

L A W ON ENVIRONMENTAL PROTECTION

I GENERAL PROVISIONS

Article 1

1. The present Law regulates environmental protection, with a view to preserving the environment, reducing risks to human health and lives, ensuring and improving the quality of life, to the benefit of both present and future generations.
2. Environmental protection ensures integrated preservation of environmental quality, protection of natural communities, rational use of natural resources and energy in the environmentally soundest manner, as basic conditions for a healthy and sustainable development.

Article 2

The basic environmental goals in creating conditions for sustainable development are:

permanent preservation of the primary state and biodiversity of natural communities and preservation of environmental stability;

preservation of quality of both animate and inanimate nature and rational use of nature and its resources

preservation and restoration of cultural and aesthetic landscape values;

environmental state promotion and insurance of better living conditions.

Article 3

The basic environmental protection goals as referred to in Article 2 of the present Law are achieved by:

predicting, monitoring, preventing, limiting and eliminating adverse environmental impacts;

protection and physical planning in particularly valuable environmental parts;

preventing environmental risks and threats;

encouraging the use of renewable natural resources and energy;

encouraging the use of the environmentally soundest products and the best environmental technologies;

coordination between environmental protection and economic development;

prevention of hazardous developments in the environment;

restoring damaged parts of the environment;

raising awareness of the need for environmental protection through environmental education and promotion;

passing legal regulations on environmental protection;

informing the public on the state of the environment and public participation in environmental decision-making;

connecting environmental protection systems and institutions of the Republic of Croatia (hereinafter referred to as: the State) with international institutions.

Article 4

1. The environment represents a property of interest for the State and enjoys its special protection.
2. Developments in the environment must not affect the quality of life, human health or sustainable development of nature.
3. Environmental management is implemented under the conditions and in the manner prescribed by the present and by a special Law.

Article 5

For the purposes of the present Law, the following terms shall be used, with their meanings specified as follows:

The environment represents natural surroundings: air, soil, water and sea, climate, plant and animal world, in the totality of their mutual interactions, and cultural heritage as a part of the man-made environment.

Environmental quality is the state of environment expressed through physical, chemical, aesthetic and other indicators;

Environmental stability is the environmental capacity to accept changes caused by external factors, at the same time preserving its natural features;

Biodiversity is the totality of living organisms, encompassing the diversity within and among species and ecosystems of a given area;

Development in the environment is any temporary or continuous human action that might disturb environmental stability or biodiversity, or bear other adverse impacts on the environment;

Emission is the release or leakage of substances in a liquid, gaseous or solid state, or the release of energy (noise, vibration, radiation, heat) and of microbiological pollution from a given source into the environment;

Imission is the concentration of substances in the environment at a given time and place;

Environmental pollution is the change in environmental state resulting from harmful impacts or lack of necessary action; discharge, introduction or disposal of harmful substances, energy release, as well as from impacts of other harmful environmental developments and phenomena;

Polluter is any natural or legal person whose activity directly or indirectly causes environmental pollution;

Harmful substance is a substance the properties of which are hazardous to human health and the environment with proven acute and chronic toxic impacts; an extremely irritating, cancerogenic, mutagenic, corrosive, flammable or explosive substance, or a substance exhibiting such properties in certain quantities and/or concentrations;

Environmental risk is the probability of a given development to cause, directly or indirectly, damage to the environment or endanger human lives and health;

Environmental threat is an excessive risk which, due to a high degree of probability of an event occurring or to the extent of possible environmental damage, requires specially prescribed measures;

Environmental damage is the harm done to or loss of the natural function of integral environmental parts, caused by the loss of its respective integral parts and/or human-induced internal disturbance of relations and of the natural course of affairs;

Environmental accident is an emergency situation or situational type caused by uncontrolled activities or impacts, resulting in the threat to human lives or health, and causing considerable environmental damage;

Threatened environment is the state created by a large-scale pollution in a given area for which, in compliance with the present or a special law, special measures are prescribed, in order to restore the previous state or create a new environmental state, rehabilitate a natural community or regenerate a natural resource with a view to improving the quality of life;

Environmental state monitoring is systematic measurement of emissions and imissions; monitoring of natural and other phenomena, as well as monitoring of environmental quality and changes in environmental state;

Environmental Pollution Cadastre is a database on the sources, type, quantity, manner and place of introduction, discharge or disposal of harmful substances into the environment.

Article 6

1. Efficiency of environmental protection in the State is ensured by the Croatian National Parliament (hereinafter referred to as: the Parliament) and by the Government of the Republic of Croatia (hereinafter referred to as: the Government), as well as by representative and executive authorities in units of local government and local government and self-government, by means of passing the Environmental Protection Strategy, environmental protection programmes and other environmental protection documents.
2. Professional performance of environmental activities and implementation of environmental measures are ensured by the governmental authorities and authorities in units of local government and local government and self-government with environmental competencies, and by legal persons registered for performing professional environmental activities.
3. Citizens, acting as individuals or organised into societies, professional associations and other non-governmental environmental organisations, contribute to the achievement of environmental goals and to the implementation of efficient environmental protection.

Article 7

1. A unit of local government and local government and self-government regulates, organises, finances and promotes environmental activities of regional or local importance.
2. Environmental activities of units of local government and local government and self-government include the following:

providing conditions for the implementation of environmental protection programmes;

preparation and performance of restoration activities within their respective competencies;

insurance of environmental state monitoring and of imission measurement, within their respective competencies;

providing conditions for maintaining the Environmental Pollution Cadastre and records on environmental state, environmental protection measures and the manner of public information;

implementation of other measures in compliance with the present Law and a special regulation.

Article 8

1. With a view to achieving economic development coordinated with environmental needs, and expert and scientific regulatory bases, the Government establishes the Environmental Protection Council (hereinafter referred to as: the Council), constituted of scientific, expert, public and other officials.
2. The Council provides opinions, suggestions and evaluations of the coordination between solving environmental protection issues and economic development, and of documents passed by the Government and the Parliament.

Article 9

1. Legal persons registered for professional environmental protection activities perform tasks related to environmental state monitoring, elaborate expert environmental protection support and feasibility studies, prepare and elaborate environmental impact studies, perform professional training tasks with a view to acquiring knowledge and specialising in environmental protection implementation, unless otherwise specified by the present Law.
2. A legal person may start performing activities as referred to in paragraph 1 of the present Article only with prior approval granted by the State Directorate for the Protection of Nature and Environment.
3. Requirements for granting approvals as referred to in paragraph 2 of the present Article are prescribed by the Government.

II BASIC ENVIRONMENTAL PROTECTION PRINCIPLES

Article 10

Environmental protection is based on honouring the principles of international environmental law, the generally accepted principles acknowledging scientific achievements, and the best global environmental practice.

P r e v e n t i o n P r i n c i p l e

Article 11

1. In order to prevent environmental risks or threats, all the necessary preliminary environmental measures must be applied in proposing or executing developments.
2. An environmental development must be proposed and performed in such a manner as to cause minimal environmental pollution, taking into account rational use of natural resources and energy in the process.
3. While performing the developments, efforts must be made to make use of positive experience, utilize available products and equipment, and apply the environmentally soundest technologies.
4. When there is a threat of actual and irrecoverable damage to the environment, taking of necessary protection measures must not be delayed, even in the case where the threat has not yet been scientifically examined in total.

N a t u r a l R e s o u r c e s a n d

B i o d i v e r s i t y C o n s e r v a t i o n P r i n c i p l e

Article 12

1. The value of natural resources: water, sea, air, soil, forests, and the primary values of karst must not be diminished.
2. Efforts should be made to preserve natural resources at the quality level which is not harmful to man, animals or plants.
3. Soil should be used sensibly, and its productivity preserved, whereas adverse effects on soil must be avoided to the greatest extent possible.
4. Any development bearing adverse impacts on biodiversity should be avoided, and natural genetic balance, as well as that of natural communities, living organisms and inanimate things, preserved.

P r i n c i p l e o f R e p l a c e m e n t o r

S u b s t i t u t i o n b y O t h e r I n t e r v e n t i o n s

Article 13

1. Efforts should be made to replace any development that might bear adverse impacts on the environment by another one representing a considerably lower risk or threat, even when the expenses of such a development surpass values that need to be protected.
2. While using products, machinery and equipment and applying production technologies, environmental pollution should be limited at the source of its generation.
3. Substances that can be reused or are biodegradable should have priority in use even if it increases expenses, providing that the expenses are proportional to the values that need to be protected.
4. The use of chemicals and other substances that become harmless by decomposition shall be given precedence over other substances if there are no environmental risks or threats involved.

I n t e g r i t y P r i n c i p l e

Article 14

1. When passing the Environmental Protection Strategy, programmes, emergency plans and regulations, issuing permits and approvals, or implementing financial policy, control or other environmental measures, cooperation between and joint actions of governmental authorities and units of local government and local government and self-government are essential.
2. The bodies as referred to in paragraph 1 of the present Article ensure the manner and conditions of joint actions of citizens and institutions with the purpose of an integrated and even achievement of environmental protection objectives.

P r i n c i p l e o f H o n o u r i n g R i g h t s

Article 15

When making decisions on and carrying out environmental developments, one shall act in accordance with the law and other regulations, and undertake all the measures ensuring the right of every individual to a healthy and clean environment.

'P o l l u t e r P a y s' P r i n c i p l e

Article 16

1. Polluter is the one bearing costs incurred by environmental pollution.
2. The costs as referred to in paragraph 1 of the present Article include the costs incurred in relation to environmental pollution, restoration costs, and a fair compensation for the damage done.

P u b l i c P a r t i c i p a t i o n P r i n c i p l e

Article 17

1. Citizens have the right to a timely information on environmental pollution, on the measures undertaken and on the related free access to environmental data, in accordance with the present Law and other regulations.
2. During institutional solving of environmental protection issues, the governmental authorities and the authorities in units of local government and local government and self-government shall ensure participation

of the interested parties, in compliance with the present Law and other regulations.

III ENVIRONMENTAL PROTECTION DOCUMENTS

E n v i r o n m e n t a l P r o t e c t i o n S t r a t e g y

Article 18

1. The Environmental Protection Strategy determines and directs long-term environmental management goals, in compliance with the overall economic, social and cultural development in the State territory.
2. The Environmental Protection Strategy as referred to in paragraph 1 of the present Article contains the basis for directing and coordinating economic, technological, scientific, educational, organisational and other measures, as well as the measures for implementing international commitments with a view to achieving environmental objectives.
3. The Strategy as referred to in paragraph 1 of the present Article contains, in particular, the following:

environmental pollution state per its respective parts and environmental state evaluation;

basic goals and criteria for implementing environmental protection as a whole per respective environmental parts and physical wholes, as well as priority protection measures;

basis for a balanced economic development and efficient environmental protection;

basis for ensuring the most favourable technical, production and economic measures in environmental management;

short-term and long-term measures for preventing and limiting environmental pollution and their implementation schedule, including the execution deadlines;

basis for environmental state monitoring when it appears as the State's international commitment;

a review of physical wholes in need of environmental restoration and basic conditions for its implementation;

sources and evaluation of the funds needed for implementing environmental protection measures;

basis for directing and promoting environmental education and training;

basis for directing scientific research in the field of environmental protection.pon Government's proposal, the Parliament passes the Environmental Protection Strategy.

4. The Environmental Protection Strategy is published in 'Narodne novine'.

E n v i r o n m e n t a l P r o t e c t i o n P r o g r a m m e s

Article 19

1. An environmental protection programme for the area of a given county, or for the Greater Zagreb, contains the totality of basic environmental goals, conditions and criteria, priority environmental measures per respective parts and physical wholes, and elaborates environmental principles and guidelines contained in the

Environmental Protection Strategy.

2. The environmental protection programme for the area of a given county, or the Greater Zagreb, is passed by the county assembly (by the Greater Zagreb Assembly).
3. Environmental protection programmes for respective parts of the town or the municipality are passed by the Town Council (the Municipal Council), when there is a need for special protection of a given area in order to preserve its cultural, historical, aesthetic and natural landscape values.

Article 20

1. During elaboration and passing of environmental protection programmes for a given county (for the Greater Zagreb), towns or municipalities, their mutual cooperation is of essential importance.
2. The environmental protection programme for a county or for the Greater Zagreb has to be coordinated with the Environmental Protection Strategy, whereas the environmental protection programme for a town or municipality, i.e. for their narrower area, has to be coordinated with the given county's (the Greater Zagreb's) environmental protection programme.
3. In case of lack of mutual coordination among environmental protection programmes, the environmental protection programme for a wider area is applied.
4. Except as provided for in paragraph 3 of the present Article, the environmental protection programme for a narrower area shall be applied, provided that the said Programme does not alter the environmental protection basis established by the environmental protection programme for a wider area, with approval previously granted by the State Directorate for the Protection of Nature and Environment.

Article 21

1. The environmental protection programme as referred to in Article 19 of the present Law determines environmental protection measures in compliance with regional or local peculiarities and features, and in compliance with the Environmental Protection Strategy starting points.
2. The environmental protection programme as referred to in Article 19 of the present Law determines, in particular, the following:

environmental pollution state per respective integral parts and physical wholes;

environmental pollution anticipation, prevention and limitation measures;

natural and legal persons with environmental competencies;

environmental protection preservation and promotion guidelines and measures;

manner of implementing emergency measures in cases of accidental environmental pollution;

deadlines for undertaking respective measures;

financing sources for implementing respective measures and estimation of the necessary funds.

E n v i r o n m e n t a l S t a t e R e p o r t

Article 22

1. For the purposes of implementing the Environmental Protection Strategy, programmes and other environmental documents, a quadriannual report on environmental state is prepared.
2. Environmental State Report as referred to in paragraph 1 of the present Article contains environmental data for the whole of the State; impact of respective developments on the environment and all other adverse environmental impacts; evaluation of implemented measures and their efficiency; analysis of the Environmental Protection Strategy and programme implementation; evaluation of control; data on charges

dispensed and on the use of financial means for environmental purposes; estimation of the need to create new or else modify and supplement the existing documents; and other data of importance for environmental protection.

3. The Government submits the Environmental State Report as referred to in paragraph 1 of the present Article to the Parliament.
4. The Environmental State Report and the report on the implementation of environmental protection programmes for a given county and the Greater Zagreb contains all the elements, listed in paragraph 2 of the present Article, necessary for report preparation, in dependence of specific features of the areas in question.
5. The county assembly and the Greater Zagreb Assembly pass reports, containing data as referred to in paragraph 2 of the present Article, on environmental state within their respective areas.
6. The State's Environmental State Report is published in 'Narodne novine', whereas reports on environmental state in respective counties (in the Greater Zagreb) are published in official bulletins of units of local government and local government and self-government.

IV IMPLEMENTATION OF ENVIRONMENTAL PROTECTION

E n v i r o n m e n t a l P r o t e c t i o n S t a n d a r d s

Article 23

1. Environmental quality standards containing limit values for respective integral parts of the environment and for particularly valuable, vulnerable or endangered areas are determined by a special regulation, unless specified by the law.
2. Regulation as referred to in paragraph 1 of the present Article may prescribe deadlines and the procedure for meeting environmental quality standards, possible aberrations and penalty clauses in case of any contravention of provisions set by the regulation.
3. If environmental quality standards are not set by the law or by a special regulation as referred to in paragraph 1 of the present Article, they are to be prescribed by the Government.

Article 24

1. Regarding products, machinery, equipment and production technologies that might cause risk or threat to the environment, special regulations set technical environmental protection standards.
2. Technical standards as referred to in paragraph 1 of the present Article set emission and imission limit values in relation to production technology and machinery and equipment use, i.e. limit values regarding the structure of products and equipment, as well as penal stipulations envisaged for any contravention of provisions set by the regulation.
3. Technical standards may also prescribe the method of manufacture, production, labeling, handling and using products, machinery, equipment and production technologies, as well as the manner of handling products, machinery and equipment after use.
4. Regulations as referred to in paragraph 1 of the present Article set the procedure and the deadlines for achieving technical standards and their application with the existing products and machinery.
5. Should technical standards not be set by a special regulation as referred to in paragraph 1 of the present Article, they are prescribed by the Government.

E n v i r o n m e n t a l I m p a c t A s s e s s m e n t

Article 25

1. Environmental impact assessment ensures the realisation of prevention principle by coordinating and adjusting the proposed development, facility construction or reconstruction, and/or performance of activities (hereinafter referred to as: the development) with the receptive environmental capacity in a given area.
2. Environmental impact assessment considers possible adverse impacts of the proposed development on soil, water, sea, air, forests, climate, human health, animals and plants, landscape, physical and cultural values and their interactions, also taking into account other proposed developments and their possible interactions with regard to the existing or proposed developments in the area for which the development's impact is being examined.
3. Environmental impact assessment also has to include the evaluation of the proposed development's impact on the environment, i.e. on its respective parts, as well as of environmental protection measures, in order to reduce adverse impacts to the lowest level possible and achieve the highest possible degree of preservation of environmental quality.

4. Environmental impact assessment is performed within the scope of preparations for the proposed development i.e. prior to issuing of the site-permit or any another type of permit for developments not requiring issuing of site-permits.

Article 26

1. The environmental impact assessment procedure shall be carried out by the State Directorate for the Protection of Nature and Environment, with the exception of cases referred to in paragraph 4 of the present Article and paragraph 5 of Article 27 of the present Law, when environmental impact assessment is carried out by the county or the Greater Zagreb authorities in charge of physical planning, housing, building and environmental matters in the area in which a development is planned.
2. Director of the central governmental authority in charge of nature and environmental protection shall pass a rule book, with prior approval of the minister of physical planning and building, in which the developments requiring environmental impact assessment, the contents, deadlines and manner of elaboration thereof, the manner of passing the evaluation and decision on the proposed development, and the manner of informing the public are identified, the deadlines and manner of public participation in decision-making, rights and liabilities of the participants, programme and manner of checking qualifications of the legal person elaborating the studies set, and penalty clauses for the contravention of regulation provisions prescribed.
3. The minister of physical planning and building shall render his/her approval within thirty days. Should the competent minister not render the opinion within the prescribed deadline, the opinion shall be considered granted.
4. Exceptionally to the regulation referred to in paragraph 2 of the present Article, the physical plan for the county or the Greater Zagreb can define additional developments that require environmental impact assesment.
5. The director of the central governmental authority in charge of nature and environmental protection shall pass a rule book that defines environmental protection measures for developments that are not considered building ventures by virtue of special regulations.

Article 27

1. The environmental impact of a given development and the evaluation of its feasibility shall be asessed by a Commission, on the basis of environmental impact assessment.
2. The Commission as referred to in paragraph 1 of the present Article shall be appointed for each respective development. If a larger number of developments falling in the same category is proposed, a Permanent Commission may be appointed. The Commission members shall be scientific and expert officials, members of representative bodies and representatives of the governmental authorities that, on the basis of special legislation, provide approvals, conditions or opinions in relation to environmental protection.
3. The State Directorate for the Protection of Nature and Environment may appoint a Commission for environmental impact assessment of developments that are subject to mandatory environmental impact assessment by virtue of the above rule book, whereas the county or the Greater Zagreb authorities appoint a Commission for the developments as referred to in paragraph 4, Article 26 of the present Law.
4. The State Directorate for the Protection of Nature and Environment may authorise the authorities of the respective county, or the Greater Zagreb, to appoint the Commission for assessing developments as referred to in paragraph 2, Article 26 of the present Law. Environmental impact assessment procedure is in such a case carried out by the county office or the Greater Zagreb office in charge of physical planning, housing, building and environmental protection, for the following developments:

PRODUCTION FACILITIES:

- a. concrete and asphalt stations,
- b. freshwater fishponds:
 - for ciprinidae exceeding 100 ha in area,
- c. for production of animal food applying animal raw material, with minimum capacity of 200 t/year,
- d. for breeding poultry, with the production capacity of minimum 5,000 conditional head;

WASTE MANAGEMENT FACILITIES:

- a. facilities for treatment of construction waste, with anual capacity exceeding 25,000 m³;

BUILDING PLOTS:

- a. shopping malls on surface areas exceeding 5 ha,
- b. cemeteries and crematories for urban settlements with populations of 40,000 and above

EXPLOITATION OF MINERAL RAW MATERIAL:

- a. dimension stone, with capacity exceeding 1,000 t/year,
 - b. building stone, with total reserves ranging between 100,000 and 300,000 m³ and capacity between 20,000 and 60,000 m³/year,
 - c. non-metal ore, with total reserves ranging between 250,000 and 600,000 t and capacity between 50,000 and 120,000 t/year,
 - d. clay, gravel, sand, with total reserves ranging between 500,000 and 800,000 m³ and capacity between 100,000 and 160,000 m³/year and above,
5. Appointment procedure, manner of operation, number of members and the composition of the Commission evaluating the proposed development are regulated as referred to in paragraph 2, Article 26 of the present Law, unless otherwise specified by the present Law.
 6. The Government appoints a Commission for evaluating the operation with a possible environmental impact across state borders.

Article 28

1. Environmental impact assessment is obtained by the person in charge of the proposed development, who is also responsible for ensuring its elaboration and for covering all the costs incurred by the environmental impact assessment.
2. Environmental impact assessment is elaborated by the legal person with environmental competencies, i.e. authorisation for environmental impact assessments, who is also responsible for it being based on expert grounds, and for meeting corresponding legal requirements.
3. Environmental impact assessment represents expert basis for the Commission's work, including all the necessary data, documentation, explanations and descriptions, both textual and graphic, as well as the proposal of the development's feasibility evaluation and environmental protection measures.

Article 29

1. The Commission as referred to in Article 27, paragraph 1, of the present Law passes a Decision by which it proposes for the approval for the proposed development to be granted or denied.
2. Beginning with the appointment of the Commission referred to in paragraph 1, Article 27 of the Law on Environmental Protection ('Narodne novine' #82/94) and ending with the Commission's conclusion as referred to in paragraph 2, Article 29 of the cited Law, the environmental impact assessment procedure, may not last longer than four months.
3. The Decision proposing approval of the proposed development contains the development's feasibility evaluation and environmental protection measures, whereas the Decision denying approval contains explanation of the reasons for denial.
4. The contents of the act as referred to in paragraph 1 of the present Article, as well as the manner and conditions of its issuing, are regulated by Article 26, paragraph 1, of the present Law.
5. Sessions of the Commission as referred to in Article 27, paragraph 1, of the present Law are open to the public.

Article 30

1. The State Directorate for the Protection of Nature and Environment shall issue a decision, granting or denying approval for the proposed development, with the exception of procedures initiated on the basis of paragraph 4, Article 26, and paragraph 5, Article 27 of the present Law.
2. The Decision as referred to in paragraph 1 of the present Article shall establish feasibility of the proposed development with the application of environmental protection measures, and inclusion in it of the necessary environmental protection measures in compliance with the law, other regulations, standards, and measures contributing to the reduction of environmental pollution.
3. The Decision as referred to in paragraph 1 of the present Article is issued within 30 days from the request being duly submitted.

Article 31

1. An appeal can be lodged with the State Directorate for the Protection of Nature and Environment against a decision passed by the county office or the Greater Zagreb municipal office in charge of physical planning, housing, building and environmental protection. No appeal shall be allowed against the Decision as referred to in Article 30 of the present Law, on granting or denying approval for the proposed development, although an administrative lawsuit may be instituted.
2. The procedure of issuing the Decision as referred to in Article 30 of the present Law is subject to provisions of the Law on General Administrative Procedure, unless otherwise specified by the present Law.

Article 32

If the proposed development, facility or activity could bear a significant impact on environmental state in the neighbouring countries, the State Directorate for the Protection of Nature and Environment shall inform the respective neighbouring country's competent body accordingly.

P h y s i c a l P l a n s

Article 33

1. When elaborating and passing physical plans, one must particularly take into account the environmental vulnerability in a given area, the relation towards landscape's harmony and values, the relation towards renewable and non-renewable natural resources, cultural heritage, and the totality of interactions between existing and proposed developments and the environment.
2. Environmental protection measures contained in physical plans are measures for protecting soil, water, sea, air, forests, climate, human health, plant and animal world, landscape, cultural and physical values; waste management measures, noise and fire-protection measures, and other environmental protection measures, set in compliance with provisions of the present Law and of special regulations.

Article 34

1. The State Directorate for the Protection of Nature and Environment grants its approval to a given county's or the Greater Zagreb physical plans regarding environmental protection measures prior to their passing. Approval is granted within 30 days following forwarding of the physical plan proposal. Should the State Directorate for the Protection of Nature and Environment not grant its approval within the prescribed time, approval shall be considered granted, i.e. it shall be considered that there are no objections to the measures suggested by the physical plan in question.
2. Approval as referred to in paragraph 1 of the present Article also has to be obtained for passing physical plans included in a given county's or the Greater Zagreb physical plan.

E n v i r o n m e n t a l S t a t e M o n i t o r i n g

Article 35

1. Environmental state monitoring, determined by the Environmental Protection Strategy or by international agreements, is financed from the State Budget, whereas monitoring is ensured by the State.
2. Contents, methodology and manner of monitoring the environmental state, as well as penalty clauses anticipated for the contravention of provisions of the present regulation, are prescribed by the Government.

Article 36

1. For all developments requiring the elaboration of environmental impact assessments, legal persons are obliged, through authorised legal persons, to:

measure emissions and keep corresponding records;

measure imissions, i.e. participate in imission measuring according to their respective shares in environmental pollution;

take part in monitoring of natural and other phenomena generated by environmental pollution.

(2) The legal person as referred to in paragraph 1 of the present Article shall provide

financial means for conducting environmental state monitoring.

(3) The Government prescribes the emission and imission types, natural and other phenomena being objects of monitoring, measurement and sampling methodology; deadlines for forwarding data to the State authorities and the manner of maintaining databases, unless they are otherwise regulated.

(4) Regulation as referred to in paragraph 3 of the present Article may prescribe the obligation of monitoring environmental state, the manner of maintaining databases and penalty clauses anticipated for the contravention of provisions set by the regulation for other legal persons as well, not subject to the provision in paragraph 1 of the present Article.

(5) Regulation as referred to in paragraph 3 of the present Article also determines the technical requirements and qualifications of the officials to be met by the authorised legal person as referred to in paragraph 1 of the present Article, as well as penalty clauses anticipated for cases of contravention of provisions thereof.

Article 37

If the polluter is unknown, the respective county and the Greater Zagreb shall ensure imissions measurement on their respective territories which have suffered environmental pollution.

Article 38

1. The legal person obliged pursuant to the present Law to perform the restoration programme shall ensure, once the restoration measures have been implemented, monitoring of their environmental impact and financial means for the monitoring.
2. When, in accordance with the provisions of the present Law, the restoration programme implementation is covered from the State Budget, the monitoring of environmental state and of the restoration measures impact is ensured by the Government.
3. When the restoration programme implementation is covered from budgets of units of local government and local government and self-government, monitoring of environmental state and of the restoration measures impact is ensured by the authorities of the respective county (the Greater Zagreb).

Article 39

The legal persons as referred to in Article 36, paragraph 1, and Article 38 of the present Law, as well as the respective county and the Greater Zagreb as referred to in Article 37 of the present Law, shall forward the emission and imission measurements data to the State Directorate for the Protection of Nature and Environment.

E n v i r o n m e n t a l P o l l u t i o n C a d a s t r e

Article 40

1. The Environmental Pollution Cadastre is maintained by the county office and the Municipal Office of the Greater Zagreb in charge of environmental protection affairs i.e. the town environmental authorities.
2. Mandatory contents, methodology and manner of maintaining the Cadastre, as well as the manner of and time-limits for collecting and forwarding data, assigning authorities to legal persons for maintaining Cadastres, and penalty clauses for cases of contravention of provisions of the said regulation are prescribed by the Director of the State Directorate for the Protection of Nature and Environment (hereinafter referred to as the Director).
3. The county office and the Municipal Office of the Greater Zagreb in charge of environmental protection affairs and the municipal authority keep environmental record reviews, whereas the contents and manner thereof are prescribed by the Director.

E n v i r o n m e n t a l P r o t e c t i o n I n f o r m a t i o n S y s t e m

Article 41

1. The State Directorate for the Protection of Nature and Environment, in co-operation with the ministries and the State administration organisations, establishes the Environmental Protection Information System

containing Pollution Cadastre data, selected data from the records on environmental state, expert and scientific data by local and foreign institutions and international organisations, fact-oriented, methodological and documentation-related data and information of environmental importance.

2. Contents and methodological basis, obligation and manner of forwarding data and the manner of data management are prescribed by the Government.

E n v i r o n m e n t a l P r o t e c t i o n I n t e r v e n t i o n P l a n s

Article 42

1. In cases of possible environmental accidents or emergencies that severely endanger human lives and health, the Government passes Emergency Plans.
2. Emergency Plans as referred to in paragraph 1 of the present Article contain types of risks and threats, the procedure and measures for mitigating and combating direct environmentally harmful consequences, those responsible for implementing respective measures, liabilities and authorities related to the implementation, as well as the manner of achieving coordination with emergency measures implemented pursuant to other laws.
3. Manufacturers of equipment and machinery that might cause environmental pollution shall have their Emergency Plans prepared in advance.
4. Product types, equipment and machinery as referred to in paragraph 3 of the present Article, as well as penalty clauses for cases of contravention of provisions are prescribed by the Director.

E n v i r o n m e n t a l L a b e l

Article 43

1. The Environmental Label is awarded to manufacturers of consumer goods, except for foodstuffs, beverages and pharmaceuticals, for products which, in the course of their production, marketing and/or use, and handling after use when they have turned into waste, endanger the environment to a considerably lower extent than other equivalent or related products.
2. Procedure and conditions for awarding, as well as the manner of awarding the environmental protection label; the environmental protection label description; the use of the awarded label; the Jury composition and work methods; the participation of institutions, societies, associations and individuals in the environmental protection label awarding procedure, as well as penal stipulations for the contravention of the provisions, are prescribed by the Director.

A w a r d s a n d p r i z e s

Article 44

1. Awards and prizes for environmental achievements may be given for:
preventing environmental pollution;

the best practices in production processes with respect to the environment;

developmental and research environmental projects;

setting up environmental protection training and educational system;

individual contributions to environmental protection advancement or contributions to international co-operation in the field of environmental protection;

contributions on the part of expert and other societies, associations and non-governmental organisations to environmental protection advancement.

Awards and prizes are awarded by the State Directorate for the Protection of Nature and Environment

The procedure, manner and requirements for awarding awards and prizes are prescribed by the Director.

L a b e l l i n g o f P r o d u c t s a n d P a c k a g i n g

Article 45

1. Before marketing products, raw materials and their packaging, manufacturers are to provide warnings against pollution that might be caused by their products, raw materials or packaging, as well as information regarding handling of packaging after use.
2. The manner and contents of warnings against environmental pollution and the related manner of labelling products, raw materials and their packaging, as well as penalty clauses for the contravention of provisions are prescribed by the Director in co-operation with relevant ministers.

E c o n o m i c I n c e n t i v e s

Article 46

1. A special law may determine relaxations and exemptions from paying taxes, duties and other types of public income for the use of production processes, production and turnover of products whose impact on environmental state is more favourable than that of other related production processes, production and products, as well as for the use of renewable energy sources (sun, wind, sea waves, bio-gas and the like), equipment and machinery contributing to environmental protection.
2. Exemptions and allowances from paying taxes, duties and other types of public income as referred to in paragraph 1 of the present Article may be determined by the Government, unless specified by the law.

Article 47

1. A special law may determine allowances and reduction of taxes and other types of public income for manufacturers organising the return of used and unusable machinery, devices or their parts, products or their packaging, or those reducing adverse environmental impacts of their activities in some other organised manner.
2. Allowances and reductions of taxes and other types of public income as referred to in paragraph 1 of the present Article may be determined by the Government, unless specified by a special law.

E n s u r i n g P a r t i c i p a t i o n i n E n v i r o n m e n t a l P r o t e c t i o n

Article 48

1. The State ensures participation and solidarity in solving interstate environmental issues on the basis of international agreements and international information exchange, as well as by informing other states of environmental threats or accidents.
2. The unit of local government and local government and self-government ensures participation and solidarity in solving regional and local environmental issues.

P u b l i c C h a r a c t e r o f E n v i r o n m e n t a l D a t a

Article 49

1. The governmental authorities and authorities in units of local government and local government and self-government, legal persons with public authorities, legal persons with environmental competencies and legal persons polluting the environment by their activities, having at their disposal data on environmental state, environmental impact of proposed and performed developments, environmental protection measures, and other data of environmental importance, shall ensure public access to the said data, unless a special law classifies them as state, military, professional or business secrets.
2. All those mentioned in paragraph 1 of the present Article must immediately notify the public of any transgressions of the set environmental pollution levels, as well as keep the public informed on environmental pollution on a periodical basis.
3. Natural and legal persons performing environmentally polluting activities shall keep records on the data of environmental importance and forward them, within prescribed time-limits, to the bodies in charge of keeping Environmental Pollution Records and Cadastre as referred to in Article 40, paragraphs 1 and 2 of the present Law.
4. Those referred to in paragraph 1 of the present Law shall inform the public and provide the interested

institutions, organisations and individuals with the available data within a month after having received the request.

5. In exceptional cases of grave and imminent danger for the environment, those referred to in paragraph 1 of the present Article shall, as soon as possible, inform the public through the mass media.
6. For the purpose of providing environmental data, a special regulation, passed by the Director, may set the fees to be paid for the data provided, in relation to the material expenses of the data provider.

V LIABILITY FOR ENVIRONMENTAL POLLUTION

Article 50

1. A natural or legal person having caused environmental pollution is liable for the damage done, according to the principle of objective liability (causality), in compliance with general provisions of the mandatory law.
2. The person having enabled or permitted environmental pollution by illegal or unsuitable activity is also liable for environmental pollution.

Article 51

1. A natural or legal person having caused environmental pollution by its activity or lack of activity shall undertake measures envisaged by Environmental Emergency Plan without delay, i.e. shall undertake all other measures necessary for reducing environmental damage or preventing the creation of any further environmental risks, threats or damage.
2. The natural or legal person having caused environmental pollution covers all the expenses related to measures for mitigating pollution threats, in accordance with the present Law and other regulations.
3. The natural or legal person as referred to in paragraph 1 of the present Article shall, without delay, inform the environmental protection inspector or another relevant inspector of an environmental risk or threat.
4. The natural or legal person as referred to in paragraph 1 of the present Article shall inform the public of the environmental pollution caused and of the protection measures to be undertaken.

Article 52

1. A special law will regulate the obligation of insuring legal persons against liability for the damage that might be caused by an environmental accident.
2. A special law may also regulate other kinds of insurance against liability for the damage caused by environmental pollution.

Article 53

1. Any aberration from the use of machinery and equipment in production or any aberration from production technologies, i.e. the use of procedures tested in practice, with unpredictable environmental impacts, is not allowed.
2. The legal person and the duly authorised officer within the legal person are liable for any aberration from the use of machinery and equipment in production or for any aberration from production technologies as referred to in paragraph 1 of the present Article.
3. The duly authorised officer within the legal person who may or may not be aware of the circumstances indicating the threat to human lives and health, as well as the environmental threat, must, without delay, undertake necessary measures with a view to averting the danger, and notify the environmental protection inspector or another relevant inspector accordingly.

Article 54

1. For the parts of environment identified as threatened, the restoration procedure may be determined by a special law.
2. The areas of threatened environment are identified by the Strategy as referred to in Article 18 of the present Law.
3. Exceptionally, until the passing of the Strategy as referred to in paragraph 2 of the present Article, the area of threatened environment may be identified by the Government upon request by the Parliament's House of Representatives.

Article 55

An environmental polluter must, within the time-limits set by the Government, elaborate and implement a restoration programme for repairing the environmental damage caused.

The Restoration Programme as referred to in paragraph 1 of the present Article contains:

analysis of the environmental pollution type;

proposal of production-related and other solutions with a suitability evaluation of the chosen solution in relation to long-term environmental impacts;

measures for restoring former environmental state quality or improving the existing one;

schedule and time-limits for implementing the Restoration Programme;

a plan for ensuring financial means, including expenses related to the restitution paid for environmental damage and the reduction of its value.

Environmental polluter has to obtain approval from the State Directorate for the Protection of Nature and Environment regarding the Restoration Programme as referred to in paragraph 2 of the present Article, and, according to the estimation by the State Directorate for the Protection of Nature and Environment, possibly also opinions of the relevant ministries.

The restoration programme type, as well as the scope and methodology of its elaboration, the manner of public participation in its elaboration and implementation, as well as penalty clauses for the contravention of regulation provisions are passed by the Director, upon agreement with the relevant ministers.

Time-limits as referred to in paragraph 1 of the present Article, in compliance with the Government's approval, may be either shortened or prolonged.

Article 56

1. If environmental polluter cannot be identified, and there is a need to elaborate an integrated restoration programme, the preparation and elaboration of the restoration programme are performed by the State Directorate for the Protection of Nature and Environment, in co-operation with the relevant ministries.
2. The Government sets the order and priorities in the implementation of the restoration programme as referred to in paragraph 1 of the present Article, and ensures financial means for the implementation thereof.

Article 57

In case of environmental pollution of local range, the restoration programme preparation and elaboration and the implementation schedule and priorities are set by the respective county authorities, i.e. by the authorities of the Greater Zagreb.

Article 58

1. With a view to preventing a more considerable damage and limiting further spreading of adverse environmental impacts, the Government is entitled to implement all the measures for preventing and limiting further damage at the perpetrator's expense.
2. The Government may undertake restoration at the perpetrator's expense, unless they have already done so themselves.
3. Authorities as referred to in paragraph 1 of the present Article encompass temporary restriction, and, when necessary, also the stopping of the polluter's operation.

Article 59

In cases of environmental pollution when it is impossible to identify the perpetrator among several originators, or to identify their respective shares (cumulative or chain pollution), the expenses of averting pollution, preventing, or

limiting further adverse environmental impacts are covered by all participants with solidarity.

VI FINANCING ENVIRONMENTAL PROTECTION

Article 60

1. Funds for financing environmental protection are ensured by the State Budget, the budgets of units of local government and local government and self-government and other sources, in accordance with the law.
2. Sources as referred to in paragraph 1 of the present Article are used for the preservation, protection and promotion of environmental state, in compliance with the Environmental Strategy and environmental protection programmes as referred to in Articles 18 through 21 of the present Law, and with the approval of the major bearers of fund sources.
3. Units of local government and local government and self-government keep records of the use of funds and elaborate the related reports, forwarding them on annual basis to the State Directorate for the Protection of Nature and Environment.
4. Annual reviews of the use of funds for financing environmental protection as referred to in paragraph 1 of the present Article are elaborated by the State Directorate for the Protection of Nature and Environment.
5. With the purpose of ensuring means for financing environmental protection, an Environmental Fund may be established, as a non-budgetary fund, by means of a special law,.

VII CONTROL

Article 61

Administrative control over the implementation of provisions of the present Law and the regulations passed in accordance therewith is performed by the State Directorate for the Protection of Nature and Environment.

Article 62

1. Inspection over implementation of the present Law and regulations passed in accordance therewith, as well as over individual acts, conditions and manner of operation by the controlled legal persons and environmental protection measures set by the present Law, is performed by the environmental protection inspector (hereinafter referred to as: the inspector) and by other inspectors, within the scope of their respective authorities.
2. Environmental protection inspection tasks may also be performed by any other employee of the State Directorate for the Protection of Nature and Environment authorised by the Director.
3. First instance environmental protection inspection tasks are performed by environmental inspectors and senior environmental inspectors in regional units and departments of the State Directorate for the Protection of Nature and Environment in counties and the Greater Zagreb (hereinafter referred to as: inspectors in regional units and departments).
4. Second instance environmental protection tasks are performed by senior inspectors at the headquarters of the State Directorate for the Protection of Nature and Environment (hereinafter referred to as: inspectors at the headquarters).

Article 63

1. While performing control over the tasks accomplished by the legal person, the inspector may require the person in charge to do the following:

enable the performance of control in all of the legal person's business premises and plants, as well as over its machinery and open work-areas;

provide insight into all the data and documentation necessary for performing control;

inform them of the measures undertaken with a view to averting the established deficiencies.

2. Legal persons whose work is subject to control must enable inspection, provide insight into documentation,

and provide all the necessary data and information.

Article 64

While performing inspection, the inspector in a regional unit or in a regional department controls in particular the following:

application of quality standards for environmental elements;

application of technical environmental protection standards;

performance of environmental monitoring;

performance of emission and imission measuring and keeping related records;

implementation of environmental protection measures determined by the environmental protection programme;

implementation of environmental protection measures determined by the Emergency Plan;

implementation of environmental protection measures determined by the environmental impact assessment;

implementation of the restoration programme and monitoring of its results;

manner and conditions of work, technical equipment of legal persons registered or authorised for performing environmental activities;

manner of keeping environmental records,

use of funds allocated for the implementation of environmental protection measures.

The inspector in the regional unit or regional department also performs inspection tasks referred to in Article 65 of the present Law.

Article 65

The inspector at the headquarters:

performs inspection as referred to in Article 63 of the present Law;

controls the implementation of ratified international environmental agreements;

resolves second-instance appeals against the inspection's first-instance official decisions;

proposes measures for promoting environmental protection;

coordinates and provides operational guidelines for the implementation of respective environmental protection regulations and measures.

Article 66

The inspector shall draw up a report on the inspection performed, the established state and measures and actions undertaken, i.e. ordained. If they ascertain that the law or any other regulation has been violated, they shall ordain measures and time-limits for their averting by means of an official decision. A copy of the report is to be forwarded to the legal person at which the inspection has been performed.

Article 67

While performing inspection, the inspector shall specify the following, by means of a written official decision:

averting, within the set time-limits, of the established deficiencies and irregularities in the legal person's operation, which might cause or have already caused environmental pollution;

temporary restriction order for the legal person's operation or its production technology activities, use of plants, machinery and equipment which might cause or have already caused considerable environmental pollution;

restriction order regarding production technology activities, use of plants, machinery and equipment which might cause or have already caused major environmental pollution, until the deficiencies i.e. irregularities in operation have been removed.

2. If they ascertain that the law or any other regulation has been violated, they have both the right and are fully entitled to:

file a report on the perpetration to the relevant State body without delay or set the punishment for the violation set by the law or by some other regulation;

propose the relevant court to erase from the Judicial Register the activity for which it has been established that the legal person's performance does not meet the requirements set by the present Law;

undertake other measures and perform other actions which they have been authorised for.

3. An appeal against the inspector's official decision does not imply the delay of its execution.

Article 68

1. The inspector keeps records on the inspections performed.
2. The records on the inspections performed, based on the data forwarded by the counties and the Greater Zagreb, are kept at the State Directorate for the Protection of Nature and Environment.
3. The form, contents and manner of keeping records as referred to in paragraph 1 of the present Article are set by the Director.
4. The inspector draws up a report on their work and forwards it to the State Directorate for the Protection of Nature and Environment on annual basis, together with a proposal for environmental improvements.

Article 69

1. The inspector's official capacity, their identity and authorities are substantiated by a special identity card.
2. The inspector's Identity Card is issued on the basis of the act of appointment.
3. The Identity Card form and issuing manner are set by the Director.

Article 70

1. Inspectorial tasks may be performed by a person with a university degree and a minimum of five years of professional experience, and having passed the inspectorial master's exam.

2. Tasks of a senior inspector may be performed by a person with a university degree and a minimum of ten years of professional experience, and having passed the inspectorial master's exam.
3. The inspectorial master's exam curriculum, the manner of taking the exam, as well as the exam commission composition are set by the Director.

VIII. PENALTY CLAUSES

Article 71

1. A natural or legal person shall be fined 50,000 to 80,000 kunas for violation in the following cases:

1. Unless it undertakes, without delay, measures for averting the threat and preventing further damage to the environment, and unless it notifies the environmental inspector or any other relevant inspector accordingly (Article 51, paragraph 1);

2. Unless it undertakes measures for preventing aberrations from the use of machinery and equipment in the production technology or aberrations from production technologies (Article 53, paragraph 2);

3. Unless it elaborates the Restoration Programme for abating environmental pollution within the time-limits set by the Government, i.e. unless it implements the Programme (Article 55);

2. For the violation as referred to in paragraph 1 of the present Article, the duly authorised officer within the legal person shall also be fined 20,000 kunas.

Article 72

1. A natural or legal person shall be fined 23,000 to 50,000 kunas for violation in the following cases:

1. Unless it ensures environmental state monitoring, as well as emission and imission measurements (Article 36);

2. Unless it monitors environmental state in relation to the restoration measures' results (Article 38, paragraph 1);

3. Unless it issues a warning on environmental pollution prior to marketing products, unfinished products or raw materials and their packaging (Article 45, paragraph 1);

4. Unless it performs restoration according to the restoration programme, respecting the set time-limits in the process (Article 55, paragraph 1);

2. For the violation as referred to in paragraph 1 of the present Article, the duly authorised officer within the legal person shall also be fined up to 15,000 kunas.

Article 73

1. A natural or legal person shall be fined 8,500 to 13,000 kunas for violation in the following cases:

1. Unless it forwards the emission and imission measurement data to the State Directorate for the Protection of Nature and Environment (Article 39);

2. Unless it keeps records on the environmental data and unless it forwards them to the relevant authorities (Article 49, paragraph 3);

3. Unless it notifies the environmental inspector or another relevant inspector of the environmental risk or threat without delay (Article 51, paragraph 3).

4. Unless it promptly informs the public of environmental pollution (Article 51, paragraph 4)

2. For the violation as referred to in paragraph 1 of the present Article, the duly authorised

officer within the legal person shall also be fined up to 4,000 kunas.

IX TRANSITIONAL AND FINAL PROVISIONS

Article 74

1. Regulations as referred to in Articles 9, 26, 40, 43, 44, 49, 69, 70 of the present Law shall be enacted within six months of entry into force of the present Law.
2. Regulations as referred to in Articles 23, 24, 35, 36, 41, 42, 45, 46, 47 and 55 of the present Law shall be enacted within two years of entry into force of the present Law.

Article 75

The Rule Book on Elaboration of Environmental Impact Studies ('Narodne novine' Nos. 31/84 and 14/90) is in force until the enactment of the regulations as referred to in Article 26 of the present Law.

Article 75a

Provisions of the present Law that concern organisation of environmental inspection, also refer to inspections carried out in accordance with the provisions of the Law on Waste ('Narodne novine' #34/95) and the Law on Air Quality Protection ('Narodne novine' #48/95), as well as the related regulations.

Article 76

The present Law enters into force upon the eighth day of its publication in 'Narodne novine'.

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Zagreb, 27 October 1994

HOUSE OF REPRESENTATIVES

OF THE PARLIAMENT OF THE REPUBLIC OF CROATIA

Chairman of the Parliament's House of Representatives

Dr Nedjeljko Mihanović