

LAW ON NATURE PROTECTION

I GENERAL PROVISIONS

Article 1

For the purposes of the present Law, nature represents an important part of the environment under special protection of the Republic of Croatia, based on principles of the best global practice.

Article 2

Protection of nature is implemented, in particular, by:

defining parts of animate and inanimate nature that enjoy special protection of the Republic of Croatia (hereinafter referred to as: protected nature parts);
ensuring rational use of nature and its resources without significantly damaging or degrading its parts, and minimally upsetting the balance among its elements;
preventing harmful human interventions and disturbances in nature caused by technological development of the country and other activities, and ensuring optimal conditions for nature's sustainability and unrestrained progress;
passing long-term and short-term plans;
implementing zoning plans and protection measures for protected nature parts.

II PROTECTED NATURE PARTS

Article 3

Parts of nature that are of interest for the Republic of Croatia (hereinafter referred to as: the State) and enjoy its special protection (hereinafter referred to as: protected nature parts) pursuant to the present Law, are as follows:

national park,
park of nature,
strict reserve,
special reserve,
park-forest,
protected landscape,
nature monument,
park architecture monument,
individual plant and animal species.

Protected nature parts as referred to in § 1 of the present Article are classified as follows:

of international importance,
of national importance,
of local importance.

Classification as referred to in § 2 of the present Article is made by the Ministry of Building and Environmental Protection (hereinafter referred to as: the Ministry).

Article 4

National park is a broad, largely unmodified area of extreme and multiple natural values, encompassing one or more preserved or insignificantly modified ecosystems.

The national park has scientific, cultural, educational and recreational purposes.

Activities that do not endanger the primary state of nature are permitted in the national park.

Economic use of natural resources in the national park is prohibited.

Tourism and recreation are to be restricted to visitation and sightseeing, permitted to all under the same conditions.

Article 5

Park of nature is a broad natural or partly cultivated area with distinct aesthetic, ecological, educational, cultural, historic, touristic and recreational values.

Activities and actions that do not endanger significant characteristics and functions of the park of nature are permitted.

Article 6

Strict reserve is an area of unmodified or slightly modified nature, intended exclusively for scientific research which neither influences biological diversity nor endangers unrestrained natural processes.

Article 7

Special reserve is an area with one or more outstanding unmodified nature elements and of particular scientific significance and purpose.

There are different types of special reserves: botanical (floristic, forest vegetation etc.), zoological (ornithological, ichtyological etc.), geological, hydrological, marine reserve etc.

No actions that could affect the distinctive characteristics of a special reserve are permitted in it (picking and destroying plants, disturbing, taking and killing animals, introduction of non-native species, meliorative operations, various forms of economic and other use, etc.).

Article 8

Park-forest is a naturally grown or planted forest of considerable landscape value, intended for rest and recreation.

Only actions related to its maintenance or arrangement are permitted in the park-forest.

Article 9

Protected landscape is a natural or cultivated area of considerable aesthetic or cultural and historical value, or a landscape typical for the area.

No actions that upset the distinctive characteristics of a protected landscape are permitted in the area.

Article 10

Nature monument is a separate unmodified part or a cluster of parts of animate or inanimate nature of scientific, aesthetic or cultural, and historical value.

There are different types of nature monuments: geological (mineralogical or paleontological site, layer structure

etc.), geomorphological (cave, solitaire rock etc.), hydrological (spring, waterfall, lake etc.), botanical (rare or site-specific plant specimen etc.), a small botanical and zoological locality etc.

No actions endangering its characteristics and values are permitted on or in the close proximity of the nature monument.

Article 11

Park architecture monument is an artificially formed space (alley, botanical garden, arboretum, town park, walk, group of trees and an individual tree, as well as other forms of garden and park architecture) of considerable aesthetic, stylistic, artistic, cultural, historical or scientific value.

No developments that would change or disturb the fixed values of the park architecture monument are permitted on or in the close proximity of the monument.

Article 12

The category of individual plant and animal species enjoying special protection of the State includes rare or endangered species.

Any action that would disturb or interfere into the natural life cycle and growth of a plant or an animal is prohibited (picking, removal from habitats or damaging the plant, scattering, chase, capture, keeping, injuring or killing animals, damaging their life forms, nests or broods, and habitats).

Other prohibited actions include: hiding, sale, purchase and stealing, or any other kind of acquisition of a protected plant or animal, and stuffing and mounting of a protected animal.

Protection as referred to in § 3 of the present Article extends onto the native plants and wildlife within national parks, strict reserves or special reserves, and cave animals, regardless of whether they are or are not protected as plant and animal species.

Proclamation of protected nature parts

Article 13

National parks and parks of nature are proclaimed by the Parliament (Sabor) of the Republic of Croatia (hereinafter referred to as: the Parliament) by means of a special law.

Protection of an individual plant and animal species is proclaimed by the Minister of Building and Environmental Protection (hereinafter referred to as: the Minister) on the expert basis, with prior approval of the Minister of Agriculture and Forestry.

Strict reserves, special reserves, park-forests, protected landscapes, nature monuments and park architecture monuments are proclaimed by County Assembly or the Assembly of the City of Zagreb, with prior approval of the Ministry.

Should the protection category as referred to in § 3 of the present Article be proposed by the Ministry, but the competent representative authority fail to pass a protection act within 3 months following the receipt of proposal, the respective nature part shall be proclaimed by the Parliament.

Article 14

Proclamation acts for protected nature parts as referred to in § 2 and 3 of the previous Article are published in 'Narodne novine'. Proclamation acts as referred to in § 3 of the previous Article of the present Law are, in addition, published in the official bulletin of county or the City of Zagreb.

Protected nature parts are entered into the Protected Nature Parts Register.

The Protected Nature Parts Register is maintained by the Ministry.

The Minister sets the contents and the manner of maintaining the Protected Nature Parts Register.

Article 15

Individual nature parts that are undergoing procedure for placing under protection are under temporary protection, beginning with the day of notification of the owner or concessionnaire about the procedure being initiated, and ending one year after the date on which the notification has been received.

Notification of the initiation of procedure for placing under protection of certain nature parts, proclaimed by the Parliament, are forwarded by the Ministry. Procedure initiation for nature parts proclaimed by County Assembly or the Assembly of the City of Zagreb is notified by the respective local authority.

During the temporary protection period, provisions of the present Law apply equally to already protected nature parts and to those undergoing the procedure.

Article 16

Should the distinctive characteristics justifying the proclamation of a certain protected nature part disappear, the competent authorities as referred to in Article 13 of the present Law shall pass an act on removal of the protection status, in the manner and following the procedure envisaged for the proclamation of the protection status.

Management

Article 17

Protected nature parts are managed by public institutions.

Public institutions for managing national parks and parks of nature are founded by the Government of the Republic of Croatia (hereinafter referred to as: the Government).

Public institutions for managing other protected area categories are founded by county assemblies or the Assembly of the City of Zagreb.

Protected nature parts as referred to in § 3 of the present Article, should they be located within national park or park of nature, are managed by the public institution managing the respective national park or park of nature.

Article 18

The public institution as referred to in Article 17 of the present Law performs duties of protection, maintenance and promotion of protected nature parts.

The public institution may also perform other activities defined by the constitution act and the statutes, that are complementary to the activities as referred to in § 1 of the present Article and that are not profit-oriented.

The founder may decide to use the profits of the institution for development and performance of activities of another institution founded by them.

Article 19

Operative resources for the public institution and for performing activities as referred to in Article 18, § 1, of the present Law are provided from:

revenues collected through the use of protected nature parts;
State Budget or budgets of counties or the City of Zagreb;
other sources pursuant to the law.

Article 20

The public institution is run by the Management Board, unless the constitution act or a special Government resolution requires that the institution be run by the Director.

Composition, manner of appointment and election of members, mandate of the Management Board, and the decision-making procedure are defined by the constitution act or the statutes.

Upon proposal of the County Assembly, one representative for the County in the territory of which the respective protected nature part is located is appointed into the Management Board of the public institution as referred to in Article 17, § 2, of the present Law.

Article 21

The Management Board or the Director enacts the following:

annual programme of protection, maintenance, promotion and use of protected nature parts;
decision on public institution's capital distribution;
statutes of the public institution;
public institution development plan and annual financial plan;
act on disciplinary and material liability of employees;
decisions on appointment and acquittal of officials as prescribed by the public institution statutes.

The acts as referred to in § 1, indented lines 1, 2 and 3, of the present Article are enacted with approval of the Government or county or the City of Zagreb authorities.

The Management Board or the Director at least once a year submits the operative report to the Government or county or the City of Zagreb authorities.

The Management Board or the Director performs all other activities defined by the public institution statutes and by the present Law.

Article 22

The Management Board elects and acquits the Management Board Chair.

The operation and decision-making methods of the Management Board, as well as other structural, regulatory and managerial issues related to the public institution, are regulated in the public institution statutes and the Management Board Rules of Procedure.

Article 23

The Director of the public institution is appointed and acquitted by the Government or by county or the City of Zagreb authorities.

Expert activities of the public institution are conducted by an expert manager who meets the requirements defined in the constitution act or the statutes of the institution.

Article 24

For the purpose of coordinated functioning of protection programme implementation, maintenance, promotion and use of national parks and parks of nature, the Nature Protection Council (hereinafter referred to as: the Council) is founded.

The Council is an advisory body, founded by the Government.

The minister in charge of nature protection is, by nature of his/her function, the Chair of the Council.

Members of the Council are as follows:

- a member of the competent committee within the Parliament's House of Representatives;
- a representative for the Ministry of Agriculture and Forestry;
- directors of public institutions as referred to in Article 17, § 2, of the present Law,
- one representative for each of the counties in the territory of which the protected nature part as referred to in § 1 of the present Article is located, upon proposal by the respective County Assembly, and
- five representatives for scientific or expert institutions, upon proposal by the respective institutions, subject to the Government decision.

Article 25

The Council issues opinions and proposals in the course of enactment of the acts as referred to in Article 21, § 1, 2 and 3, and Article 25, § 2, of the present Law.

The Council reviews the report on the operation of management boards. Both this report and the report as referred to in Article 21, § 3, of the present Law are submitted to the Government.

Article 26

Control over the lawfulness of operation of the public institution as referred to in Article 17, § 2, of the present Law is performed by the competent ministries. Control over the lawfulness of operation of the public institution as referred to in Article 17, § 3, of the present Law is performed by the competent county or municipal bureaus, each within their respective domains.

Control over expert activities of the public institution is performed by the Ministry.

Article 27

The Government may found a limited partnership for performing catering and tourist business in the area or part of the area of national park or park of nature.

The Government may found the partnership as referred to in § 1 of the present Article together with other domiciled legal or natural persons, on the condition that the share of the State may not be less than 51% of the partnership's core capital value.

The contract between the public institution managing national park or park of nature and the partnerships as referred to in § 1 and 2 of the present Article, shall determine respective rights and responsibilities of the parties, arising from the use of the area of the national park or the park of nature in performing their activities.

Protection method

Article 28

Protection, maintenance, promotion and use of national parks and parks of nature is regulated in physical plans.

The physical plans as referred to in § 1 of the present Article are enacted by the Parliament.

Article 29

Protection measures for protected plant and animal species are prescribed by the Minister.

Protection measures for other protected nature parts are prescribed by county or the City of Zagreb authorities, upon approval of the Ministry.

Article 30

The Minister, upon proposal of the Management Board or the Director of a public institution, enacts rule books on internal regulation in national parks and parks of nature.

The rule books on internal regulation as referred to in § 1 of the present Article regulate in detail the issues of protection, improvement and use of national parks and parks of nature, and defines violations and corresponding administrative measures to be taken in cases of non-compliance with the rule book provisions.

Article 31

Immediate protection in national parks and parks of nature is done by the supervisors.

The supervisors are appointed by the Management Board or the Director of the public institution.

A supervisor has authorities defined by the present Law and the regulations enacted on the basis thereof.

Should a person in a national park or a park of nature be caught committing an act that is contrary to the provisions of the present Law and the regulations enacted on the basis thereof, the supervisor is entitled to:

1. ask for a personal identity card or another identification based on which it is possible to establish the person's identity,
2. examine the person's luggage or means of transportation,
3. temporarily take away the wrongfully appropriated part of animate and inanimate world belonging to the national park or the park of nature, as well as the tools used in the wrongful appropriation thereof.

Should a person be caught committing an act in national park or park of nature that is contrary to the provisions of the rule book on internal regulation, apart from the authorisation as referred to in § 4 of the present Article, in cases defined by the rule book in question the supervisor is entitled to collect the corresponding penalty on the spot.

Funds acquired pursuant to § 4 of the present Article belong to the public institution.

The supervisor should be a person with minimum high-school education.

Article 32

Actions that could cause modifications or damage to protected nature parts are not permitted.

Actions that do not cause damage or modification of distinctive characteristics of protected nature parts are permitted on it.

Actions as referred to in § 2 of the present Article are permitted exclusively upon obtaining approval of the fulfilled nature protection requirements.

The approval of requirements as referred to in § 3 of the present Article is issued by the Ministry.

The nature protection requirements for taking actions referred to in § 2 of the present Article, that require site-permit according to a special regulation, are established in the site-permit issuing procedure.

Building permit may be issued and other works approved in cases covered by § 2 of the present Article only if the Ministry issues the approval of the relevant documentation having been prepared in accordance with nature protection requirements as referred to in § 3 of the present Article.

Article 33

Picking protected plants or their parts, scattering, capture, keeping, killing and stuffing protected animals or their life forms and removal of nests are permitted only for scientific research purposes and with prior permit of the Ministry.

Article 34

Protected plants and animals may not be exported or taken out of the country or imported from abroad.

Exceptionally, specific protected plants and animals may be exported and imported from abroad for scientific research purposes of exchange, exhibitions etc., accompanied by the permit of the Ministry.

Procedure, methods and requirements for issuing the permit as referred to in § 2 of the present Article shall be prescribed by the Minister.

Article 35

It is prohibited to introduce new plant and animal species into nature in the State territory, unless permitted according to special regulations and with approval of the Ministry.

Reintroduction of the missing plant and animal species into nature in the State territory may be carried out only upon approval of the Ministry, preceded by the opinion of the Ministry of Agriculture and Forestry.

Article 36

The Ministry's approval should be obtained also for gathering plants and their parts, capturing or killing animals that are not protected by the present or other laws, for gathering minerals and fossils, if this is done for processing, commercial or other trading purposes.

Actions as referred to in the above § 1 may be carried out only with prior approval of the owner or concessionaire of land or water area concerned.

Requirements for obtaining the approval as referred in the above § 1 shall be prescribed by the Minister.

Article 37

To obtain the site permit for construction works that according to a special regulation may be carried out outside the area designated for building, it is necessary to obtain approval of the fulfilled nature protection requirements of the Ministry even when the construction is carried out in an area not protected in the framework of the present Law.

For cases as referred to in the above § 1, the building permit may be issued and other construction works permitted only if the Ministry issues an approval of the main project or the appropriate documentation having been made in accordance with the nature protection requirements as referred to in the above § 1.

Article 38

If utilisation or exploitation of a protected nature part has been restricted or prohibited in a certain manner or for certain purposes, the owner or concessionaire has the right to a compensation for the imposed restrictions. The amount of compensation shall be in proportion with the related income reduction.

The compensation amount shall be determined by agreement. In case of dispute, the amount of compensation shall be determined by the court.

The compensation shall be paid from the State Budget funds or the budgets of counties or the City of Zagreb.

Article 39

The owner or concessionaire of the specific protected nature part shall permit access into the nature part should it be necessary for satisfying scientific, educational, aesthetic and cultural needs of the society related to the nature and significance of the nature part concerned. The access shall be permitted in the manner and under conditions determined by the Minister's decision.

The decision as referred to in § 1 above shall define compensation for possible restrictions imposed on the owner or concessionaire of the nature part concerned.

Article 40

The land within boundaries of national parks and parks of nature, the concession on which is held by social legal persons, is transferred into ownership of the State, unless a special law determines otherwise.

The land within boundaries of protected nature parts as referred to in Article 3, § 1, indented lines 3 through 8, the concession on which is held by social legal persons, is transferred into ownership of counties or the City of Zagreb, unless a special law determines otherwise.

Ownership of realties situated within protected nature parts may be acquired exclusively by domestic legal and natural persons.

Article 41

Realties within the protected nature part may be expropriated in accordance with the provisions of a special law, should it be in the interest of their optimal protection.

Article 42

Owner of a realty within national park and park of nature who intends to sell the realty concerned, is obliged to offer the first purchase to the State. The owner of a realty in other protected nature parts who intends to sell the realty concerned is obliged to offer the first purchase to counties or the City of Zagreb.

In the offer, the owner of a realty within the protected nature part is obliged to state the price and terms of sale.

Within 60 days from the receipt of the written offer, the State, county or the City of Zagreb are obliged to accept or refuse it.

Should the offer not be accepted within the deadlines as referred to in § 4 above, the owner may sell their realty situated in a protected nature part to another person with a price not lower than the one in the offer and under terms that are no more favourable for the buyer than they were in the offer as referred to in § 3 above.

Should the owner sell the realty in a protected nature part without previously following the procedure in § 1 and 4 above, the State, counties or the City of Zagreb may institute legal proceedings against the seller and the buyer for the annulment of the sale contract within 60 days after the day when the contract was made known, and two years from the day of contract signing at the latest.

The State, county or the City of Zagreb may, within the time limits specified in § 5 above, request annulment of the sale contract for the realty in a protected nature part even when the contract was made as a deed of gift, or when the price or terms of sale are fictitious and the actual price and terms of sale are more favourable for the buyer.

The right of first purchase defined in § 1 above is recorded in the land register at the competent court.

Damage compensation

Article 43

Natural and legal persons are obliged to pay compensation for the damage caused by violation of the provisions of the present Law.

Funds acquired through compensation for the damage as referred to in § 1 above are revenue of the State Budget or county or the City of Zagreb budgets.

Article 44

The amount of compensation for the damage caused by a non-permitted action affecting certain protected plant and animal species is determined according to the compensation tariff passed by the Minister.

Article 45

Damage caused by a protected animal shall be compensated by the State.

The amount of compensation for the damage shall be determined by consensus. In case of dispute, the amount of compensation shall be determined by the court.

III CONTROL

Article 46

Inspection is performed by the nature protection inspector (hereinafter referred to as: the Inspector) and other inspectors, each within their respective competences.

Article 47

The Inspector controls, in particular:

1. use of protected nature parts,
2. state of nature quality and implementation of nature protection measures,
3. implementation of the requirements and permits issued.

Article 48

Should they establish that the present Law or its regulation have been violated, the Inspector shall produce a written account of deficiencies and irregularities encountered, and set the remediation measures and deadlines.

In performing duties as referred to in the above Article 46, the Inspector shall:

1. inspect the protected nature parts, as well as other parts of nature,
2. order undertaking of measures for achieving compliance of activities with the provisions of the present Law and the regulations enacted on the basis thereof,
3. temporarily suspend the activities that are not in compliance with the present Law and the regulations enacted on the basis thereof,
4. order temporary measures to prevent damage that is likely to occur in consequence of such activities,
5. temporarily, pending the final ruling of the competent authority, take away the objects with which the violation defined in the present Law and the regulations enacted on the basis thereof was committed, as well as any objects obtained by means of violation,
6. undertake other measures and actions for which they have been legally authorised.

Any complaint against the Inspector's decision does not delay the execution thereof.

Article 49

In cases when an operator fails to follow Inspector's instructions, the prescribed actions shall be performed by the competent public institution at the expense of the operator.

Article 50

Nature protection tasks in the second instance are performed by the Ministry.

Nature protection tasks may be performed by other employees of the Ministry, based on a special authorisation by the Minister.

Article 51

Duties of the nature protection inspector shall be performed by a person having a university degree and at least five years of professional experience, and having passed the inspectorial master's exam.

V PENALTY CLAUSES

Article 52

A legal person shall be fined DEM 650 to 50,000 in domestic currency countervalue for violation in the following cases:

should they perform an action that might cause modifications or damage to a protected nature part (Article 32, § 1),
should they perform an action on a protected nature part without first obtaining approval of the fulfilled nature protection requirements or the approval of the Ministry (Article 32, § 2, 3, 4 and 5),
should they perform an act listed in Article 33 of the present Law, without prior approval of the Ministry,
should they introduce new plant and animal species or reintroduce missing plant and animal species into nature in the State territory, without prescribed approvals or permits (Article 34),
should they perform acts listed in Article 36 of the present Law without prior prescribed approval or permit (Article 36).

For any violation referred to in the present Article, the duly authorised officer within the legal person shall also be fined DEM 20 to 10,000 in domestic currency countervalue.

Article 53

A natural person shall be fined DEM 250 to 50,000 in domestic currency countervalue for violation in the following cases:

should they perform an action that might cause modifications or damage to a protected nature part (Article 32, § 1),
should they perform an action on a protected nature part without first obtaining approval of the fulfilled nature protection requirements or the approval from the Ministry (Article 32, § 2, 3, 4 and 5),
should they perform an act listed in Article 33 of the present Law, without prior approval from the Ministry,
should they introduce new plant and animal species or reintroduce missing plant and animal species into nature in the State territory, without prescribed approvals or permits (Article 34),
should they perform acts listed in Article 36 of the present Law without prior prescribed approval or permit (Article 36).

Article 54

Amounts of fines in Articles 52 and 53 of the present Law shall be calculated against the average exchange rate of the Croatian National Bank as on the day of pronouncing the penalty.

V TRANSITIONAL AND FINAL PROVISIONS

Article 55

Parts of nature that have been put under protection pursuant to the previous Law on Nature Protection ('Narodne novine' #54/76) are considered protected nature parts according to the present Law as well.

For the purposes of the present Law, the parts of nature established by the Law on Nature Protection ('Narodne novine' #54/76) as "important landscapes" shall become "protected landscapes", whereas "horticultural monuments" shall become "park architecture monuments".

Article 56

The Council as referred to in Article 24 of the present Law shall be founded by the Government, within 6 months following the effective date of the present Law at the latest,

Rule books on internal regulation of national parks and the Telašćica Park of Nature shall be enacted by the Minister within 6 months following the effective date of the present Law at the latest. The rule book on internal regulation in other parks of nature shall be enacted by the Minister within one year following the date of establishment of public institutions managing the respective parks of nature.

The regulations as referred to in Articles 3, 14, 29, 36 and 44 of the present Law shall be enacted by the Minister within one year following the effective date of the present Law.

The regulations as referred to in Article 29, § 2, of the present Law shall be enacted by county or the City of Zagreb authorities within one year following the effective date of the present Law.

Article 57

Managements of national parks that have been founded prior to coming into force of the present Law, as well as the Brijuni Public Enterprise, shall become public institutions.

Acts of the public institutions as referred to in § 1 above shall be harmonised with the provisions of the present Law within 6 months following the enactment thereof.

Article 58

Managing organisation for the Telašćica Park of Nature, established according to regulations that were valid prior to coming into force of the present Law, shall become State-owned public institution.

Managing organisation for the Lokrum Reserve, established according to regulations that were valid prior to coming into force of the present Law, shall become public institution owned by the Dubrovnik-Neretva County.

Acts of the public institutions as referred to in § 1 and 2 above shall be harmonised with the provisions of the present Law within 6 months following the enactment thereof.

Article 59

Prior to establishing management bodies for public institutions, in accordance with the provisions of the present Law the duties of such bodies shall be performed by the management board or by the officer within the legal person, duly authorised as on the effective date of the present Law.

Resources, rights and responsibilities and employees of the legal persons as referred to in Articles 57 and 58 of the present Law shall be transferred to public institutions.

Article 60

On the effective date of the present Law, the following legislation shall become null and void: Law on Nature Protection ('Narodne novine' #54/76, 25/77, 41/83, 31/86 and 47/86); By-Law on Managing National Parks ('Narodne novine' #14/94); paragraph 46 of the By-Law on Further Validity of Legal Tenor and Effect of Specific By-Laws Enacted by the Government of the Republic of Croatia by Legal Authorisation ('Narodne novine' #100/93, 102/93 and 108/93); and Article 20 of the Law on Defining Tasks within Self-Governmental Domains of Units of Local Government and Self-Government ('Narodne novine' #75/93).

Article 61

The present Law shall come into force on the eighth day following its publication in 'Narodne novine'.

Class Mark: 351-01/93-01/10

Zagreb, 30 March 1994

HOUSE OF REPRESENTATIVES
OF THE PARLIAMENT OF THE REPUBLIC OF CROATIA

Chairman
of the Parliament's House of
Representatives
Stjepan Mesić, signed