiry.

(2) Until the issuing of the permit referred to in Article 61 of this Act, air quality monitoring referred to in Article 28 paragraph 2 of this Act, may be performed by legal persons that have the air quality monitoring permit issued pursuant to the provisions of the Air Protection Act (Official Gazette 174/04 and 60/08) and the Ordinance on the issue of permits or approvals for performing air quality monitoring activities and activities of monitoring emissions from stationary sources into the air (Official Gazette 79/06), that is, the permit for performing the activity of air quality monitoring referred to in Article 54 of this Act.

(3) Legal or natural persons – tradespersons that have obtained, pursuant to the Air Protection Act (Official Gazette 174/04 and 60/08) and the Regulation on substances that deplete the ozone layer (Official Gazette 120/05), a permit for performing activities of servicing, phasing-out from use of products containing or utilising controlled substances and fluorinated greenhouse gases and the recovery, recycling and reclamation of those substances shall submit evidence on the professional qualifications of workers handling controlled substances and/or fluorinated greenhouse gases within 18 months after entry into force of the ordinance referred to in Article 65 paragraph 2 of this Act.

(4) Legal or natural persons – tradespersons that submit the application for the issuing of the permit referred to in Article 67 paragraph 1, that is, Article 68 paragraph 2 of this Act after entry into force of this Act may obtain the permit providing that they submit evidence on the professional qualifications of workers handling controlled substances and/or fluorinated greenhouse gases within 18 months after entry into force of the ordinance referred to in Article 65 paragraph 2 of this Act.

(5) If a legal or natural person– tradesperson fails to deliver evidence on the professional qualifications of workers in line with the ordinance referred to in Article 65 paragraph 2 of this Act within the deadline specified in paragraphs 3 and 4 of this Article, the Ministry shall revoke the permit referred to in paragraphs 3 and 4 of this Article.

#### Article 155

The Government shall adopt the Report referred to in Article 11 of the Air Protection Act (Official Gazette 174/04 and 60/08) for the period from 2008 to 2011, by 31 December 2012.

#### Article 156

(1) Proceedings initiated pursuant to the provisions of the Air Protection Act (Official Gazette 174/04 and 60/08), until the date of entry into force of this Act, shall be completed pursuant to the provisions of that Act.

(2) Proceedings initiated before the misdemeanour court pursuant to the provisions of the Air Protection Act (Official Gazette 174/04 and 60/08) until the date of entry into force of this Act, shall be completed pursuant to the provisions of that Act.

#### Article 157

(1) The Government of the Republic of Croatia shall appoint the Commission referred to in Article 143 paragraph 1 of this Act within 60 days from the entry into force of this Act.

(2) The Ministry Commission appointed pursuant to Article 85 paragraph 4 of the Air Protection Act (Official Gazette 178/04 and 60/08) shall continue to operate until the appointment of the Commission referred to in Article 143 paragraph 1 of this Act.

#### Article 158

By virtue of the entry into force of this Act the following shall cease to have effect:

- Air Protection Act (Official Gazette 174/04 and 60/08),
- Ordinance on the issue of permits or approvals for performing air quality monitoring activities and activities of monitoring emissions from stationary sources into the air (Official Gazette 79/06).

#### Article 159

This Act shall enter into force on the eighth day after the day of publication in the Official Gazette, with the exception of the provisions of Article 104 paragraph 1 and 3, Article 105 paragraph 1 and Article 106 of this Act which shall enter into force on 1 January 2013, and the provisions of Article 44 paragraph 3, Article 46 paragraphs 2, 3, 8 and 9, Article 48 paragraph 1, 2 and 3, Article 50 paragraph 5, Article 79, Article 80, Article 99 paragraph 1 as well as Article 101 paragraph 3 of this Act which shall enter into force on the day of entry of the Republic of Croatia into the European Union, as well as the provisions of Article 96, Article 97 and Article 104 paragraph 2, Article 105 paragraph 2, Article 107 and Article 108 paragraph 2 of this Act which will enter into force on 1 January 2014.



Zagreb, 28 October 2011

THE CROATIAN PARLIAMENT

President of the  
Croatian Parliament  
Luka Bebić, m. p.

PROVISIONAL TRANSLATION