

THE CROATIAN PARLIAMENT

Pursuant to Article 88 of the Constitution of the Republic of Croatia I am herewith announcing the

DECISION ON PROCLAMATION OF NATURE PROTECTION ACT

I am proclaiming the Nature Protection Act passed by the Croatian Parliament at the session of 25 September 2003.

No. 01-081-03-3243/2
Zagreb, 1 October 2003

President
of the Republic of Croatia
Stjepan Mesić (signed)

NATURE PROTECTION ACT

I. GENERAL PROVISIONS

Article 1

(1) The purpose of this Act is to govern the system of protection and integrated conservation of nature and its values.

(2) In terms of the present Act nature means the overall biological and landscape diversity.

Article 2

(1) Nature represents the fundamental value and one of the most important resources of the Republic of Croatia and enjoys protection in compliance with the present Act.

(2) Natural values defined pursuant to the present Act are of interest for the Republic of Croatia and enjoy its special protection.

(3) To nature protection issues that are not governed by the present Act provisions of special regulations shall apply.

(4) For the purpose of nature protection the Republic of Croatia also implements international treaties in the field of nature protection to which the country is a Party.

(5) To procedural matters in procedures under the present Act, which are not governed by the present Act, the provisions of the General Administrative Procedure Act shall apply.

Article 3

The nature protection objectives and tasks are:

- to conserve and restore the existing biological and landscape diversity to a state of a natural balance and relations harmonized with human activities;
- to assess the state of nature and ensure monitoring of the state;
- to provide a system for the protection of natural values for the purpose of a lasting conservation of their features that form the basis for designating them protected;
- to provide a sustainable use of natural resources for the benefit of the present and future generations without substantial degradation of nature parts and with the least possible disturbance to the balance of its components;
- to contribute to conservation of the natural state of the soil, conservation of water quality, quantity and availability, maintenance of the atmosphere, generation of oxygen and maintenance of the climate;
- to prevent harmful human activities and disturbances to nature as a consequence of technological development and performance of activities;
- to ensure the right of citizens to a healthy environment, rest and recreation in the open.

Article 4

Nature protection is based on the following principles:

- Anyone must behave in the manner that contributes to conservation of biological and landscape diversity, protection of natural values and conservation of a universally beneficial role of nature;
- The non-renewable natural resources are to be used in a rational and those renewable in a sustainable manner;
- In utilization of natural resources and in the matter of physical planning it is obligatory to apply nature protection principles, measures and conditions;
- Nature protection is the right and obligation of each physical and legal entity; towards this end they are bound to co-operate in order to avoid and prevent hazardous activities and damages, to eliminate and remedy the consequences of each damage and also to restore natural conditions that existed prior to the damage;
- The public has the right to free access to information about the state of nature, to timely information about the damages caused to nature and measures taken for their remediation and to participation in nature-related decision-making.

Article 5

(1) Nature protection is performed through conservation of biological and landscape diversity and protection of natural values.

(2) Nature protection is performed especially through:

- identification and assessment of the state of all components of biological and landscape diversity;
- laying down nature protection conditions and measures;
- incorporation of nature protection conditions and measures into physical planning documents and plans for administration and management of natural resources used in mining, agricultural, forestry, hunting, fishing, water management and other activities;
- drawing up reports on the state of nature, adoption and implementation of strategies, programmes, action plans and management plans;
- identification of natural values and protected natural values;
- establishment of a system for the management of natural values and protected natural values;

- linking with and harmonizing the national and international nature protection systems;
- encouraging the scientific and specialized work in the area of nature protection;
- public information on the state of nature and public participation in nature protection decision-making;
- encouragement and promotion of nature protection and raising public awareness of the need to protect nature in the process of education.

Article 6

(1) The provisions of the present Act shall not apply in cases of deterring the immediate threat to human life or health or property, rescuing people and the property and undertaking activities for the defence of the Republic of Croatia.

(2) The provisions under paragraph 1 of the present Article apply only for the duration of the circumstances specified.

Article 7

Terms used in the present Act have the following meanings:

1. *biological resources* means genetic sources, organisms or parts of organisms, a population or any other biotic component of ecosystems, actually or potentially used by or of value for the mankind;
2. *biodiversity* means the entirety of all living organisms that are constituent parts of ecosystems and includes the diversity within species, among species and among ecosystems;
3. *forest certification* (attestation of forest properties) means a procedure in which a third, independent party examines whether the forest management and use reach the predetermined ecological, economic and social level. The forest certificate is a document in writing issued by a third, independent party confirming that forests are managed by the certificate holder in conformity with sustainability principles;
4. *red list of threatened taxa* means a list of wild taxa classified according to categories of threat;

5. *derivative* is an organic or inorganic product of living organisms (ivory, antlers, etc.);

6. *wild taxa* of plants, fungi and animals means all species and subspecies that have not developed under the human impact as a consequence of breeding activities;

7. *near-nature conditions* means conditions in an ecosystem or a landscape whose development was only negligibly affected by man; processes taking place here are mostly self-regulating and may subsist without a direct human influence;

8. *near-nature watercourse* means a watercourse under near-nature conditions;

9. *ecological network* means a system of interconnected or spatially near ecologically important areas whose well balanced biogeographic distribution contributes substantially to conservation of the natural balance and biodiversity;

10. *ecological corridor* means an ecological component or a series of such components that enable migration of biological taxa from one site to another and forms a part of the ecological network;

11. *ecosystem* means a dynamic complex of plant, fungi, animal and micro-organism communities and their inanimate surroundings interacting as a functional unit;

12. *ecologically significant area* means an area that contributes substantially to biodiversity conservation in the Republic of Croatia;

13. *endemic* means a species or a subspecies whose spread is restricted to a specific area or site;

14. *ex-situ conservation (out of a natural place)* means conservation of biodiversity components outside their natural habitats (zoological gardens, aquariums and botanical gardens); this also includes conservation of parts of geological heritage outside their natural finding sites, mostly minerals/rocks and fossils in museum or private collections and institutions;

15. *genetic modification* means the intentional change in the hereditary genetic material of an organism in the manner that cannot be achieved by a natural recombination, or rather introduction of a foreign hereditary genetic material into the hereditary genetic material of an organism, or removal of a part of the hereditary genetic material of an organism;

16. *genetic diversity* means the diversity of genes among specimens, populations, species and higher taxonomic categories;

17. *genetically modified organism* means an organism, excluding a human being, whose hereditary genetic material has been altered by genetic modification;

18. *geological heritage* means everything that has been preserved in the structure and texture of rocks and the soil, such as geological, geomorphological and hydrological phenomena and objects, including paleontological finds, and that forms a constituent part of a landscape;

19. *geological diversity* means the diversity of geological phenomena, objects and structures, including processes that generate landscapes, rocks, minerals, fossils and soils;

20. *in-situ conservation* (in a natural place) means conservation of ecosystems and natural habitats, including maintenance and regeneration of species capable of surviving in their natural surroundings and, in case of domesticated plants and animals, in the surroundings in which they have developed their specific features; it means also conservation of parts of geological heritage in the place of their origin or rather in the finding sites of minerals/rocks and fossils;

21. *invasive foreign species* means a foreign species whose establishment or spread poses a threat to biodiversity;

22. *export* means any bringing of values out of the customs area of the Republic of Croatia;

23. *public interest* means an interest for the Republic of Croatia or an interest for citizens (population) of a regional or local self-government unit;

24. *map and cartographic representation* refer to the official national map at a corresponding scale, made according to the standards of geodetic profession as determined by the National Land Survey and Immovables Cadastre Act (Official Gazette No. 128/99) and by the Rulebook on Methods of Topographic Land Survey and Making of National Maps (Official Gazette No. 55/01);

25. *user of genetically modified organisms* means each legal or physical entity that imports, places on the market, uses or manufactures genetically modified organisms or products;

26. *landscape* means a certain area seen by human eye whose special features are a result of actions and interactions of natural and/or human factors;

27. *landscape diversity* means the spatial structuralization of natural and man-made landscape components (biological, ecological, geological, geomorphological and cultural values);

28. *karst* means a typical surface and underground relief and hydrography of carbonate rocks;

29. *modified living organism* means each genetically modified organism capable of transferring or reproducing the genetic material, including sterile organisms, viruses and viroids;

30. *man-made nature* means a part of nature formed by man for the purpose of education, shaping landscape elements or any other purpose important for the conservation of biological and landscape diversity (e.g. lines of trees, botanical gardens, arboretums, etc.);

31. *regeneration of nature* means a set of special measures and actions taken to bring the impaired state of biological and landscape diversity back to the state close to the original;

32. *nature conservation* means every procedure performed with the aim to conserve and improve the level of the biological and landscape diversity conservation;

33. *sustainable use of natural resources* means the use of natural resources in the manner and to the extent that does not lead to their degradation, but rather maintains their potentials in order to satisfy the needs and aspirations of present and future generations;

34. *contained use of modified living organisms* means each use of a genetically modified organism, which implies that it is bred, propagated, stored, transported, destroyed, eliminated or in any other way used in a closed system, or rather in a space separated by physical barriers or a combination of physical, chemical or biological barriers that prevent any contact of genetically modified organisms with the external environment or their impact on the same;

35. *nature damage* means the state of nature when due to human activities natural processes have been altered to such an extent that natural balance has been impaired or natural values destroyed;

36. *natural resource management plans* means basic planning elements for natural resource management, administration and utilization for economic, social and ecological purposes, as determined by special laws;

37. *applicant for use, release and placing of genetically modified organisms on the market* means a physical or legal entity that uses or intends to use genetically modified organisms, deliberately releases or

intends to release genetically modified organisms into the environment, or rather places or intends to place such products on the market; “application” means making a request accompanied by the documents required to a competent government authority for the obtainment of a permit;

38. *reintroduction in nature* means a repeated establishment or introduction of a species or subspecies into the area from which it has been previously exterminated and whose ecosystem still shows almost identical ecological conditions as before extermination;

39. *population* means a group of specimens of the same species, linked together in terms of time and space and interbreeding;

40. *favourable conservation status* of a species or a habitat type means a state that in a foreseeable future ensures the survival of this species or the habitat type;

41. *monitoring of the state* means a well defined and systematic monitoring of the state of nature or rather components of biological and landscape diversity;

42. *transboundary movement of genetically modified organisms* means import or export of genetically modified organisms or products containing genetically modified organisms;

43. *natural resources* means all components of nature exploited by man for economic purposes; natural resources may be non-renewable (mineral resources) and renewable (biological sources, waters, renewable soil);

44. *natural balance* means a state of mutually well balanced interrelations and influences among living beings and with their habitats. The natural balance is degraded when the quantitative or qualitative structure of a living community has been disturbed, a habitat damaged or destroyed, the functionality of an ecosystem destroyed or altered, interrelations between individual ecosystems interrupted or a considerable isolation of individual populations caused;

45. *natural values* means parts of nature that deserve special protection for the purpose of conservation of biological and landscape diversity, due to their vulnerability or in the scientific, cultural, aesthetic, educational, economic and other public interest;

46. *natural component* means each original component of nature (e.g. plant, animal, fossil, water, soil, etc.);

47. *genetically modified organism risk assessment* means a case-by-case assessment and evaluation of the risk to biodiversity or human

health likely to result from a contained use of genetically modified organisms, deliberate release into the environment or placing on the market;

48. *product of genetically modified organisms* means each preparation consisting of and/or containing one or more genetically modified organisms, regardless of the level of treatment, and intended for placing on the market;

49. *transit of modified living organisms* means any conveyance of genetically modified organisms over the territory of the Republic of Croatia intended for a user in another state;

50. *risk to nature* means a likelihood that an activity will directly or indirectly cause damage to nature;

51. *speleological formations* means naturally formed underground spaces, more than 5 meters long, that can be entered by man; the entrance dimensions are smaller than the formation depth or length (caves, pits, abysses, estavelles, etc.);

52. *habitat* means a unique functional unit of an ecosystem, defined by geographic, abiotic and biotic features; all habitats of a type make a habitat type;

53. *placing genetically modified organisms and products on the market* means to make genetically modified organisms and products available to the third party, either against payment or free of charge;

54. *foreign species* means a non-indigenous species that did not naturally inhabit a particular ecosystem of an area, but was intentionally or unintentionally introduced into the same;

55. *trap* means a device intended for keeping in place or catching animals by grippers that snap shut tightly around one or more animal's limbs, thus preventing the animal from pulling the limb or limbs out;

56. *modern biotechnology* means the application of in vitro technique of nucleic acid, including the recombined DNA and the direct injection of nucleic acid into cells or organelles, and fusion of cells outside a taxonomic family so as to overcome natural physiological obstacles to reproduction or recombination, being the techniques not used in the traditional breeding and selecting;

57. *taxon* means a classification unit of any rank in the taxonomy (naming) of organisms (micro-organisms, fungi, plants and animals); in the present Act this applies to species and subspecies;

58. *domesticated species* means a species whose evolution process was influenced by man in order to satisfy his needs;

59. *introduction into nature* means an intentional or unintentional establishment or introduction of species or subspecies into the ecosystem of an area that they have never naturally inhabited before;

60. *animal sanctuary* means a space intended for a temporary accommodation or treatment of sick or wounded animals, the rejected young that are still not able to survive in nature and animals seized from the owner because of being illegally kept in captivity, illegal trade, export, import and other reasons as determined by the law;

61. *import* means any bringing of a certain value into the customs area of the Republic of Croatia;

62. *plant growing* means growing of indigenous or foreign plants for the purpose of food production, sale, decoration, for industrial or medical, scientific, educational or research purposes and for the conservation of the species;

63. *animal breeding* means breeding (feeding, enabling procreation and cross-breeding) of indigenous or non-indigenous types of animals in a space separate from nature, for the purpose of food production, hunting, sale, scientific, educational or research purposes and for the conservation of the species;

64. *bred animal* means an offspring of parents bred in captivity;

65. *wetlands* means areas of marshes, reeds and moors, karst hydrological systems and other waters, both natural or artificial, permanent or temporary, with stagnant or running, fresh or salt water, including areas of sea-water whose depth at low tide does not exceed six metres;

66. *activity in nature* means each temporary or lasting influence of man on nature that may disturb the natural balance, unless aimed at nature protection and conservation;

67. *protected natural values* means natural values declared protected by a body determined by the present Act and entered into the register of protected natural values; these values include protected areas (strict reserves, national parks, special reserves, nature parks, regional parks, natural monuments, important landscapes, forest parks and monuments of park architecture), protected plant, fungi and animal taxa and protected minerals and fossils;

68. *closed system* means a laboratory or production department or any other insulated room intended for work with genetically modified organisms;

69. *autochthonous species* means an indigenous species inhabiting naturally a specific ecosystem of an area.

II. NATURE CONSERVATION

1. General Measures

Article 8

Nature protection is carried out in the manner as determined by the present Act, special regulations and international treaties to which the Republic of Croatia is a Party.

Article 9

(1) Owners and trustees of natural components must allow representatives of government bodies, regional and local self-government units responsible for nature protection (hereinafter referred to as: competent authorities) or their authorized persons, to visit and inspect these natural components for the purpose of study, collection of expert data and technical supervision of implementation of the nature protection conditions and measures prescribed.

(2) The provisions of paragraph 1 of the present Article apply also to protected natural values.

Article 10

For the purpose of preventing damage to nature it is prohibited to drive, park or organize motor vehicle traffic (test driving, cross driving, off-road driving, sport, competitive and promotional driving and similar forms of use) in areas outside settlements and outside all kinds of roads, country roads, arranged footpaths and proving ranges, except in cases of exercising official duties or performing agricultural, forest-related or other permitted activities, or rather when it is in conformity with the present Act and other regulations.

Article 11

For the purpose of biological and landscape diversity conservation a change in land use shall only be permitted in the manner as provided for by a special law, taking into consideration natural values, importance and structure of the landscape created by traditional and nature friendly methods of land use.

Article 12

(1) Pesticides and fertilizers may only be used on the basis of expert opinions and results of testing the overall state of endangered species in a nature friendly manner and in compliance with special regulations.

(2) In case of a reasonable doubt that the use of pesticides or fertilizers might endanger biodiversity or a natural value or rather that the use thereof is not environmentally acceptable, the minister responsible for nature protection (hereinafter referred to as: the Minister) shall require that the competent government body puts a temporary or permanent ban on the use of these agents in specific areas or on the entire area of the Republic of Croatia.

(3) Should the competent government body fail to put the ban as proposed by the Minister within fifteen days upon the submission of the proposal under paragraph 2 of the present Article, the Minister shall by a decree restrict or ban the use of pesticides or fertilizers endangering biodiversity or a natural value.

(4) The decree may be valid for sixty days at the latest.

1.1. Physical Planning and Use of Natural Resources

Article 13

(1) Physical planning and use of natural resources shall be carried out on the basis of physical planning documents and management plans in conformity with nature protection conditions and measures laid down for the purpose of biological and landscape diversity conservation.

(2) It shall be prohibited to use natural resources in the manner that causes

- lasting degradation of soil and loss of its natural fertility;
- lasting degradation of surface or underground geomorphological values;

- lasting impoverishment of the natural plant, fungi and animal life;
- lasting reduction of biological and landscape diversity,
- water pollution and threat to its usability.

Article 14

(1) Physical planning documents and natural resources management plans aiming at the protection of biological and landscape diversity shall contain nature protection measures and conditions provided for by the present Act and special regulations.

(2) Nature protection measures under paragraph 1 of the present Article include:

- an overview of protected and registered natural values, ecologically important areas and especially valuable landscapes including their features and assessment of the state;
- an overview of areas with expected occurrence of natural values, including recommendations for the procedure when discovering the same or designating them protected;
- protection measures and development orientations for protected natural values, ecologically important areas and especially valuable landscapes;
- measures for the conservation of biodiversity, especially those for the conservation of habitat types;
- cartographic presentation, including the map of habitat types as prescribed by the present Act.

(3) Nature protection measures contained in natural resources management plans shall be based on documents and other data issued by the Ministry of Environmental Protection and Physical Planning (hereinafter referred to as: the Ministry) at the request of the authority responsible for management plan preparation.

(4) Prior to preparation of natural resources management plan owners and trustees shall obtain nature protection conditions from the government authority responsible for nature protection. The competent authority shall issue nature protection conditions within sixty days upon the submission of the request to stipulate the conditions.

(5) Nature protection conditions shall be laid down on the basis of technical documents prepared by the State Institute for Nature Protection and regulations issued on the basis of the present Act.

Article 15

(1) In the procedure of preparing physical planning documents, except those passed by the Croatian Parliament, the Ministry shall lay down nature protection conditions depending on the type of the physical planning document.

(2) Nature protection conditions shall also be issued to the authority responsible for the preparation and to the maker of regional development documents.

(3) Physical plans covering specially protected areas, except national parks and nature parks cannot be adopted without previous consent of the Ministry.

Article 16

(1) Management plans for natural resources in protected areas will be issued by owners or trustees with the previous consent of the Ministry.

(2) Should the Ministry fail to deny or give the consent within thirty days, the consent will be considered given.

Article 17

(1) Should the manner or scope of the natural resource use pose a direct threat to the favourable status of a species or a habitat type, the Minister may by a decree restrict or prohibit temporarily the use thereof for the duration of the threat.

(2) The decree under paragraph 1 of the present Article shall be issued by the Minister after having obtained the consent of the minister responsible for management of the natural resource that will be used.

(3) Should the minister responsible for management of that natural resource fail to give the consent within fifteen days, the consent shall be considered given.

(4) For the restrictions imposed pursuant to the decree under paragraph 1 of the present Article the owners and trustees are entitled to compensation proportional to the decrease of revenue.

(5) The compensation amount shall be agreed by mutual consent, and in case of a dispute about the compensation amount the decision shall be made by the court. The compensation shall be paid from the government budget.

(6) The owner and the trustee failing to proceed in accordance with the decree under paragraph 1 of the present Article will be held responsible for the damage caused to a species or a habitat type that occurred after issuance of the decree.

1.2. Activities in Nature

Article 18

(1) Activities in nature shall be planned so as to prevent or minimize the degradation of nature.

(2) While performing an activity the contractor must act in such a manner to cause the least possible damage to nature. Upon completion of the activity the contractor shall, in the zone affected by the activity, restore or bring the state of nature as close to the condition prior to the activity as possible.

1.3. Evaluation of Activity Acceptability to Nature

Article 19

(1) In case of a planned activity in nature that is likely, by itself or in combination with other activities, to have a considerable impact on an ecologically important area or a protected natural value, its acceptability to nature with respect to the objectives of conservation of this ecologically important area or a protected natural value shall be evaluated in conformity with the present Act and special regulations.

(2) In case of planned activities in nature under paragraph 1 of the present Article, for which an environmental impact assessment has been made obligatory by a special regulation, the acceptability to nature shall be evaluated within the context of environmental impact assessment in conformity with a special regulation.

(3) By evaluating the acceptability of an activity to nature possible effects of the planned activity on the protected natural value or an ecologically important area will be identified with respect to objectives of the habitat and type conservation or to protection measures prescribed.

(4) In case of several minor activities with the same objective that do not require individual evaluation of acceptability to nature, if conducted on a single habitat or area, a single evaluation of activity acceptability to nature shall be carried out.

(5) Evaluation of activity acceptability to nature, which is not carried out within the context of an environmental impact assessment, shall be carried out by the Ministry at the proposal of the State Institute for Nature Protection.

Article 20

(1) If an activity under Article 19, paragraph 1 of the present Act is acceptable to nature, the evaluation of activity acceptability to nature shall contain a proposal for nature protection conditions and a proposal for compensation conditions.

(2) The contents, the time limit and the method of evaluating the acceptability of an activity to nature, the method of public information and the method of calculating the amount of caution money required for elimination of possible effects on nature shall be laid down by the Minister in a rulebook.

Article 21

(1) If the planned activity in nature is evaluated as acceptable to nature, the Ministry shall issue a decision granting a permit for the activity. The decision may lay down nature protection conditions comprising also compensation conditions. The decision may also provide for the payment of caution money for elimination of possible impacts on nature up to the amount of anticipated costs necessary for remediation of possible damages, including the method of the caution money payment and return.

(2) In case that the activity planned is not acceptable to nature, the Ministry shall issue a decision to deny permit for the activity planned.

(3) Exceptionally, in case that the planned activity is not acceptable to nature, the Government of the Republic of Croatia (hereinafter referred to as: the Government) may, due to the prevailing public interest, including that of economic and social nature, or for the lack of other appropriate solutions, grant a permit for execution of the planned activity, based on the previously obtained public opinion. Public opinion shall be provided in the manner as prescribed by the by-law under Article 20, paragraph 2 of the present Act. The decision on granting a permit shall make it obligatory to a person performing an activity to fulfil compensation conditions contained in the permit.

(4) If in the area of the planned activity a habitat type or a habitat of a plant, fungi or animal plant especially protected on the basis of international treaties and other regulations may be found, the prevailing

public interest underlying the permit for the planned activity may only relate to the protection of human health and public security or to the establishment of substantially more favourable conditions for nature.

Article 22

(1) If nature protection measures are not contained in physical planning documents applying to building construction and execution of other works and activities in the area of a national park, a strict and a special reserve and a natural monument, to buildings of importance for the Republic of Croatia as laid down by a special regulation, to activities for which environmental impact assessment or rather evaluation of activity acceptability to nature conditions is required in conformity with the present Act or a special regulation and to activities in space that cover the area of two or more counties and the City of Zagreb and are subject to issuance of a decision on siting conditions, the Ministry shall prescribe nature protection conditions.

(2) If nature protection measures are not contained in physical planning documents applying to building construction and execution of other works and activities in the area of a nature park, a regional park, an important landscape, a forest park and a monument of park architecture and to building construction and execution of works outside building areas which are subject to issuance of a decision on siting conditions, nature protection conditions shall be prescribed by the government office of the regional self-government unit responsible for nature protection activities (hereinafter referred to as: the government office of the County and the City of Zagreb).

(3) The competent authority under paragraphs 1 and 2 of the present Article shall prescribe nature protection conditions within thirty days upon the submission of request.

(4) The building permit may be granted and execution of other works permitted providing that the authorities under paragraphs 1 and 2 of the present Article, each within its own competence, confirm in writing that the general design or corresponding documents have been prepared in accordance with the nature protection conditions. The competent authority is bound to furnish the confirmation within thirty days.

(5) The competent authority under paragraphs 1 and 2 of the present Article or its representative shall withhold a positive opinion about the use of the building, if a technical inspection commission finds that, as regards nature protection, the building has not been constructed in accordance with the general design for which the confirmation has been furnished.

(6) Nature protection conditions under paragraphs 1 and 2 of the present Article shall be laid down by the competent authority on the basis of a rulebook on internal order in protected areas and measures prescribed for the protection of the ecological network and habitat types.

*1.4. Mitigation of Harmful Effects on Nature
Caused by Activities in Nature or Use of Natural Resources*

Article 23

(1) Compensation conditions are actions undertaken to mitigate or compensate for the foreseeable damages to nature.

(2) Compensation conditions shall be laid down depending on the damage to nature anticipated or caused and the possibility of compensation.

(3) When selecting a compensation condition priority shall be given to compensation by an area that shows features identical or similar to those of the damaged nature for which compensation is carried out and that will ensure connection and integrity of the ecological network.

(4) The forms of compensation conditions are:

- establishment of a compensation area showing features identical or similar to those of the nature damaged;
- establishment of another area important for conservation of the biological and landscape diversity, or rather protection of natural values;
- payment of a sum to the value of damage caused to nature in case that no remediation or other compensation conditions may be carried out.

(5) The method of calculation and payment of the amount under paragraph 4, subparagraph 3 of the present Article shall be determined by the rulebook under Article 20, paragraph 2 of the present Act. The amount shall be paid to the government budget.

(6) Compensation conditions shall be laid down by the decision under Article 21, paragraph 1 of the present Act, or rather by the decision on activity acceptability to nature issued in compliance with a special regulation.

Article 24

(1) In case that an activity in nature or the use of natural resources is carried out in contravention of nature protection conditions prescribed and thus causes unpermitted damages to nature, the person performing the activity or using the natural resources shall without delay eliminate harmful effects of his activities at his own cost.

(2) Should the person performing the activity or using the natural resources fail to eliminate harmful effects of his activities in accordance with paragraph 1 of the present Article, thus causing damages to nature in ecologically important areas, protected areas or other natural values, the Ministry shall, by a decision, impose a compensation condition to person performing the activity or using the natural resources that he is bound to fulfil in conformity with Article 23 of the present Act, and fix the amount of compensation for damage caused to nature.

(3) The funds raised by compensation of damage are budgetary revenues.

2. Landscapes

Article 25

In physical planning and regional development, including planning and use of natural resources, it is necessary to ensure conservation of important and distinctive features of a landscape and maintenance of biological, geological and cultural values that define its importance and aesthetic impression.

Article 26

(1) By their significant and typical features landscapes are classified into landscape types expressing the diversity of natural and cultural heritage.

(2) Under the significant and typical features of a landscape in terms of the present Act it is to understand parts of nature characteristic for specific landscape types or artificial landscape components that have a natural, historical, cultural, scientific or aesthetic value.

(3) Landscape types shall be determined by the Ministry at the proposal of the State Institute for Nature Protection, under participation of public, the competent government office of the County and the City of Zagreb, local or rather regional self-government units and other legal and physical entities interested in identification of the landscape value.

(4) The list of landscape types shall be published in the "Official Gazette".

(5) When landscape types are determined, their features, vulnerability and threats posed to them shall be examined and analysed, and changes in significant and characteristic features monitored and recorded.

(6) Monitoring of the state of significant and characteristic features of landscapes shall be carried out by regional and local self-government units in co-operation with the State Institute for Nature protection and other authorized legal entities.

Article 27

(1) The State Institute for Nature Protection shall evaluate landscape types taking into consideration special values ascribed to them by the population and other interested legal and physical entities.

(2) Especially valuable landscapes shall be determined by the Minister in a rulebook after obtainment of the opinion of the minister responsible for culture and the minister responsible for agriculture and forestry.

(3) Especially valuable landscapes enjoy the protection as protected natural values in conformity with the present Act.

Article 28

(1) Exploration and exploitation of mineral resources shall be carried out in such a manner to conserve landscape values of the space to the highest degree possible.

(2) Harmful effects on a landscape likely to be caused by exploitation of mineral resources shall be avoided by selecting the most favourable site, type and scope of the activity planned.

(3) Harmful effects on a landscape caused by exploration and exploitation of mineral resources will be eliminated by remediation of the extraction site or rather by the arrangement of the entire exploitation field, by shaping the same according to the state of nature for the purpose of establishing a near-nature landscape or rather for preparation of the site for other purposes acceptable to nature.

(4) The statement about the completion of the mining project examination and approval of the project design cannot be issued unless the Ministry issues a certificate confirming that the project

design of remediation or rather arrangement of the entire exploitation field has been prepared in conformity with nature protection conditions prescribed. Should the Ministry fail to withhold or issue the certificate within thirty days, the certificate of conformity with nature protection conditions prescribed will be considered issued.

(5) The project of remediation or rather arrangement of the exploitation site affected by the activities upon completion of mineral resources exploitation shall form a constituent part of the main mining project for mineral resources exploitation.

(6) After a complete or permanent suspension of exploitation works it is necessary to take precautionary measures to exclude any possible risk for humans, property and land in conformity with a special regulation. The competent authority designated by a special regulation shall not issue a certificate of a completed remediation until the Ministry delivers the opinion that remediation measures taken have been determined by the project design in conformity with the present Act. The opinion about remediation measures taken shall be delivered by the Ministry within thirty days.

3. Ecosystems

Article 29

(1) The protection of ecosystems shall be carried out by implementing measures of biodiversity conservation during the use of natural resources and physical planning, and by protecting habitat types.

(2) The Ministry shall keep a cadastre of ecosystems and, together with a government body responsible for natural resource management, monitor the state of special and threatened ecosystems or rather habitat types in conformity with the present Act and regulations issued pursuant to the present Act.

Article 30

(1) The forest ecosystem biodiversity conservation shall be carried out in conformity with the present Act and special regulations.

(2) The forest biodiversity conservation within the context of forest management shall be based on the principles of sustainable development and, where feasible, on the principles of maintaining the natural composition of species and their natural regeneration.

(3) Forest management in terms of paragraph 2 of the present Article shall be executed on principles of forest certification and in accordance with a special regulation.

(4) For protected areas a programme for the protection of forest ecosystems containing measures for their protection, improvement and monitoring of the state shall be adopted.

(5) Components of the forest ecosystem protection programme shall be laid down by the Minister in a rulebook, with the approval of the minister responsible for forestry.

(6) The forest ecosystem protection programme shall be a constituent part of the management plan of public institutions that manage protected areas as referred to in Article 181, paragraph 1 of the present Act and of forest management plans.

Article 31

(1) Afforestation, where permissible by habitat conditions, shall be carried out with autochthonous tree species in a composition reflecting the natural composition and using nature-friendly methods.

(2) Afforestation of non-forest surface areas shall be carried out in places where justified, under the condition that non-forest and rare habitat types are not endangered.

(3) Endangered and rare habitat types shall be entered into forest management plans of a specific area on the basis of the habitat type map under Article 52 of the present Act.

Article 32

(1) For the purpose of biodiversity conservation the use of biological and bio-technical pesticides in forests is allowed.

(2) Should a causative agent appear that is likely to cause major economic damage and there is no adequate biological or bio-technical pesticide available, chemical pesticides may be used with the permission of the government body responsible for agriculture and forestry issues.

Article 33

(1) For the purpose of biodiversity conservation it is necessary to ensure a permanent percentage of mature, old and dry trees in all

forests, especially trees with holes, as laid down by nature protection conditions that form a constituent part of forest management basics.

(2) Nature protection conditions shall be prescribed for each individual ecological and economic type of forest.

(3) During final cutting of larger forest surface areas smaller surfaces, as determined by forest management basics, shall be left uncleared of trees for the purpose of biodiversity conservation, wherever possible and appropriate.

(4) For the purpose of enriching the biological and landscape diversity forest management shall be executed in such a manner to preserve forest clearings (meadows, pastures, etc.) and forest edges to the maximum extent.

(5) Within the context of forest management it is necessary to ensure the extension of the cutting maturity of indigenous types of trees with respect to physiological lifetime of individual species and the health condition of forest community.

Article 34

(1) Karst ecosystems represent a wealth on a global scale of values and are considered natural values in terms of the present Act.

(2) In management plans for karst natural resources possible impacts of their use on the entire catchment area shall be assessed.

(3) Given the exceptional vulnerability of underground animal species and habitats, legal and physical entities shall, when carrying on certain activities, pay special attention to the protection of karst area ground waters against pollution and take all measures that may be necessary to minimize pollution and permanently monitor the state of waters.

Article 35

(1) Speleological formations represent natural values in terms of the present Act and are covered by protection measures in compliance with Articles 36 to 39 of the present Act, or rather by special protection measures under the present Act, if designated protected natural values.

(2) Speleological formations are the property of the Republic of Croatia.

(3) For speleological formations a cadastre shall be drawn up.

(4) The cadastre will be established and kept by the State Institute for Nature Protection. The form, contents and methods of keeping the cadastre will be laid down by the Minister in a rulebook.

(5) The discovery of any speleological formation or a part thereof shall be reported to the Ministry within 8 days.

Article 36

(1) It is prohibited to damage, destroy and take away the cave ornaments and animate world of speleological formations.

(2) For the purpose of protecting speleological formations or the parts thereof the authorization of the Ministry will be required:

- to visit, use or arrange a speleological formation or a part thereof;
- to close an entrance or a part of the cave and to construct, reconstruct or restore any underground facility;
- to carry out research work and experiments or to collect plant, fungi and animals in the speleological formation or a part thereof;
- for scuba-diving in a speleological formation;
- for shooting films or taking pictures by means of electronic devices in a speleological formation and
- for all other actions and activities affecting the basic features, conditions and natural flora or fauna of a speleological formation or the ground surface above the same.

(3) The decision on authorization shall also include nature protection conditions.

Article 37

If a speleological formation is located in a protected area or is specially protected, the speleological formation shall be managed by an authorized public institution in conformity with the provisions of the present Act.

Article 38

(1) If a speleological formation is located outside a protected area or if not specially protected, the speleological formation management for the purpose of visiting and touring may be entrusted to a legal or physical entity pursuant to the decision on the concession award.

(2) The decision to grant a concession shall be taken by the Ministry on the basis of a programme of visits and tours. The decision on a concession shall contain nature protection conditions.

(3) To the procedure of the concession award and use the provisions of Articles 206 to 217 of the present Act shall apply accordingly.

(4) The programme as referred to in paragraph 2 of the present Article shall contain a proposal of measures for the protection of the speleological formation, conditions for making a tour thereof and measures for the protection of visitors.

Article 39

(1) The owner or the trustee of the land on which a speleological formation is situated shall neither endanger nor damage the speleological formation, fill in the entrance or impede its use in a permissible manner. He is obliged to provide access and a tour of the formation for permissible purposes.

(2) The owner and the trustee of the land on which a speleological formation is situated have a right to compensation for restrictions imposed on them due to the use of the speleological formation in proportion to the decrease of income. The amount of the compensation shall be fixed by mutual agreement and in case of a dispute over the amount of the compensation the decision shall be made by the court. The compensation shall be paid from the government budget or from the budget of the county or the City of Zagreb.

(3) Should a concession be granted for the use of a speleological formation, the owner should be paid a compensation for restrictions imposed on him, which is to be fixed pursuant to paragraph 2 of the present Article.

Article 40

(1) Wetlands, including waters, represent natural values in terms of the present Act and should therefore be conserved in the natural or near-natural state wherever possible and appropriate.

(2) To issues of the protection of wetlands, including waters, not governed by the present Act provisions of special regulations shall apply.

(3) In execution of their activities physical and legal entities shall take care of water protection against pollution, take necessary

measures to minimize pollution and monitor permanently the state of pollution.

(4) All natural lakes and ponds, including all littoral pools exceeding 0.01 hectare, natural and near-natural marshes exceeding 0.25 hectare, moors, springs and brooks with a 2 m wide coastal belt represent ecologically important areas in terms of the present Act.

Article 41

(1) In wetlands no erection of barriers in watercourses, reclamation, and filling up of springs, ponds, etc. is permitted, if by this the survival of natural values and conservation of biodiversity are endangered.

(2) The volume of water reserves in wetlands under paragraph 1 of the present Article, which are necessary for the survival of natural values and conservation of biodiversity shall be determined by the Minister upon the obtainment of the consent of the government body responsible for waters and on the basis of a study of water reserve requirements in wetlands prepared by the State Institute for Nature Protection in co-operation with the government body responsible for waters.

(3) Both the competent authorities and physical and legal entities shall, within the scope of their work or rather in execution of their activities, ensure the treatment of municipal and industrial wastewater emptied into waters and wetlands.

(4) Waters shall be protected against pollution or rather contamination, and their natural ability of self-purification shall be preserved or re-established. The government body responsible for waters is obliged to ensure permanent water pollution monitoring.

Article 42

It is prohibited to construct buildings or use for economic purposes natural resources round natural springs, along the banks of natural and near-natural watercourses and wetlands, along the banks of natural or artificial lakes or in flood plains of watercourses, along the sea coast and especially along the coasts of sea coves, unless permitted by a special regulation or physical planning documents.

Article 43

(1) Activities on the sea and below the surface of the sea shall neither destroy nor endanger marine habitats.

(2) Conservation of biodiversity shall be provided by implementation of measures for preservation of habitat types in a favourable condition under Article 53 of the present Act and measures for conservation of wild taxa under Article 59 of the present Act.

Article 44

(1) For the purpose of biodiversity conservation competent authorities or authorized legal entities shall provide equipment for the reception of oily, bilge and polluted waters discharged from ships in ports open for international navigation in compliance with special regulations.

(2) It is prohibited to discharge polluted or rather faecal wastewater from vessels into waters of protected nature parts.

(3) Vessels entering the waters of protected nature parts must be equipped with special containers for the reception of polluted or rather faecal wastewater.

(4) The method of eliminating impacts of the intentional or unintentional discharge of polluted or rather faecal wastewater as referred to in paragraph 2 of the present Article shall be determined by the Minister with the previous consent of the minister responsible for maritime affairs.

Article 45

(1) For the purpose of conserving biodiversity of the Adriatic Sea and preventing the spreading of invasive foreign species and pathogens by means of ballast waters, a ballast water management and supervision system shall be introduced.

(2) The system under paragraph 1 of the present Article shall apply to all vessels, floating and stationary offshore facilities entered into corresponding registers and records of the Republic of Croatia, including all vessels, floating and stationary offshore facilities while in the marine and submarine area under the jurisdiction of the Republic of Croatia, with the exception of facilities expressly excluded by applicable international treaties.

(3) The ballast water management and supervision system as referred to in paragraph 1 of the present Article shall be governed by a special regulation in conformity with applicable international standards.

Article 46

For the purpose of marine biodiversity conservation it is prohibited to place on the market and use harmful antivegetative, self-polishing organostannic polymeric coatings based on 3-butyl tin for vessels, floating and stationary offshore facilities.

Article 47

If required by the protection of individual strictly protected species or habitat types, the Minister may, after obtaining previously the consent of the minister responsible for fisheries, exclude by a decree parts of the sea and undersea area temporarily or permanently from fishing and other forms of use.

Article 48

For the purpose of biodiversity conservation grasslands shall be managed by grazing and by a regime of mowing adapted to the grassland type, including a nature-friendly use of pesticides and fertilizers.

Article 49

(1) For the purpose of conserving biological and landscape diversity of arable land it is necessary to preserve valuable and endangered peripheral habitats (hedges, individual trees, groups of trees, ponds and meadow belts).

(2) When planning and consolidating agricultural land it is necessary to maintain to the maximum extent the existing or create new habitats as referred to in paragraph 1 of the present Article and to make plans for their arrangement and size in such a manner to ensure the highest possible habitat value for biological and landscape diversity.

Article 50

For the purpose of conserving the biological and landscape diversity of planned building areas, physical planning documents shall ensure interconnection between identical habitat types, maintain the existing and create artificially green areas, trees, groups of trees, stagnant and non-stagnant waters and other habitats, giving priority to autochthonous species and habitats.

4. Ecological Network

Article 51

(1) Conservation of an ecosystem shall be ensured by maintaining a favourable conservation status of habitat types or rather by restoration of habitats whose favourable status has been deteriorated.

(2) A habitat type is considered to have a favourable conservation status:

- if its natural area of spread and the surface area that is covers are stable or increasing;
- if a specific structure and functions indispensable for its long-term survival exist and are likely to persist in a foreseeable future, and
- if the favourable conservation status of its important biological species is guaranteed.

Article 52

(1) Habitat types shall be mapped and their status and threats assessed and monitored.

(2) Threatened habitat types are those that do not have a favourable conservation status and are therefore threatened by extinction.

(3) Areas of threatened and rare habitat types are ecologically important areas in terms of the present Act.

(4) Kinds of habitat types, habitat maps and threatened and rare habitat types shall be determined by the Minister in a rulebook.

(5) Monitoring of the state and threats to habitats shall be carried out by the State Institute for Nature Protection in co-operation with other authorized legal entities.

Article 53

(1) Measures for maintaining a favourable conservation status of habitat types shall be prescribed by the Minister in a rulebook, after obtaining the consent of the government body responsible for agriculture, forestry, hunting, fisheries and waters.

(2) Measures for maintaining a favourable conservation status of habitat types shall be incorporated into physical planning documents and plans for natural resources management.

(3) Legal and physical entities carrying on activities in the field of habitat types are bound to implement measures in conformity with paragraph 1 of the present Article.

Article 54

(1) Ecologically important areas are:

- areas that are biologically highly diverse or well preserved and of international importance according to the criteria of international treaties to which the Republic of Croatia is a party;
- areas that contribute considerably to conservation of biological and landscape diversity of the Republic of Croatia;
- areas of habitat types threatened on a global, European or national scale;
- habitats of species threatened on a global, European or national scale;
- habitats of endemic taxa of the Republic of Croatia;
- areas making a major contribution to genetic interconnection of populations of biological species (ecological corridors);
- migratory routes of animals and
- preserved forest communities.

(2) A system of interconnected or spatially close ecologically important areas, that by their well-balanced bio-geographical spread contribute considerably to maintenance of a natural balance and biodiversity, constitutes an ecological network. Components of the ecological network are connected by natural or artificial ecological corridors.

(3) The ecological network comprising a system of ecologically important areas and ecological corridors shall be prepared by the State Institute for Nature Protection and designated by a by-law of the Government at the proposal of the Ministry.

(4) A constituent part of the ecological network under paragraph 3 of the present Article shall be an ecologically important area as determined by the representative body of the County or the City of Zagreb, following the procedure of designating a protected nature part.

Article 55

(1) The protection of ecologically important areas shall be ensured by implementation of measures and nature protection conditions laid down with the aim to conserve biological and landscape diversity and protect natural values in compliance with the provisions of the present Act.

(2) No activities likely to result in devastation or any other considerable or permanent damage to an ecologically important area are permitted.

(3) The Ministry may, exceptionally, permit activities under paragraph 2 of the present Article, if the damage caused to the ecologically important area may be compensated for by adequate measures, or in case that activities and actions are necessary in a prevailing general interest.

(4) In case of granting a permit in conformity with paragraph 3 of the present article the Ministry shall lay down compensation conditions.

Article 56

(1) An ecological area of international importance is an area important for conservation or achievement of a favourable conservation status of species, their habitats and habitat types in Europe pursuant to international standards.

(2) Ecological areas of international importance shall be designated by the Government by a by-law providing for the protection by a specific regime of protection in compliance with the provisions of the present Act.

(3) The management of an ecological area of international importance under paragraph 2 of the present Article shall ensure conservation and improvement of its features that are of utmost importance for the maintenance of favourable conservation status of a habitat type or a wild species.

(4) For the purpose of protecting ecological areas of international importance and improving interconnections of the ecological network, features that are of utmost importance for the maintenance of a favourable conservation status of species protected pursuant to international treaties to which the Republic of Croatia is a party shall be safeguarded and developed.

(5) No activities likely to result in devastation or any other considerable or permanent damage to an ecological area of international importance shall be permitted.

5. Species and Subspecies

5.1. General Measures

Article 57

(1) Wild species and subspecies of plants, fungi and animals (hereinafter referred to as: wild taxa) include:

- animate and inanimate specimens of wild growing plants and fungi and free-living animals, including their cultivated/bred specimens,
- their development forms (eggs, larvae, pupae, seeds, fruit, mycelia, etc.);
- the parts and derivatives thereof and
- easily recognizable products derived from the same.

(2) It is prohibited to exterminate an indigenous wild taxon.

(3) It is prohibited to reduce the number of wild taxa populations, destroy their habitats or change their living conditions to the extent that would pose threat to the taxon.

(4) A favourable conservation status of wild taxa shall be ensured by the protection of their habitats and by protection measures taken for individual taxa in compliance with the provisions of the present Act.

(5) The conservation status of a wild taxon is considered favourable if the spread and number of population do not exceed the limits of natural oscillations and do not show any long-term downward trend, and if habitats are spacious enough to ensure a long-term maintenance of the population.

Article 58

(1) It is prohibited:

- to disturb, capture, hurt or kill wild animals deliberately,
- to remove wild plants and fungi deliberately from their habitats, to reduce their populations or devastate the same in any other manner,
- to damage or devastate deliberately the habitats of wild taxa without any valid reason.

(2) The reason under paragraph 1 of the present Article shall be considered valid if there is a prevailing public interest or if it has a beneficial consequence.

Article 59

(1) When performing activities in nature and using natural resources in the way that affects habitats of wild taxa, those manners, methods and technical means shall be applied that contribute to the maintenance of a favourable conservation status of the species, or rather that cause the least disturbance to wild taxa or habitats of their populations. Thus it is possible to restrict activities in habitats of the populations of animal species in the period of time that corresponds to their vitally important periods of time.

(2) Conservation of wild taxa and their habitats as referred to in paragraph 1 of the present Article is a constituent part of nature protection measures and conditions under Article 14 of the present Act.

Article 60

(1) Public and other roads or structures crossing the known migratory routes of wild animals shall be constructed in the manner to ensure safe crossing of wild animals at appropriate distances.

(2) The constructed crossings that ensure the undisturbed and safe crossing of wild animals shall be protected as natural values.

(3) Protection measures, persons obliged to implement the same and the methods of maintaining the crossings under paragraph 2 of the present Article shall be prescribed by the Minister in a rulebook, with the consent of the minister responsible for public works and building and the minister responsible for power industry.

Article 61

(1) Towers and technical components of medium-voltage lines shall be constructed in such a manner to protect birds against an electric shock.

(2) On towers and technical components constructed before the effective date of the present Act, which pose a serious threat to birds, necessary measures for the protection of birds against an electric shock will be taken within five years upon the effective date of the present Act.

(3) Provisions of paragraphs 1 and 2 of the present Article shall not apply to overhead contact wires of railways.

(4) The method of constructing towers and technical components of medium-voltage lines, or rather measures for the protection of birds under paragraph 2 of the present Article shall be determined by the Minister in a rulebook, with the consent of the minister responsible for power industry.

Article 62

(1) For the collection of plants, fungi and any part thereof, and for catching or killing animals for the purpose of processing, trading and any other operation a permit shall be obtained from the Ministry, unless provided otherwise by the present or any other Act. The permit shall be granted by a decision.

(2) Activities under paragraph 1 of the present Article may be performed with the previous consent of the owner or the trustee of natural resources.

(3) Conditions for the obtainment of a permit under paragraph 1 of the present Article and volumes and ways of using wild taxa shall be prescribed by the Minister in a rulebook, on the basis of the opinion obtained previously from the minister responsible for agriculture and forestry.

(4) Should the manner or extent of using plants, fungi or animals pose a direct threat to the favourable conservation status of the species, the Minister shall by a decree restrict or temporarily prohibit the use thereof, after getting the opinion of the minister responsible for agriculture and forestry.

Article 64

(1) It is prohibited to introduce wild taxa into nature in the territory of the Republic of Croatia.

(2) It is prohibited to introduce allochthonous fish species into natural and near-natural waters and to transfer such species from fish farms into other wetlands.

(3) The introduction under paragraph 1 of the present Article may exceptionally be permitted if scientifically founded and acceptable from the aspect of nature protection and sustainable management.

(4) The Ministry shall grant the permit as referred to in paragraph 3 of the present Article on the basis of the risk assessment study regarding introduction into nature and with previously obtained consent of the ministry responsible for agriculture and forestry affairs, unless determined otherwise by a special regulation. The permit shall be granted by a decision.

(5) Conditions and methods of elaborating and conducting the risk assessment study concerning introduction into the nature shall be prescribed in detail by the Minister in a rulebook.

(6) The costs of elaborating the study and conducting the risk assessment procedure concerning introduction into nature shall be borne by the legal or physical entity that applied for the permit.

(7) The cultivation/breeding of allochthonous wild taxa under controlled conditions that make the colonization in nature impossible shall not be considered introduction.

Article 65

(1) For the purpose of preventing an unintentional introduction of allochthonous taxa into the area of the Republic of Croatia the Minister shall by a rulebook prescribe precautionary measures with the consent of the minister responsible for agriculture and forestry.

(2) In case of an unintentional introduction of allochthonous taxa into the area of the Republic of Croatia, or in case of a reasonable doubt that such an introduction is likely to take place, the Minister shall by a decree prescribe measures to be taken with the aim to destroy or prevent any further spread of allochthonous taxa introduced.

Article 66

(1) Reintroduction of the disappeared wild taxa into nature in the territory of the Republic of Croatia may only be performed with a permit of the Ministry, granted on the basis of the previously obtained consent of the ministry responsible for agriculture and forestry affairs and public opinion.

(2) Reintroduction of the disappeared wild taxa onto islands may only be performed with a permit of the Ministry granted on the basis of the previously obtained consent of the ministry responsible for agriculture and forestry and of the public opinion.

(3) Permits under paragraphs 1 and 2 of the present Article shall be granted by the Ministry on the basis of the risk assessment study

concerning reintroduction into nature. The permit shall be granted by a decision.

(4) Conditions and methods of elaborating and conducting the risk assessment study concerning reintroduction into nature shall be prescribed in detail by the Minister in a rulebook as referred to in Article 64, paragraph 5 of the present Act.

(5) The costs of elaborating the study and conducting the risk assessment study concerning reintroduction into nature shall be borne by the legal or physical entity that applied for the permit.

5.2. Transboundary Movement of Protected Wild Taxa

Article 67

(1) A permit for export, import, re-export or transit of animals, fungi and plants protected pursuant to the present Act or international treaties to which the Republic of Croatia is a party, the parts and derivatives thereof shall be granted by the Ministry subject to the protection prescribed. The permit shall be granted by a decision.

(2) The permit under paragraph 1 of the present Article shall be granted on the basis of a documentary evidence:

- of a legal origin of the wild animal, fungi and plant or of an evidence that the specimen has been bred;
- of the animal or shipment being marked in the manner as laid down by the rulebook under paragraph 7 of the present Article;
- of an export permit granted by the competent authority of the exporting country in case of an export and
- of the fulfilment of all other conditions laid down by the provisions of international treaties to which the Republic of Croatia is a party or of the present Act.

(3) The permit under paragraph 1 of the present Article shall only be granted if import, export, re-export or transit permitted have been found by the Ministry not to pose any threat to wild populations of the relevant animal, fungi or plant in question.

(4) The permit under paragraph 1 of the present Article shall also be obtained in case of a hybrid whose one or both parents belong to a protected wild taxon pursuant to the present Act or international treaties to which the Republic of Croatia is a party.

(5) The permit under paragraph 1 of the present Article shall not be required in case of personal and household effects derived from

protected animals, fungi or plants, or in case of a non-commercial exchange between scientists or specialized scientific institutions.

(6) A transit permit is not required if thus laid down by international treaties to which the Republic of Croatia is a party.

(7) Species for which the permit under paragraph 1 of the present Article is granted, the procedure and conditions of the issue of the permit, its contents, marking of animals and shipments, methods of exercising supervision, maintaining records and drawing up reports shall be prescribed by the Minister in a rulebook.

(8) In case of an import, export or transit of live animals under paragraph 1 of the present Article the specimens shall be transported and taken care of in the manner that minimizes the risk of an injury, damage to health or inhuman treatment in compliance with special regulations.

Article 68

(1) Anyone importing or exporting an animal, a fungus or a plant subject to the procedure laid down by the present Act or international treaties to which the Republic of Croatia is a party, shall declare each import or export to the competent customs authorities and present the permit as referred to in Article 67, paragraph 1 of the present Act and other documents in compliance with special regulations.

(2) In case of an export, import or transit under Article 67, paragraph 1 of the present Act the customs authorities shall check the relevant permits depending on the protection of wild taxa prescribed, and authenticate the crossing of the border in a box of the permit form designed for that purpose. In case of an export a corresponding copy of the authenticated permit bearing the note "For exporting country" shall be submitted by customs authorities to the Ministry.

(3) Other competent authorities at border crossings shall cooperate in the control of import, export and transit under Article 67, paragraph 1 of the present Act, each within the scope of its relevant activities.

(4) With the consent of government bodies responsible for customs operations, import and export of wild taxa under Article 67, paragraph 1 of the present Act the Minister shall by a rulebook designate border crossings for import, export and transit of these taxa and prescribe conditions to be fulfilled by these border crossings.

Article 69

(1) Should in case of an import, export or transit as referred to in Article 67, paragraph 1 of the present Act the customs authorities be not able to identify whether animals, fungi or plants belong to taxa whose import or export is subject to restrictions or bans, they shall be entitled:

- to store the same by themselves or have them kept by another persons at the expense of the importer or exporter respectively, until it is cleared whether they belong to taxa whose import, export or transit is subject to restrictions;
- to leave them to the importer or exporter respectively until the completion of the procedure, but putting a ban on the free disposal thereof.

(2) Customs authorities may require the importer or exporter respectively to submit a certificate issued by an authorized legal or physical entity from the list of the Ministry stating that animals, fungi or plants in question do not belong to taxa whose import or export is subject to restrictions in compliance with the provisions of the present Act or international treaties to which the Republic of Croatia is a party. Should the action of the customs authorities prove to be unfounded, the Republic of Croatia shall compensate the importer or exporter respectively for the costs suffered by obtaining the certificate and extra costs of keeping.

(3) Animals, fungi or plants found by the customs authorities to be imported or exported without the required permits or other documents shall be confiscated until the completion of the procedure and the confiscation of animals, fungi or plants confirmed in writing. Animals, fungi or plants confiscated shall be given in charge of an authorized legal or physical entity from the list of the Ministry, but may also be given for safekeeping to the importer or exporter, putting a ban on the free disposal thereof. In case of the failure to produce the permit prescribed or another documents required within a month after confiscation or within an extended time-limit that shall not exceed two months, the customs authorities shall make a decision on seizure.

(4) Should the customs procedure conducted on animals, fungi or plants show them to be animals, fungi or plants for which no import or export permit is granted, they shall be seized and a receipt made out for the animals, fungi or plants seized.

(5) In cases under paragraphs 3 and 4 of the present Article the customs authorities shall as soon as possible notify the Ministry which will decide on a temporary or permanent providing for animals, fungi or plants seized, taking into consideration the provisions of special

regulations and international treaties to which the Republic of Croatia is a party.

(6) Animals, fungi or plants confiscated or seized may be temporarily or permanently given in charge of physical or legal persons authorized by the Ministry in a manner as laid down by rulebook referred to in Article 75, paragraph 1 of the present Act.

(7) Should animals, fungi or plants confiscated or seized be sold by auction, the proceeds shall be paid to the owner, if he/she can prove the ignorance of the fact that it is an animal, a fungus or a plant for which no import or export permit is issued, or it shall be paid to the government budget.

(8) Confiscated or seized animals, fungi or plants sold by auction in compliance with paragraph 7 of the present Article shall not be sold to a physical or legal entity from which they have been taken away or to those involved in the violation in question.

(9) When animals, fungi or plants are confiscated or seized, the costs thus incurred (costs of food, accommodation, transport, return, etc.) shall be borne by the importer or exporter respectively. If the importer or exporter cannot be identified, then the costs shall be charged to the sender, forwarder or customer, if he/she was or could have been familiar with the circumstances that caused confiscation or seizure.

(10) Should persons liable to effect payments as referred to in paragraph 9 of the present Article fail to cover the costs of providing for the above mentioned, these costs will be borne by the Republic of Croatia, reserving the right to be refunded by the persons liable to effect the above payments.

5.3. Keeping, Breeding and Trading in Wild Taxa

Article 70

(1) It is prohibited to keep animals of wild taxa in captivity under inappropriate conditions and without an adequate care.

(2) Physical or legal entities who become owners of protected animals in compliance with the provisions of the present Act or international treaties to which the Republic of Croatia is a party, with the intention to keep the same in captivity, shall notify the Ministry accordingly within thirty days after acquiring the ownership of those animals.

(3) Animals under paragraph 2 of the present Article for which this is prescribed shall be permanently and inalterably marked in compliance with the provisions of the rulebook under Article 67, paragraph 7 of the present Act.

(4) The conditions of keeping animals as referred to in paragraph 2 of the present Article, the method of maintaining records and the method of notifying the Ministry about the care taken thereof shall be prescribed by the Minister in a rulebook.

(5) The Minister is entitled to prohibit by a rulebook the keeping of animals protected pursuant to international treaties.

Article 71

(1) A physical or legal entity intending to keep animals of indigenous or foreign wild taxa in captivity for the purpose of displaying the same to the public in zoological gardens, aquariums, terrariums or similar facilities shall take measures to obtain a permit of the Ministry. The permit shall be granted by a decision.

(2) The permit under paragraph 1 of the present Article will be granted if the applicant proves that all conditions as defined by the rulebook under Article 70, paragraph 4 of the present Act have been complied with, and that animals will be displayed in a surroundings imitating natural conditions of the habitat without distorting the knowledge of the taxon biology.

Article 72

(1) A physical or legal entity intending to breed or grow autochthonous or foreign wild taxa shall take measures to obtain the permit in compliance with the present Act or a special regulation.

(2) If breeding or growing of wild taxa under paragraph 1 of the present Article requires the obtainment of a permit pursuant to a special regulation, this permit shall be granted in compliance with that regulation and with the consent of the Ministry.

(3) No permit is required for breeding or growing of wild taxa that do not pose any threat to autochthonous wild taxa, as determined by the Minister in a rulebook.

(4) For breeding or growing of foreign wild taxa not specified in the rulebook under paragraph 3 of the present Article it is necessary to obtain a permit of the Ministry.

(5) Should the procedure of granting a permit show an ecological risk, the applicant may be required by the Ministry, prior to granting the permit, to prepare a risk assessment study for the purpose of controlling adverse impacts on local ecosystems and autochthonous species.

(6) The risk assessment shall be prepared in compliance with the rulebook under Article 64, paragraph 5 of the present Act.

(7) The Ministry shall maintain records of decisions on permits under paragraph 4 of the present Article.

Article 73

(1) A bred animal of wild taxa, for which it has been prescribed so by the rulebook under Article 67, paragraph 7 of the present Act, shall be permanently and inalterably marked.

(2) The owner of a bred animal of wild taxa shall take measures to prevent the animal from escaping and shall be held responsible for any damage caused and expected to be caused by such an animal.

Article 74

(1) An authorized legal or physical entity may trade in animals, fungi and plants as referred to in Article 72, paragraph 1 of the present Act, including other animals, fungi and plants in compliance with international treaties to which the Republic of Croatia is a party.

(2) Under the trade it is to understand the sale and purchase, acquisition for commercial purposes, displaying to the public in order to make profit, renting and exchange of animals, fungi and plants as referred to in paragraph 1 of the present Article. Trading shall only be permitted in case of specimens that are bred in a registered breeding or possess a certificate of a permitted origin, under the condition that the specimen or a shipment is marked in compliance with the rulebook under Article 67, paragraph 7 of the present Act.

(3) A physical or legal entity trading in live animals of autochthonous or foreign wild taxa shall provide adequate conditions for keeping the animals in compliance with the rulebook under Article 70, paragraph 4 of the present Act and maintain records of the trade in animals.

(4) Animal taxa for which a record is to be maintained and the method of maintaining records shall be prescribed by the Minister in a rulebook.

(5) When trading in animals protected pursuant to the present Act or international treaties to which the Republic of Croatia is a party, the seller or the owner respectively shall issue to the new owner a certificate of the animal's origin and/or the invoice.

(6) Legal and physical entities involved in operations as referred to in paragraph 1 of the present Article shall take steps to get a permit or rather to obtain the approval of the Ministry. Conditions and the method of granting the permit or rather the approval shall be laid down by the Minister in a rulebook.

(7) The Ministry shall maintain a record of all permits or approvals granted under the paragraph 6 of the present Article.

Article 75

(1) Wild taxa specimens illegally kept in captivity or bred or used for trade shall be seized in the manner and according to the procedure prescribed by the Minister in a rulebook.

(2) Seized animals under paragraph 1 of the present Article shall be temporarily or permanently given in charge of physical or legal entities authorized accordingly by the Ministry.

5.4. Special Protection of Wild Taxa

Article 76

(1) An endangered wild taxon is the taxon threatened by extinction or vulnerable, which makes its long-term survival endangered, or rare and any other wild taxa designated as such in the red list of endangered plant, fungi and animal taxa.

(2) The red list is a list of endangered wild taxa classified according to the category of threat.

(3) The red list shall be determined by the Minister in a rulebook on the basis of scientifically founded specialized documents.

Article 77

(1) Endangered wild taxa designated protected natural values in terms of the present Act may be strictly protected taxa and protected taxa.

(2) Strictly protected taxa and protected taxa shall be designated by the Minister after the consent has been given previously by the minister responsible for agriculture, forestry, hunting and fisheries, on the basis of the assessment of threats posed to individual taxa and obligations arising from international treaties to which the Republic of Croatia is a party.

(3) The Minister shall lift the protection of a wild taxon which is no longer endangered or shift a particular wild taxon from one category to another, if required on the basis of the assessment of threats to a certain taxon or by obligations under international treaties to which the Republic of Croatia is a party, in the manner and according to the procedure as provided for in paragraph 2 of the present Article.

Strictly Protected Wild Taxa

Article 78

(1) A strictly protected taxon is:

- a wild taxon threatened by extinction in the territory of the State;
- a narrowly spread endemic and
- a wild taxon whose adequate method of protection has been laid down by international treaties to which the Republic of Croatia is a party.

(2) A particular wild taxon may be strictly protected in the entire area of the Republic of Croatia or in individual parts thereof.

(3) Protection measures for strictly protected taxa and measures for the protection of their habitats shall be prescribed by the Minister in a rulebook or ordered by a decree.

(4) If an area represents a temporary habitat of a strictly protected wild taxon and the protection thereof cannot be ensured in any other manner, the Minister may, after getting the opinion of the minister responsible for agriculture and forestry, designate by a decree that area or any part thereof as temporarily protected for the duration of six months at most.

Article 79

(1) It is prohibited to intentionally pick, gather, destroy, cut or dig out wild growing, strictly protected plants and fungi.

(2) It is prohibited to keep and trade in strictly protected wild growing plants and fungi.

(3) It is prohibited:

- to capture, keep and kill strictly protected animals deliberately;
- to damage or destroy deliberately their development forms, nests or litter, including their breeding sites or resting places;
- to disturb them deliberately, especially at the time of propagation, raising the young, migration and hibernation, if the disturbance would be considerable in relation to protection objectives;
- to deliberately destroy or take eggs from the wild or keep empty eggs;
- to hide, keep, raise, trade in, seize or in any other way acquire and stuff the same.

(4) The protection as referred to in the present Article shall also cover wild growing plants and fungi, including wild animals living in a national park, a strict reserve and a special reserve, if they are wild growing plants, fungi and wild animals for which the area has been primarily protected, as well as all underground animals, even when not protected as individual taxa, unless specified otherwise for a particular species by a document on the protection of the relevant area.

(5) Any unintentional capture and killing of strictly protected animals shall be reported to the Ministry.

(6) The Ministry shall maintain a record of unintentionally captured and killed strictly protected animals and decide on protection measures aiming at the prevention of negative effects on individual species.

Article 80

(1) Notwithstanding the provisions under Article 79 of the present Act the Minister may, in case that there is no other satisfactory solution available and that the exception will not be detrimental to the survival of a certain population, permit individual prohibited activities for the purpose of:

- protecting plants, fungi and animals;
- preventing any serious damage to crops, livestock, forests, fishponds, waters and other property forms;
- protecting public health and safety, air safety or other prevailing public interests and
- research and education, re-population, re-introduction and necessary propagation.

(2) The taking, keeping and other forms of a reasonable use of certain strictly protected wild taxa in small amounts and under the conditions of a strict control, in order to maintain the favourable conservation status of the species, may be prescribed by the Minister in a rulebook on a selective basis and on a limited scale.

Article 81

(1) Individual specimens of strictly protected wild animal taxa may be kept in captivity, bred, sold or bought on the basis of a permit granted by the Ministry, provided that:

- these specimens are legally imported into the Republic of Croatia and have their owner;
- these specimens had been legally acquired before the taxon was legally protected;
- this is a wild taxon as referred to in Article 80, paragraph 2 of the present Act.

(2) Notwithstanding Article 79 of the present Act individual strictly protected animals, fungi and plants may be placed on the market or rather exported and imported for trading purposes by a permit granted by the Ministry in compliance with the provisions of Article 67 of the present Act.

(3) It is permitted to remove from nature and deliver to legal or physical entities authorized correspondingly by the Ministry:

- specimens of strictly protected wild animals found dead;
- specimens of strictly protected wild animals that are sick or wounded to such an extent that they are not capable of surviving in nature on their own.

(4) The finder shall inform the Ministry about specimens of strictly protected wild taxa found dead, sick and wounded without delay, but within three days at the latest.

(5) The competent veterinary service shall identify causes of death of strictly protected wild animals found dead. The costs of the procedure shall be borne by the Ministry.

(6) The Ministry may permit the finder of a sick or wounded animal on his/her request to keep that animal in captivity for the purpose of medical treatment and recovery, if confident that he/she possesses satisfactory knowledge and conditions.

(7) The animal recovered shall be set free, unless determined otherwise by the Ministry.

(8) The Ministry may grant exemptions from prohibition of keeping in captivity and selling protected wild taxa, if these are specimens confiscated or seized, and if not in contravention of other regulations and international treaties to which the Republic of Croatia is a party.

(9) All specimens of strictly protected wild taxa under paragraph 6 of the present Article shall be marked in the manner as laid down by the rulebook as referred to in Article 67, paragraph 7 of the present Act.

Article 82

(1) Strictly protected plants, fungi and animals shall neither be exported nor imported.

(2) Exceptionally, individual strictly protected plants, fungi and animals may be exported and imported for scientific and research purposes, for the purpose of exchange, displaying and similar pursuant to the permit granted by the Ministry.

Article 83

(1) For any research into strictly protected taxa it is necessary to obtain a permit in the manner as provided for by the present Act.

(2) Research results and data of importance for the assessment of threat to the taxon studied, including protection measure proposals, shall be submitted to the Ministry within thirty days upon the completion of the research.

Protected Wild Taxa

Article 84

A protected taxon is:

- an autochthonous wild taxon that is vulnerable or rare, but not threatened by extinction in the area of the Republic of Croatia;
- a wild taxon not threatened, but due to its appearance easily mistaken for a threatened wild taxon;
- a wild taxon whose adequate method of protection has been laid down by international treaties to which the Republic of Croatia is a party.

Article 85

(1) The use of protected wild taxa shall be permitted in the manner and to the extent that will pose no threat to their populations at the national or local level.

(2) The Minister and the minister responsible for agriculture and forestry shall, each within the scope of his/her activities, lay down measures for the protection of protected wild taxa that include:

- seasonal prohibition of use and other restrictions of the use of populations;
- temporary or local prohibition of use so as to enable the recovery of population to the satisfactory level;
- control of trade, keeping for trading purposes and transportation of live and dead specimens.

(3) The protection measures as referred to in paragraph 2 of the present Article issued by the minister of agriculture, forestry, hunting and fisheries with the previous consent of the Minister shall correspond to the needs of migratory species of wild animals.

(4) The Ministry shall maintain a record of the manner and scope of use of protected wild taxa with the aim to identify and monitor the state of populations. Should the records show that a protected wild taxon is threatened due to its use, the Ministers shall by a decree prohibit or restrict the use thereof.

Article 86

(1) Populations of hunting and fishing taxa shall be used and protected in compliance with the provisions of the present Act and special regulations.

(2) It is prohibited to use any non-selective means of capturing and killing protected animals, as well as to use any means that are likely to cause local disappearance or a serious disturbance to populations of the species in question, especially means prohibited by international treaties to which the Republic of Croatia is a party, such as :

- traps;
- live animals, blinded or mutilated animals used as baits;
- lethal or dazing electrical devices;
- artificial luminous devices;
- mirrors and other dazzling devices;
- sound transmitters (tape recorders, cassette recorders, etc.) that emit sounds of calling, crying or responding;

- devices for lighting a target;
- telescopic sights for night hunting capable of electronic magnification or transformation of a picture;
- explosives;
- poisons and poisonous or dazing baits;
- semiautomatic or automatic weapons with magazines holding more than two bullets;
- aircrafts;
- motor-driven vehicles in motion and
- such other means as specified by international treaties to which the Republic of Croatia is a party.

6. Genetic Diversity

6.1. Autochthonous Domesticated Taxa

Article 87

(1) An autochthonous domesticated taxon as a segment of biodiversity means each inherited kind of plant or animal breed that evolved as a result of a traditional breeding.

(2) In terms of the present Act and special regulations endangered autochthonous domesticated taxa represent protected natural values.

Article 88

(1) Endangered autochthonous domesticated taxa shall be protected by in-situ and ex-situ methods.

(2) The traditional method of breeding/growing and using endangered autochthonous domesticated taxa shall be encouraged, wherever possible and appropriate.

(3) Endangered autochthonous domesticated taxa shall be determined by the Minister in a rulebook, after getting the opinion of the minister responsible for agriculture.

(4) The rulebook under paragraph 3 of the present Article shall lay down breeding/growing objectives, the rules of breeding/growing and conserving a clean and healthy genetic basis and methods of using endangered autochthonous domesticated taxa that are not prescribed by a special act.

6.2. Genetic Material

Article 89

(1) Genetic material means a part of a plant, a fungus, an animal or a micro-organism containing hereditary traits.

(2) Genetic material shall be used in compliance with the present Act and special regulations.

(3) Extraction of genetic material from nature for the purpose of utilization shall not endanger the survival of the ecosystem or populations of species in their habitats.

(4) The conditions and methods of extracting the genetic material from nature shall be prescribed by the Minister in a rulebook with the consent of the minister responsible for agriculture and forestry.

Article 90

(1) The access to genetic sources shall be allowed to everybody under the same conditions and in the manner as provided for by the present Act or a special regulation.

(2) The research and development results arising from the use of genetic sources shall be used in an equitable manner in compliance with special regulations.

(3) Nobody shall become the owner of genetic material created on the basis of genetic material of wild taxa. The Republic of Croatia may by a contract transfer certain rights to the user on account of a prevailing public interest and in compliance with special regulations.

Article 91

(1) Gene banks are used to safeguard the biological material and they contain controlled or bred populations or parts of animals, fungi or plants, especially seeds, spores, sexual cells and other biological material managed for the purpose of conserving species or their genetic wealth respectively.

(2) The biological materials are microorganisms, molecules and fragments of deoxyribonucleic acid (DNA), viruses, tissue and cell cultures.

(3) Gene banks shall be managed by physical or legal entities authorized pursuant to the present Act or a special regulation.

(4) The conditions and criteria for granting the authorization for gene bank management and the method of issuing the same shall be prescribed in a rulebook by the Minister and the minister responsible for agriculture and forestry, each within his/her scope of activities.

6.3. *Genetically Modified Organisms*

Article 92

(1) For the purpose of preventing adverse effects on conservation and sustainable use of biodiversity, and taking into account risks for human health and the environment, corresponding protection measures shall be provided and implemented with the aim to ensure a safe transboundary movement, transit, contained use, deliberate release into the environment and placing of genetically modified organisms (hereinafter referred to as GMO) or products containing GMOs on the market.

(2) Transboundary movement, transit, contained use, deliberate release into the environment and placing of GMOs or products containing GMOs on the market shall be permitted under the conditions and in the manner as laid down by the present Act and special regulations.

(3) The authorization for import, transit, contained use, deliberate release into the environment and placing of GMOs or products containing GMOs on the market shall be granted by the Ministry or another competent government authority in the manner and under conditions as laid down by the present Act and special regulations.

(4) The contents and the method of submitting the application, the method of granting the authorization for import, contained use, deliberate release into the environment and placing of GMOs or products containing GMOs on the market, including the method of protecting the confidentiality of data contained in the application shall be laid down by the present Act and special regulations.

(5) To issues relating to import, transit, placing on the market, use and production of food and animal feed containing GMOs that are not governed by the present Act, the provisions of special regulation shall apply.

(6) The provisions of the present Act shall not apply to import, transit, placing on the market, use and production of medicines containing GMOs, unless otherwise determined by a special regulation.

Article 93

(1) Transboundary movement, transit, contained use, deliberate release into the environment and placing of GMOs and products containing GMOs on the market shall be performed in such a manner to prevent or minimize any risk to biodiversity, taking into account risks to human health and the environment.

(2) The methodology and safety measures in transboundary movement, transit, contained use, deliberate release into the environment and placing of GMOs and products containing GMOs on the market, the techniques and genetic modifications permitted, measures for elimination of harmful consequences of the uncontrolled use of GMOs and the method of a harmless destruction of GMOs and wastes containing GMOs shall be prescribed by a by-law to be passed by the Government.

(3) In case of the uncontrolled release into the environment the Minister shall, by a decree, prescribe adequate safety and protection measures.

Article 94

(1) For the purpose of monitoring the state and developments in the field of GMO handling and provision of technical assistance to competent government authorities, the Government shall set up a Commission for Genetically Modified Organisms (hereinafter referred to as the Commission for GMOs), a Scientific Committee for Contained Use of Genetically Modified Organisms (hereinafter referred to as the Committee for Contained Use of GMOs), a Scientific Committee for the Release of Genetically Modified Organisms into the Environment (hereinafter referred to as the Committee for the Release of GMOs into the Environment) and a Committee for Novel Food and Animal Feed Containing Genetically Modified Organisms (hereinafter referred to as the Committee for Novel Food and Animal Feed Containing GMOs).

(2) The composition, scope of activities and methodology of work of the Committee for Novel Food and Animal Feed containing GMOs shall be laid down by a special regulation.

Article 95

(1) The Commission for GMOs consists of seventeen members nominated by the Government to a four-year term at the proposal of the minister responsible for the protection of nature and environment, the minister responsible for science and technology, the minister responsible for health, the minister responsible for agriculture and

forestry, the minister responsible for economy and the minister responsible for labour and social welfare.

(2) The Commission comprises representatives of scientific, educational and expert institutions, non-governmental organizations operating in the field of environmental and nature protection, consumers' protection and protection of health and manufacturers of agricultural products and foodstuffs.

(3) Chairmen and deputy chairmen of the Committee for Contained Use of GMOs, the Committee for the Release of GMOs into the Environment and the Committee for Novel Food and Animal Feed Containing GMOs are members of the Commission for GMOs.

(4) The Commission for GMOs shall elect the chairman and his deputy among its members.

(5) The Commission for GMOs shall adopt its rules of procedure with the approval of the Government.

(6) In its operations the Commission for GMOs is autonomous and independent and its work has a public character.

(7) Funds necessary for operations of the Commission for GMOs and carrying out of specialized administrative works shall be provided by the Ministry.

Article 96

The Commission for GMOs shall carry out the following activities:

- monitor the state and developments in the field of genetic technology application and the use of GMOs;
- follow scientific achievements and given opinions and incentives in relation to genetic technology application and the use of GMOs;
- deliver its opinion about social, ethical, technical and technological, scientific and other conditions of the use of GMOs;
- advise the Government and competent government bodies in matters related to the use of GMOs and genetic technology;
- inform the public about the state and developments in the field of genetic technology application and the use of GMOs and about its viewpoints and opinions;
- co-operate with similar foreign authorities and exchange data and experiences.

Article 97

(1) The Committee for Contained Use of GMOs consists of seven members, scientists and experts in the field of microbiology, genetics, medicine, biochemistry and molecular biology, pharmacy, biotechnology and safety at work.

(2) The Committee for the Release of GMOs into the Environment consists of nine members, scientists and experts in the field of genetics, ecology, nature protection, agriculture, forestry, veterinary medicine, biochemistry and molecular biology, microbiology and medicine.

(3) The members of the Committee under paragraph 1 of the present Article shall be nominated by the Government to a four-year term, at the proposal of the minister responsible for science and technology, with previously obtained consent of the ministry responsible for the protection of nature and environment, the minister responsible for health, the minister responsible for agriculture and forestry, the minister responsible for economy and the minister responsible for labour and social welfare.

(4) The members of the Committee under paragraph 2 of the present Article shall be nominated by the Government to a four-year term, at the proposal of the minister, with previously obtained consent of the ministry responsible for science and technology, the minister responsible for health and the minister responsible for agriculture and forestry.

(5) For each member of the committees under paragraphs 1 and 2 the Government shall nominate a deputy in the manner as provided for in paragraphs 3 and 4 of the present Article.

(6) The committees under paragraphs 1 and 2 of the present Article shall elect among their members a committee chairman and his deputy.

(7) The method of work of committees under paragraphs 1 and 2 of the present Article shall be laid down by the Government's decision.

Article 98

(1) The committees under Article 97, paragraphs 1 and 2 of the present Act shall:

- deliver expert opinions about the use of GMOs in administrative and other procedures in compliance with the present Act;
- deliver opinions and give proposals to competent government authorities in the matters of using the GMOs;

- co-operate with similar foreign authorities and exchange data and experiences with the same;
- carry out such other activities as may be prescribed by the present Act and regulations issued on the basis thereof.

(2) The committees shall submit to the Government annual reports on their activities, which shall be published in the manner accessible to public.

(3) Funds necessary for operation of the committees and for carrying out administrative activities shall be provided by the Ministry.

Article 99

(1) Information declared confidential in compliance with the provisions of the present Act shall be kept secret by members of the committees under Article 97 of the present Act and their alternates during their term of office and upon expiry of that term.

(2) Information shall also be kept secret by all external associates involved in the activities of the committees or participating in the procedure of granting permits in compliance with the provisions of the present Act.

Article 100

Information on the contained use of GMOs, the deliberate release of GMOs in the environment, placing of GMOs and products containing GMOs on the market and information on the actions within the scope of activities of the Ministry and other government authorities responsible for the use of GMOs under the present Act shall be public in compliance with the present Act and other regulations.

6.3.1. Contained Use of GMOs

Article 101

(1) The contained use of GMOs shall be classified into one of the four groups according to the level of hazard:

- the first level of hazard relates to a contained use involving a negligible risk;
- the second level of hazard relates to a contained use involving a low degree of risk;

- the third level of hazard relates to a contained use involving considerable risks and
- the fourth level of hazard relates to a contained use involving high risks.

(2) The classification of the contained use of GMOs into a specific level of hazard shall be carried out taking into account the compliance with safety measures and conditions laid down.

(3) Criteria for classification of the contained use into levels of hazard, standards for facilities in closed systems, prevention and other precautionary measures, the method of handling and other conditions for a specific level of hazard shall be laid down by a by-law passed by the Government.

Article 102

(1) The contained use of GMOs shall take place in a closed system that fulfils all the conditions laid down for the level of hazard into which the planned use has been classified.

(2) The applicant shall notify the closed system to the Ministry prior to the first contained use of a GMO.

(3) A closed system notification shall contain all information relating to the applicant, the closed system and the level of hazard of actions planned within a closed system.

(4) The Ministry shall examine whether the application complies with the conditions laid down. After obtaining an expert opinion of the Committee for Contained Use the closed system shall be entered into the GMO register. The Ministry shall issue a statement to the applicant confirming the entry into the GMO register within sixty days upon receipt of the application.

(5) The Committee for Contained Use of GMOs shall deliver its opinion within thirty day upon receipt of an application copy,

(6) The contents of the application under paragraph 3 of the present Article shall be laid down by the Minister in a rulebook.

(7) Standards of facilities for a contained use of GMOs within a closed system with respect to the level of hazard shall be established in a rulebook issued by the minister responsible for science and technology, with the approval of the minister responsible for the protection of nature and environment, the minister responsible for health and the minister responsible for agriculture and forestry.

(8) In case that after the notification under paragraph 2 of the present Article such new information become available to the applicant that might have a considerable effect on biodiversity, environment or human health or classification as a new level of hazard, the applicant shall notify the Ministry accordingly and submit a new application.

Article 103

(1) Prior to the commencement of a contained use of GMOs the applicant shall prepare a risk assessment for the use planned.

(2) On the basis of the analysis of GMO features and the use planned, including the environment likely to be exposed to risk, the risk assessment shall contain an evaluation of a possible detrimental effect, level of hazard, necessary prevention and other safety measures. The evaluation shall also lay down measures for the management of waste and wastewater coming from the closed system.

(3) On the basis of the risk assessment the applicant shall classify the contained use of GMOs into one of the groups according to the levels of hazard as referred to in Article 101, paragraph 1 of the present Act.

(4) In case of doubt as to the level of hazard to be applied to the contained use of GMOs, the applicant shall classify the same into the level involving stricter control measures.

(5) The applicant may classify a contained use of GMOs into a level of hazard involving milder control measures after obtaining previously the content of the Ministry.

(6) The contents and scope of the risk assessment for the contained use of GMOs and the methodology of its preparation shall be determined by the Minister in a rulebook.

Article 104

(1) Prior to the commencement of the contained use of GMOs the applicant shall draw up an emergency response plan in compliance with the present Act and special regulations.

(2) The applicant shall submit data about the emergency response plan to the Ministry, the ministry responsible for health, the ministry responsible for agriculture and forestry, the ministry responsible for science and technology, the ministry of interior and competent authorities of the regional and local self-government units.

(3) The information about emergency response measures shall be accessible to the public.

Article 105

(1) In the application the applicant may indicate information considered a business secret or protected in compliance with a special regulation. Information that will be considered secret during the procedure shall be verified as founded.

(2) After a consultation with the applicant, the Ministry shall determine the information to be considered secret during the procedure.

(3) In the application the following information shall not be declared secret by the applicant:

- forename and surname, company and company seat;
- the area of the contained use of GMOs;
- description of GMO features;
- level of hazard of the contained use of GMOs;
- control measures;
- information on possible harmful and other impacts on biodiversity, environment and human health.

(4) Information declared secret shall remain secret even in case that the applicant withdraws the application.

Article 106

(1) In the procedure of granting a permit for a contained use of GMOs classified into the third and fourth level of hazard the Ministry shall make the application contents, the risk assessment and the opinion delivered by the Committee for Contained Use of GMOs available to the public.

(2) A public announcement of the duration and time period for making the documents under paragraph 1 of the present Article publicly available, including the way of delivering opinions and making comments, shall be made by mass media.

(3) The time limit granted by the Ministry for making the documents under paragraph 1 of the present Article available and for the delivery of opinions and making comments thereon shall not exceed thirty days. This period of time shall not be included in the time limit for granting the permit as specified in Article 109 of the present Act.

(4) In its statement of reasons for the decision on the permit the Ministry shall include its view of the comments and public opinion.

Article 107

(1) The contained use of GMOs classified into the first level of hazard may commence without notification to the Ministry if it takes place in a closed system for which a permit has been granted in compliance with the provisions of Article 102 of the present Act.

(2) The applicant shall submit a risk assessment for the planned use under paragraph 1 of the present Article only at the request of the Ministry.

Article 108

(1) The applicant shall notify the Ministry of the contained use of GMOs classified into the second level of hazard that will take place in a closed system for which the permit has been granted in compliance with Article 102 of the present Act.

(2) The notification of use shall contain all the information relating to the closed system, GMO type and features, duration and purpose of the use, control and other safety measures provided for, including measures for waste and wastewater management and emergency response measures. The notification shall also include the risk assessment for the GMO use planned.

(3) The applicant may commence using the GMOs forty-five days upon submission of notification or before that time only on the basis of the application with the consent of the Ministry.

(4) After obtainment of the opinion of the Committee for Contained Use of GMOs the Ministry may prohibit the contained use within the time limit under paragraph 3 of the present Article and issue a decision accordingly.

(5) The applicant may commence using the GMO under paragraph 1 of the present Article if he has previously used a GMO of another or a higher level of hazard in the same closed system and if the conditions prescribed have been met.

(6) In case as referred to in paragraph 5 the applicant may apply to the Ministry for the issue of the permit for the intended contained use.

(7) The Ministry shall make decision on the application under paragraph 6 of the present Article after obtaining the opinion of the Committee for Contained Use of GMOs, but not later than forty-five days upon the receipt of the application.

(8) The Committee for Contained Use of GMOs shall submit to the Ministry its written opinion under paragraphs 4 and 7 of the present Article within twenty-one day upon the date of the submission of the application photocopy.

(9) The contents of the application for the contained use at the second level of hazard shall be prescribed in detail by the Minister in a rulebook.

Article 109

(1) The applicant shall obtain a permit of the Ministry for each contained use of GMOs classified into the third and fourth level of hazard, which will be carried out in a closed system for which a certificate in conformity with Article 102 of the present Act has been obtained.

(2) The application for a permit must contain information as referred to in Article 108, paragraph 2 of the present Act and the description of the closed system equipment. The application must also contain a risk assessment for the intended use and an emergency response plan.

(3) The Ministry shall examine whether the application complies with the conditions prescribed and shall issue a permit after obtaining the opinion of the Committee for Contained Use of GMOs within forty-five days upon the submission of application, provided that the actions will be performed in closed systems for which a permit for a contained use at the third and fourth level of hazard has been already issued and that all prescribed control measures have been met.

(4) In case other than those mentioned under paragraph 3 of the present Article the Ministry shall examine whether the application complies with the conditions prescribed and after obtaining the opinion of the Committee for Contained Use of GMOs the permit shall be issued not later than ninety days upon the submission of application.

(5) The Committee for Contained Use of GMOs shall deliver its opinion in writing within twenty-one days or rather within forty-five days in cases under paragraph 4 of the present Article, counting from the day of the submission of the application photocopy.

(6) The Ministry shall issue the permit under paragraph 1 of the present Article for the period of time not exceeding the period indicated by the applicant in the application. Upon expiry of the permit validity the applicant may apply for the extension of the permit, if the conditions prescribed are met.

(7) The contents of the application for a permit to use GMOs at the third and fourth level of hazard shall be laid down by the Minister in a rulebook.

Article 110

(1) Upon receipt of the application under Articles 102, 108 and 109 of the present Act the Ministry may, for the purpose of protecting the biodiversity, environment and human health, require the applicant to furnish new data about the closed system or a contained use of GMOs within a specific period of time, or to modify conditions of the contained use of GMOs specified in the application, or to classify the use of GMOs into another level of hazard.

(2) In cases under paragraph 1 of the present Article the Ministry may require the applicant not to commence the use, to stop or temporarily suspend the same, until the Ministry permits the use on the basis of additional information or modifications requested.

(3) In cases under paragraph 1 of the present Article the time limit as referred to in paragraph 1 of the present Article, concerning the entry of the closed system into the GMO register or the contained use of GMOs classified into the second, the third or the fourth level of hazard shall not be included in the time limit set for the issue of certificates under Article 102 of the present Act, or rather into the time limit for the issue of the permit under Articles 108 and 109 of the present Act.

Article 111

(1) Should new information on the contained use of GMOs become available to the applicant, or such changes in the use of GMOs in a closed system occur that would substantially affect biodiversity, environment or human health or classification of use into a level of hazard, the applicant shall notify the Ministry immediately and submit a new application, if it comes to a contained use of GMOs of the second, the third or the fourth level of hazard.

(2) Should such new information on the contained use of GMOs become available to the Ministry that might substantially affect risks to biodiversity, environment or human health or classification of use into a level of hazard, the Ministry may modify the conditions of the contained

use of GMOs or require the applicant to suspend or permanently terminate the contained use of GMOs.

Article 112

In case of an accident the applicant is bound to respond in accordance with the emergency response plan and notify the Ministry accordingly without delay, especially of:

- accident circumstances,
- type and amount of GMOs released unintentionally into the environment from a closed system,
- actions and protection measures taken and required and
- other data necessary to assess the impacts of the accident on biodiversity, environment and human health.

6.3.2. *Deliberate Release of GMOs into the Environment*

Article 113

(1) A person submitting an application for a deliberate release of GMOs into the environment shall obtain a permit of the Ministry, with the consent of the ministry responsible for agriculture and forestry affairs.

(2) A deliberate release of GMOs into the environment shall be performed in compliance with the conditions as laid down by the permit.

(3) Conditions to be met by GMOs and other conditions that are to be met in order to issue a permit using summary procedure shall be prescribed by the Government in a rulebook.

Article 114

(1) No deliberate release of GMOs into the environment of protected areas and ecological network areas, areas intended for ecological production of agricultural produce and for ecological forms of tourism, including areas representing buffer zones of impact is permitted.

(2) Buffer zones of impact under paragraph 1 of the present Article shall cover areas that prevent GMOs from spreading to areas in which a deliberate release of GMOs into the environment is not permitted, and that shall be determined by nature protection conditions which form a constituent part of a permit for a deliberate release of GMOs into the environment.

(3) It is not permitted to release the reproductive plant material containing GMOs deliberately into the environment, except for areas of land that shall be determined by a by-law of the Government, on the proposal of the ministry responsible for agriculture and forestry and the minister responsible for environmental protection.

Article 115

(1) Prior to the submission of the application for a permit for a deliberate release of GMOs into the environment, the applicant shall through a competent legal entity carry out a risk assessment for the deliberate release.

(2) On the basis of an analysis of GMO features and its planned release into the environment, of the ecosystem into which the GMO would be released and the biodiversity that might be exposed to risk, the risk assessment shall evaluate possible negative impacts and their possible consequences, the level of hazard and control measures required, taking also into account the impact on human health.

(3) The applicant may enclose a risk assessment carried out by another applicant for the purpose of the identical deliberate release of the same GMO into the environment, and provided that the applicant who carried out such a risk assessment has given his agreement in writing.

(4) The contents and scope of a risk assessment for a deliberate release of a GMO into the environment, the methodology of assessment preparation and legal persons authorized for preparation of the assessment shall be prescribed by the Minister in a rulebook, with the consent of the minister responsible for agriculture and forestry.

Article 116

(1) Before undertaking a deliberate release of GMOs into the environment the applicant shall draw up an emergency response plan containing measures to be taken in case of an uncontrolled spread of GMOs into the environment.

(2) The emergency response plan for elimination of risks of uncontrolled spread of GMOs into the environment (hereinafter referred to as: the emergency response plan) is a document describing actions and measures to be taken in case of an accident so as to mitigate possible negative effects on biodiversity, environment and human health.

(3) In addition to the case referred to in paragraph 1 of the present Article, the applicant shall submit the emergency response plan in the following cases:

- upon expiry of five years after the date of the last submission of a plan for elimination of risks;
- within thirty days after the change in conditions and status that might seriously affect the measures prescribed for the case of an accident.

(4) The emergency response plan shall contain:

- the method of controlling GMOs in case of an uncontrolled spread into the environment;
- evaluation of possible consequences and threats posed to biodiversity, environment and human health;
- protection measures required and
- measures necessary to prevent any further spread, to eliminate GMOs and restore the environment likely to be affected by an uncontrolled spread of GMOs.

Article 117

(1) The application for a permit for a deliberate release of GMOs into the environment shall contain:

1. a technical dossier with all the constituent parts as prescribed, covering in particular:
 - information relating to the applicant;
 - information relating to GMOs;
 - Information relating to the conditions of the deliberate release into the environment, the state of the environment into which they will be released and biodiversity of the area in question;
 - information on the interactions between the GMOs and the environment;
 - information on monitoring for the purpose of biodiversity, environment and human health impact assessment;
 - information on methods of controlling the release of GMOs into the environment and GMO waste management and
 - a summary of the technical dossier;
2. risk assessment for a deliberate release of GMOs into the environment;
3. emergency response plan for the case of an uncontrolled spread of GMOs into the environment;
4. other information as the applicant may deem important.

(2) In his application the applicant may refer to data or results of a deliberate release previously submitted to the Ministry by another

applicant, provided that these data are not classified as confidential and that the applicant has obtained the agreement in writing of that applicant.

(3) By the issue of a permit the applicant may be given the consent for a deliberate release of GMOs or a combination of GMOs on the same site or on different sites for the same purpose and within a limited period of time.

(4) The method of submitting an application and its contents shall be laid down by the Minister in a rulebook, with the consent of the minister responsible for agriculture and forestry.

Article 118

(1) The Ministry shall issue a permit for a deliberate release of GMOs into the environment with the consent of the ministry responsible for agriculture and forestry not later than 90 days upon the receipt of the application, if all the conditions prescribed are met and the opinion of the Committee for Release of GMOs into the Environment obtained.

(2) When the Ministry considers it appropriate, it may require additional information from the applicant and shall issue a decision in that regard. For the purpose of calculating the time limit for granting the permit under paragraph 1 of the present Article, no account shall be taken of any period of time during which the applicant is bound to furnish the information requested.

(3) The Ministry shall forward photocopies of applications under Articles 117 and 119 of the present Act to the Committee for Release of GMOs into the Environment without delay.

(4) Should the Committee find it impossible to evaluate clearly the impacts of a deliberate release of GMOs on human health, environment and biodiversity from the information contained in the application, it may require the Ministry to demand from the applicant additional information on the effects of the intended release of GMOs into the environment.

(5) The Committee for Release of GMOs into the Environment shall deliver its opinion within 45 days upon the receipt of the application.

Article 119

(1) A permit for a deliberate release of GMOs into the environment may also be issued using summary procedure, if sufficient

information and experience in a deliberate release of a specific GMO into specific ecosystems are available and if the GMO satisfies the conditions prescribed, especially as regards the elimination of hazard.

(2) The application for a permit for a deliberate release of a GMO into the environment using summary procedure shall contain:

- information relating to the applicant;
- information relating to the GMO;
- Information relating to the conditions of the deliberate release into the environment and to the environment into which the GMO will be released and biodiversity of the area in question;
- information on the interactions between the GMO and the environment;
- risk assessment as regards possible hazards to biodiversity, environment and human health, depending on the purpose of the release and
- emergency response plan for the case of an uncontrolled spread of the GMO into the environment.

(3) The Ministry shall take a decision on the application with the consent of the ministry responsible for agriculture and forestry not later than thirty days upon the receipt of the application and issue a permit, if all the conditions prescribed are met and the opinion of the Committee for Release of GMOs into the Environment obtained.

(4) The Ministry may require additional information from the applicant and fix a time limit for the submission thereof. The period of time fixed for the submission of additional information shall not be taken into account when calculating the time limit for the issue of the permit.

(5) The Committee for Release of GMOs into the Environment shall deliver its opinion in writing to the Ministry within fifteen days upon the submission of the application photocopy.

(6) The method of submission and the contents of the application shall be determined by the rulebook under Article 117, paragraph 4 of the present Act.

Article 120

(1) In the procedure of issuing the permit under Article 118 of the present Act the Ministry shall make the contents of the technical dossier and risk assessment under Article 117, paragraph 1 of the present Act and the opinion of the Committee for Release of GMOs into the Environment as regards the intended deliberate release into the environment publicly available. In the procedure of issuing the permit under Article 119 of the present Act the contents of the notification and

the opinion of the Committee for Release of GMOs into the Environment must be made available to the public.

(2) The public invitation specifying the place and time of providing access to the documents as referred to in paragraph 1 of the present Article, including the method of delivering the opinion and giving comments to the same shall be announced by mass media.

(3) The time period in which access to the documents, the delivery of opinion and giving comments will be provided by the Ministry shall not exceed thirty days, and the time for the issue of the permit under Articles 118 and 119 of the present Act shall not be taken into account.

(4) In stating the reasons for the issue of the permit under paragraph 3 of the present Article the Ministry shall give its viewpoints about the public pinion and comments submitted.

Article 121

(1) In the event of any modification or unplanned change in the deliberate release of GMOs into the environment which could have adverse impacts on biodiversity, the environment or human health, or if any new information has become available after the submission of the application or after the issue of a permit for a deliberate release of GMOs into the environment, the applicant shall immediately

- take measures necessary to protect biodiversity, environment and human health,
- inform the Ministry of any modification or unplanned changes and new information and
- adapt the conditions for the release into the environment contained in the application to the modifications that occurred.

(2) In the event as referred to in paragraph 1 of the present Article the Minister may, with the consent of the ministry responsible for agriculture and forestry, require the applicant to modify the conditions of the deliberate release of GMOs into the environment or prohibit temporarily or permanently the deliberate release of GMOs into the environment.

(3) In the event of any modification and unplanned changes in the deliberate release into the environment in conformity with paragraph 1 of the present Article, the Ministry shall inform the public accordingly upon completion of the risk assessment.

Article 122

(1) The applicant shall submit to the Ministry the report on the results of the deliberate release of GMOs into the environment not later than sixty days upon expiry of the time limit for which the permit for the deliberate release of GMOs into the environment has been issued by the Ministry, or within the period of time as specified in the permit under Articles 118 and 119 of the present Act.

(2) If the applicant intends to place on the market any material derived from the GMO which was the subject matter of the deliberate release into the environment, he shall include any such information into the report under paragraph 1 of the present Article.

Article 123

(1) In the event of an unplanned spread of a GMO into the environment the applicant shall take emergency response measures referred to in Article 116 of the present Act and inform the Ministry of:

- the extent of consequences of the unplanned spread of GMOs into the environment and threats to biodiversity, environment or human health;
- measures necessary and taken to protect biodiversity, environment and human health;
- measures necessary and taken to mitigate or eliminate consequences, to eliminate the GMO and restore the environment affected by the unplanned spread and
- all other information as may be required for evaluation of the impacts of the unplanned spread of a GMO on biodiversity, environment and human health.

(2) The Ministry shall, in co-operation with competent government authorities, adopt and implement a programme for elimination of consequences of an unplanned spread of GMOs into the environment, which shall be enacted by the Government.

(3) In the programme under paragraph 2 of the present Article, persons to perform the activities, conditions and measures for mitigation or elimination of consequences and for the prevention of any further uncontrolled spread of the GMO, the method of covering the costs and all restrictions or prohibitions in connection with any further release of GMOs into the environment by trading or use shall be determined on the basis of the risk assessment.

(4) The Ministry shall inform the Government and the public of the event under paragraph 1 of the present Article and of the preparation and implementation of the programme under paragraph 1 of the present Article.

(5) In the event of an unplanned spread of a GMO into the environment which could have considerable negative effects on the biodiversity, environment and human health the Ministry shall inform the endangered or potentially endangered states and, when necessary, corresponding international organizations, and make available to them any information necessary for determination of adequate measures.

(6) The method of providing information under paragraph 5 of the present Article shall be prescribed by the Government in a rulebook.

6.3.3. Placing on the Market of GMOs and Products Containing GMOs

Article 124

The applicant shall obtain a permit for each GMO or product containing a GMO that he intends to put on the market for the first time.

Article 125

(1) Prior to the submission of application for a permit for placing on the market of GMOs or products containing GMOs the applicant shall carry out the assessment of risk that could be caused by a deliberate placing on the market.

(2) On the basis of the analysis of properties of a GMO and products containing a GMO and its use the risk assessment shall include evaluation of possible adverse effects and consequences for biodiversity, environment and human health, the level of hazard and necessary control measures.

(3) The contents and scope of a risk assessment for placing on the market of a GMO or products containing a GMO and the methodology of carrying out the risk assessment shall be prescribed by the Minister in a rulebook, with the consent of the minister responsible for agriculture and forestry and the minister responsible for health.

Article 126

(1) In the application the applicant may indicate the information that should be treated as business secret or protected pursuant to a

special regulation. For the information that should be treated as confidential a verifiable justification must be given.

(2) The following information shall not be indicated as confidential in the application:

- name and surname, company and company seat;
- intended method of using a GMO or products containing a GMO, conditions for the placing of the products on the market and conditions for its use;
- properties of a GMO and products or rather GMOs that they contain;
- plans for monitoring in connection with the placing on the market of a GMO and products containing a GMO, its use and emergency response related to the placing on the market or use and
- risk assessment.

(3) The government authority responsible for the issue of the permit shall, after consultation with the person submitting the application for the placing on the market, decide which information will be treated as confidential.

(4) The information shall be treated as confidential even if the applicant withdraws the application.

Article 127

(1) The application for a permit for placing on the market of a GMO or products containing a GMO shall include:

1. a technical dossier containing the information under Article 117, paragraph 1, item 1 of the present Act and covering in particular:

- proposed market name of the product;
- information relating to the manufacturer, importer or distributor responsible for the placing of the product on the market in compliance with the regulations;
- information relating to the person who will carry out the sample analysis and submit the same to the competent authority;
- information relating to the intended use of the product;
- information relating to the geographical area, the type of environment and environmental system in which the use of the product is foreseen;
- information relating to the anticipated product users;

2. environmental risk assessment in compliance with the provisions of Article 115 of the present Act;

3. information relating to the conditions for the placing on the market, including specific conditions for the use and handling of the product;

4. plan for monitoring the impact of the product and its use on biodiversity, environment and human health, including the period of time in which the monitoring plan will be implemented;

5. proposed period of time for which the permit is applied for;

6. proposal for the product marking;

7. proposal for the product packaging;

8. a summary of the technical dossier;

(2) In his application the applicant may include information about results of a deliberate release of the same GMO or a combination of a GMO contained in the product that was the subject matter of the previous application, or the information that such a deliberate release is still carried out.

(3) The applicant may refer to data or results related to the products submitted to the Ministry by another applicant, provided that these data are not treated as confidential and that the applicant has obtained his agreement in writing.

(4) For each intended use of a GMO or products containing GMOs differing from the one permitted the applicant shall submit to the competent government authority a separate application for the permit for placing on the market.

(5) The applicant shall submit the application to the government authority responsible for the issue of the permit for the placing on the market of GMOs or products containing GMOs in compliance with Article 129 of the present Act.

(6) The contents of the application and the technical dossier for the placing on the market of GMOs or products containing GMOs, the conditions for monitoring, labelling and packaging of products shall be laid down by the Minister in a rulebook, with the consent of the minister responsible for health and the minister responsible for agriculture and forestry.

Article 128

(1) In the event that the placing on the market of a GMO includes its deliberate release or a possibility of an unintentional release into the environment, the government body under Article 129 of the present Act responsible for granting a permit shall submit a photocopy of the application under Article 127 of the present Act to the Committee for Release of GMOs into the Environment. In the event of placing on the market of the food and feed containing GMOs, the competent authority shall submit a photocopy of the application to the Committee for Novel Food and Feed Containing GMOs too.

(2) The Committee for Release of GMOs into the Environment and the Committee for Novel Food and Feed Containing GMOs shall deliver to the competent government authority a written opinion of the intended placing on the market of GMOs and products containing GMOs not later than sixty days after receipt of the application photocopy. The opinion shall be delivered on the basis of a comprehensive analysis of the product and its impacts on biodiversity, environment and human health.

Article 129

(1) A permit for the placing on the market of GMOs or products containing GMOs shall be granted by the competent government authority after examining its compliance with the conditions prescribed, after obtaining the opinion of the Committee for Release of GMOs into the Environment and/or the competent Committee for Novel Food and Feed Containing GMOs and after the completion of the public hearing within one hundred and five days upon receipt of the application.

(2) A permit for the placing on the market of GMOs or products containing GMOs that are used in cosmetics, pharmacy and human healthcare shall be granted by the government authority responsible for health.

(3) A permit for the placing on the market of GMOs or products containing GMOs that are used in agriculture, veterinary medicine, forestry and fisheries shall be granted by the government authority responsible for agriculture and forestry with the consent of the Ministry.

(4) A permit for the placing on the market of foodstuffs and products that are used in food processing industry or are a product thereof shall be granted by the government authority responsible for health, with the consent of the government authority responsible for agriculture and forestry.

(5) Permits for the placing on the market of GMOs or products containing GMOs that are not included in paragraphs 2, 3 and 4 of the present Article shall be granted by the Ministry.

(6) The applicant may place GMOs and products containing GMOs on the market in the manner and under conditions as laid down in the permit.

(7) The permit for the placing on the market shall be granted for a period of time not exceeding five years, with the possibility to extend the permit in compliance with the provisions of the present Act.

(8) Enforcement regulations governing the procedures of granting the permit in compliance with the paragraph 2 of the present Article shall be issued by the minister responsible for health; for the procedures under paragraph 3 of the present Article the minister responsible for agriculture and forestry, with the consent of the minister responsible for the protection of nature and environment; for the procedures laid down by paragraph 4 of the present Article the minister responsible for health, with the consent of the minister responsible for agriculture and forestry, and for the procedures laid down by paragraph 5 of the present Article the minister responsible for the protection of nature and environment.

(9) Issues relating to the production, sanitary fitness, labelling and marking of food and feed and placing on the market of the food and feed containing GMOs or their ingredients shall be governed by the provisions of the present Act and special regulations.

Article 130

(1) The permit for the placing on the market of GMOs and products containing GMOs shall include:

- purpose and scope for which the permit is issued, including product identification with the indication of its properties;
- permit validity period;
- conditions for the placing on the market, including special conditions for use, handling and packaging, and conditions for the protection of environment or a specific ecosystem or a geographical area;
- obligation to analyse samples and submit the results to the competent government authority at the request thereof;
- marking instructions;
- instructions for monitoring, including the obligation to inform the competent government body of the monitoring results and
- other conditions to be fulfilled by the person placing the product on the market or using the same.

(2) The permit, with the exception of information prescribed and indicated as confidential, and the assessment of risks to biodiversity, environment and human health as referred to in Article 125 of the present Act must be made available to the public in compliance with the present Act and other regulations.

Article 131

(1) The applicant intending to apply for the extension of the permit for the placing on the market of GMOs or products containing GMOs must submit the application to the competent government authority under Article 129 of the present Act not later than nine months prior to the expiry of the permit validity. The application shall include:

- a photocopy of the permit for the placing on the market that he wants to extend;
- a report on monitoring results prepared in accordance with the methodology prescribed;
- new information on risks posed by the product to biodiversity, environment and human health, if such information are available;
- a proposal for the amendment of conditions for the placing on the market contained in the previous permit, especially those relating to monitoring and the time limit of the permit validity, if necessary.

(2) Having examined the compliance of the application with the conditions prescribed and having obtained the opinion of the Committee for Release of GMOs into the Environment and/or the competent Committee for Novel Food and Feed Containing GMOs, the competent government authority under Article 129 of the present Act shall, with the consent of another competent government authority, extend the permit for a specific period of time within ninety days upon receipt of the application.

(3) The period of time for which the permit is extended must not be less than ten years.

(4) The person applying to the competent government authority for the extension of the permit for the placing on the market of GMOs or products containing GMOs for the period of time under paragraph 1 of the present Article may proceed with the placing of the product on the market under the conditions as laid down by the first, or rather the previous permit, until the issue of the permit in compliance with paragraph 2 of the present Article.

Article 132

(1) If new information relating to the risks of GMOs or products containing GMOs to biodiversity, environment and human health has become available after the issue of the permit, the applicant shall immediately take the measures necessary to protect biodiversity, environment and human health and inform correspondingly the Ministry and the competent government authority that issued the permit.

(2) In the case under paragraph 1 of the present Article the applicant shall on the basis of modified conditions submit a new application to the competent government authority.

(3) In accordance with the conditions contained in the permit new information with regard to the risks to biodiversity, environment and human health may be furnished to the Ministry, another competent government authority or the applicant by any user of GMOs or products containing GMOs.

(4) If new information with regard to the risks of a GMO or a product containing the GMO or its use has become available to the competent government body either before or after the procedure of issuing the permit, this information must be taken into account when making the decision on placing on the market of the GMO or a product containing the GMO.

(5) If new information becomes available to the competent government authority after the permit has become legally valid, this authority shall inform the Committee for Release of GMOs into the Environment and/or Placing on the Market and the Committee for Novel Food and Feed Containing GMOs accordingly, and take a new decision to amend or annul the valid permit within ninety days.

Article 133

(1) The applicant shall place on the market only the product bearing a visible indication on the packaging and in the accompanying documents stating that the product is a GMO or contains a GMO, including other data as may be prescribed that relate to the product and its use.

(2) The indication must clearly specify "the genetically modified organism" or contain the sentence "This product contains genetically modified organisms".

(3) In the event of products where adventitious or technically unavoidable traces of authorised GMOs cannot be excluded, the

Government shall establish by a rulebook the threshold below which these products need not be indicated.

(4) The person placing on the market a GMO or products containing a GMO shall provide evidence to the competent government authority that all measures necessary to avoid the adventitious or technically unavoidable pollution by an authorized GMO have been taken.

Article 134

(1) The person placing on the market GMOs or products containing GMOs shall ensure that the person receiving the product is submitted the documents indicating:

- that it is a GMO or a product containing a GMO and
- that a corresponding unique identifier (numerical and alphabetical) has been assigned to that GMO.

(2) When placing on the market GMOs or products containing GMOs the seller shall ensure that the user receives documents containing information referred to in paragraph 1 of the present Article.

(3) Persons placing on the market GMOs or products containing GMOs shall keep a database and ensure a procedure to allow the identification of the person by whom and the person to whom GMOs or products containing GMOs have been made available, except for end users, for a period of five years from each placing on the market.

6.3.4. Handling, Transport and Packaging of GMOs

Article 135

(1) Each handling, transport and packaging of GMOs shall be accompanied by documents in which:

- a GMO intended for a direct use as food or feed or processing shall be clearly indicated as a GMO, specifying that it is not destined for a deliberate release into the environment and indicating the place where further information may be obtained;
- a GMO intended for a contained use shall be clearly indicated as a GMO, specifying all the conditions and requirements for a safe handling, storage, transport and use, the place to obtain further information and the name and address of the person or the institution that a GMO has been entrusted to;

- a GMO intended for a deliberate release into the environment shall be clearly indicated as a GMO, specifying the identity and/or corresponding properties, all requirements for a safe handling, storage, transport and use and the place to obtain further information.

(2) Standards relating to handling, packaging and transport of GMOs shall be laid down by the Minister in a rulebook, taking into account international regulations and the practice.

(3) Standards relating to identification of GMOs shall be laid down by the government authority under Article 129, paragraphs 2, 3, 4 and 5 of the present Act, each within the scope of its competencies.

(4) The user shall follow the standards laid down in compliance with paragraph 1 of the present Article.

(5) The transport, transit and handling of the living modified organisms shall be governed by the provisions of special regulations relating to transport, transit and handling of hazardous substances, unless determined otherwise by the present Act or a regulation issued on the basis thereof.

6.3.5. Import of GMOs and Products Containing GMOs

Article 136

(1) Import of GMOs or products containing GMOs is authorized if prior to the import a permit has been granted for a contained use of GMOs or products that are the subject matter of the import, for the deliberate release or placing on the market of GMOs or products containing GMOs in compliance with the provisions of the present Act and special regulations.

(2) Without prejudice to the provisions of paragraph 1 of the present Article the import for the purpose of a contained use of a GMO classified into the 1st or 2nd level of hazard is authorized, if prior to the import a certificate has been obtained of the entry of the closed system into the GMO register under Article 102, paragraph 4 of the present Act.

(3) The method of handling and other conditions for the import of GMOs or products containing GMOs shall be determined by a by-law passed by the Government.

Article 137

(1) In accordance with the precautionary principle the Government may in a by-law prescribe more stringent measures than those provided for the present Act, including the prohibition of the use of GMOs.

(2) The Government may, on the proposal of the competent government authority and on the basis of the opinion delivered by the Committee for Release of GMOs into the Environment, or rather the Committee for Novel Food and Feed for Animals Containing GMOs, temporarily or permanently restrict or prohibit the import, if no scientific information and knowledge is available relating to the possible extent of impacts on biodiversity, environment and human health, or if new or additional scientifically founded information has become available about the risks of the product to biodiversity, environment and human health.

Article 138

(1) In the event of a doubt that a GMO or a product containing a GMO is imported, placed on the market, used or disposed of in the environment in contravention to the provisions of the present Act or a special regulation, the competent inspector shall require the importer or rather the user to present the authentic document and fix the deadline for the presentation of the document.

(2) Should the importer or the user fail to submit the authentic document within the deadline fixed, the inspector shall temporarily prohibit the import, contained use, release into the environment, placing on the market or disposal in the environment and a sample shall be submitted for the analysis of an authorized laboratory.

(3) A laboratory for testing, control and monitoring of GMOs and products containing GMOs in compliance with international standards shall be established by the ministry responsible for health, with the support of the ministry responsible for agriculture and forestry and the ministry responsible for the protection of nature and environment.

(4) Conditions to be complied with by the laboratory under paragraph 3 of the present Article shall be laid down in a rulebook issued by the minister responsible for health, with the consent of the minister responsible for the protection of nature and environment and the minister responsible for agriculture and forestry.

(5) Should the analysis show an unauthorized GMO or a product containing a GMO, the inspector shall prohibit the import, contained use, release into the environment, placing on the market or disposal in

the environment and the samples taken and/or GMOs and products seized shall be permanently and harmlessly destroyed.

(6) The costs of the analyses and destruction, including temporary storage and safeguarding if the analysis show the unauthorized import, contained use, release into the environment, placing on the market or disposal in the environment, shall be borne by the importer or rather the user of the GMO or the product containing the GMO.

6.3.6. Register of GMOs

Article 139

(1) A register of GMOs shall be kept by the Ministry and other competent government authorities each within the scope of its competencies.

(2) In the register of GMOs closed systems, certificates and authorizations granted for a contained use of GMOs, the deliberate release of GMOs into the environment and placing on the market of GMOs or products containing GMOs shall be recorded.

(3) The records shall contain information included in the application, in particular:

1. company and seat of the notifier of:
 - a closed system;
 - a contained use of a GMO;
 - a deliberate release of a GMO into the environment
 - placing on the market of a GMO or products containing a GMO;
2. name and description of the closed system;
3. information relating to the contained use and information relating to classification into a group according to the level of hazard;
4. information relating to the deliberate release of a GMO into the environment, including the specific site of the GMO release;
5. information relating to the placing on the market of a GMO and products containing a GMO.

(4) Certificates and authorizations granted for the contained use, the deliberate release into the environment or placing on the market of a GMO and products containing a GMO shall form the constituent part of the register under paragraph 1 of the present Article.

(5) Anybody shall have the right to be given access to information contained in the register of GMOs and to require and obtain copies of GMO register entries against payment of a fee that shall not exceed actual costs of issuing copies.

(6) Information treated as confidential in compliance with the present Act or enjoying special protection on the basis of a special regulation shall not be entered into the register of GMOs.

(7) The form and method of keeping the register of GMOs and the method of fixing a fee for the issue of copies shall be prescribed by the Minister in a rulebook.

(8) The register of GMOs shall also be kept by competent government authorities responsible for granting authorizations for the use or placing on the market of GMOs or products containing GMOs pursuant to the present Act and a special regulation. The form and method of keeping a register of GMOs shall be prescribed by competent ministers, each within his scope of competencies.

6.3.7. Management of Waste Generated by the Use of GMOs

Article 140

(1) The applicant or a legal or physical entity using GMOs shall dispose of and permanently and harmlessly destroy the wastes containing GMOs in the manner that ensures that the GMO is no longer capable of transmission or reproduction of genetic material and that its genetic material cannot be transferred to other organisms.

(2) The method of disposal and harmless destruction of wastes containing GMOs shall be prescribed by the Government in a by-law as referred to in Article 93, paragraph 2 of the present Act.

6.3.8. Liability for Damage Caused by Unauthorized Use of GMOs

Article 141

Legal and physical entities shall compensate the damage that they have caused by the unauthorized transboundary movement, transit, use, release into the environment or placing on the market of GMOs or products containing GMOs, in the manner as determined by the present Act and special regulations.

7. Minerals and Fossils

7.1. General Measures

Article 142

(1) Minerals are autochthonous homogenous chemical elements or compounds in form of a crystallised or amorphous matter of a specific structure, form and composition. In terms of the present Act minerals are not mineral raw materials.

(2) Fossils represent preserved units, parts or traces of extinct organisms and their life activities.

(3) Minerals and fossils are the property of the Republic of Croatia.

(4) It is prohibited to destroy minerals and fossils and damage their finding sites without a valid reason. The reason shall be considered valid if there is a prevailing public interest or if it has a useful effect.

7.2. Protected Minerals and Fossils

Article 143

(1) Minerals and fossils important for their rarity, extraordinary size or appearance or the outstanding and universal educational and scientific relevance represent protected natural values in terms of the present Act.

(2) Minerals and fossils that represent protected natural values shall be determined by the Minister in a rulebook at the proposal of the State Institute for the Protection of Nature.

(3) Minerals and fossils designated as protected natural values shall be kept at their original finding site and the finding site shall enjoy protection as a protected natural value.

(4) Should it be impossible to ensure protection of minerals and fossils at the finding site, they shall be given for safekeeping to a physical or legal entity who will ensure their professional protection and enable their use for the purpose of education, museum activities, science and nature protection.

(5) Conditions under which minerals and fossils may be given to a physical or legal entity for protection and safekeeping shall be laid down by the Minister in a rulebook.

(6) Conditions for studying the finding sites, the method of protecting minerals and fossils on their finding sites, the method of protecting finding sites and the contents, methods and conditions for a professional protection of minerals and fossils kept outside the finding shall be laid down by the Minister in a rulebook, after obtaining the opinion of the Ministry of Science and Technology and a competent scientific and/or expert institution, depending on the complexity of the assessment.

(7) The register of legal and physical entities to be entrusted with the protection and safekeeping of minerals and fossils and legal entities authorized for the study of finding sites of minerals and fossils shall be kept by the Ministry.

Article 144

(1) It is prohibited to take from nature minerals and fossils designated protected natural values or situated on a protected finding site.

(2) Exceptionally, the Ministry may grant a permit for minerals and fossils designated protected natural values or situated on a protected finding site to be taken from nature for the purpose of scientific and expert research, education, displaying on exhibitions and for other purposes.

7.3. Discovery of Minerals and Fossils and Study of Finding Places

Article 145

(1) Any discovery of a mineral or fossil that might represent a protected natural value as referred to in Article 144 of the present Act shall be reported by the finder to the Ministry within eight days after the day of the discovery thereof and necessary measures taken to protect the same against destruction, damage or theft.

(2) The Ministry shall decide on the study of the finding site of a mineral or a fossil after obtaining the opinion of the State Institute for Nature Protection not later than thirty days after the site has been reported. The decision on the study shall also determine the nature protection measures.

(3) Should the Ministry fail to issue the decision on the study within the period of time under paragraph 2 of the present Article, the study and protection shall be considered unnecessary.

(4) Unless provided otherwise by the Ministry, the finder will not be authorized to perform any activities on the finding site that are likely to cause destruction or damage to the finds, with the exception of protection measures.

(5) The owner or the trustee of the land where minerals and fossils were found must enable the study of the finding site in compliance with the decision of the Ministry.

(6) The study of the finding site shall be carried out by an authorized physical or legal entity pursuant to the authorization granted by the Ministry and in the manner as prescribed by the rulebook under Article 143, paragraph 6 of the present Act.

(7) If there is a likelihood that further minerals or fossils could be found, the Ministry shall, upon completion of studies permitted and on the basis of the supervision carried out, make a decision on the continuation thereof.

Article 146

(1) If a legal or physical entity intends to study the mineral or fossil finding sites, it shall apply to the Ministry for authorization not later than 30 days prior to the planned commencement of the study.

(2) If the study relates to a finding site of protected minerals or fossils declared natural values, the Ministry may prohibit the study or grant the authorization in which nature protection conditions or rather measures for the protection of the finding site will be laid down. The authorization will be granted by a decision.

(3) The legal or physical entity shall submit to the Ministry a report on the study carried out, including data on the state of the finding site, possible threats to the finding site and additional study and additional protection measures required not later than thirty days upon the completion of the study.

7.4. Use of Minerals and Fossils

Article 147

(1) A physical entity may for his/her own collection take from nature minerals and fossils not designated protected natural values.

(2) A legal entity may take from nature minerals or fossils not designated protected natural values for the purpose of performing research, educational or museum activities.

(3) A legal and a physical entity may take minerals or fossils from nature for the purpose of placing them on the market after obtaining previously the permit of the Ministry. The permit will be granted by a decision.

(4) A physical or legal entity placing on the market minerals or fossils from nature must have a certificate of origin or a permit for taking from nature for each mineral or fossil possessed. When selling a mineral or a fossil this certificate or the permit shall be submitted to the buyer.

(5) A legal or physical entity under paragraph 4 of the present Article shall keep records of placing minerals or fossils on the market.

(6) The form and the contents of the records of placing minerals and fossils on the market shall be prescribed by the Minister in a rulebook.

Article 148

(1) When taking minerals or fossils from nature it is prohibited to use machinery, explosives, compression gases or any other chemicals.

(2) The Ministry may exceptionally permit the use of means as referred to in paragraph 1 of the present Article in case of collecting minerals and fossils for scientific, research or educational purposes.

Article 149

(1) A physical or a legal entity intending to export minerals or fossils must be granted the export licence by the Ministry. The licence shall be granted by a decision.

(2) No export of minerals and fossils designated protected natural values is permitted.

(3) Exceptionally, the Ministry may permit export of minerals or fossils designated protected natural values for the purpose of scientific research, education or displaying. In the permit the conditions for export of minerals and fossils shall be laid down.

III. PROTECTION OF NATURAL VALUES

1. Protected Natural Values

Article 150

(1) Protected natural values in terms of the present Act are:

1. protected areas:
 - strict reserve
 - national park
 - special reserve
 - nature park
 - regional park
 - natural monument
 - important landscape
 - forest park
 - monument of park architecture;
2. protected taxa:
 - strictly protected and protected wild taxon (hereinafter referred to as: protected wild taxon)
 - protected indigenous domesticated taxon;
3. protected mineral and fossil.

(2) Protected natural values shall be classified into categories of:

- international importance,
- national importance and
- local importance.

(3) The classification into categories shall be determined on the basis of an expert evaluation of the protected natural value.

(4) Protected natural values under paragraph 1, indents 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the present Article may be connected over the border with protected areas of another state.

(5) The management plan and measures for the protection of natural values connected over the border shall be defined by agreement with the competent authority of the state in which the transboundary segment of a natural value is located and in compliance with the provisions of the present Act.

(6) The protection and conservation of cultural assets located in the area of protected natural values under paragraph 1, indent 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the present Article shall be governed by the regulations of the protection and conservation of cultural assets.

Article 151

(1) A strict reserve is a mainland and/or a sea area with an unmodified or slightly modified overall nature, intended exclusively for the conservation of the original nature, scientific research that does not affect biological diversity, monitoring of the state of nature and education posing no threat to a free course of natural processes.

(2) For any research into and any visit to a strict reserve for educational purposes an authorization of the Ministry is required.

(3) In a strict reserve all economic and other activities are prohibited.

Article 152

(1) A national park is a vast, predominantly unmodified mainland and/or sea area of outstanding and multiple natural values. It includes one or more conserved or slightly modified ecosystems and is in the first line intended for the conservation of autochthonous natural values.

(2) A national park has a scientific, cultural, educational and recreational purpose.

(3) In a national park only those actions and activities are permitted that do not pose any threat to authenticity of nature.

(4) In a national park any economic use of natural resources is prohibited.

(5) In a national park it is permitted to perform catering, tourist and recreational activities in connection with the visiting and touring, including agriculture, fishery and handicrafts in the traditional way and economic activities performed in the national park until its designation in compliance with the provisions of the present Act and regulations issued on the basis thereof.

(6) The activities under paragraph 5 of the present Article may be restricted for the purpose of conserving the authenticity of nature of the national park.

Article 153

(1) A special reserve is a mainland and/or a sea area of a special importance due to its uniqueness, rarity or representative character, or a habitat of a threatened wild taxon, and has a special scientific importance and purpose.

(2) A special reserve may be floristic and mycological, of forest and other vegetation, zoological (ornithological, ichthyological, etc.), geological, paleontological, hydrogeological, hydrological, marine reserve, etc.

(3) In a special reserve no actions and activities are permitted that are likely to degrade the features for which it has been designated a reserve (picking and devastating of plants, disturbing, catching and killing of animals, introduction of new biological taxa, land reclamation, various forms of economic and other uses, etc.).

(4) In a special reserve only those actions and activities are permitted that serve for the maintenance or improvement of conditions important for preservation of features for which it has been designated a reserve.

(5) Any visiting and touring of a special reserve may be prohibited or restricted by protection measures.

(6) The act of designating a special reserve may at the same time protect diverse values for which the reserve is being designated (ornithological and ichthyological, geological and hydrological, etc.).

Article 154

(1) A nature park is a vast natural or partly cultivated mainland and/or sea area with ecological features of international and national importance, with marked landscape, educational, cultural, historical, tourist and recreational values.

(2) In a nature park those actions and activities are permitted that do not pose any threat to its essential features and roles.

(3) The method of performing economic activities and using natural resources in a nature park shall be laid down by nature protection conditions.

Article 155

(1) A regional park is a vast natural or partly cultivated area of the mainland and/or the sea with ecological features of international, national and regional importance and landscape values characteristic of the area in which it is located.

(2) In a regional park only those economic and other activities are permitted that do not pose any threat to its essential features and roles.

(3) The method of performing economic activities and using natural resources in a nature park shall be laid down by nature protection conditions.

Article 156

(1) A natural monument is an individual unmodified segment or a group of segments of animate or inanimate nature that has an ecological, scientific, aesthetic and educational value.

(2) A natural monument may be geological (paleontological, mineralogical, hydrogeological, relating to sediments, structural geology and petroleum engineering, etc.), geomorphological (a cave, a pit, a solitary rock, etc.), hydrological (a watercourse, a waterfall, a lake, etc.), botanical (a specimen of a plant life that is rare or important due to its site), a small-sized botanical and zoological site, etc.

(3) On the natural monument and in the adjoining space forming a constituent part of the protected area no activities are permitted that pose threat to its features and values.

Article 157

(1) An important landscape is a natural or cultivated region of a great landscape value and biodiversity or cultural and historical value, or a landscape of conserved unique features characteristic of a particular area intended for rest and recreation, or an especially valuable landscape determined in compliance with the present Act.

(2) In an important landscape no activities and actions are permitted that degrade the features for which it has been designated protected.

Article 158

(1) A forest park is a natural or a planted forest of a greater landscape value, intended for rest and recreation.

(2) In a forest park only those activities and actions aiming at its maintenance or arrangement are permitted.

Article 159

(1) A monument of park architecture is an artificially formed space (a public garden, a botanical garden, an arboretum, a city garden, a line

of trees and other forms of garden and park shaping) or rather an individual tree or a group of trees with a higher aesthetic, stylistic, artistic, cultural, historical, ecological or scientific value.

(2) On the monument of park architecture and in the adjoining space forming a constituent part of a protected area no activities and actions are permitted that might modify or degrade the values for which it has been protected.

Article 160

(1) Wild taxa that are threatened or rare are protected as strictly protected taxa and protected taxa.

(2) To issues of the protection of wild taxa which are not governed by the present Act, special regulations shall apply.

Article 161

(1) Protected indigenous domesticated taxa are those plants and animals that have evolved as a consequence of a traditional breeding and constitute a part of Croatian cultural heritage.

(2) To issues of the protection of indigenous domesticated taxa which are not governed by the present Act, special regulations shall apply.

Article 162

(1) Minerals and fossils that are rare, of extraordinary size or appearance, or of a unique scientific importance represent protected natural values.

(2) To the protection of minerals and fossils under paragraph 1 of the present Article the provisions of the present Act and special regulations shall apply.

2. Procedure of Designating Protected Taxa, Minerals and Fossils

Article 163

(1) Protected wild taxa and protected indigenous domesticated taxa shall be designated by the Minister in compliance with the provisions of Articles 77 and 88 of the present Act.

(2) Protected minerals and fossils shall be designated by the Minister in compliance with the provisions of Article 143 of the present Act.

(3) Documents about designating wild taxa, indigenous domesticated taxa, minerals and fossils protected shall be published in the Official Gazette.

3. Protected Areas Designation Procedure

Article 164

(1) A national park and a nature park shall be designated by a law passed by the Croatian Parliament (hereinafter referred to as: the Parliament).

(2) Strict and special reserves and protected natural values spreading over an area of two or more counties shall be designated by a decree of the Government at the proposal of the Ministry.

(3) A regional park, an important landscape and a forest park shall be designated by the county assembly or the Zagreb City Assembly with the consent obtained previously from the Ministry and the Ministry of Agriculture and Forestry.

(4) A natural monument and a monument of park architecture shall be designated by the county assembly or the Zagreb City Assembly with the previous consent of the Ministry.

(5) If the protection as referred to in paragraphs 3 and 4 of the present Article has been proposed by the Ministry and the corresponding representative body fails to issue a document on protection within three months upon receipt of the proposal, this natural value shall be designated protected by the Government.

Article 165

(1) The document of designating a protected area shall contain:

- name and category of the protected area;
- a precise description of the spatial determination of borders;
- indication of the scale of cartographic presentation or rather another site denotation;
- a cartographic presentation showing boundaries or rather the site denotation which is a constituent part of the designation document.

(2) For the purpose of preventing threats to a protected natural area the document of designation may provide for an area of influence outside the protected natural area and lay down measures for the protection thereof.

(3) The document of designation shall be based on an expert explanation specifying the values of the area proposed for the protection, the methods of managing that area and a statement of the authority issuing the designation document confirming that funds necessary for the protected area management have been secured.

(4) The expert explanation under paragraph 3 of the present Article shall contain a detailed description of features and values of the area to be protected, the assessment of the state of that area, consequences that will arise from the adoption of the document of designation, especially as regards ownership rights and economic activities encountered, and evaluation and sources of funds necessary for the enforcement of the protected area designation document.

Article 166

(1) The public shall be informed about the proposal to designate a protected area.

(2) Public information implies providing public access to the proposed document of designating a protected area and an expert explanation with a cartographic documentation.

(3) Public access to the proposed document of designating a protected area shall be provided in district (regional) and local self-government units in the area in which the protected area is located. With the consent of all district (regional) and local self-government units public access may be provided in one place for all units.

(4) Public access under paragraph 2 of the present Article shall be provided for at least thirty days. The public access procedure shall be laid down by the Government in a decree at the proposal of the Ministry.

(5) The entity proposing the document of a protected area designation shall deliver his/her opinion about comments made during public access to the document and these comments and opinions shall form a constituent part of documents underlying the designation proposal.

(6) The notification of public access shall be published in at least one newspaper and contain information relating to the place where

cartographic and other documents related to the protection proposed will be made available.

(7) The procedure of public access for the purpose of designating national parks, nature parks, strict reserves, special reserves and protected landscapes spreading over the area of two or more counties shall be organized and carried out by the Ministry. The public access procedure related to other protected areas (natural monument, regional park, important landscape, forest park and monument of park architecture) shall be organized and carried out by the county or the City of Zagreb.

Article 167

(1) The protected area designation document as referred to in Article 164, paragraphs 1, 2 and 5 of the present Act shall be published in the Official Gazette and the designation document as referred to in Article 164, paragraphs 3 and 4 of the present Act in the official paper of the county or the City of Zagreb and in the Official Gazette.

(2) A cartographic representation showing boundaries or rather a site indication shall be kept in the Ministry.

Article 168

(1) In case that features for which a regional park, a natural monument, an important landscape, a forest park and a monument of park architecture has been designated protected are lost, the competent authority as referred to in Article 164 of the present Act shall issue a document of the termination of protection after obtaining previously the consent of the Ministry.

(2) For a strict reserve, a special reserve and protected natural values spreading over the area of two or more counties the document of the termination of protection may be issued in case that features are lost for which it has been designated protected at the proposal of the Ministry. The document of the termination of protection shall be adopted by the Government.

(3) In case that features are lost for which a national park or a nature park has been designated protected, an act on the cessation of the validity of the act on a national or nature park designation shall be passed.

(4) The document of the termination of protection shall be based on an expert explanation establishing the loss of features for which that natural value has been protected.

4. Temporary Protection

Article 169

(1) A natural area undergoing the procedure of its putting under the protection shall be under the temporary protection as of the day of publication of the notification of public access to documents in a newspaper, but not later than a year upon the date of publishing the notification.

(2) Naturally valuable areas, identified by physical planning documents as natural values to be protected under a specific protection regime, shall be under the temporary protection as of the effective date of physical planning documents.

(3) The natural value designation procedure under paragraph 2 of the present Article shall be carried out within two years.

(4) In case of a failure to institute the procedure within the time set under paragraph 3 of the present Act, any temporary protection of the areas identified by physical planning documents as protected natural values shall cease to be valid.

(5) For natural values proposed for the protection by physical planning documents that came into effect prior to the effective date of the present Act, the time limit for the temporary protection under paragraph 3 of the present Act shall run as of the effective date of the present Act.

(6) For the duration of temporary protection the natural value shall be governed by the provisions of the present Act laying down the protection of protected natural values.

5. Register of Protected Natural Values

Article 170

(1) Protected areas, protected taxa and protected minerals and fossils shall be entered into the Register of Protected Natural Values.

(2) The Register of Protected Natural Values shall be kept by the Ministry.

(3) The entry of protected natural values into the Register and their deleting from the Register shall be made pursuant to the designation document or rather the document on the cessation of protection.

(4) The contents and methods of keeping the Register of Protected Natural Values shall be determined by the Minister in a rulebook.

(5) Information contained in the Register of Protected Natural Values shall be public, unless specifically determined that information relating to the natural value site are confidential for the purpose of its protection.

6. Protected Area Management

Article 171

(1) Protected areas shall be managed by public institutions.

(2) Public institutions for national park and nature park management shall be established by the Government.

(3) Public institutions for the management of other protected areas and other protected natural values shall be established by county assemblies or the Zagreb City Assembly.

(4) Two or more counties may by a contract establish jointly a public institution for the management of protected natural values in their respective areas.

(5) A public institution for the management of all protected areas under paragraph 3 of the present Article located in the area of a town or a municipality may be established by a representative body of that city or municipality.

(6) Protected areas designated by the Government, the county assembly or the Zagreb City Assembly, if situated in the area of a national park or a nature park or bordering on the same or directly at the border thereof, shall be managed by the public institution managing the national or the nature park.

(7) If areas of national parks and nature parks overlap or border directly, the Government may take a decision to found one public institution to manage those national parks and nature parks.

(8) In case that paragraph 7 of the present Article applies, management plans shall be prepared for each protected area.

(9) By the establishment of the public institution under paragraph 5 of the present Article the public institution of the county is no more entitled to manage the protected areas of a town or a municipality, and

the right to management shall be acquired by the public institution established by the city or the municipality.

Article 172

(1) Public institutions as referred to in Article 171 of the present Act shall perform activities pertaining to protection, maintenance and promotion of a protected area with the aim to protect and maintain the authenticity of nature, to ensure the undisturbed progress of natural processes and sustainable use of natural resources, and shall exercise control of implementation of nature protection conditions and measures in the area of their management.

(2) Public institutions managing nature parks and regional parks shall also control the performance of permitted economic activities with the aim to ensure a rational and sustainable use of natural resources.

(3) A public institution shall perform activities under paragraphs 1 and 2 of the present Article as a public service.

(4) A public institution may perform such other activities as determined by its charter of foundation and articles of incorporation that serve for performing activities under paragraphs 1 and 2 of the present Article, rather than making profit.

Article 173

(1) The finance necessary for the operation of a public institution and for the performance of activities under Article 172 of the present Act shall be secured by:

- government budget, budgets of the counties, the City of Zagreb, towns or municipalities;
- revenues from the use of protected natural values;
- revenues from charges, and
- other sources as determined by the present Act and special regulations.

Article 174

(1) A public institution for the management of protected areas shall be managed by an administrative council. The administrative council shall consist of five members at most.

(2) The composition, the method of electing members and the term of their office, including the decision-making procedure of the administrative council shall be determined by the public institution's charter of foundation and the articles of association.

(3) The administrative council members in public institutions that manage national parks and nature parks shall be appointed by the Minister and the administrative council members in public institutions established by the representative body of a county or the City of Zagreb shall be appointed by the county government or the government of the City of Zagreb. The administrative council members in public institutions established by the representative body of a town or a municipality shall be appointed by the city or the municipal government.

(3) One member of the administrative council of a public institution that manages a strict or a special reserve or an important landscape spreading over the area of two or more counties, shall be appointed by the county government or the government of the City of Zagreb at the proposal of the Minister.

Article 175

(1) The administrative council of a public institution managing a protected area shall:

- adopt the public institution's articles of association;
- adopt management plans for national parks, nature parks, regional parks, strict and special reserves;
- adopt annual programmes for the protection, maintenance, promotion and use of a protected area;
- adopt by-laws as determined by the articles of associations;
- adopt the public institution's development plan and annual financial plan and
- take decisions on the selection or rather appointing and relieving employees determined by the public institution's articles of association.

(2) The administrative council of the public institution that manages a national park or a nature park shall adopt the management plan and the annual programme for the protection, maintenance, conservation, promotion and use of the protected area, with the consent of the Ministry after previously obtaining the opinion of the State Institute for Nature Protection.

(3) The administrative council of the public institution that manages other protected areas shall adopt the management plant for protected areas with the consent of the Ministry and after obtaining previously the opinion of the State Institute for Nature Protection, and

the annual programme for the protection, maintenance, promotion and use of the protected area with the consent of the county government or the government of the City of Zagreb or rather the government of the town or the municipality.

(4) The administrative council of the public institution that manages a national park or a nature park shall adopt articles of associations with the consent of the Government and the administrative council of the public institution managing other protected areas shall adopt articles of association with the consent of the county government or the government of the City of Zagreb or rather the government of the town or the municipality.

(5) If a public institution manages a protected area spreading over the area of two or more counties, the consent to the articles of association shall be given by the Ministry.

(6) The administrative council shall submit to the Ministry or the county government or the government of the City of Zagreb or the government of the town or the municipality a report on the fulfilment of the management plan and the annual programme for the protection, maintenance, conservation, promotion and use of the protected area by 1 March of the current year for the previous year.

(7) The administrative council shall perform also such other tasks as laid down by the articles of association of the public institution.

Article 176

(1) The administrative council chairperson shall be elected and relieved by the administrative council.

(2) The composition, methods of work and decision-making of the administrative council, including other issues relating to the administrative council set up and scope of activities, shall be regulated by the charter of foundation and articles of association of the public institution.

Article 177

(1) The manager of a public institution for the management of a national park or a nature park shall be nominated by the Minister on the basis of a public announcement for positions made by the administrative council.

(2) The manager of a public institution for the management of other protected areas within the competence of a county or the City of

Zagreb shall be nominated by the representative body of the county or the City of Zagreb.

(3) The manager of a public institution for the management of a protected area established by the representative body of a town or a municipality shall be nominated by the representative body of the town or the municipality.

(4) Any person with a university degree and at least five years of professional experience may be nominated for the manager of a public institution.

(5) All conditions for the nomination of a manager shall be prescribed in detail by the public institution's charter of foundation and articles of association.

Article 178

(1) Expert activities of a public institution managing a protected area shall be conducted by a head of expert activities whose rights, duties and responsibilities, including conditions that must be fulfilled, shall be laid down by the public institution's charter of foundation and articles of association.

(2) Any person with a university degree and at least five years of professional experience may be nominated for the head of expert activities of the public institution.

(3) All conditions for the nomination of a head of expert activities shall be prescribed in detail by the public institution's charter of foundation and articles of association.

Article 179

(1) The control of the legality of work and by-laws of public institutions for the management of protected areas established by the Government shall be carried out by the Ministry.

(2) The control of the legality of work and by-laws of public institutions for the management of protected areas established by a county or the City of Zagreb, a town or a municipality shall be carried out by the competent office of the government authority.

(3) The control of expert activities of public institutions under paragraphs 1 and 2 of the present shall be carried out by the Ministry.

7. Implementation of Protection in Protected Areas

Article 180

(1) Organization of the space and the method of use, arrangement and protection of the space in a national park and a nature park shall be determined by a physical plan for the arrangement of areas of special features.

(2) A national park and nature park physical plan shall be adopted by the Parliament.

Article 181

(1) The management of protected areas under Article 150, paragraph 1, item 1 of the present Act shall be carried out pursuant to the management plan.

(2) The management plan shall be adopted for the period of ten years.

(3) The management plan shall lay down development guidelines, methods of protection implementation, use and management of a protected area, including detailed guidelines for the protection and conservation of natural values of a protected area, respecting the needs of local population.

(4) The managing plan shall be binding for all physical and legal entities involved in activities in a protected area.

(5) Upon expiry of the five-year period the implementation of the management plan and the results achieved shall be analysed and, if required, the management plan revised in the manner and according to the procedure as determined for the adoption thereof.

Article 182

(1) The protected area management plan under Article 181, paragraph 1 of the present Act shall contain:

a) Protected area management objectives and policies including the following components:

- protected area purpose, functions and objectives and
- protected area management policy;

b) Protected area protection guidelines including the following components:

- assessment of the state of the protected and affected area;
- protection concept relating to the entire area and its individual parts (zones);
- monitoring of the state of the protected area and its values;
- protection and management of natural and cultural values, including protected area resources (protection programmes, etc.);
- development of activities authorized in the protected area;
- protected area visiting (visiting and touring programmes, etc.);
- guidelines for the appearance of buildings in protected areas;
- linking the protected area with neighbouring areas and
- impacts on the environment and the socio-economic complex;

c) Implementation of the plan including the following components:

- guidelines for linking sectoral plans;
- plan implementation activities;
- plan implementation supervision;
- plan implementation costs;
- methods and sources of finance and
- institutional set-up and persons responsible for activities in protected area management.

(2) The management plan shall be implemented through annual programmes for the protection, conservation, use and promotion of the protected area.

(3) Prior to defining the draft management plan the public institution shall provide public access to documents by applying correspondingly the provisions of Article 166 of the present Act.

Article 183

(1) Measures for the protection of protected areas shall form a constituent part of physical planning documents, management plans

under Article 181, paragraph 1 of the present Act and other regulations issued pursuant to the present Act and governing the issues of the protection, conservation, enhancement and use of a national park, a nature park and other protected areas.

(2) By protection measures it is possible to prohibit or restrict: execution of activities in the space (construction of infrastructure facilities; new construction of transit, public utility, energy, telecommunication and transport facilities; ground excavation or filling up; excavation or removal of stones, minerals and fossils; waste disposal and wastewater discharge; water regime modifications; removal of alluviums; economic use of natural resources; execution of land reclamation activities; removal of hedges and other parts of nature; planting monocultures; gathering fungi and plants and the parts thereof; disturbing, killing or catching animals; hunting; fishing; transportation; sports and recreation activities; placing advertisements and other signs; visiting and touring and other activities likely to endanger the protected natural value).

(3) In protected areas it is prohibited to perform military exercises or any other military activities likely to endanger natural values.

Article 184

(1) The rulebook on internal order shall define in detail issues and lay down measures for the protection, conservation, enhancement and use of a national park and a nature park, including protected areas and other protected natural values managed by the public institution established by a county assembly or the Zagreb City Assembly or a representative body of a town or a municipality, and shall impose administrative measures for non-compliance with the provisions of this rulebook and the present Act.

(2) The rulebook under paragraph 1 of the present Article shall be enacted by the Minister at the proposal of the administrative council of the public institution and after obtaining previously the opinion of the State Institute for Nature Protection.

8. Use of Protected Natural Values

Article 185

(1) In a protected area only those activities and actions are permitted which do not cause any damage and do not alter the features for which it has been protected.

(2) A permit shall be granted for activities and actions in a protected area for which, according to a special regulation, no building permit is to be obtained or rather the evaluation of acceptability of the activity to nature carried out.

(3) A permit for activities and actions in a strict reserve, a national park, a special reserve and a natural monument shall be granted by the Ministry.

(4) A permit for activities and actions in a nature park, a regional park, an important landscape, a forest park and a monument of park architecture shall be granted by the competent office of the government body.

(5) A permit shall be granted by a decision. Appeals against decisions announced by an office of the government body may be lodged to the Ministry.

(6) No permit is to be obtained for activities and actions conducted on the basis of management plans relating to forestry, hunting, fishing, water management and mining, if these management plans contain nature protection conditions.

(7) The permit under paragraphs 3, 4 and 7 of the present Article contains also nature protection conditions.

Article 186

(1) Protected natural areas may be visited and toured in the manner that will not endanger either its values or implementation of the protection.

(2) Visiting and touring of a protected area and other protected natural values are permitted to anyone under the same conditions in compliance with the present Act and regulations made pursuant to it.

(3) If visiting and touring of protected areas could be detrimental to their conservation, such visiting and touring of a protected area or any part thereof may be prohibited or restricted.

Article 187

(1) The owner or the trustee of a protected area must permit access to a specific natural value if, considering the protection purpose and the importance of that natural value, this is necessary for the purpose of satisfying the scientific, educational, aesthetic, cultural and

recreational needs, in the manner and under the conditions as determined by the Minister's decision.

(2) In the decision under paragraph 1 of the present Article compensation shall be determined payable to the owner or the trustee for possible restrictions imposed on him.

Article 188

(1) In the event that the application and use of a protected area for specific purposes is restricted or prohibited, the owner or the trustee of that protected area shall be entitled to compensation for the restrictions imposed on him.

(2) The amount of the compensation shall be fixed by mutual agreement. In case of a dispute the amount of the compensation will be determined by the court.

(3) The compensation shall be payable from the government budget or the budget of a county, the City of Zagreb, a town or a municipality.

Article 189

(1) Care about a natural value in a protected area may be entrusted to the owner or the trustee of the real property by entering into a contract stipulating mutual rights and obligations between the public institution managing the natural value and the owner or the trustee of the real property. In case that a forest is a natural value, the consent of the ministry responsible for forestry shall be obtained prior to signing the contract.

(2) The contract as referred to in paragraph 1 of the present Article shall determine:

- the natural value that is the subject matter of the care contracted;
- protection measures to be taken by the owner or the trustee for the duration of the contract;
- the amount of compensation payable for implementation of protection measures prescribed and contracted and
- other mutual rights and obligations relating to care to be taken of the natural value.

(3) If a natural value as referred to in paragraph 1 of the present Article refers to a protected wild taxon, the contract shall be signed by the Ministry.

Article 190

(1) On the basis of a public announcement the protection of a natural value in a protected area may be entrusted to a person, who is neither the owner nor the trustee thereof, by signing a contract on guardianship under the conditions laid down by the Ministry. The public announcement will be made by the public institution managing the protected area in which the natural value is located.

(2) Conditions to be fulfilled by the person under paragraph 1 of the present Article shall be prescribed by the Minister in a rulebook.

(3) A person who fulfils the conditions required and enters into a contract with the public institution under paragraph 1 of the present Article becomes a guardian of the protected value.

(4) All issues determined by Article 189, paragraph 2 of the present Act shall be governed by the contract under paragraph 1 of the present Act.

(5) If the natural value under paragraph 1 of the present Article refers to a protected wild taxon, the public announcement will be made and the contract signed by the Ministry.

Article 191

In the event that an activity or use of a natural value or a real property in a protected area is restricted or prohibited in a certain manner or for certain purposes to the detriment of the owner or the trustee of that natural value or the real property, he or she will be entitled to a compensation for restrictions that he or she was subject to in compliance with the provisions of Article 188, paragraph 2 of the present Act.

9. Pre-emption Rights and Restrictions of Legal Operations

Article 192

(1) The owner of a real property (hereinafter referred to as: the owner) within a national park, a nature park, a strict or a special reserve intending to sell that real property shall first offer the same for sale to the Republic of Croatia, and the owner of a real property in other protected natural values intending to sell that real property shall first of all offer the same for sale to the county or the City of Zagreb or a town or a municipality.

(2) In the offer the owner of the real property within the protected natural value shall quote the price and terms of sale.

(3) The Republic of Croatia, the county or the City of Zagreb shall accept or reject the offer within ninety days upon receipt of the offer in writing.

(4) In case that the offer is not accepted within the time limit as fixed, the owner is entitled to sell the real property in a protected natural value to another person, at a price not lower than the price quoted in the offer and under the terms and conditions that are not more favourable for the buyer than those contained in the offer under paragraph 2 of the present Article.

(5) Should the owner sell the real property in a protected area without previously acting in accordance with paragraphs 1 and 4 of the present Article, the Republic of Croatia, the county or the City of Zagreb may bring legal action against the seller and the buyer, requiring the annulment of the sales contract within ninety days after the conclusion of the contract has been made known to them, but not later than two years upon signing the sales contract.

(6) The Republic of Croatia, the county or the City of Zagreb may require the annulment of the contract on the sale of the real property in a protected area within the time limit as specified in paragraph 5 of the present Article also in case that the contract in question is concluded in the form of a donation or that the price or terms of sale are simulated, with the actual price and terms of contract being more favourable for the buyer.

(7) The pre-emption right as referred to in paragraph 1 of the present Article shall be entered into the land-books at the court of jurisdiction.

Article 193

(1) Real properties and natural values in a strict reserve, a national park, a special reserve and a natural monument, owned by the Republic of Croatia or by the district (regional) or local self-government units, shall be subject to prohibitions and restrictions of legal operations in compliance with the present Act and a special regulation.

(2) For the purpose of protecting landscape values and habitats in a nature park and a regional park, agricultural land owned by the Republic of Croatia and, according to the provisions of a special law, identified as pastures, meadows, fishponds, reeds and wetland, shall not be used for legal operations.

(3) Notwithstanding the provisions under paragraphs 1 and 2 of the present Article the Ministry may permit exchange of a state-owned land within a strict reserve, a national park, a special reserve and a natural monument for another land in a protected area, owned by a physical or legal entity, for the purpose of acquiring the ownership of a land more important for the protection of natural values or for the accomplishment of protection objectives.

Article 194

(1) The ownership of a real property in protected areas may only be acquired under the conditions laid down by the present Act and a special regulation.

(2) Foreign legal or physical entities may not be holders of property rights relating to real property in a strict reserve, a national park, a special reserve, a nature park, a natural monument, an important landscape, a forest park and a monument of park architecture, unless determined otherwise by an international treaty.

Article 195

(1) The application for the consent to acquire ownership of a real property in a protected area under Article 193, paragraph 3 of the present Act shall be submitted by the buyer to the Ministry. The application must be accompanied by the evidence of a legal business.

(2) The Ministry shall give or withhold the consent by a decision within sixty days. Should the decision not be taken within the time limit fixed, the consent will be considered given.

(3) The authentication of signatures on the contract on the sale of the real property in a protected natural value and the transfer of title in a land book are only possible on the basis of the consent given by the Ministry.

(4) Legal operations performed in contravention of the provisions of the present Act shall be null and void.

10. Expropriation and Restriction of Property Rights

Article 196

(1) When necessary for the purpose of an effective protection of nature, it may be for the benefit of the Republic of Croatia to take away

or restrict property and other actual rights to a real property in a protected area.

(2) A property or any other actual right shall be taken away or restricted according to the procedure and in the manner as determined by the act governing the expropriation of the real property, unless provided otherwise by the present Act.

(3) The Republic of Croatia, the county or the City of Zagreb shall submit to owners a written proposal for the purchase of the real property at least three months prior to submitting the expropriation proposal.

(4) For the real property seized the Republic of Croatia, the county or the City of Zagreb shall provide another real property of equivalent value outside the protected area or pay compensation.

(5) The amount of the compensation payable for the real property seized shall be determined according to the value of the real property considering its market value.

(6) The expropriation procedure shall be initiated at the proposal of the competent authority and implemented in the manner as determined by the law governing expropriation.

(7) A real property in a protected area shall be entered into the real property cadastre kept in accordance with special regulations.

Article 197

(1) The Republic of Croatia shall, at the request of the owner of a real property in a protected area designated by the Croatian Parliament or the Government, purchase the real property at a market price or offer another real property of equivalent value that, due to restrictions and prohibitions under the present Act, cannot be used for the activity as used prior to the protection or can be used to a minor extent only.

(2) The county and the City of Zagreb shall, at the request of the owner of a real property in a protected area which the county or the City of Zagreb has designated protected pursuant to the present Act, purchase the real property at a market price or offer another real property of equivalent value that, due to restrictions and prohibitions under the present Act, cannot be used for the activity as used prior to the protection or can be used to a minor extent only.

(3) The owner of the real property shall have the right to offer the real property for sale in compliance with the present Article within two

years upon the effective date of the document imposing restrictions and prohibitions relating to the real property.

11. Compensation for Damage

Article 198

(1) A physical or legal entity who, due to restrictions and prohibitions under the present Act or protection documents issued pursuant to it, has suffered substantial deterioration of current conditions for generation of income, which cannot be compensated for by a permitted activity within the framework of the prescribed mode of protection in the protected area, shall be entitled to compensation for restrictions that he/she was subject to.

(2) The compensation as referred to in paragraph 1 of the present Article is payable provided that the physical or legal entity subject to restrictions has been previously found by the competent government authority to implement nature protection measures as prescribed.

(3) The amount of the compensation shall be fixed by mutual agreement. In case of a dispute the amount of the compensation shall be determined by the court.

(4) The compensation as referred to in paragraph 1 of the present Article is payable from the government budget or rather the budget of the county or the City of Zagreb.

Article 199

The Republic of Croatia is not liable for damages caused by plants, fungi or animals, except in cases as determined by the law.

Article 200

(1) A physical or a legal entity that might suffer an economic or other damage (hereinafter referred to as: the party damaged) caused by animals of strictly protected taxa shall at his or her own cost undertake all permitted actions and activities in the appropriate manner so as to prevent the occurrence of the damage.

(2) Actions and activities permitted for the prevention of damage caused by strictly protected animal taxa shall be determined by the Minister in a rulebook, taking into consideration natural values of the area in which these measures are implemented.

Article 201

(1) Should it be impossible to prevent the occurrence of the damage in the manner as referred to in Article 200 of the present Article, the party damaged may require from the Ministry to undertake such necessary actions and activities as may be necessary for the prevention of any further damage. The party damaged and the Ministry shall share the costs of taking the necessary actions and activities by mutual agreement.

(2) In case that an action or an activity under paragraph 1 of the present Article are undertaken by the Ministry of its own accord, the Ministry shall also bear the costs thereof.

(3) Under the action or activity in terms of paragraph 1 of the present Article it is to understand an effective fencing and targeted safeguarding of assets, including chasing out and catching individual specimens and thinning out populations of strictly protected animal taxa.

Article 202

(1) The party damaged has the right to compensation for damage to the amount of the actual damage caused by animals of strictly protected wild taxa, if he/she has taken actions and activities in compliance with the provisions of Article 200 of the present Act.

(2) The party damaged shall report the case of damage to the Ministry or an expert authorized by the Minister (hereinafter referred to as: the expert) without delay or within a period of time in which it is possible to produce evidence of the case of damage, but not later than eight days upon the occurrence of the damage.

(3) The party damaged and the expert shall at the site of damage establish all the facts relevant to determination of the occurrence of the damage, the party liable for the damage and the amount of damage, which shall be entered into a protocol by the expert.

(4) If the party damaged has duly reported the damage and the expert failed to conduct investigation within three days upon receipt of the notice of claim, the party damaged may within further fifteen days submit the claim for damages to the Ministry.

(5) Should a case of damage occur in a protected area the expert's tasks may be carried out by a competent inspector or person authorized by the public institution managing the protected area.

(6) The amount of the compensation for damage shall be determined by mutual agreement between the Ministry and the party damaged pursuant to the protocol of investigation as referred to in paragraph 3 of the present Article. In case of a dispute the decision on the amount of damage shall be made by the court.

(7) The claim for compensation of damage may be submitted within six months upon the date of reporting the damage.

(8) In case that the procedure of establishing damage has been performed by an authorized or official person rather than an expert, then the provisions of the present Act and special regulations shall correspondingly apply to the procedure of establishing damage and exercising the right to compensation for damage.

(9) The methods of work and procedures applied by the expert and other authorized or official persons in the course of establishing the damage and the amount of compensation for damage (compensation rates) or rather criteria for the calculation of damage shall be laid down by the Minister in a rulebook.

(10) The list of experts shall be published in the "Official Gazette".

Article 203

(1) Should a physical or a legal entity start an activity or undertake an action in the space which is a natural habitat of a strictly protected wild taxon and which this taxon is already inhabiting, for which reason there is a foreseeable risk of damage that may be caused by the strictly protected wild taxon, then the amount of compensation for damage shall be reduced by the foreseeable risk.

(2) The foreseeable risk under paragraph 1 of the present Article shall be determined by the Ministry pursuant to the expert opinion delivered by a competent institution or an authorized expert.

Article 204

(1) Physical and legal entities are obliged to compensate for the damage they have caused by violations of the present Act.

(2) The amount of compensation for damage caused by an unpermitted action in relation to individual specimens of strictly protected wild taxa shall be determined on the basis of compensation rates to be approved by the Minister.

(3) The amount of compensation for damage caused by an unpermitted action in relation to other protected natural values shall be determined on the basis of an expert evaluation carried out by a person authorized by the Ministry.

(4) Funds raised by compensations for damage as referred to in paragraphs 1, 2 and 3 of the present Article are the revenue of the government budget.

11. Incentive Measures for the Conservation and Protection of Biological and Landscape Diversity

Article 205

(1) The conservation of endangered wild taxa, indigenous domesticated taxa and endangered habitat types shall be supported by the Government grants and indemnifications, including favourable credit financing of protection activities.

(2) Grants and other incentive measures under paragraph 1 of the present Article are intended for the protection and conservation of biological and landscape diversity, especially for the encouragement of the nature-friendly management that respects and implements measures for conservation of biological and landscape diversity and for the provision of indemnification to legal and physical entities suffering respective restrictions or damages as a result of the protection of biological and landscape diversity.

(3) Grants and incentive measures under paragraph 1 of the present Article shall be determined by special laws and regulations passed by the Government at the proposal of the Minister and by regulations issued by the Government at the proposal of the minister responsible for agriculture and forestry.

(4) A contract on mutual rights and obligations shall be concluded between the legal or physical entity entitled to grants or indemnification determined by regulations issued by the Government at the proposal of the Minister and the Ministry.

(5) The Ministry shall exercise supervision of the disbursement of grants and implementation of other incentive measures within its competence.

(6) A report on the disbursement of grants and implementation of other incentive measures shall be submitted by the Ministry to the Government in compliance with the present Act at least once a year.

(7) Incentive measures under paragraph 1 of the present Article shall be funded by the government budget and other sources in compliance with the law.

IV. CONCESSIONS AND CONCESSION LICENCES IN PROTECTED AREAS AND SPELEOLOGICAL FORMATIONS

1. Concessions

Article 206

(1) By being granted a concession a person is given the right to utilize natural resources for economic purposes or the right to carry on activities in the best interest of the Republic of Croatia, as well as the right to construct and use facilities and plants necessary for carrying on such activities in protected areas and speleological formations in which this is permitted in compliance with the present Act.

(2) A concession may be granted to legal and physical entities registered for small crafts industry.

(3) To issues of granting concessions which are not regulated by the present Act such special regulations shall apply which govern the natural resource management.

Article 207

(1) No concession shall be awarded in a strict reserve.

(2) A concession may be awarded in a national park, special reserve, natural monument and a speleological formation in the manner as provided for by the present Act.

(3) A concession relating to a marine property in a national park and a special reserve may only be awarded for ports intended for yachting (anchorage, moorings, but no dry marinas and marinas).

(4) In a nature park, a regional park, a forest park, an important landscape and a monument of park architecture a concession may be awarded in accordance with a special regulation with the consent of the Ministry. No consent is required when the decision on granting a concession is taken by the Government or the Parliament.

(5) A public institution for utilization of natural resources in a protected area that it manages need not have a concession.

(6) The Government may by a decision designate individual protected areas, or rather individual protected natural values owned by the Republic of Croatia or a marine property for which no concession can be awarded.

Article 208

(1) A concession shall be awarded through a public invitation to bid.

(2) The decision on a public invitation to bid shall also contain nature protection conditions laid down by the Ministry.

(3) Nature protection conditions form a constituent part of the decision on the concession award and the concession agreement.

(4) Concessions shall be awarded for a time period as provided for by the provisions of Article 217, paragraphs 1 and 2 of the present Act.

Article 209

(1) In the decision on the award of concession shall it is to specify in particular:

- the protected area or a speleological formation for which the concession is granted;
- the planned extent of economic utilization;
- concession holders;
- purposes for which the concession is granted;
- nature protection conditions that the concession holder must implement;
- duration of the concession,
- amount of the charge or the basis for fixing the amount of the charge.

(2) The decision on the award of concession shall be made:

- by the Ministry in case of national parks and special reserves, excluding those on a marine property;
- by the Ministry in case of nature parks, unless stated otherwise by a special law;
- by the Ministry in case of speleological formations and
- by a competent authority determined by a special regulation with previous consent of the Ministry in case of other protected areas.

(3) The hunting concession in a protected area shall be awarded in compliance with a special regulation with the previous consent of the Ministry.

(4) In a national park and a special reserve concessions for economic use of the marine property may be awarded by the Government in accordance with the present Act and a special regulation, and concessions on a marine property in other protected areas shall be awarded in compliance with the special regulation with the previous consent of the Ministry.

(5) A public institution managing a national park, a special reserve or a nature park may be granted, by the Government's decision, special use of a marine property in compliance with a special regulation.

Article 210

(1) On the basis of the decision on a concession the provider of the concession and the concession holder shall sign the agreement.

(2) In accordance with the decision on a concession the concession agreement shall stipulate:

- purposes for which the concession is awarded;
- nature protection conditions and other conditions that must be fulfilled by the concession holder during the use of concession;
- the amount of the concession charge;
- charge payment conditions and methods;
- concession holders' guarantees;
- the way in which relations are arranged between a concession holder and a public institution managing the protected area in which the concession has been granted;
- the way of settling the relations in case of concession termination before expiry of the time for which the concession has been awarded and
- other rights and obligations of the concession provider and the concession holder.

(3) The amount of the concession charge shall be fixed depending on the purpose, extent and amount of investments required, benefits and financial effects achieved by the concession, restrictions imposed on the concession holder by nature protection conditions prescribed and other criteria and market conditions as determined by the concession provider.

(4) The concession provider may decide that the concession charge shall be paid in an amount lower than the amount fixed in compliance with paragraph 3 of the present Article, if the concession is awarded with the aim to improve the operation of the public institution managing the protected area, or if concession award is expected to provide a more adequate protection of a protected area or a speleological formation.

Article 211

(1) The rights and obligations of a concession holder under the concession agreement may be assigned to another person with the consent of the concession provider.

(2) In case of death of a concession holder who is a physical entity and in case that the craftsman's business continues to be run in compliance with regulations on small crafts industry, the heirs and legal entity successors assume the place of the concession holder.

(3) The validity of the concession under paragraph 2 of the present Article shall expire if the heirs or legal successors fail to submit a request to the concession provider to confirm the concession within six months upon death of the concession holder or termination of the legal entity.

(4) In case that the concession provider fails to confirm the concession, the concession shall be revoked.

(5) The heir and legal entity successor under paragraph 2 of the present Article shall produce evidence of fulfilling the conditions for assuming the place of the concession holder.

Article 212

(1) The concession agreement shall cease to be valid:

- with the expiry of the time period for which the concession was awarded;
- after the death of the concession holder or rather termination of the legal entity, if rights and obligations under the concession agreement are not assigned to a specific heir or a legal successor;
- if, by a legally valid ruling of the court or a decision of the competent authority, it has been permanently forbidden to the concession holder to carry on activities for which the concession was awarded;

- if, due to the changed mode of protection of the area for which the concession was granted, reasons appear that prevent the award of concession or rather the use of concession in that area;
- in case of terminating the concession agreement by mutual consent.

(2) In case of a dispute over the termination of the concession agreement for reasons as referred to in paragraph 1 of the present Article, the decision shall be taken by the court.

(3) In case of the termination of the concession for reasons as referred to in paragraph 1 of the present Article the concession holder shall not be entitled to any compensation for the reason of terminating the agreement.

Article 213

(1) The concession agreement may be terminated prior to expiry of the time period for which the concession was awarded:

- if the concession holder fails to commence or complete in due time the works that should have been executed in compliance with the concession agreement in time;
- if the concession holder has fallen into arrears with the concession charge;
- if the concession holder ceases to perform continuously the activity for which the concession was awarded, and the rights and obligations under the concession have not been assumed by a new concession holder in the manner provided for by the present Act, upon expiry of six months after the date of establishing the termination of the activity;
- if the concession holder fails to use the concession in the manner provided for by the nature protection conditions, thus causing danger to a protected area or rather a speleological formation, and to restore the previous conditions or implement the compensation conditions within the time period determined by the Ministry.

(2) If in cases under paragraph 1 of the present Article no agreement can be reached on termination of the agreement, the decision relating to the concession shall be taken by the court.

(3) The concession holder with whom the concession agreement has been terminated for reasons as referred to in paragraph 1 of the present Article shall not be entitled to any compensation for the termination of the agreement

Article 214

The concession holder is bound to take measures for the protection of a protected area or a speleological formation in the manner and under the conditions as determined by the present Act and regulations issued pursuant to it.

Article 215

(1) Should for the duration of the concession unforeseeable changes or damages occur in the protected area or on a speleological formation, which make it necessary to restrict the extent of the concession and the method of the implementation thereof, the concession holder is bound to take all actions and measures as may be ordered to him by the Ministry or another competent authority with the aim to prevent the changes or damages that occurred.

(2) In case that actions and measures under paragraph 1 of the present Article are taken, the concession holder shall be entitled to compensation for the actual damage.

(3) In case of the non-observance of nature protection conditions on the part of the concession holder, he is bound to compensate the damage, restore the previous state or implement compensation measures in compliance with the provisions of the present Act.

Article 216

(1) The agreed amount of the charge for the concession granted by the Government, the Ministry or another competent authority is payable to the government budget, and the agreed amount of the charge for the concession granted by the competent county authority or the competent authority of the City of Zagreb is payable to the budget of the county or rather of the City of Zagreb.

(2) Charges for hunting concessions are payable to the owner of the land in compliance with a special regulation.

Article 217

(1) A concession in a protected area or on a speleological formation shall be awarded for a period from four to fifty years in compliance with the present Act.

(2) A concession in compliance with the present Act shall be awarded by the Government for a maximum period of fifty years and by the Ministry for a maximum period of thirty years.

(3) The procedure for granting concessions in compliance with the present Act and criteria for fixing the amount of the concession charge shall be laid down by the Government.

(4) No appeal against the decision on a concession awarded by the Government, the Ministry or another competent government authority is permitted, but an administrative litigation may be initiated within 30 days after the submission of the decision.

(5) An appeal against the decision on a concession awarded by the county authority or a competent authority of the City of Zagreb may be lodged to the competent government authority in compliance with a special regulation.

2. Concession Licences

Article 218

(1) A public institution managing a protected area may grant a concession licence for a maximum period of three years to legal and physical entities registered for small crafts industry relating to the economic utilization of natural resources or carrying on other activities in the protected area in the manner provided for by the present Act.

(2) A public institution shall grant no concession licence either for the economic utilization of natural resources and carrying on of other activities on a marine property or for the management and use of forests, forest land and hunting grounds.

(3) For a concession licence in a protected part of nature granted in compliance with the present Act or a special regulation it is necessary to obtain a consent of the Ministry.

(4) The concession licence shall contain nature protection conditions laid down by the Ministry.

(5) Funds raised by concession licence fees in accordance with the present Act shall be the revenue of the public institution managing the protected area for which the concessionary licence has been granted and are intended for nature protection.

(6) On the basis of the decision on a concession licence the concession provider and the concession holder shall conclude a concession licence agreement.

(7) The decision on the concession licence or rather the concession licence agreement must provide for adequate guarantees for implementation of nature protection.

(8) Activities for which a concession licence may be granted in a protected area, with the exception of the marine property, the methods of issuing concession licences, conditions and methods of determining the amount of charges for the issue thereof, conditions and methods of carrying on activities for which the concession licence agreement is concluded shall be prescribed by the Minister in a rulebook.

(9) The Government may by a decision designate individual parts of a marine property for which a concession licence provided for by a special law may be granted.

Article 219

(1) The decision on a concession licence shall be made on the basis of public invitation to tenders or at the request. Within the procedure of public invitation to tenders all conditions for granting concession licences shall be specified, including those of importance for the nature protection.

(2) An appeal against the decision on a concession licence granted in compliance with the present Act may be lodged to the Ministry within fifteen days upon the date of the submission of the decision.

V. NATURE PROTECTION PLANNING AND ORGANIZATION

1. Basic Nature Protection Documents

Article 220.

(1) The basic nature protection documents are the National Strategy and Action Plan for the Protection of Biological and Landscape Diversity of the Republic of Croatia (hereinafter referred to as: the Strategy) to be adopted by the Parliament and nature protection programmes to be adopted by county assemblies or rather the Assembly of the City of Zagreb, each for their respective area.

(2) The programmes must be brought in line with the Strategy.

Article 221

(1) The Strategy defines long-term objectives and guidelines for the conservation of biological and landscape diversity and protected natural values, including implementation methods in accordance with the overall economic, social and cultural development of the Republic of Croatia.

(2) The Strategy is formulated pursuant to the reports on the state of nature and nature protection (hereinafter referred to as: the report on the state of nature) and shall contain in particular:

- general strategic objectives;
- guidelines for the conservation of landscapes, ecosystems, habitat types, wild taxa and indigenous domesticated taxa;
- guidelines for protected natural values;
- guidelines for research into and monitoring of the state of nature;
- guidelines for incorporation of nature protection into other sectors;
- guidelines for the legislative and institutional framework;
- guidelines for education aimed at the promotion and conservation of biological and landscape diversity;
- guidelines for public information and public participation in nature-related decision-making;
- action plans for implementation of guidelines, specifying priorities and possible sources of funds;
- methods of complying with international obligations in nature protection and
- a cartographic attachment demonstrating spatially the measures for conservation of biological and landscape diversity and protection of natural values.

(3) The guidelines defined by the Strategy shall be applied for preparation of physical planning documents and plans for the natural resources management.

(4) The underlying technical documents for the formulation of the Strategy shall be prepared by the State Institute for Nature Protection.

(5) Each five years objectives and guidelines defined by the Strategy, including implementation of action plans, shall be analysed and the Strategy revised, if required.

Article 222

(1) For the purpose of implementing the Strategy and nature protection programmes, including other documents governing individual issues of nature protection, a report on the state of nature protection in the Republic of Croatia shall be prepared and submitted to the Parliament for adoption.

(2) The report on the state of nature shall cover a period of two years and contain in particular:

- information relating to the state of landscapes, ecosystems, habitat types, wild taxa, indigenous domesticated taxa with the analysis of threats, including causes of threats and protection difficulties;
- information relating to impacts of the natural resources use on biological and landscape diversity;
- information relating to impacts of individual activities on the nature;
- evaluation of measures taken in connection with the conservation of biological and landscape diversity and protected natural values;
- the analysis of implementation of the Strategy and other documents of relevance for nature protection;
- evaluation of the supervision carried out;
- information relating to the use of nature protection funds and
- assessment of the necessity to prepare new or amend the existing documents, including other data of relevance for nature protection and conservation.

(3) The draft report on nature protection shall be prepared by the State Institute for Nature Protection. Before submission to the Parliament the report shall be submitted by the Ministry to the Sustainable Development Council for opinion.

(4) The county assembly and the Zagreb City Assembly shall adopt corresponding reports on the state of nature in their respective areas.

2. Performance of Administrative and Specialized Tasks of Nature Protection

Article 223

(1) Administrative and specialized tasks of nature protection shall be performed by the Ministry and the office of the government body in a county and the City of Zagreb responsible for nature protection, with the exception of those transferred to the competence of another government body, the State Institute for Nature Protection, a county,

the City of Zagreb, a town or a municipality by the present Act or another regulation.

(2) The counties and the City of Zagreb shall, in compliance with the present Act, the Strategy, nature protection programmes and physical planning documents:

- take care of the conservation of biological and landscape diversity in their respective areas;
- designate protected areas within their competence;
- provide conditions for the protection and conservation of protected areas within their competence;
- participate in the procedure of designating protected areas as designated by the Government or the Parliament;
- participate in drawing up management plans for protected areas within their competence;
- take care of nature protection promotion, provide support and take care of professional and other associations whose activities are targeted at nature protection;
- monitor the nature conservation status and submit reports on nature conservation status to the Ministry and the State Institute for Nature Protection;
- keep records containing information of relevance for nature protection;
- inform the public about the state of nature in their respective areas and about the measures taken for the purpose of nature protection and conservation;
- provide technical and other support to bodies of local self-government units in the field of nature protection in their respective areas and
- perform such other tasks as may be prescribed by the present Act and regulations issued on the basis thereof.

(3) In compliance with nature protection programmes and physical planning documents towns and municipalities shall:

- take care of the conservation of biological and landscape diversity in their respective areas;

- participate in the procedure of making documents publicly available for the purpose of designating protected natural values in their respective areas;
- monitor the nature conservation status and submit reports on nature conservation status to the Ministry and the State Institute for Nature Protection;
- keep records containing information of relevance for nature protection;
- inform the public about the state of nature in their respective areas and about the measures taken for the purpose of nature protection and conservation;
- popularize the protection of natural values in their respective areas and
- take care of professional and other associations whose activities are targeted at the protection of nature in their respective areas.

Article 224

(1) No appeal against the decisions taken by the Ministry pursuant to the present Act is permitted, but an administrative litigation may be initiated within thirty days after the submission of the decision.

(2) An appeal against the decision taken pursuant to the present Act by the office of the government body in a county and the City of Zagreb may be lodged to the Ministry within fifteen days after the submission of the decision.

3. Performance of Specialized Tasks of Nature Protection

Article 225

(1) Specialized tasks of nature protection for the Republic of Croatia shall be performed by the State Institute for Nature Protection (hereinafter referred to as: the Institute).

(2) The Institute is a public institution carrying on its activities as a public service.

Article 226

(1) Within the framework of its activities the Institute shall perform specialized tasks of nature protection relating to:

- collection and processing of data collected in connection with nature protection;
- development of adequate databases on plant, fungi and animal species, habitat types, ecosystems and landscapes;
- monitoring of the level of conservation of biological and landscape diversity and proposing measures for the protection thereof;
- preparation of technical bases for the protection and conservation of nature parts or rather natural values;
- development of technical bases for the purpose of laying down nature protection conditions, protected areas management and utilization of natural resources;
- carrying out of statistical analyses, integration of results and preparation of reports on nature status and protection;
- specialized tasks in connection with the evaluation of acceptability of an activity to nature;
- preparation and implementation of nature protection projects and programmes;
- participation in execution of international nature protection treaties to which the Republic of Croatia is a party;
- organization and implementation of educational and promotional activities in the field of nature protection and
- performance of such other tasks as may be determined by the present Act.

(2) The Institute shall perform the activities under paragraph 1 of the present Article in accordance with the annual and several-years' work programme.

(3) The annual and several-years' work programme under paragraph 2 of the present Article shall be adopted with the consent of the Ministry.

(4) The Institute shall submit a report on execution of the annual and several-years' work programme to the Ministry and the Government in the manner as provided for by the Institute's articles of association.

(5) Competent authorities and relevant institutions shall submit to the Institute all information on the state of nature collected in compliance with the present Act.

(6) Funds required by the Institute to carry on activities provided for by the present Act shall be ensured by the government budget and other sources in compliance with the law.

Article 227

(1) The Institute shall be managed by the administrative council.

(2) The chairperson and members of the administrative council shall be nominated and relieved by the Minister.

(3) The composition, terms of office of the chairperson and members of the administrative council, the scope of activities and methods of work shall be laid down by the Institute's articles of association.

Article 228

(1) The Institute shall be run by the Institute Manager.

(2) The Institute Manager shall represent and act on behalf of the Institute.

(3) The Institute Manager shall have the rights and obligations provided for by the law, the Institute's charter of foundation and articles of association.

(4) The Institute Manager shall be appointed and relieved by the Government.

(5) Any person with a university degree and five years of professional experience and fulfilling other conditions as laid down by the Institute's articles of association may be appointed the Institute Manager.

(6) The scope of activities, competencies and responsibilities, including the procedure of appointing and relieving the Institute

Manager, shall be laid down by the Institute's charter of foundation and articles of association.

Article 229

(1) Expert activities of the Institute shall be conducted by the head of the Institute's expert activities whose rights, duties and responsibilities, including conditions that must be fulfilled, shall be laid down by the Institute's charter of foundation and articles of association.

(2) Any person with a university degree and at least five years of professional experience and fulfilling other conditions as laid down by the Institute's articles of association may be appointed the head of expert activities of the Institute.

(3) The scope of activities, competencies and responsibilities, including the procedure of appointing and relieving the head of expert activities of the Institute shall be laid down by the Institute's charter of foundation and articles of association.

Article 230

The control of the legality of operations and the control of expert activities of the Institute shall be exercised by the Ministry.

Article 231

(1) For the performance of specialized tasks in the field of nature protection the counties and the City of Zagreb may establish nature protection institutes for their respective areas.

(2) The tasks of the institutes shall be defined by the charter of foundation and the articles of association.

(3) The provisions of Article 226, paragraphs 1 and 2 of the present Act shall apply correspondingly to nature protection institutes of the counties and the City of Zagreb too.

(4) Specialized tasks in the field of nature protection shall also be performed by public institutions managing the protected areas and other protected natural values in compliance with the present Act, the charter of foundation and the articles of association.

VI. INVENTORYING AND MONITORING OF THE STATE

Article 232

(1) The Ministry shall establish and carry out inventorying of all components of biological and landscape diversity (biological taxa, habitat types and landscape types), mapping of endangered taxa and habitat types and their permanent and timely updating.

(2) Data relating to inventorying shall be submitted to the Ministry. The data shall be public, unless classified as secret for the purpose of the protection of wild taxa or habitats.

Article 233

(1) The Institute shall monitor and organize the monitoring of the nature conservation level.

(2) The monitoring of the nature conservation level shall include:

- monitoring and evaluation of the state of biological taxa, their habitats, habitat types, ecologically important areas, ecosystems, ecological network and landscape types;
- monitoring of the changes in geological values (e.g. landslides, caving in, new springs and similar) which implies the development of special geological maps as a basis for further study and monitoring;
- monitoring of the state of protected natural values.

(3) The data relating to monitoring the nature conservation level shall be submitted to the Ministry. The data shall be public, unless classified as secret for the purpose of the protection of wild taxa or habitats.

Article 234

(1) The Republic of Croatia will encourage and promote scientific research into the field of nature protection.

(2) For scientific research in protected areas, for the study of protected plant, fungi and animal species and for the study of protected minerals and fossils the authorization of the Ministry must be obtained. The authorization shall also lay down nature protection conditions. The authorization shall be granted by a decision.

(3) A legal or physical entity who carried out the research shall communicate the research results to the Ministry within thirty days after the completion of research works.

Article 235

(1) The Ministry shall establish and the Institute will operate a nature protection information system as a part of an integrated system of the Ministry, in compliance with internationally accepted standards and obligations.

(2) The Institute shall collect, process and integrate data relating to the state of nature, prepare reports and keep databases within the framework of the nature protection information system.

VII. ACCESS TO INFORMATION AND PUBLIC PARTICIPATION

1. Public Information

Article 236

(1) The Ministry, the Institute, nature protection institutes of the counties and the City of Zagreb, offices of government bodies, competent bodies of local and district (regional) self-government units and public institutions managing protected natural values shall make public the information on the state and protection of nature, unless classified confidential by a special act or a document of a competent authority.

(2) The competent bodies and legal entities under paragraph 1 of the present Article shall keep records of data relating to the state and protection of nature, and in case of a nature degradation they shall immediately inform the public thereof and give instructions for the procedure aimed at nature protection and conservation. In case of any immediate threat to nature and human health the public shall be informed about necessary measures and actions to be taken with the aim to prevent or mitigate the damage that might arise from such a threat.

(3) Any information must be timely and true.

Article 237

(1) The Ministry, nature protection institutes of the counties and the City of Zagreb, offices of government bodies, competent bodies of local and district (regional) self-government units and public institutions

managing protected natural values shall furnish to mass media at their request the information relating to the state and protection of nature and to the performance of protection activities, and provide access to the corresponding documents.

(2) As a rule, any information on the state and protection of nature must be furnished in writing.

(3) Reports on the state and protection of nature shall be submitted to the Parliament and the Government at the request of these bodies and in the manner as provided for by the present Act.

(4) The county assemblies and the Zagreb City Assembly shall submit reports on the state and protection of nature to the Ministry every two years and at any other time as may be requested by this authority.

Article 238

Any person who considers that his or her request for information has been neglected or unjustly refused, either in full or partly, is entitled to a corresponding protection of his or her right by judicial or other competent bodies.

2. Public Participation in Decision-making

Article 239

(1) Public participation shall be ensured in the course of preparing regulations or rather documents on designation of protected natural values, physical planning documents, protected area management plans and plans for utilization of natural resources, including generally applicable and legally binding regulations and documents in the field of nature protection.

(2) In the course of procedures as referred to in paragraph 1 of the present Article the public shall be informed by a public notification or individually about the act or activity that might affect the state of nature.

(3) Public information is compulsory in cases as provided for by the present Act and regulations issued pursuant to it.

Article 240

(1) Professional and other associations (hereinafter referred to as: associations) have the right to participate in nature protection.

(2) For the results achieved in nature protection and for the results achieved in nature protection encouragement and promotion the association may receive awards and other acknowledgements.

Article 241

For the purpose of nature protection the associations may:

- require the competent bodies and other authorized legal entities to take adequate measures within their competence for the purpose of nature protection;
- institute corresponding proceedings with administrative and judicial bodies in case that nature has been damaged or the importance of a natural value endangered or reduced in any other manner.

Article 242

(1) Members of associations that perform activities aimed at nature protection and possess an official membership card issued by the Ministry are entitled to:

- enter all protected areas on production of the official membership card ;
- warn any person who endangers or damages natural values of the illegality of his or her act and of the legal consequences and, if required, report the unauthorized activity in nature to the competent authority or rather the public institution managing the protected area;
- provide information on the protected natural value and authorized and unauthorized activities.

(2) The Ministry shall keep a register of associations performing activities aimed at nature protection and a register of association members who have received official membership cards.

(3) The conditions for entry into the register of associations under paragraph 2 of the present Article, conditions for the issuance of official membership cards, the method of issuance and the method of keeping a register shall be determined by the Minister in a rulebook.

3. Data Keeping and Use

Article 234

(1) Documents and data on inventorying of all components of the biological and landscape diversity, including monitoring of the state of nature conservation and of protected natural values in particular, shall be kept in the Ministry.

(2) Documents and data under paragraph 1 of the present Article shall be collected by the Institute.

(3) The method of keeping documents and data under paragraph 1 of the present Article shall be determined by the Minister in a rulebook.

Article 244

(1) Any person has the right to be given access to data available in the Ministry, at a specific time and under the control of an official of the Ministry, and to receive extracts, printouts or photocopies of the data.

(2) The Ministry may restrict access to documents and data to the extent as may be required by the interests of protecting natural values, internal security or defence of the Republic of Croatia. For any restriction of the access to documents and provision of data the Ministry shall issue a decision.

(3) For the provision of extracts, printouts and photocopies of the documents kept in the Ministry the party shall pay an administrative fee and cover actual costs caused by the performance of specific jobs.

(4) The conditions and criteria for determining the amount of actual costs incurred by the use of data kept by the Ministry shall be laid down by the Minister in a rulebook.

(5) The funds raised by the collection of fees are the revenues of the government budget.

VIII. ENVIRONMENTAL LABEL

Article 245

(1) The environmental label shall be used for the purpose of nature protection promotion and identification of officials involved in the procedure of control and taking nature protection measures.

(2) The appearance of the label, the procedure and conditions for wearing and use thereof shall be determined by the Minister in a rulebook.

IX. PROMOTION OF NATURE PROTECTION EDUCATION

Article 246

(1) The Republic of Croatia shall provide conditions for a harmonized implementation of nature protection education at all levels of the educational system.

(2) The nature protection education shall also be carried out within the system of museum activities.

(3) The Republic of Croatia shall take care of the necessary education of officials and employees of government bodies and public services so as to ensure the effective enforcement of nature protection regulations.

(4) The Ministry, the counties, the City of Zagreb, towns and municipalities, including legal entities with public authorities shall encourage public education in the protection of nature and its conservation by means of mass media, lectures and publishing, and supply information on natural values that should be visited for the purpose of education, touring and recreation.

(5) Public institutions managing protected areas shall carry out training of employees of administrative, technical and supervising services of the institution.

(6) The training method of employees of administrative, technical and supervising services shall be determined by the Minister in a rulebook.

Article 247

(1) With the aim to promote nature protection the Nature Protection Day shall be celebrated each year.

(2) The celebration of the Nature Protection Day shall include educational, recreational, professional and other activities that encourage and promote nature protection in an adequate manner.

(3) The Nature Protection Day shall be celebrated each year on the 22nd May on the international day of biological diversity.

X. ACKNOWLEDGEMENTS AND AWARDS FOR NATURE PROTECTION ACHIEVEMENTS

Article 248

(1) Acknowledgements and awards for achievements in the field of nature protection shall be given for:

- results achieved in encouraging and promoting nature protection;
- results achieved by nature protection projects and programmes;
- development of nature protection education system within the educational process;
- personal contribution to development and improvement of nature protection at the national and international level;
- contribution of expert institutions, including professional and other associations to nature protection development and improvement.

(2) Acknowledgement and awards shall be given by the Ministry.

(3) The kinds, the appearance, the procedure and methods of giving acknowledgements and awards shall be determined by the Minister in a rulebook.

IX. NATURE PROTECTION FINANCING

Article 249

(1) The funds necessary for the protection of natural values of international and national importance, including those natural values as determined by the Ministry, funds for financial and other incentives provided for by the present Act, funds for compensation of damages caused by protected animals, for exercising the pre-emption right of the Republic of Croatia, for indemnification of owners and trustees of the real property on account of the restrictions imposed on them in protected natural values of international and national importance and for other purposes as provided for by the present Act, shall be provided by the government budget.

(2) The funds necessary for the protection of natural values designated protected by the county or the City of Zagreb, for financial and other incentives provided for by the present Act, for exercising the pre-emption right and for indemnification of owners and trustees of the real property on account of the restrictions imposed on them in protected natural values, shall be ensured by the budgets of the counties, the City of Zagreb, towns and municipalities.

(3) The resource base for nature protection funding shall also be secured by utilization of natural resources and protected natural values, unless stated otherwise by the present Act or a special law, by charges collected by concession licences and from other sources provided for by the law or regulations issued pursuant to it.

XII. SUPERVISION

1. Administrative Supervision

Article 250

(1) Administrative supervision over the enforcement of the provisions of the present Act and regulations issued pursuant to it shall be exercised by the Ministry.

(2) Administrative supervision over the enforcement of the present Act in the section relating to genetically modified organisms shall be exercised by the Ministry, the ministry responsible for health, the ministry responsible for agriculture and forestry and the ministry responsible for science and technology, each within its respective scope of activities.

2. Immediate Supervision in Protected Areas

2.1.1. Chief Supervisor and Supervisors

Article 251

(1) The immediate supervision in protected areas shall be carried out by a chief supervisor and supervisors of the public institution managing the protected area.

(2) A supervisor shall be nominated by the administrative council of the public institution managing the protected area and a chief supervisor by the administrative council with the consent of the Minister.

(3) Any person with a two-year post secondary school or university qualification, three years of experience and the state examination certificate may be nominated a chief supervisor, and as a supervisor any person with at least secondary school qualification, one year of experience and the state examination certificate.

(4) The chief supervisor and the supervisor must prove their identity by an official identity card.

(5) When on duty the chief supervisor and the supervisor shall wear a uniform, an environmental label and the label of the protected area supervised by him, including small arms.

(6) Conditions and the manner of using and safekeeping fire-arms carried by the chief supervisor and supervisors when exercising supervision shall be laid down by the Government's decree.

(7) The contents of the state examination for a chief supervisor and a supervisor, the method of taking the exam, the contents, form and way of issuing official identity cards and the appearance of the uniform shall be determined by the Minister in a rulebook.

Article 252

(1) Should the chief supervisor and the supervisor, while exercising supervision in the protected area, find a person to perform activities for which the liability is determined by the provisions of Articles 274, 275, 276 and 277 of the present Act, the chief supervisor and the supervisor have the right and obligation:

- to demand presentation of the identity card or any other document for the purpose of identifying the person in question;
- to inspect the luggage, the vehicle or the vessel;
- to restrict temporarily the movement over a specific area;
- to issue a document of the offence against the person accused in order to collect a fine, a penalty, damage or costs incurred by the offender;
- to collect a fine, compensation for damage and costs caused by the offender without a document of the offence and issue a receipt of the fine collected;
- to dispossess the person temporarily of the part of the animate or inanimate life unlawfully seized that belongs to the protected area, including the means used to carry out the unlawful seizure;
- to require restoration of the original conditions or rather order the measures for prevention and elimination of harmful effects;
- to impose an administrative measure;
- to institute the offence procedure or file criminal charges.

(2) By the document of the offence under paragraph 1, subparagraph 4 of the present Article a penalty to the minimum amount fixed for this offence may be charged or a protective measure ordered, and the fine under paragraph 1, subparagraph 5 of the present Article to the amount of up to 500.00 kunas may be imposed on physical and up to 10,000.00 kunas on legal entities.

(3) The funds raised as referred to in paragraph 1, subparagraph 5 of the present Article represent the revenue of the public institution.

(4) The chief supervisor and the supervisor may also perform activities of nature guards (rangers) pursuant to the decision of the administrative council of the public institution.

(5) The supervision procedure and work methods of the chief supervisor and the supervisor will be determined by the Minister in a rulebook.

Article 253

(1) Offence procedures of first instance based on the notification of the offence submitted by the chief supervisor and the supervisor with respect to offences determined by Articles 274, 275, 276 and 277 of the present Act shall be conducted and the decision on the offence taken by the official of the Ministry authorized by the Minister.

(2) Appeals against decisions of the official under paragraph 1 of the present Article taken for the purpose of preparing and conducting a procedure and requests for re-opening of the case shall be considered at the second instance by a council consisting of three members authorized by the Minister.

(3) To offence procedures conducted in accordance with paragraph 1 of the present Act the provisions of Articles 278 and 279 of the present Act shall apply.

2.2. *Nature Guards (Rangers)*

(1) The immediate protection and activities of safeguarding and promoting the protected areas shall also be performed by nature guards (rangers), especially in relation to:

- planning, organizing and conducting instructive walks through the protected area;
- ecological education of the protected area visitors and local population;
- taking care of the safety of visitors and undertaking rescue operations;
- observing and monitoring the state of plant, fungi and animal species, including other values of the protected area;
- co-operation with managers of research and other authorized projects in the protected area;
- co-operation with owners and trustees of the real property in the protected area aimed at nature protection;

- supervision of the performance of authorized activities and actions in the protected area;
- taking care of the maintenance of infrastructure facilities in the protected area and
- conducting supervisory activities under the special authorization.

(2) The nature guards (rangers) shall conduct supervisory activities as determined by Article 252, paragraph 1 of the present Act, if authorized for such activities by the administrative council and if they pass the state exam for supervisors within a year after the authorization has been granted.

(3) The organization of the nature guard service (ranger service), the methods of work and conditions for execution of such works shall be determined by the Government decree.

3. Inspection Control

Article 255

(1) The inspection control of the enforcement of the present Act and other regulations issued pursuant to it shall be carried out by nature protection inspection of the Ministry.

(2) The inspection control shall be carried out by the senior nature protection inspector and nature protection inspectors.

(3) Inspection control may also be exercised by other officials of the Ministry on the basis of a special authorization granted by the Minister.

(4) When exercising inspection control the senior nature protection inspector and nature protection inspectors shall prove their official status, identity and powers by the official card and badge.

(5) The contents, form and method of issuing official cards shall be determined by the Minister in a rulebook.

(6) The inspection control of the enforcement of the present Act shall be carried out by nature protection inspectors, sanitary inspectors, veterinary inspectors, agricultural inspectors, plant protection inspectors, water management inspectors, forestry and hunting inspectors and inspectors of the State Inspectorate, each within the scope of his competencies and in compliance with the present Act and special regulations.

(7) Inspection control of protected areas and protected natural values shall be exercised by officials of the Interior Inspectorate of the Ministry of Interior.

Article 256

(1) Any person with a university degree in the field of natural sciences and at least ten years of experience in the same field, three years of experience in the tasks of nature protection inspection and the state examination certificate of a nature protection inspector may be nominated as a senior nature protection inspector.

(2) Any person with a university degree in the field of natural sciences and at least four years of experience in the same field and the state examination certificate of a nature protection inspector may be nominated as a nature protection inspector.

(3) Apart from the requirements under paragraphs 1 and 2 of the present Article the senior nature protection inspector and the nature protection inspector must fulfil conditions as laid down by regulations governing the status, rights and obligations of civil servants.

Article 257

(1) The senior nature protection inspector and the nature protection inspector (hereinafter referred to as: the Inspector) shall keep records of inspections carried out and other activities, including information on execution of inspection control.

(2) The contents and the method of records keeping under paragraph 1 of the present Article shall be prescribed by the Minister in a rulebook.

Article 258

(1) Should the Inspector find out or learn about the violation of regulations whose enforcement he or she is authorized to supervise, he or she is bound to carry out the inspection procedure and take appropriate measures as laid down by the present Act.

(2) No appeal against the Inspector's ruling and decision to terminate the procedure or impose an administrative measure is permitted, but an administrative litigation may be initiated.

(3) The appeal against the ruling or rather the decision shall not postpone the execution thereof.

(4) The Inspector shall inform the notifier about all the facts established during the inspection control or rather measures taken.

(5) The Inspector's information under paragraph 4 of the present Article shall not be considered an administrative document.

(6) Should the Inspector find no violation of regulations whose enforcement he or she is authorized to supervise, he or she shall make the decision to terminate the inspection procedure.

Article 259

When exercising inspection control the Inspector shall be entitled to demand presentation of personal data, to inspect premises and facilities of business, residential and other buildings, means of labour, tools, vehicles and other transportation means, business documents and papers that may prove the identity of persons, including natural values subject to the inspection control.

Article 260

(1) When exercising inspection control the Inspector shall have the right and obligation to examine the protected natural value and other natural values that enjoy protection pursuant to the present Act, corresponding documents, business papers, equipment and conduct a hearing of individual persons in the course of the administrative procedure.

(2) The person subject to control shall provide conditions for the Inspector to exercise supervision, enable inspection of work premises, allow access to all data and documents required for exercising control and furnish information on the measures taken to remedy the defects stated.

Article 261

When exercising supervision of protected natural values and other parts of nature as determined by the present Act the Inspector shall control:

- qualitative state of the nature:
- exploitation and utilization of protected natural values and other parts of nature;

- fulfilment and implementation of nature protection conditions and measures, as well as other documents issued pursuant to the present Act;
- implementation of compensation measures;
- implementation of physical plans and natural resources management plans in the segment relating to nature protection measures and conditions;
- implementation of the management plan and programme for the protection, conservation, utilization and promotion of a protected natural value;
- activities likely to cause changes and damages to a protected natural value or another part of nature;
- implementation of the immediate protection, conservation and utilization of protected natural values;
- implementation of measures for the protection of protected plant, fungi and animal taxa and other protected natural values;
- export, import and transit of plants, fungi and animals, if restricted or prohibited under the present Act or regulations issued pursuant to it;
- introduction and reintroduction of wild taxa into nature;
- transboundary movement, transit, contained use, deliberate release into the environment and placing on the market of GMOs and products;
- management of waste containing GMOs;
- public information on the state of nature and
- fulfilment of other conditions and implementation of other measures for the protection of biological and landscape diversity as laid down by the present Act and regulations issued pursuant to it.

Article 262

(1) When carrying out inspection control the Inspector shall have the right and obligation to order the persons supervised to eliminate defects and irregularities in handling protected plant, fungi and animal taxa or another protected natural value.

(2) When carrying out inspection control the Inspector shall have the right and obligation to order the persons supervised to suspend any further works, activities and actions in contravention of the present Act and regulations issued pursuant to it, to require them to restore the previous state and order measures for the prevention and elimination of harmful effects.

(3) In case as referred to in paragraph 2 of the present Article the Inspector may also direct urgent measures for the protection or reduction of damage caused by execution of works, activities and actions or prevention of any further damage.

Article 263

(1) When carrying out inspection control the Inspector shall have the right and obligation to seize temporarily from the persons controlled:

- items used to commit a criminal offence or an offence determined by the present Act, regulations issued in pursuance of the present Act or other regulations and
- the movable protected natural value and direct the same to be stored or safeguarded.

(2) For items and natural values seized the Inspector shall make out a receipt and submit a request to institute the offence or criminal procedure.

(3) The decision on a permanent seizure of a natural value shall be taken by the court of jurisdiction.

(4) The movable natural value acquired by an unlawful act that tends to spoil or cannot be adequately disposed of or whose keeping would cause disproportionate costs shall either be sold, if the sale thereof is permitted by the present Act and then the funds raised shall be the revenue of the government budget, or treated in the manner more appropriate for its conservation and protection.

(5) Notwithstanding paragraph 4 of the present Article the natural value seized may be handed over to a charitable or another organization against the receipt note, but not for the purpose of trading.

Article 264

(1) When carrying out inspection control the Inspector shall have the right and obligation to forbid by a decision the persons controlled

who have not been granted authorization by the Ministry or given any other consent:

- to pick protected plants, fungi and the parts thereof;
- to disperse, catch, keep, kill and stuff protected animals and their development forms;
- to remove nests or breeding places of protected wild taxa;
- introduction and reintroduction of wild taxa into nature;
- trading in protected natural values;
- trading in specimens of plant, fungi or animal taxa protected pursuant to international treaties to which the Republic of Croatia is a party;
- trading in real property within protected natural values;
- import, export and transit of protected natural values;
- transboundary movement, transit, contained use, deliberate release into the environment and placing on the market of GMOs and products;
- submarine activities in protected areas;
- execution of nature protection tasks as prescribed and
- studies in protected areas and/or studies of individual protected taxa.

(2) The Inspector may order urgent measures for the protection of human life and reduction of the damage caused by execution of unpermitted activities, actions or works.

(3) The Inspector shall be authorized to prohibit damaging or destroying of habitats of protected wild taxa, including other actions and activities contravening the provisions of the present Act and regulations issued pursuant to it.

Article 265

(1) Should the Inspector, when exercising the inspection control, find out that an offence as determined by the present Act has been committed, he may issue a document of the offence in accordance with a special law or rather take steps necessary for initiation of an offence procedure.

(2) The document of the offence under paragraph 1 of the present Article may be issued by the Inspector for an offence committed for the first time and if the Inspector has estimated by the immediate observation that, given all the relevant circumstances, the penalty to the smallest amount imposed is adequate to the offence.

(3) The ruling of the document of the offence shall contain the instruction that a fine, a penalty, a damage or costs should be paid within eight days or that in cases laid down by a special law they can

be paid immediately on the site where the offence has been committed or the control exercised.

Article 266

(1) When conditions for the issue of a document of the offence are fulfilled, the Inspector may collect the fine, the penalty, the damage or costs from the offender immediately, without a document of the offence, but against a receipt.

(2) At the scene of the offence or rather the inspection control the amount of a fine or a penalty together with the possible damage and costs shall be collected in full.

(3) Should the offender refuse to pay the fine, the penalty, the damage or costs at the scene of the offence or rather inspection control, he will receive a document of the offence with the instruction that the payment may be effected within eight days upon the day of committing the offence.

Article 267

Should the Inspector find out a violation of a statutory or regulatory provision whose enforcement is supervised by another inspection or another government body, he or she shall immediately notify the competent inspection or the competent body thereof.

Article 268

(1) The person supervised shall inform the Inspector about the measures taken to perform activities directed by the ruling within eight days upon expiry of the time limit for the fulfilment of obligation.

(2) Should the person supervised fail to act in accordance with the Inspector's ruling, the ruling shall be complied with by another person at the expense of the person liable for the fulfilment of obligation. The costs of the another person's complying with the Inspector's ruling shall be covered by the government budget until collected from the person liable for the fulfilment of obligation.

Article 269

In order to prevent the occurrence of an inevitable damage of the protected natural value and biological and landscape diversity, or rather

in order to direct emergency protection measures, or in order to eliminate the immediate risk to human life, health or property, the ruling may also be made orally in the course of inspection. The oral ruling shall be entered into the protocol, with the remark that the same will be submitted in writing within eight days.

Article 270

(1) The Inspector shall independently conduct the procedure, perform activities and take measures for which he is authorized.

(2) No person shall be permitted to prevent or obstruct the Inspector in exercising control and taking measures and actions for which he is authorized by using his or her official status or in any other way whatsoever.

(3) Should the Inspector in exercising control and taking measures and actions for which he is authorized encounter forced resistance or a threat that force will be directly used, or should such a resistance be reasonably expected, the Inspector may ask for help from officers of the competent police department.

Article 271

(1) The Inspector shall be held responsible for:

- failing to take or determine measures or actions which he is obliged to take or determine pursuant to the present Act or another regulation;
- exceeding his authorities as determined by the present Act or another regulation and
- failing to submit an application or a report or to inform the competent authorities about irregularities and defects established in compliance with the present Act and a special regulation.

(2) The termination of the Inspector's office and the relieving of the Inspector of his duty shall be governed by regulations on civil servants.

XIII. PENALTY CLAUSES

Article 272

(1) A fine to the amount of 500,000 to 1,000,000 kunas shall be imposed for an offence committed by any legal or physical entity who:

- performs an activity and an action that might cause the destruction or another considerable or permanent damage to an ecologically important area (Article 55);

- performs an activity and an action that might cause the destruction or another considerable or permanent damage to an international ecologically important area (Article 56, paragraph 5);

- exterminates an indigenous wild taxon (Article 57, paragraph 2);

- deliberately releases a GMO into the environment without authorization or in contravention of the conditions laid down (Article 113) and

- deliberately releases a GMO into protected areas, areas of ecological network and contact zones of influence (Article 114).

(2) A fine to the amount of 20,000 to 70,000 kunas shall be imposed for the offence under paragraph 3 of the present Article on any responsible person of the legal entity.

Article 273

(1) A fine to the amount of 100,000 to 500,000 kunas shall be imposed for an offence committed by any legal or physical entity who:

- performs an activity without evaluation of acceptability to nature (Article 19);

- introduces a wild taxon into nature in the area of the Republic of Croatia, including habitats naturally inhabited by that taxon, in contravention of the provisions of the present Act and the enforcement regulation (Article 64);

- reintroduces the disappeared wild taxa into nature in the area of the Republic of Croatia without authorization of the Ministry and in contravention of the conditions laid down by the present Act and the enforcement regulation (Article 66);

- carries out a contained use of GMOs in contravention of the control and other safety measures prescribed and in contravention of the prescribed criteria relating to the level of hazard (Article 101);

- uses a closed system without notifying the Ministry and entering into the register of GMOs (Article 102);

- fails to classify the contained use of GMOs into the corresponding group according to the level of hazard (Article 103);
- fails to draw up an emergency response plan (Article 104, paragraph 1);
- fails to furnish information about the emergency response plan to the Ministry and another competent authority and make these information available to the public (Article 104, paragraphs 2 and 3);
- uses a GMO classified under the 1st level of hazard without evidence of entry into the register of GMOs (Article 107, paragraph 1);
- fails to submit the risk assessment to the Ministry at its request (Article 107, paragraph 2);
- carries out a contained use of a GMO classified under the 2nd level of hazard without notifying the Ministry and in contravention to the conditions laid down (Article 108);
- carries out a contained use of a GMO classified under the 3rd and 4th level of hazard without authorization of the Ministry or in contravention of the conditions laid down in the authorization (Article 109);
- fails to comply with the requirements of the Ministry (Articles 110 and 111);
- in case of an accident fails to follow the emergency response plan drawn up for the case of an accident or fails to inform the Ministry thereof (Article 112);
- fails to prepare a risk assessment and draw up an emergency response plan for the case of an uncontrolled spread of GMOs (Articles 115 and 116);
- fails to notify the Ministry of changes and to comply with the Ministry's request relating to modification of the conditions for a release of GMOs into the environment (Article 121);
- fails to submit a report to the Ministry concerning the results of a deliberate release of GMOs into the environment in due time (Article 122, paragraph 1);
- in case of an unplanned spread of a GMO into the environment fails to proceed in line with the emergency response plan and to notify the Ministry about the event (Article 123, paragraph 1);

- places a GMO on the market without authorization or in contravention to authorization (Articles 124 and 129, paragraph 6);
- fails to inform the competent authorities about the risks of GMO products and to submit a new application (Article 132);
- places a GMO on the market without necessary documents or identification as prescribed (Article 133 and 134);
- in handling, packing, transport and transit of GMOs fails to follow the regulations about the transport of hazardous substances (Article 135);
- imports GMOs without authorization or in an unpermitted manner (Article 136);
- performs activities of an authorized laboratory without permission of the Ministry or in contravention of the work method permitted (Article 138, paragraph 3);
- fails to dispose of and destroy the wastes containing GMOs permanently and harmlessly in the manner as prescribed (Article 140);
- fails to pay compensation for the damage caused by unpermitted transboundary movement, transit, use, deliberate release into the environment or placing on the market of GMOs or products containing GMOs (Article 141).

(2) A fine to the amount of 15,000 to 50,000 kunas shall also be imposed for the offence under paragraph 1 of the present Article on any responsible person of the legal entity.

Article 274

(1) A fine to the amount of 25,000 to 200,000 kunas shall be imposed for an offence committed by any legal and physical entity who:

- organizes traffic of motor vehicles outside settlements, all types of roads, country roads, arranged footpaths and proving ranges (Article 10);
- places pesticides and fertilizers on the market and uses the same in the unpermitted manner (Article 12);
- utilizes natural resources in the unpermitted manner and with detrimental effects (Article 13);

- adopts plans without obtaining nature protection conditions or consents required (Articles 14 and 15);
- adopts the natural resources management plan without the consent of the Ministry (Article 16);
- upon completion of an activity fails to restore or bring the state of nature closer to that before the activity (Article 18, paragraph 2);
- fails to comply with the compensation requirement as determined (Articles 21 and 23);
- constructs a building and executes works and activities in a protected area, or constructs other buildings as may be determined without obtaining nature protection conditions or rather a certificate confirming that the master project or corresponding documents have been prepared in compliance with nature protection conditions, or executes works in contravention of the conditions specified (Article 22);
- as a person performing an activity or a user of natural resources fails to immediately eliminate negative impacts (Article 24);
- utilizes mineral resources in the manner that cannot ensure conservation of landscape values of the space and fails to take remediation measures, or adopts a remedial project without consent of the Ministry (Article 28);
- uses and manages forests in contravention of sustainable development principles and principles of forest certification (Article 30, paragraphs 2 and 3);
- carries out afforestation in places where not justified and in the manner posing threat to the endangered non-forest and rare habitat types (Article 31);
- uses chemical pesticides in forests without permission (Article 32);
- fails to ensure a permanent percentage of ripe, old and dry trees in accordance with nature protection conditions (Article 33, paragraph 1);
- fails to leave non-cut surfaces as determined by the nature protection basics or rather nature protection conditions (Article 33, paragraph 3);
- fails to manage in the manner that ensures the highest possible conservation of forest clearings and forest edges (Article 33, paragraph 4);

- fails to manage in the manner that ensures the extension of the cutting maturity of indigenous types of trees (Article 33, paragraph 5);
- fails to incorporate nature protection conditions in forest management planning documents (Article 39, paragraph 5);
- fails to obtain a permit of the Ministry for a proper use, arrangement, study, diving, shooting films and other actions and activities affecting the essential features, conditions and natural flora and fauna of a speleological formation or the ground surface above the same as determined (Article 36, paragraph 2);
- uses speleological formations for the purpose of visiting and touring without or contrary to the programme of the Ministry (Article 38);
- endangers or damages a speleological formation or prevents the use thereof in any other manner (Article 39, paragraph 1);
- builds barriers in watercourses, performs reclamation, and filling up of springs, ponds, etc. thus endangering natural values and biological diversity (Article 41, paragraph 1);
- constructs buildings or economically utilizes natural resources in contravention of the conditions laid down (Article 42);
- fails to provide the equipment for reception of oily, bilge and polluted waters discharged from ships in ports open for international navigation (Article 44, paragraph 1);
- discharges polluted or rather faecal waste waters from vessels in the water of protected parts of nature (Article 44, paragraph 2);
- places on the market and uses unpermitted antivegetative, self-polishing organostannic polymeric coatings (Article 46);
- manages the grassland in the unpermitted manner (Article 48);
- fails to conserve edging parts of arable land as habitats (Article 49);
- fails to implement measures prescribed for conservation of a favourable status of habitat types (Article 53);
- fails to implement adequate compensation and other measures provided for the activity permitted (Article 55);

- reduces the population of wild taxa, destroys their habitats or modifies their living conditions to the extent that poses threat to the taxon (Article 57, paragraph 3);
- deliberately damages or destroys habitats of wild taxa (Article 58, paragraph 1, subparagraph 3);
- fails to apply prescribed ways, methods and technical means that cause the least disturbance to wild taxa or habitats of their populations (Article 59, paragraph 1);
- fails to construct a public road or any other road or any building in the manner that would ensure a safe crossing of wild animals (Article 60, paragraph 1);
- fails to implement the prescribed protection measures and apply the method of maintaining crossings for wild animals (Article 60, paragraph 3);
- places medium-tension towers and technical components in the unpermitted manner (Article 61);
- collects plants, fungi and the parts thereof and catches and kills animals for the purpose of processing, trading and other operations without obtaining the authorization of the Ministry and other conditions laid down (Article 62);
- carries out research works without authorization of the competent authority and/or fails to submit research results to the competent authority (Article 63);
- performs export, import and transit of plants, fungi and animals protected pursuant to the present Act or international treaties to which the Republic of Croatia is a party, their parts or products derived thereof without authorization and in contravention of the conditions laid down by the Act and the enforcement regulation (Articles 67, 68 and 69);
- is involved in trading in contravention of the conditions laid down (Article 74);
- trades in strictly protected plants and fungi (Article 79, paragraph 2);
- deliberately catches, keeps and kills strictly protected animals, damages or destroys their development forms, nests or litters, including areas of breeding or resting, disturbs them deliberately at the time of propagation, raising the young and hibernation and deliberately destroys or takes eggs from nature or keeps empty eggs (Article 79, paragraph 3, subparagraphs 1, 2, 3 and 4);

- hides, keeps, raises, trades in, abstracts or in any other way acquires protected plants, fungi and animals, and stuffs strictly protected animals (Article 79, paragraph 3, subparagraph 5);
- acts in contravention of the regulation relating to wild growing plants, fungi and animals living in a strict reserve, a national park and a special reserve, including underground animals (Article 79, paragraph 4);
- keeps protected wild taxa in captivity, raises, sells and buys the same in contravention of conditions prescribed (Article 81);
- exports or imports strictly protected plants, fungi and animals without authorization of the Ministry (Article 82);
- uses protected wild taxa in contravention of conditions prescribed (Article 85);
- uses non-selective means of catching and killing protected animals, including means that may cause local disappearance or serious disturbance to population of species (Article 86);
- fails to protect indigenous domesticated taxa in the manner as laid down (Article 88);
- uses or takes from nature the gene material thus endangering the ecosystem and the population of species (Article 89, paragraphs 2, 3 and 4);
- manages a gene bank without authorization (Article 91, paragraph 3);
- destroys minerals or fossils without a justified reason (Article 1142, paragraph 4);
- takes from nature minerals or fossils that are designated protected natural values or may be found in a protected finding site (Article 144, paragraph 1);
- places minerals and fossils on the market without authorization (Article 147, paragraph 3);
- exports minerals or fossils designated protected natural values (Article 149, paragraph 2);
- performs activities unpermitted in a strict reserve (Article 151);
- performs unpermitted economic utilization of natural resources and other unpermitted activities in a national park (Article 152);

- performs unpermitted activities and actions that might degrade the features for which a special reserve has been designated (Article 153, paragraph 3);
- performs activities that endanger essential features and roles of a nature park or performs economic operations and utilizes natural resources without obtaining nature protection conditions (Article 154);
- performs activities that endanger essential features and roles of a regional park or performs economic operations and utilizes natural resources without obtaining nature protection conditions (Article 155, paragraph 2);
- performs such activities on a natural monument or in the immediate vicinity thereof that endanger its essential features and values (Article 156, paragraph 3);
- performs activities and actions that degrade the features for which a landscape has been declared important (Article 157, paragraph 2);
- performs actions and activities whose purpose is not conservation or arrangement of a forest park (Article 158, paragraph 2);
- performs activities and actions that modify or degrade values for which a monument of park architecture has been protected (Article 159, paragraph 2);
- performs activities and actions on a protected natural value without obtaining the authorization (Article 185);
- fails to offer the real property for sale in accordance with the pre-emption right in the manner as determined by the Act (Article 192, paragraphs 1 and 2);
- sells the real property situated in the protected natural value to another person at a price lower than the price quoted in the offer based on the pre-emption right (Article 192, paragraph 4);
- fails to obtain the authorization of the body competent for acquisition of the ownership right in a protected natural value (Article 194, paragraph 3);
- fails to comply with nature protection conditions and measures laid down by the concession decision or agreement (Article 209, paragraph 1, subparagraph 5, and Article 210, paragraph 2, subparagraph 2);

- fails to take all measures and steps necessary to prevent changes and damages that occurred (Article 215, paragraph 1).

(2) In case of an offence under paragraph 1 of the present Article being committed by a legal entity a fine to the amount of 7,000 to 30,000 kunas shall also be imposed on any responsible person of the legal entity.

Article 275

(1) A fine to the amount of 15,000 to 25,000 kunas shall be imposed for an offence committed by any legal and physical entity who:

- does not allow visiting and touring of a nature component (Article 9);

- fails to report on the discovery of a speleological formation or a part thereof within the time limit prescribed (Article 35, paragraph 5);

- damages, destroys or takes away the cave ornaments and the underground animate life of a speleological formation (Article 36, paragraph 1);

- sails a vessel into the waters of protected nature parts which contains no special tanks for the receipt of polluted or rather faecal waste waters (Article 44, paragraph 3);

- deliberately catches, injures or kills wild animals (Article 58, paragraph 1, subparagraph 1);

- deliberately removes wild plants and fungi from their habitats, reduces or destroys their populations (Article 58, paragraph 1, subparagraph 2);

- holds animals of wild taxa captive under inadequate conditions and without a corresponding care or rather in contravention of the conditions prescribed (Article 70, paragraph 1);

- displays animals of indigenous or foreign wild taxa in zoological gardens, aquariums, terrariums or similar spaces without authorization of the Ministry (Article 71, paragraph 1);

- breeds indigenous and foreign wild taxa without authorization or rather consent of the Ministry (Article 72, paragraphs 1 and 2);

- fails to mark the animals bred in the prescribed manner (Article 73, paragraph 1);

- fails to prevent a bred animal from escaping into nature and causing damage (Article 73, paragraph 2);
- deliberately picks, gathers, cuts or digs out wild growing strictly protected plants and fungi (Article 79, paragraph 1);
- keeps strictly protected plants and fungi (Article 79, paragraph 2);
- studies strictly protected taxa without authorization of the Ministry (Article 83, paragraph 1);
- carries out activities in the finding site that might lead to the destruction or damage of mineral or fossil finds (Article 145, paragraph 4);
- fails to obtain the authorization for the study of mineral and fossil finding sites (Article 146, paragraph 1);
- uses machinery or other unpermitted means for taking minerals and fossils (Article 148, paragraph 1);
- fails to implement protection measures determined by the present Act while a natural value is under a temporary protection (Article 169);
- fails to act in compliance with the protected area management plan (Article 181, paragraph 4, and Article 182);
- organizes visiting and touring of a protected natural value in contravention of the prohibition or restrictions (Article 186);
- does not allow access to a protected natural value in accordance with the conditions prescribed (Article 187, paragraph 1);
- fails to sign a contract on the protection of a natural value or rather fails to sign a contract on guardianship over a natural value in accordance with the conditions prescribed (Article 189 and Article 190);
- fails to submit information relating to the state and protection of nature (Article 233, paragraph 3);
- carries out studies without the consent of the Ministry (Article 234) and
- fails to inform the public of the nature protection state in cases determined by the present Act (Article 219).

(2) In case of an offence under paragraph 1 of the present Article committed by a legal entity a fine to the amount of 5,000 to 20,000 kunas shall also be imposed on the responsible person of the legal entity.

Article 276

(1) A fine to the amount of 7,000 to 15,000 kunas shall be imposed for the offence committed by any legal and physical entity who:

- fails to eliminate the effects of the intentional or unintentional discharge of polluted or rather faecal wastewaters in the manner prescribed (Article 44, paragraph 4);

- collects plants, fungi and the parts thereof, and catches or kills animals for the purpose of processing, trading and other operations without the consent of the owner and the trustee (Article 62, paragraph 2);

- collects plants, fungi and the parts thereof, and catches or kills animals for the purpose of scientific and research work and for taking the same out of the Republic of Croatia, without authorization of the Ministry (Article 63, paragraph 4);

- fails to declare import or export of an animal, a plant or a fungus to the competent customs authorities (Article 68);

- fails to inform the Ministry in due time of the acquisition of ownership over protected animals (Article 70, paragraph 2);

- fails to issue the certificate of the animal's origin to the new owner (Article 74, paragraph 5);

- fails to report to the Ministry the dead, sick or injured strictly protected wild taxa (Article 81, paragraph 4);

- fails to furnish to the Ministry within the time limit determined the information relating to the results of research into strictly protected taxa with respect to the assessment of threat found during research, including a proposal for protection measures (Article 83, paragraph 2);

- fails to protect and safeguard minerals and fossils in the manner as prescribed (Article 143, paragraph 2);

- fails to report to the Ministry within the time limit determined the discovery of a mineral or fossil or fails to take necessary measures

for the protection against destruction, damaging or theft (Article 145, paragraph 1);

- fails to enable the study of a mineral or a fossil finding site in compliance with the decision of the Ministry (Article 145, paragraph 5);

- carries out the study of minerals and fossils without additional authorization (Article 145, paragraph 7);

- fails to apply for authorization to carry out studies of the mineral or fossil finding site within the time limit set (Article 146, paragraph 1);

- continues with studies despite prohibition or the authorization granted (Article 146, paragraph 2);

- fails to submit a report on studies carried out within the time limit set (Article 146, paragraph 3);

- takes from nature minerals and fossils for the purpose of studies, education and display without authorization of the Ministry or takes from nature minerals and fossils for purposes not determined by the present Act (Article 147, paragraph 2);

- takes minerals and fossils from nature for the purpose of placing them on the market without authorization of the Ministry (Article 147, paragraph 3);

- does not possess any evidence of the mineral and fossil origin, or rather of the authorization for taking the same from nature (Article 147, paragraph 4);

- fails to keep records of placing minerals and fossils on the market in the manner as prescribed (Article 147, paragraphs 5 and 6);

- exports minerals and fossils without authorization of the Ministry (Article 149, paragraph 1);

- studies and visits a strict reserve without authorization of the Ministry (Article 151, paragraph 2);

- fails to submit the results of the studies to the Ministry (Article 234) and

- uses the environmental label contrary to the manner prescribed (Article 245, paragraph 2).

(2) In case of an offence under paragraph 1 of the present Article committed by a legal entity a fine to the amount of 3,000 to 7,000 kunas shall also be imposed on the responsible person of the legal entity.

Article 277

A fine to the amount of 1,000 kunas shall be imposed on a physical person who:

- drives and parks a motor vehicle outside a settlement, all types of roads, country roads and footpaths arranged for driving (Article 10) and
- fails to submit to the buyer the certificate of the mineral or fossil origin or an authorization for taking the same from nature (Article 147, paragraph 4).

Competence and Authorization for Making Decisions in Case of an Offence

Article 278

(1) Offence procedures of first instance determined by the present Act come within the competence of the Ministry.

(2) Offence procedures of the first instance shall be conducted and the ruling about the offence shall be made by an official of the Ministry appointed by the Minister (hereinafter referred to as: the head of the offence procedure).

(3) Decisions in case of an appeal against the decisions of the official under paragraph 2 of the present Article made for the purpose of preparing and conducting a procedure and decisions on the request for re-opening the offence procedure shall be taken by a council consisting of three members.

(4) The chairman and members of the council under paragraph 3 of the present Article shall be appointed by the Minister among the officials of the Ministry.

(5) Only an official of the Ministry who is a graduate in law with a certificate of bar examination and at least five years of professional experience may be nominated as the head of the offence procedure and the chairman of the council under paragraph 3 of the present Article.

(6) The council under paragraph 3 of the present Article shall take decisions by a majority vote of all members.

(7) Offence procedures for offences determined by the present Act shall be conducted in accordance with the special law, unless stated otherwise by the present Act.

Statute of Limitations of a Prosecution for an Offence and of Penalization

Article 279

(1) An offence procedure for offences as determined by the present Act cannot be instituted upon expiry of three years after the offence has been committed.

(2) Penalties imposed for the offences as determined by the present Act cannot be executed if three years have expired since the offence ruling has become legally valid.

XIV. TRANSITIONAL AND CONCLUDING PROVISIONS

Article 280

(1) Protected natural values that were protected prior to the effective date of the present Act shall remain under protection and the owners and the trustees of these protected natural values shall have the rights and obligations as determined by the present Act.

(2) For the decisions on temporary protection taken prior to the effective date of the present Act the time limit as referred to in Article 169, paragraph 1 shall start running from the day of coming into force of the present Act.

(3) Within two years upon coming into force of the present Act the entry of protected natural values into the Register shall be brought in line with the provisions of the present Act.

Article 281

(1) Physical planning documents in force shall be brought in line with the provisions of the present Act within five years after the effective date of the present Act.

(2) Until physical planning documents lay down nature protection conditions for the construction of a building and execution of other works and activities under Article 22, paragraphs 1 and 2 of the present Act, nature protection conditions will be issued by the competent government body.

(3) In the procedure of the development of physical planning documents the Ministry shall issue nature protection conditions to the person responsible for the development of a physical plan and to the physical plan developer within 60 days upon the submission of application.

Article 282

Until the adoption of the management plan under Article 181, paragraph 1 of the present Act the administrative council of the public institution shall, with the consent of the Ministry, issue temporary guidelines containing the basic components of the management plan without making the same publicly available.

Article 283

(1) Legal entities managing forests shall harmonize the forest management basics with the provisions of the present Act at the renewal or the first revision thereof.

(2) Trustees of hunting shall harmonize the hunting management basics with the provisions of the present Act at the renewal or the first revision thereof.

(3) Legal entities managing waters shall harmonize the water management plans with the provisions of the present Act within two years upon the effective date of the present Act.

(4) Other legal and physical entities managing natural resources shall harmonize natural resource management plans with the provisions of the present Act within a year upon the effective date of the present Act.

(5) Legal and physical persons taking care of protected natural values pursuant to the contract signed with the public institution or a competent authority shall, prior to the effective date of the present Act, bring the contracts in line with the provisions of the present Act within a year upon the effective date of the present Act.

Article 284

(1) The State Institute for Nature Protection, established by the Decree on the Establishment of the State Institute for Nature Protection (Official Gazette No. 126/02) shall become a public institution on the effective date of the present Act and continues operating in compliance with the present Act.

(2) The Institute shall bring its organization, activities and by-laws in line with the provisions of the present Act within sixty days upon the effective date of the present Act.

(3) The term of office of the Manager and the Head of Expert Activities of the Institute, including members of the administrative council, shall last until expiry of the period of time for which they have been elected.

Article 285

(1) Public institutions managing protected areas shall continue operating in compliance with the present Act.

(2) Public institutions shall bring their organization, activities and by-laws in line with the provisions of the present Act within sixty days upon the effective date of the present Act.

(3) A county that failed to establish a public institution for the management of protected natural values in its respective territory in compliance with Article 17, paragraphs 1 and 3 of the Nature Protection Act (Official Gazette Nos. 30/94 and 72/94) shall establish the same within a year upon the effective date of the present Act

Article 286

(1) The map of habitat types under Article 52, paragraph 4 of the present Act shall be defined by the Minister within a year upon the effective date of the present Act. Until the development of the map of habitat types the Ministry shall by a document carry out the assessment of the state of habitat types and lay down nature protection conditions for ecosystem conservation.

(2) Ecological areas of international importance under Article 56, paragraph 2 of the present Act are components of the European ecological network of Natura 2000. Ecological areas of international importance under paragraph 1 of the present Article shall be identified until the accession of the Republic of Croatia to the European Union.

(3) Evaluations of acceptability of activities to nature provided for by the present Act shall not be carried out until ecologically important areas are determined as segments of the ecological network.

Article 287

No permit for transboundary movement, transit, contained use, deliberate release into the environment and placing on the market of GMOs and products containing GMOs shall be granted until the adoption of enforcement regulations laid down by Article 93, paragraph 2; Article 101, paragraph 3; Article 102, paragraphs 6 and 7; Article 108, paragraph 9; Article 109, paragraph 7; Article 113, paragraph 3; Article 114, paragraph 3; Article 115, paragraph 4; Article 116, paragraph 5; Article 117, paragraph 4; Article 119, paragraph 6; Article 123, paragraph 6; Article 125, paragraph 3; Article 127, paragraph 6; Article 129, paragraph 8; Article 135, paragraphs 2 and 3; Article 136, paragraph 3; Article 138, paragraph 4; Article 139, paragraphs 8 and 9 and Article 140, paragraph 2 of the present Act and until the establishment of the laboratory under Article 138, paragraphs 3 and 4 of the present Act.

Article 288

(1) Legal entities that started an authorized production and a scientific research in the field of genetic modification before the effective date of the present Act shall notify such a production or research to the Ministry within forty-five days upon the effective date of the present Act.

(2) Within the further period of fifteen days the Ministry shall notify the ministry responsible for health, the ministry responsible for science and technology and the ministry responsible for agriculture and forestry of the commencement of the authorized production and scientific research projects in the field of genetic modification.

(3) The decision on granting authorization to continue the production and scientific research projects authorized as referred to in paragraph 1 of the present Article shall be made by the Ministry, with the consent of the competent ministry, within sixty days upon the date of notifying the authorized production or a scientific research project.

(4) In case of the failure to make the decision in the time period set under paragraph 3 of the present Article, the authorization shall be considered granted.

Article 289

(1) Legal entities that started an unauthorized production and use of GMOs and products containing GMOs before the effective date of the present Act shall destroy the same permanently and in the harmless manner within the time period as determined by the Minister's decree.

(2) In case of the failure to destroy GMOs and products containing GMOs in the manner and within the period of time as determined in compliance with paragraph 1 of the present Article, the Ministry shall have the GMOs or products containing GMOs destroyed permanently and in the harmless manner by third persons at the expense of the legal entity that should have done it.

Article 290

(1) The Commission for GMOs, the Committee for Contained Use of GMOs, the Committee for the Release of GMOs into the Environment and the Committee for Novel Food and Feed Containing GMOs shall be set up within sixty days upon the effective date of the present Act.

(2) By setting up the Commission for GMOs the Decision on the Establishment of Bioethical Commission for Monitoring Genetically Modified Organisms, established by the decision of the Government of the Republic of Croatia of 11 May 2002, shall cease to be valid and the Bioethical Commission shall cease operating on the same date.

Article 291

(1) Legal and physical entities that started trading operations under Article 74 of the present Act prior to the effective date of the present Act shall apply to the Ministry for authorization to carry on such operations within sixty days.

(2) Legal and physical entities failing to proceed in compliance with paragraph 1 of the present Article may not continue carrying on the operations provided for by Article 74 of the present Act.

Article 292

(1) A chief supervisor and supervisor already performing the tasks of a supervisor in public institutions managing national parks and nature parks at the effective date of the present Act must pass the state exam as determined by Article 251, paragraph 3 of the present Act within a year upon the adoption of the rulebook under Article 251, paragraph 7 of the present Act.

(2) The chief supervisor and supervisor who do not pass the state exam within the time limit set shall not perform the tasks of a supervisor until they pass the exam.

Article 293

(1) The Government and the Minister shall issue regulations for which they are authorized by the present Act within a year upon the effective date of the present Act.

(2) Until the effective date of enforcement regulations determined by the present Act all regulations issued pursuant to the Nature Protection Act (Official Gazette Nos. 30/94 and 72/94) shall remain in force in the segment in which their provisions do not contravene the provisions of the present Act.

(3) Protected nature parts designated "protected landscapes" pursuant to the Nature Protection Act (Official Gazette Nos. 30/94 and 72/94) become "important landscapes" in terms of the present Act.

(4) Protection measures adopted by county assemblies and the Zagreb City Assembly in relation to protected nature parts in their respective areas pursuant to the provisions of the Nature Protection Act (Official Gazette Nos. 30/94 and 72/94) remain in force until the issue of enforcement regulations about measures for the protection of these protected natural values in compliance with the present Act, in the segment in which they do not contravene the provisions of the present Act.

Article 294

(1) Special-purpose forests for rest and recreation designated pursuant to the Forests Act (Official Gazette Nos. 54/83, 32/87, 47/89, 41/90, 52/90 – clarified text, 5/92, 9/91, 61/91, 26/93, 76/93, 29/94, 8/00 and 13/02) become forest parks or important landscapes in compliance with the present Act.

(2) Categories of each individual protected area under paragraph 1 of the present Article shall be laid down by the Minister's decision, with the previous consent of the minister responsible for agriculture and forestry, within ninety days upon the effective date of the present Act.

Article 295

(1) On the effective date of the present Act the Nature Protection Act (Official Gazette Nos. 30/94, 72/94 and 107/03) shall cease to be

valid with the exception of the provisions of Article 32, paragraphs 2, 3, 4, 5 and 6.

(2) The provisions of Article 22 of the present Act shall apply until the effective date of the Physical Planning Act.

(3) Activities that started in accordance with the provisions of the Nature Protection Act (Official Gazette Nos. 30/94 and 72/94) shall be completed according to the provisions of the present Act.

Article 296

The present Act shall come into effect on the eight day upon publication in the Official Gazette.

Class: 351-01/03-01/02
Zagreb, 25 September 2003

CROATIAN PARLIAMENT
Chairman
of the Croatian Parliament
Zlatko Tomčić, signed