

THE CROATIAN PARLIAMENT

3082

Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby pass the

DECISION

PROMULGATING THE AIR PROTECTION ACT

I hereby promulgate the Air Protection Act, adopted by the Croatian Parliament at its session on 3 December 2004

No: 01-081-04-3744/2

Zagreb, 10 December 2004

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

AIR PROTECTION ACT

I GENERAL PROVISIONS

Article 1

This Act lays down the measures, manner of organising, implementing and supervising protection and improvement of air quality, as part of the environment of common good, which has the special protection of the Republic of Croatia (hereinafter referred to as: the State).

Article 2

(1) Protection and improvement of air quality, with the aim of sustainable development, is based on the principles of environmental protection laid down in the Environmental Protection Act and requirements of international law.

(2) If not otherwise prescribed by this Act, the provisions of the Environmental Protection Act shall also apply to the protection and improvement of air quality.

(3) The protection of air against pollution caused by radioactive substances, technological accidents and natural disasters shall be regulated by special legislation.

(4) If the provisions of this Act do not prescribe a special procedure for the resolving of administrative matters, then the provisions of the Act on General Administrative Procedure shall apply.

Article 3

Measures undertaken with the aim of protection and improvement of air quality shall not endanger other environmental components, the quality of the environment in other areas, the quality of life of future generations and they shall not be in contradiction with legislation in the areas of safety at work and protection of human health.

Article 4

With the aim of protection and improvement of air quality it is essential to:

– determine and affect measures in the area of protection and improvement of air quality so as to avoid, prevent or reduce harmful effects on human health, quality of life and the environment as a whole.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

- preserve the air quality if the air is clean or negligibly polluted and improve it in instances where it is polluted,
- prevent and reduce pollution which depletes the ozone layer and induces climate change,
- establish, maintain and advance the overall system of managing air quality on the territory of the State,
- assess and procure relevant data on air quality on the basis of standardised methods and criteria and ensure public access thereof,
- carry out obligations assumed under international treaties and agreements to which the State is a party and participate in international cooperation in the area of protection and improvement of air quality.

Article 5

(1) The efficiency of protection and improvement of air quality shall be ensured by the Croatian Parliament (hereinafter referred to as: the Parliament) and the Government of the Republic of Croatia (hereinafter referred to as: the Government) and representative and executive bodies of local and regional self-government units within their competencies and the competencies determined by this Act.

(2) Administrative and expert activities regarding protection and improvement of air quality, including the implementation of protection measures and improvement of the air quality shall be carried out and ensured by central state administrative bodies, state administration offices in counties, local and regional self-government units competent for the carrying out of activities of environmental protection and other legal persons which have public authority.

(3) Monitoring of air quality and monitoring of emissions into the air shall be carried out by legal persons registered for this activity.

(4) Citizens, either as individuals or organised for the protection of air in expert associations and associations for air protection, contribute to the realisation of aims of protection and improvement of air quality and implementation of efficient protection and improvement of air quality.

Article 6

The manner of work carried out in state administrative bodies in counties, local and regional self-government bodies and legal persons who have public authority in relation to the implementation of this Act shall be prescribed by the Minister competent for activities in environmental protection (hereinafter referred to as: the Minister) by Instructions. The Instructions shall be published in the Official Gazette.

Article 7

For the purposes of this Act the subsequent terms shall have the following meaning:

1. *air*: means ambient air of the troposphere, excluding air in the work place,
2. *pollutant*: means any substance released/introduced into the air directly or indirectly by human activity which may have harmful effects on human health, quality of life and/or on the quality of the environment as a whole,
3. *pollution level*: means the concentration of polluting substances in the air or the deposition thereof on surfaces in a set period of time,
4. *air quality*: means characteristics of the air which show the significance of the level of pollution contained therein,
5. *polluted air*: means air whose quality is such that it may impair health, quality of living

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

and/or may adversely effect any of the environmental components,

6. *limit value (LV)*: means the limit level of pollution under which, on the basis of scientific knowledge, there exists no or there is the least possible risk of harmful effects to human health and/or environment as a whole and once attained cannot be exceeded,

7. *target value*: means the level of pollution set with the aim of avoiding possible long-term harmful effects to human health and/or the environment as a whole and which, where possible, should be attained within a set period of time,

8. *alert threshold*: means the level of pollution which if exceeded represents danger to human health from brief exposure, at which it shall be necessary to urgently undertake appropriate prescribed measures,

9. *margin of tolerance*: means the percentage of the limit value by which this value may be exceeded subject to prescribed conditions,

10. *tolerance value (TV)*: means the limit value increased by the margin of tolerance,

11. *assessment*: means the relevant method used for measuring or evaluating (calculating, predicting) levels of pollution,

12. *upper assessment threshold*: means the prescribed level of pollution under which the assessment of pollution may be carried out using a combination of measurements and assessment methods on the basis of standardised mathematical models and/or other competent assessment methods,

13. *lower assessment threshold*: means the prescribed level of pollution under which the assessment of pollution may be carried out only with the aid of assessment methods on the basis of standardised mathematical models and/or other competent assessment methods,

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

15. *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,

16. *emission monitoring* : means measuring and/or evaluating emissions of pollutants from sources of air pollution,

17. *emission data*: means all measured, calculated or estimated values which are used in determining the emission,

18. *emission quota*: means the total permitted annual emission amount (expressed in mass units in a set period of time) from one or more sources together or from a specific region and/or territory of the State,

19. *greenhouse gases*: means gaseous components of the atmosphere which are controled according to the United Nations Framework Convention on Climate Change,

20. *register of greenhouse gas emissions*: standardised and computerised central data base, consisting of data on emissions of greenhouse gases and their emission quotas,

21. *substances that deplete the ozone layer*: means substances that are controled according to the Montreal Protocol on Substances that Deplete the Ozone Layer,

22. *polluter*: means a legal or natural person whose actions directly or indirectly pollute the air,

23. *director (operator)*: means an individual that manages the stationary source or supervises its work,

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

25. *air quality data*: means the amount of every measured, calculated or estimated value which shall be used for determining the quality of air,

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

26. *remediation programme*: means a group of measures for the improvement of the air quality of a particular region,

27. *best available technique*: means the most effective and advanced stage in the development of activities and methods of production associated thereof, along with economically and technically sustainable conditions, while also taking into account expenses and advantages, which in principle may be an appropriate basis for determining emission limit values, with the aim of prevention and reduction of emissions into the air,

28. *air quality management*: means ensuring that measures by which the strategy for prevention and reduction of pollution in the air at all levels are carried out, in such a manner that balanced development shall not be disrupted,

29. *region*: means one of the delimited parts of the territory of the State which represents a functional whole in regards to monitoring, protection and improvement of air quality and management of such air quality,

30. *inhabited region*: 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 greater than the average in the Republic of Croatia where assessment and management of air quality is necessary.

Article 8

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

(2) Stationary sources are:

– pointed: from which pollutants are released into the air through formed outlets (facilities, technological processes, industrial plants, equipment and buildings, etc.)

– diffuse: from which pollutants are introduced into the air without a specific outlet/chimney (equipment, surface and other locations).

(3) Mobile sources are means of transport which release pollutants into the air: motor vehicles, 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 value, 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 stipulated by special legislation.

II PLAN, PROGRAMMES AND REPORTS

Article 9

(1) The plan for protection and improvement of air quality (hereinafter referred to as: the Plan) is an implementing document of the strategy for air protection which is a constituent part of the Strategy for Environmental Protection and contains:

– principles and criteria for determining objectives and priorities,

– assessment of the state of air quality,

– priority measures and activities,

– preventative measures for preservation of air quality,

– short-term measures, when there exists a risk of exceeding the alert threshold,

– short-term measures, when there exists a risk of exceeding the tolerance values, with the aim of achieving limit values within a set period of time,

– measures for achieving limit values within a set period of time if they have been

**MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION**

- exceeded,
- measures for the reduction of pollutant emissions and greenhouse gases by activity types,
 - measures for the gradual elimination of substances which deplete the ozone layer,
 - 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, eutrofication and photochemical pollution,
 - manner of implementing measures,
 - order of realisation of measures,
 - deadline for the carrying out of measures,
 - subjects under the obligation of implementing measures,
 - international obligations of the State,
 - estimate of funds for the implementation of the Plan,
 - analysis of expenses and benefits achieved in regards to air quality.

(2) The body in charge of drafting the Plan referred to in paragraph 1 of this Article shall be the Ministry competent for environmental protection (hereinafter referred to as: the Ministry) in cooperation with central state administrative bodies competent for the following areas: health, industry, energy, agriculture, forestry, science, water, sea, traffic, tourism, monitoring of meteorological conditions, etc.

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

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

Article 10

(1) The county assembly or the City assembly of the City of Zagreb shall adopt the Programme for protection and improvement of air quality (hereinafter referred to as: the Programme) which is a constituent part of the environmental protection programme for the county region or City of Zagreb.

(2) The city or municipal council shall adopt the Programme referred to in paragraph 1 of this Article for the city or municipal area in which the level of air pollution is above the tolerance value (*TV*).

(3) The Programme referred to in paragraph 1 of this Article shall be subject to prior approval by the county state administrative office competent for environmental protection.

(4) The Programme referred to in paragraph 1 and 2 of this Article shall be adopted for a period of four years.

Article 11

(1) For the purpose of achieving the objectives of the Plan, Programme and other documents important for protection and improvement of air quality, including access to information regarding the state of air quality, a Report shall be drafted on the state of air quality in the region of the State (hereinafter referred to as: the Report) for a four year period.

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

- the state of air quality: the region and level of pollution, duration of specific indicative levels of pollution, general information regarding the region, type and evaluation of pollution, origin of the pollution, analysis of the factors which caused air pollution, specific information

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

regarding measures and projects undertaken for the improvement of air quality,

- assessment of implemented measures and their effectiveness,
- realisation of guidelines of the Plan, Programme and other documents for protection and improvement of air quality,
- the implementation of obligations ensuing from international treaties in the field of air protection,
- assessment of inspectional supervision carried out,
- data on issued fines,
- data on use of funds for protection and improvement of air quality,
- proposed amendments to existing documents and other data of significance to protection and improvement of air quality.

(3) The Ministry is the competent authority for the drafting of the Report referred to in paragraph 1 of this Article, while it shall be developed by the Environmental Protection Agency.

(4) The Ministry shall submit the Report referred to in paragraph 3 of this Article to the Government.

Article 12

(1) The county administrative department or administrative body of the City of Zagreb competent for environmental protection shall draft a report on the implementation of the Programme referred to in Article 10 paragraph 1 of this Act for a two year period and submit it to the county government or the City government of the City of Zagreb.

(2) The city or municipal administrative department competent for environmental protection shall draft an annual report on the implementation of the Programme referred to in Article 10 paragraph 2 of this Act and submit it to the city government or municipal council.

(3) The report referred to in paragraphs 1 and 2 of this Article shall be drafted in accordance with the Report referred to in Article 11 paragraph 2 of this Act.

Article 13

The Report referred to in Article 11 of this Act shall be published in the Official Gazette, while the Report referred to in Article 12 paragraphs 1 and 2 of this Act shall be published in the official gazette of local and regional self-government units.

Article 14

(1) The draft of the Plan and Report referred to in Articles 9 and 11 of this Act must be publicly displayed, so as to gather public opinions, suggestions and comments.

(2) The Ministry shall inform the public through the media as to the location at which the draft of the Plan and Report shall be accessible and the manner and time for putting forward opinions, suggestions and comments.

(3) The time period in which the public may put forward 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 assess and render decisions regarding 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, city and municipality.

**III MONITORING AND DETERMINING OF AIR QUALITY, EMISSIONS AND
EMISSION SOURCES**

Article 15

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

The air pollution level shall be monitored by:

- measuring and/or assessing air pollution levels in uninhabited regions (background air pollution),
- measuring and/or assessing pollution levels which are the result of regional or transboundary long-range transmission of air pollutants and precipitations on the territory of the State,
- measuring air pollution levels and precipitation in settlements and industrial zones,
- measuring air pollution levels in the areas surrounding stationary sources which could effect air quality,
- measuring the physical state of the atmosphere or meteorological conditions at locations where air quality is measured,
- measuring and observing changes which point to effects of air pollution (secondary indicators of air quality): on the ground, plants, buildings, biological findings, etc.

Assessment and classification of regions according to pollution levels

Article 16

The pollution level shall be assessed by analysis of the existing state on the basis of:

- results of regular measurements in the state network throughout at least one year,
- results of regular measurements in the local network throughout at least one year,
- results of measurements for special purposes,
- application of standardised mathematical models,
- other evaluation methods in accordance with generally accepted world practice.

Article 17

(1) Assessment of air pollution shall be mandatory on the entire territory of the State.

(2) In regions in which the pollution level does not exceed the upper assessment threshold, the pollution level shall be assessed by application of a combination of measuring and methods of mathematical modelling and/or other assessment methods in accordance with generally accepted world practice.

(3) In regions in which the pollution level does not exceed the lower assessment threshold, the pollution level shall be assessed by application of methods of mathematical modelling and/or other assessment methods in accordance with generally accepted world practice. (4) In regions in which the pollution level exceeds the limit value or tolerance value, the assessment of pollution level shall be carried out by measurement.

(5) In inhabited regions the assessment of pollution levels shall be carried out by measurement.

(6) In inhabited regions in which alert thresholds appear, the assessment of pollution levels shall be carried out by measurement.

(7) Assessment of air pollution shall be ensured by the Ministry.

Article 18

(1) According to the pollution levels, given the stipulated limit values and tolerance values, the following categories of air quality have been determined:

- first category of air quality – clean or negligibly polluted air: the limit values (*LV*) have not been exceeded for any category of pollutant,
- second category of air quality – moderately polluted air: the limit values (*LV*) have been exceeded for one or more pollutant, however tolerance levels (*TV*) have not been exceeded for any pollutant,

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

– third category of air quality – excessive air pollution: the tolerant values (*TV*) have been exceeded for one or more pollutant.

(2) Delimiting of the territory of the State into regions and their classification according to categories of air quality shall be determined by the Government.

(3) The categories of air quality are determined once a year for the previous calendar year. The list of air quality categories on the territory of the State shall be passed by the Minister and shall be published on the web pages of the Ministry and in the Official Gazette.

Article 19

The Ministry shall notify the Government of the regions in which the pollution levels are greater than the tolerance levels, of the results of measurements in these regions and measures and deadlines for achieving pollution levels lower than the tolerance values.

State network for monitoring of air quality

Article 20

(1) For individual regions and inhabited regions in the State, a network for permanent monitoring of air quality shall be established (hereinafter referred to as: the state network).

(2) The state network is a constituent part of the monitoring of the state of the environment and shall be financed by the State budget.

Article 21

(1) The state network consists of:

- stations for measuring background pollution, regional and transboundary long-range transmission and measurements within the framework of international obligations of the State,
- stations for measuring air quality in regions of cultural and natural heritage,
- stations for measuring air pollution in settlements and industrial zones.

(2) The location of stations referred to in paragraph 1 of this Article shall be determined by the Government subject to the proposal of the Ministry.

Article 22

(1) The stations referred to in Article 21 of this Act shall monitor air quality according to the Programme for measuring pollution levels.

(2) The Programme for measuring pollution levels in the state network shall be determined on the basis of the following criteria:

- existing measurement data,
- standardised evaluation procedures – for regions in which there is no measurement data,
- the threat to the environment given the size of the emission and location of the source of air pollution,
- the vulnerability of the population, especially sensitive subgroups,
- population densities,
- the sensitivity of plant and animal species and their habitats,
- the threat to the cultural and natural heritage,
- meteorological and climatic conditions,
- topography,
- the threat to the environment in view of the long-range transmission of pollutants.

(3) The Programme for measuring pollution levels, measuring density and measurement periods shall be passed by the Minister.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

Article 23

The Ministry shall carry out the coordination of all activities of the state network and cooperates with other state administrative bodies which on the basis of special legislation participate in the monitoring of air quality, especially with bodies competent for the protection of human health, environmental protection, monitoring of meteorological conditions and with local and regional self-government units.

Article 24

(1) Data on air quality from the state network is public and shall be published on the web pages of the Ministry.

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

Local networks for monitoring of air quality

Article 25

(1) The county, City of Zagreb, cities and municipalities shall carry out assessment of pollution levels in their region.

(2) The county, City of Zagreb, cities and municipalities, on the basis of assessments of the pollution levels referred to in paragraph 1 of this Article, shall establish networks for permanent monitoring of air quality in their region (hereinafter referred to as: the local network) if the pollution levels are greater than the limit value (*LV*).

(3) The representative body of the local and regional self-government units referred to in paragraph 2 of this Article shall determine the location of stations in their local network, adopt a programme for measuring pollution levels and ensure conditions for their implementation.

(4) Programmes for measuring pollution levels must take into consideration the criteria referred to in Article 22 paragraph 2 of this Act with special acknowledgement of local and regional characteristics.

(5) The county administrative department or administrative body of the City of Zagreb competent for activities in environmental protection carries out coordination of all activities of local networks and publishes data on measurements carried out and submits a report on measurement data for the previous calendar year by 30 April of the current year, to the Environmental Protection Agency.

Monitoring of air quality for special purposes

Article 26

(1) The polluter must carry out monitoring of air quality determined in the act on environmental impact assessment and/or license issued according to special legislation in areas surrounding sources of pollution referred to in Article 8 paragraph 2 of this Act

(2) If for a specific intervention no obligation to carry out an environmental impact assessment exists, the monitoring of air quality shall be carried out in accordance with the license issued according to special legislation.

(3) Financing for the monitoring of air quality referred to in paragraph 1 of this Article shall be ensured by the polluter.

(4) The polluter shall be obliged to submit data on air quality referred to in paragraphs 1 and 2 of this Act to the county administration department or administrative body of the City of Zagreb competent for activities of environmental protection by 31 March of the current year for the previous calendar year.

Article 27

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(1) In cases where there is reasonable doubt 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, measurements for special purposes must be carried out.

(2) The city government of the City of Zagreb, the city or municipality shall determine the justifiability of reasonable doubt referred to in paragraph 1 of this Article and render a decision on measurements for special purposes with regards to content and period of measurement.

(3) If measurement determines excessive air pollution and the polluter is known, the expenses for measurements shall be borne by the polluter.

(4) If measurement determines that there is no excessive pollution or that there is excessive pollution, however the polluter is unknown, the expenses shall be borne by the local self-government unit whose governing body rendered the decision referred to in paragraph 2 of this Article.

Article 28

The measurements referred to in Article 26 paragraphs 1 and 2 of this Act shall become a constituent part of the measuring programme of the local network.

Article 29

(1) Data on air quality from local networks are public and shall be published annually in the official gazette or on the web pages 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 the state of air quality and shall be a constituent part of the information system on air quality.

Article 30

(1) Limit values (*LV*) for individual air pollutants shall be stipulated by the Government.

(2) The upper assessment thresholds, lower assessment thresholds, margin of tolerance or tolerance values (*TV*), target values, basic components of the aforementioned values, alert thresholds and special measures for protection of human health which must be undertaken upon their appearance and deadlines for gradual reduction of the margin of tolerance are stipulated by the legislation referred to in paragraph 1 of this Article depending on the characteristics of the pollutants.

Article 31

(1) The representative body of the local and regional self-government units may determine stricter tolerance values (*TV*) for air quality for their region than those stipulated upon receiving the approval of the Government.

(2) The act referred to in paragraph 1 of this Article shall be published in the official gazette of the local and regional self-government units.

Article 32

(1) If alert thresholds are measured / determined in a specific region, the government of the City of Zagreb, city and municipality shall order the application of special measures for the protection of human health and the manner of their implementation.

(2) Special measures for the protection of human health referred to in paragraph 1 of this Article also presuppose measures relating to mobile sources.

(3) The public shall be informed about the appearance of critical levels through the media.

Recording and monitoring of emissions and emission sources

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

Article 33

(1) Polluters, owners and/or users of sources of pollution referred to in Article 8 paragraph 2 of this Act, shall:

- submit to the county state administration offices or administrative body of the City of Zagreb competent for environmental protection data on the stationary source, any changes to such source (reconstruction) and on its director,
- ensure regular monitoring of emissions and keep records thereof,
- ensure carrying out of measurements of pollutant emissions from stationary sources,
- keep records on measurements carried out along with data on measurement locations and results of measurements and the frequency of emission measurements,
- keep records on used fuel and waste from the combustion process,
- keep records on the functioning of the equipment for reduction of emissions.

(2) Data referred to in paragraph 1 subparagraphs 2 – 6 of this Article shall be submitted to the Environmental Pollution Register.

(3) For sources of air pollution referred to in Article 8 paragraph 3 of this Act, data on emission sources shall be kept in the manner stipulated for means of transport in accordance with special legislation.

Article 34

The county state administrative office or administrative body of the City of Zagreb shall keep a register of pollution sources with data on the spatial location and capacities of the pollution source and on all changes and reconstructions on the basis of the data referred to in Article 33 paragraph 1 subparagraph 1 of this Act. Data from the register on pollution sources shall be submitted to the Environmental Protection Agency.

IV MEASURES FOR PREVENTION AND REDUCTION OF AIR POLLUTION

Article 35

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

Article 36

(1) In a region for which it is determined that the air quality is of the first category, preventative measures shall be undertaken so that the limit values (*LV*) are not exceeded due to construction and development of the region.

(2) In a region for which it is determined that the air quality is of the second category, measures for reduction of air pollution shall be undertaken so that limit values (*LV*) may be achieved.

(3) In a region for which it is determined that the air quality is of the third category, remedial measures shall be undertaken so that tolerance values (*TV*) may be achieved in the short-term and limit values (*LV*) in the long-term.

Measures for prevention of air pollution

Article 37

Prevention and reduction of air pollution shall be carried out by:

- harmonisation of physical planning documents with programmes for protection and improvement of air quality, that is, integrated planning,

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

- stipulating limit values for emissions from stationary sources and limit values in regards to the composition of certain products and/or other characteristics of product quality,
- applying air protection measures determined in the act on environmental impact assessment or license issued by special legislation for specific interventions, in planning, construction and use of air pollution sources referred to in Article 8 paragraph 2 of this Act,
- applying air protection measures determined in the license issued according to special legislation if for a specific intervention the obligation of carrying out an environmental impact assessment has not been stipulated,
- stipulating emission quotas for individual pollutants,
- distribution of emission quotas of greenhouse gases,
- encouraging implementation of clean technologies and renewable energy sources,
- encouraging the introduction of energy efficiency measures,
- gradual reduction of consumption of substances that deplete the ozone layer,
- implementation of measures laid down in remediation programmes for individual sources or regions.

Article 38

(1) Emission limit values for air pollutant emissions from stationary sources referred to in Article 8 paragraph 2 of this Act and the frequency of measurement of emissions shall be stipulated by the Government.

(2) Limit values for components and/or other characteristics of product quality, manner of determining product quality and manner of product conformity attestation shall be stipulated by the Government.

(3) In the legislation referred to in paragraphs 1 and 2 of this Article, the Government may determine for existing sources a permitted level exceeding the stipulated limit value for a set period of time.

Article 39

(1) Emission quotas for individual pollutants which cause the adverse effects of acidification, eutrofication and photochemical pollution in the territory of the State shall be determined according to the Plan referred to in Article 9 of this Act.

(2) Pollutants referred to in paragraph 1 of this Article, their emission quota for a specific period of time and manner of drafting an annual calculation of emissions shall be stipulated by the Government.

Article 40

(1) Gradual reduction of consumption of substances which deplete the ozone layer, manner of dealing with these substances, manner of dealing with products containing these substances or have been manufactured using these substances, manner of dealing with these substances after cessation of use of products containing these substances, manner of collecting, use and permanent disposal of these substances, manner of calculating expenses for use of these substances and manner of labelling products containing these substances shall be stipulated by the Government.

(2) Legislation laid down in paragraph 1 of this Article regulates the conditions which must be met by legal and natural persons carrying out activities of maintenance and/or repair and exclusion from use of products containing substances that deplete the ozone layer.

(3) A legal or natural person carrying out activities of maintenance and/or repair and exclusion from use of products referred to in paragraph 2 of this Article must ensure training for employed workers according to the programme for professional training stipulated by the

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

Minister in cooperation with the minister competent for education.

(4) The license for carrying out activities of maintenance and/or repair and exclusion from use referred to in paragraph 2 of this Article shall be issued by the Ministry.

(5) An appeal shall not be permitted against the administrative act referred to in paragraph 4 of this Article but an administrative dispute may be initiated.

Article 41

(1) The county representative body or City of Zagreb may adopt stricter emission limit values for its region other than those stipulated by Article 38 paragraph 1 of this Act:

– for stationary sources for which environmental impact assessment is determined by the physical plan of the county or City of Zagreb, in accordance with the Environmental Protection Act,

– for cases referred to in Article 44 paragraph 1 of this Act.

(2) The decision referred to in paragraph 1 of this Article shall be brought subject to prior approval by the Government.

Article 42

(1) In regions of first and second category air quality, new interventions in the environment or the reconstruction of an existing air pollution source referred to in Article 8 paragraph 2 of this Act must not threaten the existing category of air quality.

(2) In a region of third category air quality, location, building and use permits may not be issued for new air pollution sources or for reconstruction of an existing one if the construction shall not ensure:

– replacement of the existing, unsatisfactory stationary source with a new one which will reduce air pollution,

– that the level of air pollution in the area surrounding the stationary source shall not exceed 10 % of the tolerance value of the air quality (*TV*), under the condition that a remediation programme for existing pollution sources is underway.

(3) In a region of third category air quality a location, building and use permit may be issued for new air pollution sources or for reconstruction of an existing one if special purpose measurements prove that the air quality is no longer third category.

Measures for reducing air pollution

Article 43

(1) In the region of second category air quality the City assembly of the City of Zagreb, city or municipal council shall pass the Plan of air pollution reduction measures (hereinafter referred to as: Plan of measures), so as to gradually achieve limit values (*LV*).

(2) The Plan of measures referred to in paragraph 1 of this Article shall be passed on the basis of an assessment of the state of air quality (determining the location and exceeded level of pollution, their duration and causes of the excess, general information on the region, type and assessment of pollution, origin of the pollution, analysis of factors that have caused excessive emissions) and must contain:

– short-term and long-term measures for reduction of emissions from stationary sources,
– measures for reduction of emissions from group sources (traffic, domestic fireplaces, etc.),

– order of achieving measures with deadlines for their execution and bodies in charge of their implementation,

– monitoring of air quality,

– an air quality assessment after the implementation of measures,

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

– an assessment of resources used for the implementation of individual measures.

(3) The City of Zagreb, city and municipality shall ensure funds from its budget for the drafting of the Plan of measures and implementation of measures for reduction of emission from group sources.

(4) The polluter shall be obligated to carry out and finance measures for the reduction of air pollutant emissions determined by the Plan of measures.

Article 44

(1) In a region of third category air quality, the City assembly of the City of Zagreb, the city council or municipal council shall adopt a decision on the drafting of a remediation programme for a stationary source and the deadline by which it must be drafted.

(2) The polluter shall be obligated to draft a remediation programme by the deadline set by the City assembly of the City of Zagreb, city council or municipal council.

(3) The remediation programme referred to in paragraph 2 of this Article must contain:

- a description of the consequences of excessive air pollution,
- the region for which the remediation programme is being drafted,
- measures by which improvement of air quality will be achieved,
- a description of selected technological and other solutions,
- an estimate of expenses and benefits of the selected solutions with regards to improvement of air quality,
- an evaluation of air quality after the implementation of remedial measures,
- a plan for monitoring the air quality and effect of implemented measures,
- the order and deadline for implementation of individual measures from the remediation programme,
- the deadline for the implementation of the remediation programme,
- the financial plan for implementation of the programme,
- other necessary measures.

(4) The polluter must acquire approval for the remediation programme from the representative body of the local self-government unit referred to in paragraph 1 of this Article.

Article 45

(1) For a region in which third category air quality is a consequence of emissions from group sources (like traffic, domestic fireplaces, etc.) an integrated remediation programme shall be developed. The drafting and implementation of a comprehensive remediation programme, including the order and priorities of implementation shall be determined by the City assembly of the City of Zagreb, city council or municipal council.

(2) Funds for implementation of the remediation programme referred to in paragraph 2 of this Article shall be secured from the budget of the local self-government unit.

Greenhouse gases

Article 46

(1) The prevention and reduction of pollution which effects climate change are regulated by the monitoring of emissions of greenhouse gases, by the Plan on distribution of emission quotas for greenhouse gases, licenses for trade rights of emissions of greenhouse gases and joint investments in measures for reducing the emission of greenhouse gases (hereinafter referred to as: joint investment measures).

(2) The Plan for distribution of emission quotas must be based on the Plan and Strategy

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

for energy development through the application of the best available techniques.

(3) For the implementation of the Plan for distribution of emission quotas, trade of emissions and joint investment measures a register of emissions of greenhouse gases kept by the Environmental Protection Agency shall be established.

(4) Data from the register of emission of greenhouse gases shall be accessible to the public.

(5) Greenhouse gases referred to in paragraph 1 of this Article, manner of monitoring emissions of greenhouse gases, their emission quotas for set time periods, including the plan for distribution of emission quotas by activities and sources of pollution, shall be stipulated by the Government.

Article 47

(1) Rights to emissions of greenhouse gases which are allocated to sources of air pollution through emission quotas are subject to trade.

(2) The procedure for allocation of rights to emission quotas of individual sources of pollution, manner of trade with allocated emission quotas, manner of reporting on procedure regarding allocated quotas and submission of data into the register shall be stipulated by the Government.

Article 48

(1) Joint investment measures shall encompass the investment of capital into the development and use of technologies that prevent or reduce pollution which effects climate changes.

(2) Joint investment measures, their evaluation and acceptability shall be assessed by a commission which shall be appointed by the Government.

(3) Criteria for approval of joint investment measures, evaluation of the acceptability of these measures given their effects on reduction of emission of greenhouse gases, the structure of the commission for assessment of measures, including the manner of reporting on the implementation of measures shall be stipulated by the Government.

V ACTIVITIES OF MONITORING OF AIR QUALITY AND EMISSIONS INTO THE AIR

Article 49

The manner of monitoring air quality and collection of data, measuring procedures, manner of checking the quality of measurements and data, including also the manner of processing and presenting results and harmonisation with Croatian standards, manner of submitting data for the needs of the information system of air quality, manner of regular informing of the public shall be stipulated by the Minister by ordinance.

Article 50

The manner of monitoring (measuring) emissions from stationary sources, measurement procedure, manner of checking the working order and calibration of the measuring equipment, procedure for evaluation of results and harmonisation with Croatian standards, manner of submitting data for needs of the information system on emissions, conditions and manner of regular informing of the public on monitoring of emissions shall be stipulated by the Minister by ordinance.

Article 51

(1) Legal persons registered to carry out activities of monitoring air quality shall carry out monitoring of air according to the ordinance referred to in Article 49 of this Act.

(2) Legal persons registered to carry out activities of monitoring of emissions from stationary sources shall carry out monitoring of emissions according to the ordinance referred

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

to in Article 50 of this Act.

Article 52

(1) Legal persons referred to in Article 51 paragraph 1 and 2 of this Act may begin to carry out activities upon acquisition of a license from the Ministry, unless otherwise stipulated by this Act.

(2) Conditions for issuing of the license laid down in paragraph 1 of this Article shall be stipulated by the Minister by ordinance.

(3) An appeal shall not be permitted against the decision by which the license is either issued or refused referred to in paragraph 1 of this Article but an administrative dispute may be initiated within 30 days from the receipt of the decision.

Article 53

(1) The legal person, owner or user of the source of air pollution who, within the limits of his registered activity, independently carries out activities of monitoring of air quality and monitoring of emissions must carry these out according to the legislation laid down in Article 49 or Article 50 of this Act.

(2) The legal person referred to in paragraph 1 of this Article must acquire the approval of the Ministry.

(3) Conditions for issuing the approval laid down in paragraph 2 of this Article shall be stipulated by the Minister by the legislation referred to in Article 52 paragraph 2 of this Act.

Article 54

(1) The legal person referred to in Article 51 paragraph 1 and 2 and Article 53 paragraph 1 of this Act may be issued a license or approval to carry out activities referred to in Article 52 paragraph 1 and Article 53 paragraph 1 of this Act, under the condition that he is professionally and technically equipped which he shall prove by means of a certificate from a national accreditation body.

(2) Assessment of professional and technical capabilities laid down in paragraph 1 of this Act shall be carried out by a national accreditation body.

Article 55

(1) The Ministry shall, upon the proposal of an environmental protection inspector, revoke the license referred to in Article 52 paragraph 1 of this Act, or the approval referred to in Article 53 paragraph 2 of this Act.

(2) An appeal shall not be permitted against the administrative act referred to in paragraph 1 of this Article but an administrative dispute may be initiated.

(3) The Ministry shall submit to the court register of the Commercial Court the legally valid act referred to in paragraph 1 of this Article.

Article 56

The Ministry shall annually publish in the National Gazette the list of the legal persons referred to in Article 52 paragraphs 1 and 2 of this Act to whom the license referred to in Article 52 paragraph 1 of this Act has been issued.

VI AIR QUALITY INFORMATION SYSTEM

Article 57

(1) The air quality information system is a constituent part of the environmental protection information system and contains:

- data on air quality for state and local networks,
- data on emissions of sources of air pollution,

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

- data on emissions of sources that effect climate changes,
- data on substances that deplete the ozone layer,
- data on product quality,
- measures and programmes for the protection and improvement of air quality,
- measures and programmes for protection of climate changes,
- measures and programmes for the protection of the ozone layer,
- data on the exceeding of the alert threshold and measures for protection of humans and the environment in such cases,
 - data on legal persons carrying out the activities of monitoring of air quality and emissions,
 - data from the Environmental Pollution Register,
 - data on inspectional supervision carried out,
 - data on imposed fines,
 - other data important for air quality.

(2) Central state administrative bodies and bodies of local and regional self-government unit, state administrative offices in counties, legal persons with public authority are obligated to supply data from within their competencies in a timely manner and without fee, including other data that is necessary for the keeping of the air quality information system and for the drafting of the Plan, Programme and Report.

(3) The air quality information system shall be operated by the Environmental Protection Agency for the needs of the Ministry.

(4) The Environmental Protection Agency shall in a timely manner and comprehensively collect and enter data into the information system.

(5) The Ministry shall carry out supervision over activities being carried out in paragraph 4 of this Article.

Article 58

Data from the air quality information system shall be used for the exchange of information on stations in the network for monitoring of air quality and techniques of measuring, data received from monitoring of air quality in the state network and local network and data on emissions from sources of air pollution for the needs of the reporting according to international treaties and other international obligations, in the manner stipulated by the Minister by ordinance.

Article 59

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

(2) The Ministry shall mediate and exchange data with competent bodies and organisations of the European Union in the manner and according to deadlines which have been determined by legal acts of the European Union.

VII FINANCING THE PROTECTION AND IMPROVEMENT OF AIR QUALITY

Article 60

(1) Funds for the financing of the protection and improvement of air quality shall be secured from the state budget, the budgets of local self-government and regional self-governments units, the Environmental Protection and Energy Efficiency Fund and other

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

sources according to the provisions of this Act.

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

- state and local networks,
- obligations ensuing from international treaties,
- drafting of programmes for special purpose measurements,
- measures for the protection of people and the environment in the event of alert thresholds,
- drafting and implementation of programmes for the reduction of air pollution,
- measures and programmes for reducing the effect of climate change,
- measures and programmes for protection of the ozone layer,
- remediation programmes,
- expert and scientific research necessary for the achievement of the objectives of this Act.

(3) Other sources referred to in paragraph 1 of this Act are:

- financial funds from the polluter, donations, loans, state aid funds, international assistance funds, foreign investment funds intended for the protection and improvement of air quality.

VIII ECONOMIC INCENTIVES

Article 61

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

IX ADMINISTRATIVE SUPERVISION

Article 62

Administrative supervision over the application of this Act and legislation adopted by virtue thereof, including the legality of activities and procedures of state administrative bodies and persons with public authority over administrative and other expert activities entrusted to them in the field of air protection shall be carried out by the Ministry.

Article 63

(1) If in the carrying out of administrative supervision it is determined that the decision of the supervisory body, which is final in the administrative procedure, has violated material provisions of this Act or legislation passed on the basis thereof, the Ministry shall revoke such a decision by right of supervision.

(2) If in the carrying out of administrative supervision it is determined that the decision of the environmental protection inspectorate, which is final in the administrative procedure, has violated the provisions of this Act or legislation passed on the basis thereof, the Ministry shall annul such a decision by right of supervision.

(3) The decision regarding revoking or annulment by right of supervision referred to in paragraphs 1 and 2 of this Act may be rendered within two years from the date when the decision being revoked or annulled became final in the administrative procedure.

(4) An appeal shall not be permitted against the decisions referred to in paragraphs 1 and 2 of this Article but an administrative dispute may be initiated.

X INSPECTIONAL SUPERVISION

Article 64

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(1) Inspectional supervision regarding the implementation of this Act and legislation passed on the basis thereof, including individual acts, conditions and operation methods of supervised legal and natural persons shall be carried out by the environmental protection inspectorate in the Ministry and regional offices of the Ministry in the seat or outside the seat of a county, or in the seat of the City of Zagreb.

(2) The inspectional supervision referred to in paragraph 1 of this Article shall be carried out by the environmental protection inspectors (hereinafter referred to as: the inspector).

(3) To the position of inspector may be appointed any person who, besides the requirements for this position stipulated by a special act also fulfils the special requirements stipulated by the Ordinance on internal organisation of the Ministry passed by the Minister.

(4) In case of urgent need or for the purpose of more economically viable performance of inspectional supervision the Minister may, in accordance with a special act, order in writing an inspector from one regional unit to carry out inspectional supervision in a region of another regional unit.

Article 65

Inspectional supervision which relates to the implementation of this Act and legislation passed on the basis thereof which stipulate limit values in relation to the composition of products and/or other quality characteristics of a product, manner of determining the quality of a product, placement of products on the local market and attestation of conformity shall be carried out by an economic inspector of the State Inspector's Office in the manner stipulated by a special act.

Article 66

In carrying out inspectional supervision the economic inspector shall forbid by decision the market placement of products and forbid the sale of products that in their composition contain substances above stipulated limit values or if the quality of the product has not been determined in the stipulated manner or attestation of conformity of a product has not been carried out, or the product contains forbidden substances.

Article 67

(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 harmonise the identified state with this Act and legislation passed on the basis thereof.

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

- stationary sources of air pollution,
- the regularity of monitoring of emissions from stationary sources of air pollution,
- the functioning of equipment for reduction of emissions,
- the keeping of records on carried out measurements with data on measurement locations and results of measurements, on utilised fuel and waste upon combustion and submitting of data on air quality and emissions from stationary sources,
- the fulfilment of obligations stipulated by this Act of the county, City of Zagreb, city and municipality,
- implementation of the Plan of measures referred to in Article 43 paragraph 1 of this Act,
- implementation of the remediation programme referred to in Article 44 paragraph 3 of this Act,
- implementation of the remediation programme referred to in Article 45 paragraph 1 of

**MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION**

this Act,

- monitoring of air quality in the state and local network,
- implementation of the measures for protection of air quality determined in the act on environmental impact assessment according to special legislation,
- implementation of special purpose measurements laid down in Article 27 paragraph 1 of this Act,
- handling of substances that deplete the ozone layer and their consumption,
- handling of substances that deplete the ozone layer after cessation of use of the product which contains them, manner of collection, use and permanent disposal of these substances,
- performance of operations or activities for monitoring air quality and monitoring of emissions,
- performance of the activities of maintenance and/or repair and exclusion from use of products that contain substances that deplete the ozone layer,
- the submitting of data regarding allocated emission quotas in the register of emissions of greenhouse gases,
- the use of funds allocated for the implementation of environmental protection measures ,
- the implementation of international treaties in the field of air protection.

Article 68

(1) When carrying out inspectional supervision the inspector shall be authorised to:

- inspect stationary sources of air pollution and enter the building and other business premises in which supervised legal and natural persons carry out activities,
- request and inspect documents on the basis of which the identity of the supervised legal or natural person and also other persons present during the time of inspectional supervision, may be determined,
- take statements from responsible persons of the supervised legal and natural persons for the purpose of gathering evidence regarding the facts which cannot be directly established and statements from other persons present during the time of inspectional supervision,
- establish the facts by visual means (photograph, film, video, etc.),
- request from the legal or natural person accurate and complete data in writing and documentation necessary for the inspectional supervision,
- request a written report from the supervised person on measures undertaken which were ordered in the inspectional supervision and
- also carry out other actions in accordance with this Act.

(2) An inspector shall notify the responsible person of the supervised legal person and/or natural person of the beginning of inspectional supervision, except if he assesses that such notification would reduce the efficiency of the inspectional supervision.

(3) The inspector shall keep as a business secret data which the supervised person proves to be a business secret.

(4) If the inspector incurs physical resistance when carrying out inspectional supervision or if such resistance is reasonably expected, the inspector shall request the assistance of authorised official persons from the competent police administration.

Article 69

(1) The supervised legal and natural person shall enable the performance of inspectional supervision, shall enable access to all necessary documentation and, if requested in written form by the inspector, submit or prepare without fee additional data necessary for carrying out inspectional supervision.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(2) It shall be considered that the supervised legal or natural person has not enabled the carrying out of inspectional supervision if they have not permitted the inspector to enter the buildings and other business premises, or if the deadline determined in the minutes, does not ensure access to the requested documents and other documentation necessary for the establishment of facts.

Article 70

(1) If the inspector in the course of carrying out inspectional supervision determines infringement of provisions of this Act and legislation passed on the basis thereof, he shall *ex officio* initiate administrative proceedings and undertake stipulated measures.

(2) If the inspector determines that the legislation the application of which he is authorised to supervise has not been infringed, he shall inform the known submitter of the complaint in written form within thirty days from the date of establishing the facts.

(3) If in the course of inspectional supervision the inspector determines irregularities outside of his competencies, he shall inform the competent state body thereof.

Article 71

Parties in the inspection procedure regarding the application of this Act and other legislation passed on the basis thereof, may be the polluter, legal person carrying out expert activities of monitoring air quality and emissions into the air, persons handling substances that deplete the ozone layer and the county or City of Zagreb, city and municipality.

Article 72

When carrying out inspectional supervision, in the event of infringement of this Act and/or legislation passed on the basis thereof, the inspector has the right and obligation to order by decision the supervised legal or natural person to carry out measures by a set deadline and these are: removal of defects and irregularities in activities carried out, as well as forbidding the carrying out of activities in the manufacturing process, use of plants or equipment, measuring of emissions from stationary sources, forbidding the use of plants and equipment that have caused emissions in excess of limit values, forbidding the carrying out activities of monitoring air quality and emissions into the air and maintenance and repair of products that contain substances that deplete the ozone layer without a license, implementation of measures from the remediation programme and from the act on environmental impact assessment and also the undertaking of other actions with the aim of preventing air pollution contrary to this Act.

Article 73

(1) The inspector shall order by decision a known polluter to remove identified defects or irregularities in activities which have caused or may cause emissions in excess of tolerance values (*TV*) in a set time period.

(2) If the polluter does not act 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. If the polluter referred to in paragraph 1 of this Article does not execute the decision even after the pronounced fine, the inspector shall forbid the use of the plant or equipment which has caused the emissions of excess tolerance levels (*TV*).

Article 74

The inspector shall by decision forbid a known polluter from carrying out activities in the manufacturing procedure, use of plants and equipment which have caused air pollution above the alert thresholds until the defects are removed.

Article 75

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(1) The inspector shall, by decision, order the supervised legal or natural person to carry out the measurement of emissions from stationary sources:

- to identify the cause of the air pollution,
- if a change of fuel has occurred,
- if he has not carried out measurements for new and reconstructed stationary sources,
- if irregularities are identified in the measuring process, at the expense of the person doing the measuring.

(2) The inspector shall, by decision, order the supervised legal or natural person to carry out special measurements in the event of reasonable doubt that a release of excess air pollutants has occurred.

(3) If the legal or natural person referred to in paragraph 1 of this Article does not act in accordance with the decision of the inspector even after the pronounced coercive fine, the execution shall be made through a second person.

Article 76

The inspector shall, by decision, forbid the use of plants and equipment of the supervised legal or natural person which caused emissions in excess of limit values until the defects or irregularities are removed.

Article 77

(1) The inspector shall order, by decision, the supervised legal or natural person to implement measures:

- from the remediation programme, if they are not being carried out or if they are not carried out in a set time period,
- from the act on environmental impact assessment, if they are not being carried out.

(2) If the legal or natural person does not act in accordance with the decision of the inspector referred to in paragraph 1 of this Article, he shall be coerced into paying a fine.

Article 78

(1) The inspector shall, by decision, forbid the supervised legal person to carry out activities or operations on monitoring air quality and emissions into the air:

- if he does not have a license or approval of the Ministry,
- if he does not meet the conditions on the basis of which he received the license or approval from the Ministry, until he meets the required conditions.

(2) The inspector shall, by decision, forbid the legal or natural person to carry out maintenance and repair of products containing substances that deplete the ozone layer if he does not have a license from the Ministry.

(3) If the legal person referred to in paragraph 1 subparagraph 2 of this Act does not act in accordance with the decision, the inspector shall propose that the Ministry withdraw the license or approval.

Article 79

(1) If the inspector determines emissions in excess of emission limit values from stationary sources on the basis of emission data he may bring an inspection decision even without hearing the party.

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

(3) An inspector may bring a verbal decision in a situation where it is necessary to eliminate immediate danger to human health and the environment.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(4) A written copy of the verbal 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 verbal decision shall begin from the day the verbal decision is communicated to the party.

Article 80

(1) With the aim of ensuring the implementation of administrative measures referred to in Articles 73, 74, 76 and 77 the inspector may seal the working areas, business premises and equipment.

(2) The Minister shall issue Instructions on the manner of sealing when the decisions made on the basis of this Act are to be carried out by sealing.

Article 81

(1) If by an inspection decision, which is final, the party has been ordered a specific obligation but the inspector who brought the decision considers that the provisions of this Act and legislation passed on the basis thereof have been incorrectly applied in the decision, he may annul or amend such a decision for the purpose of its harmonisation with this Act and legislation passed on the basis thereof.

(2) The decision referred to in paragraph 1 of this Article shall be annulled or amended by the issuing inspector.

Article 82

(1) If the inspector determines that a decision has not been carried out within a set time period, he shall initiate procedures for the enforcement thereof by issuing a conclusion on the clearance of enforcement.

(2) A conclusion on the clearance of enforcement of a decision shall be brought by the inspector after supervision of the enforcement of the decision without delay and at the latest, within 8 days from the date of supervision.

Article 83

(1) If the supervised legal and natural person does not carry out the measures ordered by the decision referred to in Articles 73, 75 and 77 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 5,000.00 for a natural person.

(2) The fine ensuing from the coercive measure referred to in paragraph 1 of this Article shall be paid into the budget of the City of Zagreb, municipality or city in which region the source of air pollution is located and shall be used for air protection measures according to the Programme for protection and improvement of air quality.

Article 84

(1) If the supervised legal or natural persons does not carry out the measures ordered by the decision referred to in Article 75 of this Act, its enforcement shall be carried out through a second person 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 until payment from the supervised person or natural person to whom the execution was ordered.

(3) If the supervised person or natural person has carried out their obligations in relation to the decision after the initiating of the enforcement procedure, the inspector shall ex officio bring a conclusion on the suspension of the procedure.

Article 85

(1) Against the decision of the inspector, conclusion on the clearance of enforcement,

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

conclusion on the suspension of the procedure and conclusion on enforcement expenses, which is brought by the inspector in the regional unit of the Ministry, an appeal may be lodged with the Ministry.

(2) An administrative dispute may be initiated against the decision of the inspector in cases when the inspector in the Ministry brings the acts referred to in paragraph 1 of this Article.

(3) The appeal against the decision of the inspector shall not delay the execution of the decision.

Article 86

If the inspector determines that this Act or other legislation passed on the basis thereof, the inspector has the right and obligation to:

- lodge without delay misdemeanour or criminal charges with the competent body because of a misdemeanour or criminal act,
- undertake other measures and carry out other actions for which they are authorised pursuant to this Act and special legislation.

XI PENAL-PROVISIONS

Article 87

(1) A legal person shall be fined in the amount of HRK 300,000.00 to 600,000.00 for a misdemeanour 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 limit values for emissions which may be harmful to human health, quality of life and the environment (Article 8 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 air pollutants into in amounts which may be harmful to human health, quality of life and the environment (Article 8 paragraph 4),
- in the area surrounding the stationary source he does not carry out measurements determined in the environmental impact assessment procedure (Article 26 paragraph 1),
- the emission of air pollutants from a stationary source exceeds the stipulated limit value (Article 38 paragraph 1),
- the components of a product and/or other quality characteristics exceed stipulated limit values (Article 38 paragraph 2),
- he does not carry out and finance measures for reduction of air pollutant emissions determined by the Plan of measures (Article 43 paragraph 4),
- he does not draft and implement a remediation programme by a set deadline (Article 44 paragraphs 2 and 3).

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

(3) A natural person shall be fined in the amount of HRK 100,000.00 to 250,000.00 for a misdemeanour referred to in paragraph 1 of this Article.

Article 88

(1) A legal person shall be fined in the amount of HRK 100,000.00 to 300,000.00 for a misdemeanour if:

- he does not submit to the county administrative department or administrative body of the City of Zagreb data on carried out measurements laid down in the act on environmental

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

impact assessment by 31 March of the current year for the previous year (Article 26 paragraph 4),

– he does not submit data on stationary sources, any changes to such (reconstruction) and also about the director, to the state administrative office in the county, or administrative department in the City of Zagreb competent for environmental protection (Article 33 paragraph 1 subparagraph 1),

– he does not ensure regular monitoring of pollutant emissions from the stationary source and keep records thereof (Article 33 paragraph 1 subparagraph 2),

– he does not carry out measurements of pollutant emissions from the stationary source (Article 33 paragraph 1 subparagraph 3),

– he does not keep records on carried out measurements with data on measurement locations and results of measurements, including frequency of measurements of emissions (Article 33 paragraph 1 subparagraph 4),

– he does not keep records on utilised fuels and waste in the combustion process (Article 33 paragraph 1 subparagraph 5),

– he does not keep records on the functioning of the equipment for reduction of emissions (Article 33 paragraph 1 subparagraph 6),

– he does not carry out the procedure for determining product quality and method of conformity assessment in the stipulated manner (Article 38 paragraph 2),

– he does not submit data on allocated quotas into the register on emission of greenhouse gases in the stipulated manner (Article 47 paragraph 2),

– he does not carry out monitoring of air quality in the stipulated manner (Article 49),

– he does not carry out measurement of emissions into the air in the stipulated manner (Article 50),

– he carries out the activity of monitoring air quality and monitoring emissions without a license from the Ministry (Article 52 paragraph 1),

– he carries out activities of monitoring air quality and monitoring emissions without approval from the Ministry (Article 53 paragraph 2),

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

(3) A natural person shall be fined in the amount of HRK 70,000.00 to 150,000.00 for a misdemeanour referred to in paragraph 1 of this Article.

Article 89

(1) A legal person shall be fined in the amount of HRK 30,000.00 to 100,000.00 for a misdemeanour if:

– he does not handle substances that deplete the ozone layer in the stipulated manner (Article 40 paragraph 1),

– he does not handle products that contain or with the aid of the substance that depletes the ozone layer in the stipulated manner (Article 40 paragraph 1),

– he does not ensure the training of employed workers according to the professional training programme (Article 40 paragraph 3),

– he carries out activities of maintenance and/or repair and exclusion from use of products that contain substances that deplete the ozone layer without a license from the Ministry (Article 40 paragraph 4).

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

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(3) A natural person shall be fined in the amount of HRK 25,000.00 to 70,000.00 for a misdemeanour referred to in paragraph 1 of this Article.

Article 90

(1) A legal person shall be fined in the amount of HRK 2,000.00 to 10,000.00 for a misdemeanour if they did not permit the inspector to enter the building or other business premises or if he does not ensure access to requested documents and other documentation necessary to establish the facts within the deadline determined in the minutes (Article 69 paragraph 2).

(2) The responsible person in the legal person shall be fined in the amount of HRK 500.00 to 1,000.00 for a misdemeanour referred to in paragraph 1 of this Article.

(3) A natural person shall be fined in the amount of HRK 1,000.00 to 2,000.00 for a misdemeanour referred to in paragraph 1 of this Article.

Article 91

(1) The county or City of Zagreb shall be fined in the amount of HRK 100,000.00 to 500,000.00 for a misdemeanour if:

- it does not adopt a Programme for the protection and improvement of air quality (Article 10 paragraph 1),
- it does not adopt a Report on the implementation of the Programme for a time period of two years (Article 12 paragraph 1),
- it does not establish a local network for permanent monitoring of air quality in their region if the level of pollution is greater than the *LV* (Article 25 paragraph 2),
- it does not submit a report on data on measurements of the local network for the previous year by 30 April of the current year to the Environmental Protection Agency (Article 25 paragraph 5).

(2) The City of Zagreb, city or municipality shall be fined in the amount of HRK 100,000.00 to 500,000.00 for a misdemeanour if:

- it does not render a decision on special purpose measurements (Article 27 paragraph 2),
- it does not order the implementation of special measures for the protection of human health if critical levels are measured/determined (Article 32 paragraph 1),
- it does not inform the public via the media if the critical level has been reached (Article 32 paragraph 3),
- it does not adopt a Plan of measures (Article 43 paragraph 1),
- it does not bring a decision on the drafting of a remediation programme for the stationary source (Article 44 paragraph 1),
- it does not draft and implement an integrated remediation programme (Article 45 paragraph 1).

(3) The responsible person in the county or City of Zagreb shall be fined in the amount of HRK 15,000.00 to 25,000.00 for a misdemeanour referred to in paragraph 1 and 2 of this Article.

Article 92

(1) The city or municipality shall be fined in the amount of HRK 100,000.00 to 300,000.00 for a misdemeanour if:

- it does not adopt a Programme for the protection and improvement of air quality for particular regions in which the level of pollution is above permitted tolerance values (Article 10 paragraph 2).

(2) The responsible person in the city or municipality shall be fined in the amount of

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

HRK 15,000.00 to 25,000.00 for a misdemeanour referred to in paragraph 1 of this Article.

XII TRANSITIONAL AND FINAL PROVISIONS

Article 93

The Government shall adopt a Plan for protection and improvement of air quality referred to in Article 9 of this Act by 31 December 2005.

Article 94

The County or City of Zagreb shall adopt a Programme for protection and improvement of air quality for a period of four years by 30 June 2006.

Article 95

The County and City of Zagreb, cities and municipalities shall establish a network for monitoring of air quality in their region if the pollution level is greater than the *LV* by 30 December 2006.

Article 96

(1) Legal persons who have obtained approval for carrying out expert activities of monitoring of the state of the environment and emissions into the air on the basis of the provisions of the Environmental Protection Act (Official Gazette, No. 82/94 and 128/99) and Regulation on conditions for issuing approval for carrying out expert activities of environmental protection (Official Gazette, No. 7/97) shall within one year from the date of beginning of application of this Act, submit to the Ministry an application for the issuing of a license for carrying out activities of monitoring air quality and emissions into the air in accordance with provisions of this Act.

(2) If legal persons referred to in paragraph 1 of this Act do not submit an application by the deadline referred to in paragraph 1 of this Article, they shall lose the right to carry out expert activities of monitoring the state of the environment and emissions into the air.

(3) The legal person referred to in Article 53 paragraph 1 of this Act shall submit to the Ministry an application for issuing of the approval within one year from the date of beginning of application of this Act.

Article 97

(1) The Government shall pass the legislation laid down in Article 30 paragraph 1 and Article 40 paragraph 1 of this Act within twelve months from the date of beginning of application of this Act.

(2) The Government shall pass the legislation laid down in Article 18 paragraph 2, Article 21 paragraph 2, Article 38 paragraphs 1 and 2, Article 39 paragraph 2 and Article 46 paragraph 5 of this Act within eighteen months from the date of beginning of application of this Act.

(3) The Minister shall pass the legislation laid down in Article 40 paragraph 3, Article 49, Article 50, Article 52 paragraph 2, Article 58 and Article 80 paragraph 2 of this Act within twelve months from the date of beginning of application of this Act.

(4) The Minister shall pass the legislation laid down in Article 22 paragraph 3 of this Act within eighteen months from the date of beginning of application of this Act.

Article 98

Until the adoption of the legislation referred to in Article 97 of this Act, the Regulation on limit values of air pollutant emissions from stationary sources (Official Gazette, No. 140/97, 105/02, 108/03 and 100/04), Regulation on recommended and limit values of air quality (Official Gazette, No. 101/96 and 2/97), Regulation on determining the location of stations in the state network for permanent monitoring of air quality (Official Gazette, No. 4/02) and the

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

Programme for measuring air quality in the state network for permanent monitoring of air quality (Official Gazette, No. 43/02) shall apply.

Article 99

Proceedings initiated pursuant to the provisions of the Air Protection Act (Official Gazette, No. 48/95), until the date of beginning of application of this Act, shall be completed pursuant to the provisions of that Act.

Article 100

Proceedings initiated before the misdemeanour court pursuant to the provisions of the Air Protection Act (Official Gazette, No. 48/95), until the date of beginning of application of this Act, shall be completed pursuant to the provisions of that Act.

Article 101

Article 5 paragraph 1 subparagraph 4 and 5 of the Regulation on conditions for issuing the approval for carrying out expert activities in environmental protection (Official Gazette, No. 7/97) shall apply until the adoption of legislation referred to in Article 52 paragraph 2 of this Act.

Article 102

(1) The provisions of Article 26 paragraph 2 of this Act shall apply as of 1 January 2007.

(2) The provisions of Article 47 and Article 48 of this Act shall apply from the day of entry into force of the Act on Ratification of the Kyoto Protocol along with the United Nations Framework Convention on Climate Change.

(3) The provisions of Article 54 paragraph 1 of this Act shall apply as of 1 January 2007.

Article 103

The Air Protection Act (Official Gazette, No. 48/95) shall cease to be in effect on the first day of application of this Act.

Article 104

This Act shall enter into force on the eighth day from its publication in the Official Gazette, and shall apply from 31 March 2005.

Class: 351-01/04-01/08

Zagreb, 3 December 2004

THE CROATIAN PARLIAMENT

The President

of the Croatian Parliament

Vladimir Šeks, m.p.