

THE CROATIAN PARLIAMENT

2036

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

DECISION

PROMULGATING THE ACT ON AMENDMENTS TO

THE AIR PROTECTION ACT

I hereby promulgate the Act on Amendments to the Air Protection Act, passed by the Croatian Parliament at its session on 9 May 2008.

Class: 011-01/08-01/36

Reg. No: 71-05-03/1-08-2

Zagreb, 16 May 2008

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

ACT

ON AMENDMENTS TO THE AIR PROTECTION ACT

Article 1

In the Air Protection Act (Official Gazette 178/04 and 110/07), in Article 5 paragraph 2 after the words: »state administrative bodies« the words: »state administration offices in counties,« are deleted.

Article 2

In Article 6 after the words: »work carried out in« the words: »state administrative bodies in counties,« are deleted.

Paragraphs 2 and 3 are added and read:

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

(3) By virtue of the decision referred to in paragraph 2 of this Article the Minister may establish the amount of compensation for the work of the members and secretary of the Expert Committee.«

Article 3

In Article 7 item 8 the words: »critical level« are replaced by the words: »alert threshold«.
In item 18 the words: »emission quota« are replaced by the words: »emission quota for pollutants«.

Item 21 is amended to read:

»21. *controlled substances*: substances that deplete the ozone layer and which are controlled pursuant to the Montreal Protocol on Substances that Deplete the Ozone Layer,«.

In item 22 after the words: »natural person« the word: »craftsman« is added.

Item 23 is deleted.

The former items 24 through 30 become items 23 through 29.

After item 29, items 30 through 47 are added and read:

»30. *alternative substance*: fluoride gases which contribute to global warming and therefore must be supervised,

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

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

33. *average exposure indicator*: means an average level determined on the basis of measurements carried out at measurement stations for monitoring urban background pollution and which reflects population exposure,

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

35. *concentration cap*: means the level of pollution fixed on the basis of scientific knowledge with the aim of preventing unwarranted high risks to human health, to be attained over a given period and which, once attained, must not be exceeded,

36. *new entrant*: installation in which activities resulting in greenhouse gas emissions are performed and for which a greenhouse gas emission permit has been obtained or amended after the adoption of the National Allocation Plan,

37. *emission quota*: a defined number of allowances allocated to an installation for a specified period based on the National Allocation Plan of Greenhouse Gas Emission Allowances,

38. *emission allowance*: means the entitlement to emit one tonne of carbon dioxide equivalent during a specified period,

39. *Kyoto flexible mechanisms*: are the clean development mechanism, the joint implementation mechanism and emission trading, which Parties to the Kyoto Protocol use in addition to national emission reduction measures for fulfilling their obligations under Annex B of the Kyoto Protocol,

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

41. *joint implementation mechanism*: is an instrument of the Kyoto Protocol which allows countries which are Parties to Annex I of the UN Framework Convention on Climate Change to implement emission-reduction or emission-removal projects,

42. *emission trading*: is an instrument of the Kyoto Protocol which allows trade exchange of emission allowances among Parties to Annex I of the UN Framework Convention on Climate Change,

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

44. *transaction*: registered transfer of entitlements to emission allowances realised either through trade or in some other stipulated manner,
45. *international transaction log*: central electronic data base of the UNFCCC Secretariat for verifying the consistency of transactions between registry systems established under the Kyoto Protocol,
46. *Community transaction log*: central electronic data base of the European Commission for verifying the consistency of transactions between national registries of EU Member States within the emission trading scheme,
47. *supervised person*: legal person and natural person craftsman registered for performing the activity.«

Article 4

In Article 8 paragraph 3, after the words: »vehicles,« the words: »forestry, agricultural tractors and non-road mobile machinery (compressors, bulldozers, tracked vehicles, hydraulic excavators, road rollers, mobile cranes, road maintenance equipment etc.)« are added. After paragraph 5, paragraph 6 is added and reads:
»(6) Facilities and equipment used for preparing food out in the open and for which conditions and operating methods are prescribed by a special regulation shall not be considered as stationary sources within the meaning of paragraph 2 of this Article.«

Article 5

In Article 9 paragraph 1 after the brackets, the words: »is an implementing document of the strategy for air protection which is a constituent part of the Strategy for Environmental Protection and contains« are replaced by the words: »establishes the priority goals of air quality protection and improvement in the State and contains in particular«.

Article 6

After Article 9, Article 9.a is added and reads:

»Article 9.a

- (1) For the purpose of fulfilling the contractual obligations undertaken pursuant to international treaties and agreements in the field of air protection, climate protection and protection of the ozone layer, national action plans, national programmes and national reports shall be adopted.
- (2) The proposals of national action plans, national programmes and national reports shall be developed by the Ministry and adopted by the Government.
- (3) National action plans, national programmes and national reports shall be published in the Official Gazette.«

Article 7

Article 10 is amended to read:

- »(1) The county assembly or the City assembly of the City of Zagreb shall adopt the Programme for protection and improvement of air quality which is a constituent part of the environmental protection programme for the county region or City of Zagreb.
- (2) The city or municipal council shall adopt the Programme for protection and improvement

of air quality for the city or municipal area in which the level of air pollution is above the tolerance value (TV).

(3) The Programme referred to in paragraph 2 of this Article shall be subject to the prior approval of the county administrative body competent for environmental protection.

(4) The Programme referred to in paragraph 2 of this Article shall contain in particular: identification of the location of excess pollution, general information, competent responsible body, nature and assessment of the pollution, origin of the pollution, situation analysis, details on measures undertaken, measures for air pollution abatement, order and deadlines for achieving the measures and cost estimate for implementation of the Programme.

(5) The Programme referred to in paragraphs 1 and 2 of this Article shall be published in the official bulletin of the local and regional self-government unit.

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

(7) The Programme referred to in paragraph 2 of this Article shall be adopted by the city or municipal council within 30 days from the day on which it was established that the level of air pollution is above the tolerance value (TV).«

Article 8

In Article 12 paragraph 2 after the words: »municipal« the word: »council« is replaced by the word: »government«.

Article 9

In Article 14 paragraph 1 is amended to read:

»(1) The draft Plan referred to in Article 9 of this Act, the draft national action plan, national programme and national report referred to in Article 9.a and draft Report referred to in Article 11 of this Act must be publicly displayed, so as to gather public opinions, suggestions and comments from the public.«

Article 10

In Article 17 paragraph 7 is amended to read:

»(7) Assessment of air pollution on the territory of the State shall be carried out by the Ministry which will publish information on air pollution levels on its web site.«

After paragraph 7, paragraph 8 is added and reads:

(8) Assessment of air pollution on the territory of the State shall be carried out at least once every three years.«

Article 11

Article 18 is amended to read:

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

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

– third category of air quality – excessive air pollution: the tolerance values (TV) and target values for ozone have been exceeded.

(2) The air quality category referred to in paragraph 1 of this Article shall be determined for each pollutant separately.

(3) Demarcation of zones and agglomerations and their classification according to air quality categories shall be carried out by the State.

(4) The categories of air quality are determined once a year for the previous calendar year.

(5) The annual report on air quality monitoring on the territory of the State along with the list of air quality categories shall be drawn up by the Croatian Environment Agency and published on its web site.«

Article 12

Article 23 is amended to read:

»(1) Air quality monitoring activities in stations belonging to the State network for monitoring air quality: data collection, checking measurement and data quality, processing and presentation of results, delivery of data to the air quality information system, maintenance and servicing of stations and equipment and setting-up of new stations in the State network shall be performed by the Meteorological and Hydrological Service.«

(2) Supervision over air quality monitoring activities in stations belonging to the State network for monitoring air quality shall be performed by the Ministry.«

Article 13

In Article 26 paragraph 1 the word: »act« is replaced by the word: »decision«, and the words: » permit issued according to special legislation « are replaced by the words: »decision on integrated environmental protection requirements pursuant to the Environmental Protection Act «.

In paragraph 2 the words: »issued according to special legislation« are replaced by the words: »for performing the activity according to special legislation.«

Article 14

Article 27 is amended to read:

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

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

(3) At the request of the environmental inspection to determine the justifiability of reasonable doubt referred to in paragraph 1 of this Article, the city government of the City of Zagreb, the city or municipality must render a decision on measurements for special purposes or on assessment of the pollution level within three days.

(4) If the city government of the City of Zagreb, the city or municipality does not render the decision referred to in paragraph 3 of this Article, the Ministry shall ensure that the measurements for special purposes or assessment of the pollution level is carried out at the expense and liability of the local self-government unit whose governing body did not render

the decision.

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

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

Article 15

Article 30 is amended to read:

»(1) Limit values (LV) for individual air pollutants and long-term target objectives for ozone shall be stipulated by the Government.

(2) Depending on the properties of the pollutants, the upper assessment thresholds, lower assessment thresholds, margins of tolerance or tolerance values (TV), target values, basic components of the aforementioned values, concentration caps, average exposure indicators, exposure reduction targets, critical levels and alert thresholds and special measures for protection of human health which must be undertaken upon their appearance and deadlines for the gradual lowering of the margin of tolerance and for attaining the target values for ozone are stipulated by the legislation referred to in paragraph 1 of this Article.«

Article 16

In Article 32 paragraph 1 after the words: »levels« the words: »or alert thresholds« are added, and after the words: »human health« the words: »or plant health« are added.

In paragraph 3 after the words: »levels« the words: »or alert thresholds« are added.

Article 17

In Article 33 paragraph 1 after the words: »shall« the word: »in particular« is added.

In subparagraph 5 after the words: »waste« the words: »which is used« is added.

In paragraph 2 a Croatian word translated as: »Register« is replaced by another Croatian word, with no relevance to the English translation, and after the words: »Environmental Pollution Register« the words: »pursuant to the Environmental Protection Act« are added.

Article 18

In Article 37 subparagraph 3 is amended to read:

»– applying air protection measures determined in the decision on environmental impact assessment or in the decision on integrated environmental protection requirements issued pursuant to the Environmental Protection Act,«

Subparagraph 4 is amended to read:

»– applying air protection measures determined in the permit issued by the competent body in the local self-government unit for performing the activity if for the project in question the obligation of carrying out an environmental impact assessment has not been stipulated and integrated environmental protection requirements for the installation are not to be determined,«

After paragraph 1, paragraph 2 is added and reads:

»(2) Air protection measures referred to in paragraph 1 subparagraph 4 of this Article are

established in the environmental protection study for the field of air protection, which is developed by the authorised legal person pursuant to the Environmental Protection Act.«

Article 19

In Article 38 paragraphs 1 and 2 are amended to read:

»(1) Emission limit values for air pollutant emissions from stationary sources referred to in Article 8 paragraph 2 of this Act, emission monitoring, entry of data on the stationary source into the Register of the Ministry, method of reducing air pollutant emissions from stationary sources and the method and deadline for delivering emission reports to the Croatian Environment Agency shall be stipulated by the Government.

(2) Limit values for components and/or other characteristics of product quality, manner of determining and monitoring product quality, manner of conformity attestation, labelling of products and the method and deadline for delivering product quality reports to the Croatian Environment Agency shall be stipulated by the Government.«

Article 20

In Article 39 paragraph 1 after the words: »Article 9« the words: »and the national programme for reduction of pollutant emissions referred to in Article 9.a paragraph 1« are added.

Article 21

In Article 40 paragraph 2 is amended to read:

»(2) Legislation laid down in paragraph 1 of this Article regulates the conditions which must be met by legal and natural persons craftsmen carrying out activities of maintenance and/or repair and exclusion from use of products containing controlled and alternative substances and the conditions for legal persons performing the activity of recovery, recycling and reclamation of used controlled and alternative substances.«

Paragraph 3 is amended to read:

»(3) The permit for carrying out activities of maintenance and/or repair and exclusion from use of products containing controlled and alternative substances as well as for performing the activity of recovery, recycling and reclamation of used controlled and alternative substances referred to in paragraph 2 of this Article shall be issued by the Ministry.«

Article 22

In Article 41 paragraph 1 subparagraph 1 is deleted.

Article 23

In Article 45 paragraph 2 the words: »referred to in paragraph 2« are replaced by the words: »referred to in paragraph 1.«

Article 24

After Article 45, Article 45.a is added and reads:

»Article 45.a

If due to significant transboundary air pollution from another state onto the territory of the Republic of Croatia alert thresholds or critical levels appear or if limit values (LV), tolerance values (TV), target values, long-term objectives or concentration caps of pollutants are exceeded, the Ministry shall initiate activities in cooperation with the competent authority of the other state in order to adopt joint plans and programmes for air pollution reduction through application of appropriate measures.«

Article 25

Article 46 is amended to read:

» The prevention and reduction of pollution which effects climate change are regulated by monitoring greenhouse gas emissions on the territory of the State, by the National Allocation Plan of Greenhouse Gas Emission Allowances, by emission trading and by application of other Kyoto flexible mechanisms and other measures which contribute to climate protection.«

Article 26

After Article 46, Article 46.a is added and reads:

»Article 46.a

(1) Monitoring of greenhouse gas emissions includes: calculation and reporting on anthropogenic emissions by sources and removals by sinks, establishment of a national inventory of greenhouse gas emissions, development of a report on the implementation of policies and measures for mitigating climate change and on greenhouse gas emission projections and the development of the National Report pursuant to the UN Framework Convention on Climate Change.

(2) The list of greenhouse gases referred to in paragraph 1 of this Article, method of monitoring greenhouse gas emissions, deadlines for developing the reports and the method of preparing the inventory of greenhouse gas emissions shall be stipulated by the Government.«

Article 27

Article 47 is amended to read:

»(1) The National Allocation Plan of Greenhouse Gas Emission Allowances (hereinafter: National Allocation Plan) is based on the Plan for protection and improvement of air quality and the Strategy for energy development through the application of the best available techniques.

(2) The National Allocation Plan shall contain in particular:

- total amount of emission allowances in a given period,
- data on previous greenhouse gas emissions,
- list of activities during which greenhouse gases are released,
- emission allowances allocated to the installation for a specified period and the share of the emission allowance for the installation for each calendar year in a given period,
- method of allocation of greenhouse gas emission allowances to installation operators,
- assessment of future greenhouse gas emissions,
- determining reserve emission allowances for new entrants,
- method of use of the Kyoto Protocol mechanisms,
- deadline for allocation of emission allowances to installations,

(3) The National Allocation Plan is adopted for set periods, the first one being adopted for the

years 2010 to 2012.

(4) The National Allocation Plan shall be developed by the Ministry in cooperation with the central state administration body competent for energy and the industry.

(5) The National Allocation Plan shall be adopted by the Government and shall be published in the Official Gazette«.«

Article 28

After Article 47, Articles 47.a, 47.b, 47.c, 47.d, 47.e, 47.f, 47.g and 47.h are added and read:

»Article 47.a

(1) For an installation in which an activity resulting in greenhouse gas emissions is performed the operator must obtain a greenhouse gas emission permit.

(2) The operator shall submit to the Ministry an application for the issuing of a greenhouse gas emission permit by 30 June 2009 at the latest.

(3) The greenhouse gas emission permit for new entrants shall be issued prior to submitting the request for a use permit.

(4) Against the greenhouse gas emission permit an appeal shall not be admissible, but an administrative dispute may be initiated.

(5) The activities and greenhouse gases referred to in paragraph 1 of this Article shall be established in the regulation referred to in Article 47.h of this Act.

(6) The greenhouse gas emissions allocated by the permit referred to in paragraph 1 of this Article may be subject to trade.

Article 47.b

(1) The operator shall notify the Ministry of any planned modifications to the technical and technological characteristics of the installation or of any planned extensions of the installation as well as of any changes to the person occupying the position of operator.

(2) The Ministry shall decide on the need to amend the permit referred to in paragraph 1 of this Article.

Article 47.c

(1) The operator shall immediately notify the Ministry if the installation has ceased to operate.

(2) Upon receiving the notification referred to in paragraph 1 of this Article, the Ministry shall issue a decision repealing the greenhouse gas emission permit.

Article 47.d

(1) The Register of greenhouse gas emissions is a standardised computerised central data base intended for calculating, holding and performing transactions in emission allowances.

(2) The Register referred to in paragraph 1 of this Article shall be maintained by the Croatian Environment Agency.

(3) Data from the Register of greenhouse gas emissions shall be available to the public.

(4) Binding guidelines on the standardised and protected register system prescribing its detailed functional and technical properties, requirements concerning its management, operation and maintenance, method of creating and maintaining user accounts and the communication system between the Register, Community transaction log and international

transaction log, shall be published by the Ministry on its web site in the form of a manual.
(5) The manual referred to in paragraph 4 of this Article shall also contain instructions for connecting the Register to the Community transaction log.

Article 47.e

- (1) The operator referred to in Article 47.a paragraph 1 of this Act must open a user account at the Register of greenhouse gas emissions. If the operator does not open a user account he cannot perform transactions with emission allowances.
- (2) On the user account referred to in paragraph 1 of this Article the emission allowances available to the operator in a given period are registered. The number of available emission allowances may be greater or lesser than the number permitted in the greenhouse gas emission permit depending on whether the operator has sold or purchased any emission allowances on the market.
- (3) The operator shall at the latest by 30 April of the current year surrender an amount of emission allowances which is equal to the total emission of greenhouse gases from the installation in the previous calendar year in the Register of greenhouse gas emissions, in accordance with the report referred to in Article 47.g paragraph 1 of this Act.
- (4) The operator shall pay a fee to the Croatian Environment Agency for covering operational costs of the user account.
- (5) The amount of the fee shall be established by the Minister by virtue of a decision.

Article 47.f

- (1) The operator who does not surrender sufficient allowances in the Register by 30 April of the current year to cover its total emission of greenhouse gases from the installation in the preceding year shall be held liable for the payment of an excess emissions fine in the amount of HRK 750.00 for each tonne of carbon dioxide equivalent emitted by that installation for which the operator has not surrendered allowances.
- (2) Payment of the fine referred to in paragraph 1 of this Article does not release the operator from the obligation to surrender an amount of allowances equal to those excess emissions when surrendering allowances in relation to the following calendar year.
- (3) The fine referred to in paragraph 1 of this Article shall be paid to the Environmental Protection and Energy Efficiency Fund as a deposit for the purchase of emission allowances which the State will have to purchase if excess greenhouse gas emissions are released, pursuant to undertaken international obligations.
- (4) The amount of the fine referred to in paragraph 1 of this Article may be amended by the Government by virtue of a decision.
- (5) If the operator does not surrender the emission allowances in the Register as referred to in Article 47.e paragraph 3 of this Act within the prescribed deadline, the Ministry shall order the Croatian Environment Agency to cancel the emission allowances from the operator's user account in the Register.
- (6) The names of operators which have failed to meet the obligation of surrender of emission allowances in the Register shall be published once a year on the web site of the Ministry.

Article 47.g

- (1) The operator which has been issued the permit referred to in Article 47.a paragraph 1 of this Act, shall monitor greenhouse gas emissions and submit a verified report to the Croatian Environment Agency by 15 March of the current year for the previous calendar year.

(2) Data referred to in the report referred to in paragraph 1 of this Article must be verified prior to submission. Verification shall be performed by a legal person authorised pursuant to the Environmental Protection Act for performing the expert activity of verification of greenhouse gas calculations for environmental component-related purposes. The legal person which developed the report referred to in paragraph 1 of this Article cannot perform the verification thereof.

(3) The operator whose verified report has not been assessed as satisfactory according to the stipulated criteria may not carry out transactions in emission allowances until he submits a satisfactory report.

(4) Binding instructions on monitoring and reporting on greenhouse gas emissions from an installation referred to in Article 47.a paragraph 1 of this Act shall be published by the Ministry on its web site in the form of a manual.

Article 47.h

(1) The method of greenhouse gas emission allowance trading shall be stipulated by the Government.

(2) The regulation referred to in paragraph 1 of this Article shall govern the method of issuing and method of amending the greenhouse gas emission permit for existing and new entrants, method and criteria for distribution of emission allowances, method of developing the National Allocation Plan, method of use of the clean development mechanism and the joint implementation mechanism, the obligations of the operator of the installation the activity of which may result in greenhouse gas emissions, method of monitoring and reporting on emissions, criteria for monitoring and verifying data from the emission reports, method of verifying and ensuring data quality, method of operation of the Register, method of payment of Register-related expenses, method of disposal of emission allowances, method of disposal of reserve emission allowances, access to information, method of reporting to the European Commission and public participation.«

Article 29

Article 48 is amended to read:

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

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

(3) The method of application of Kyoto flexible mechanisms, the composition of the commission for evaluation of project activities and programmes and the method of reporting on the implementation thereof shall be stipulated by the Government.«

Article 30

After Article 51, Article 51.a is added and reads:

»Article 51.a

Natural persons employed as workers at the legal person referred to in Article 51 of this Act, performing activities of air quality monitoring and monitoring emissions from stationary

sources, must pass the professional examination in the field of air protection pursuant to the Environmental Protection Act.«

Article 31

In Article 57 paragraph 1, after the words: »Environmental Pollution Register« the words: »maintained pursuant to the Environmental Protection Act« are added.

In subparagraph 11 a Croatian word translated as: »Register« is replaced by another Croatian word, with no relevance to the English translation.

In paragraph 2 after the words: »self-government« the words: »state administrative offices in counties« are deleted.

Paragraphs 3, 4 and 5 are deleted.

Article 32

Article 63 is amended to read:

»(1) If during administrative supervision or during supervision carried out by the environmental inspector it is determined that the decision of the supervisory body, which is final in the administrative procedure, has violated the material provisions of this Act or regulations adopted on the basis thereof, the Ministry shall revoke such a decision by right of supervision.

(2) If during administrative supervision or during supervision carried out by the environmental inspector it is determined that a permit issued on the basis of this Act, which is final in the administrative procedure, has violated the material provisions of this Act, the Ministry shall revoke such a permit by right of supervision.

(3) If during supervision it is determined that a decision of the environmental inspector, which is final in the administrative procedure, has violated the provisions of this Act, the Ministry shall annul such a decision by right of supervision.

(4) The decision regarding revoking or annulment by right of supervision may be rendered within one year from the date when the decision being revoked or annulled became final in the administrative procedure, not counting the time which was needed for the delivery of the decision.

(5) After a first unsuccessful delivery of the decision regarding revoking or annulment by right of supervision of a permit or decision referred to in paragraph 1 of this Article, the delivery shall be executed by placement on the notice board of the Ministry. Notification thereon shall be placed on the property to which the decision regarding revoking or annulment relates.

(6) The decision regarding revoking or annulment by right of supervision, in the event of delivery as referred to in paragraph 5 of this Article, shall be considered to have been delivered on the day it was placed on the notice board.

(7) Against the decision referred to in paragraph 4 of this Article an appeal is not admissible, but an administrative dispute may be initiated.«

Article 33

Article 64 is amended to read:

»To inspectional supervision carried out pursuant to this Act, the provisions of Articles 182, 183, 184, 185, 186, 187, 189, 192, 193, 194, 195, 211, 212, 221 and 223 of the Environmental Protection Act shall apply appropriately (OG 110/07).«

Article 34

In Article 67 paragraph 2 subparagraph 10 the word: »act« is replaced by the word: »decision«, and after the words: »environmental impact assessment« the words: »and decision on integrated environmental protection requirements« are added.

Article 35

Article 68 is amended to read:

» When carrying out inspectional supervision the inspector shall be authorised to inspect stationary sources of air pollution.«

Article 36

Articles 69 and 70 are deleted.

Article 37

Article 72 is amended to read:

» When carrying out inspectional supervision, in the event of violation of this Act and/or legislation passed on the basis thereof, the inspector has the right and obligation to order by decision the supervised person to carry out measures by a set deadline, these being:

- removal of deficiencies,
- removal of irregularities in activities carried out,
- prohibition of the performance of activities in the manufacturing process,
- prohibition of the use of installations or equipment,
- measuring of emissions from stationary sources,
- prohibition of the use of installations and equipment that have caused exceedance of emission limit values,
- prohibition of the performance of activities of monitoring air quality and emissions into the air,
- prohibition of the performance of activities of maintenance and repair of products containing controlled and alternative substances and of recovery, recycling and reclamation of used controlled and alternative substances without a permit,
- prohibition of conducting transactions in greenhouse gas emission allowances,
- implementation of air protection measures from the decision on environmental impact assessment and the decision on integrated environmental protection requirements,
- implementation of measures from the remediation programme and the integrated remediation programme, as well as the undertaking of other actions with the aim of preventing air pollution contrary to this Act.«

Article 38

After Article 72, Article 72.a is added and reads:

»Article 72.a

(1) The inspector shall order the supervised person to remove the established irregularities within an appropriate deadline if he determines that the supervised person:

- does not keep and does not develop the stipulated registers, records, balance sheets or does

not adopt the stipulated plans and programmes,

- does not produce the stipulated reports, records and forms,
- does not submit to the competent bodies the reports, records, balance sheets, forms and data from the register,
- did not enter into the Installations Register an installation in which organic solvents or products containing volatile organic compounds are used,
- did not open a user account with the Register of greenhouse gas emissions.

(2) The inspector shall order the supervised person to remove the established irregularities if he determines that the supervised person does not keep and develop the documents referred to in paragraph 1 subparagraphs 1, 2 and 3 of this Article in the stipulated manner.

(3) If the supervised person does not take action in accordance with the decision ordering the removal of established irregularities and deficiencies referred to in paragraphs 1 and 2 of this Article, the inspector shall enforce execution of the decision upon the supervised person by means of the administrative measure referred to in Article 83 paragraph 1 of this Act.«

Article 39

In Article 75 paragraph 1, a new subparagraph 3 is added and reads:

»–if he has not performed periodic measurements within the prescribed deadlines».

The former subparagraphs 3 and 4 become subparagraphs 4 and 5.

After paragraph 2, a new paragraph 3 is added and reads:

(3) The inspector shall order the supervised person to perform continuous measurements of emissions from stationary sources within an appropriate deadline if he establishes that the supervised person is not performing measurements or is not performing them in the stipulated manner.«

The former paragraph 3 which becomes paragraph 4 is amended to read:

»(4) If the supervised person does not take action in accordance with the decision of the inspector and does not execute the ordered measures referred to in paragraph 1, paragraph 2 and paragraph 3 of this Article, the decision shall be enforced upon the supervised person by means of the administrative measure referred to in Article 83 paragraph 1 of this Act. If after the administrative measure has been pronounced the supervised person still does not take action in accordance with the decision of the inspector referred to in paragraphs 1, 2 and 3 of this Article, the decision shall be enforced via a third person, at the expense and liability of the enforcee.«

Article 40

In Article 77 paragraph 1 subparagraph 1, after the words: »from« the words: »the plan of measures and« are added.

Subparagraph 2 is amended to read:

»– from the decision on environmental impact assessment or the decision on integrated environmental protection requirements, if they are not being carried out.«

Article 41

In Article 78 paragraphs 2 and 3 are amended to read:

»(2) The inspector shall prohibit the supervised person from performing maintenance and repair of products containing controlled and alternative substances if he establishes that the supervised person:

- has not obtained a permit from the Ministry,

–does not meet the requirements based on which he/she has obtained a permit from the Ministry, until the requirements are met,
–is not handling the controlled and alternative substances in the stipulated manner.

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

After paragraph 3, paragraphs 4 and 5 are added and read:

»(4) The inspector shall order the supervised person to remove the established irregularities if he establishes that:

– the owner and/or user of the device containing controlled or alternative substances is not handling those substances in the stipulated manner,
– the importer, exporter and/or person placing controlled or alternative substances on the market is not operating in the stipulated manner.

(5) If the supervised person does not take action in accordance with the decision of the inspector referred to in paragraph 4 of this Article the execution of the decision shall be enforced upon the supervised person by means of the administrative measure referred to in Article 83 paragraph 1 of this Act.«

Article 42

After Article 78, Article 78.a is added and reads:

»Article 78.a

(1) The inspector shall prohibit the supervised person - operator from conducting transactions with greenhouse gas emission allowances if he establishes that he/she does not hold a permit from the Ministry.

(2) If the supervised person does not take action in accordance with the decision of the inspector, the execution of the decision shall be enforced upon the supervised person by means of the administrative measure referred to in Article 83 paragraph 1 of this Act.«

Article 43

In Article 79, after paragraph 5, paragraph 6 is added and reads:

»(6) If the supervised person does not take action in accordance with the decision of the inspector referred to in paragraph 2 of this Article, the decision shall be enforced via a third person, at the expense and liability of the enforcee.«

Article 44

In Article 80 paragraph 1 the number: »77« is replaced by the number: »78«.

Paragraph 2 is amended to read:

»(2) The sealing procedure referred to in paragraph 1 of this Article is regulated by the Environmental Protection Act.«

Article 45

Articles 81 and 82 are deleted.

Article 46

Article 83 is amended to read:

»(1) If the supervised person does not execute the ordered measure referred to in Articles 73, 75, 77, Article 78 paragraph 4 and Article 78.a paragraph 1 of this Act, the inspector shall enforce its execution upon the supervised person by pronouncing a monetary fine in the amount of HRK 30,000.00 to be paid by a legal person and natural person craftsman.

(2) The amount of the monetary fine as the coercive measure referred to in paragraph 1 of this Article shall be paid into the State Budget within thirty days from the day it is established that action was not taken in accordance with the order. If after the expiry of thirty days the supervised person does not deliver evidence that the monetary fine has been paid to the inspector, the fine shall be collected by enforcement without the issuing of a special act on execution.«

Article 47

In Article 84 paragraph 1 after the words: »referred to in Article 75« the words: »paragraphs 1 and 2 and Article 79 paragraph 6«, are added and the word: »execution« is replaced by the word: »decision«.

Article 48

Article 85 is amended to read:

(1) Against the decision, conclusion on the suspension of the enforcement procedure and conclusion on enforcement expenses, which is brought by the inspector in the branch unit, an appeal may be lodged with the Ministry within fifteen days from the day the decision or conclusion was received.

(2) If the inspector in the branch unit of the Ministry establishes that the appeal is admissible, timely and has been lodged by an authorised person and he has not replaced the act contested by the appeal by a new act, he must immediately, and within five days from the day of receiving the appeal at the latest, deliver the appeal along with its case file to the Ministry in order for a decision to be made.

(3) The appeal against the decision or conclusion referred to in paragraph 1 of this Article shall not delay their execution.

(4) A decision on the appeal referred to in paragraph 3 of this Article shall be made by a special commission of the Ministry to be appointed by the Minister pursuant to the Environmental Protection Act.

(5) By way of exception from paragraph 1 of this Article, against the inspectional decision or conclusion of the inspector of the Ministry an appeal shall not be admissible but an administrative dispute may be initiated, which does not delay their execution.«

Article 49

Article 86 is amended to read:

»(1) If during inspectional supervision it is determined that a violation of this Act and/or other legislation passed on the basis thereof has been committed, the Ministry shall lodge with the competent body accusatory or criminal charges due to misdemeanour or criminal act.

(2) If during inspectional supervision it is determined that a violation of this Act and/or other legislation passed on the basis thereof has been committed, the inspector has the right and obligation to undertake other measures and carry out other actions for which he is authorised pursuant to this Act and special legislation.«

Article 50

In Article 87 paragraph 1 subparagraph 3 is amended to read:

»– in the area surrounding the stationary source he does not carry out measurements pursuant to the decision on environmental impact assessment or the decision on integrated environmental protection requirements (Article 26 paragraph 1).«

Article 51

In Article 88 paragraph 1 subparagraph 2 is deleted.

The former subparagraphs 3 to 8 become subparagraphs 2 to 7.

After subparagraph 7, subparagraphs 8 through 15 are added and read:

- »– he does not submit a written application for the issuance of a greenhouse gas emission permit within the prescribed deadline (Article 47.a paragraph 3),
- he does not notify the Ministry of planned changes (Article 47.b paragraph 1),
 - he does not notify the Ministry of the change of person occupying the position of operator (Article 47.b paragraph 1),
 - he does not notify the Ministry of the fact that the installation has ceased to operate (Article 47.c paragraph 1),
 - he does not open a user account with the Register of greenhouse gas emissions (Article 47.e paragraph 1),
 - he does not perform monitoring of greenhouse gas emissions and does not submit a verified report to the Croatian Environment Agency by 15 March of the current year for the previous year (Article 47.g paragraph 1),
 - he does not have a verified report (Article 47.g paragraph 2),
 - he does not have a verified report and still carries out transactions with emission allowances (Article 47.g paragraph 3).«

The former subparagraphs 11, 12 and 13 become subparagraphs 16, 17 and 18.

Article 52

In Article 89 paragraph 1 is amended to read:

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

- he does not submit data to the register of the Ministry in the stipulated manner (Article 38 paragraph 1),
- he does not deliver the annual report on pollutant emissions from stationary sources into the air in the stipulated manner (Article 38 paragraph 1.),
- he does not deliver data on quality and quantity of products placed on the domestic market in the stipulated manner (Article 38 paragraph 2),
- he does not handle controlled and alternative substances in the stipulated manner (Article 40 paragraph 1),
- he does not handle products containing controlled and alternative substances or manufactured with the assistance of those substances in the stipulated manner (Article 40 paragraph 1),
- does not provide training for employed workers according to the professional training programme (Article 40 paragraph 3),
- performs activities of maintenance and/or repair, exclusion from use of products containing or using controlled and alternative substances and activities of recovery, recycling and

reclamation of used controlled and alternative substances without a permit from the Ministry (Article 40 paragraph 4).«

Article 53

Article 90 is deleted.

Article 54

After Article 92, Article 92.a is added and reads:

»Article 92.a

(1) Each non-fulfilment of obligations established by the subordinate regulations of this Act, on the part of: the polluter, legal person authorised for performing professional activities of monitoring air quality and emissions into the air, legal or natural person craftsman that handles controlled and/or alternative substances, as well non-fulfilment of stipulated obligations within the set deadline and in the stipulated manner shall be considered a misdemeanour within the meaning of this Act.

(2) For the misdemeanours referred to in paragraph 1 of this Article the polluter, legal person polluter, legal person authorised for performing professional activities of monitoring air quality and emissions into the air and legal person that handles controlled and/or alternative substances shall be fined in the amount of HRK 100,000.00 to 300,000.00.

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

(4) For the misdemeanours referred to in paragraph 1 of this Article the polluter natural person craftsman that handles controlled and/or alternative substances shall also be fined in the amount of HRK 25,000.00 do 70,000.00.«

Article 55

In the entire text of the Air Protection Act (OG 178/04 and 110/07), the words: »substances that deplete the ozone layer«, »county government«, »city government, »municipal government«, »web pages « and »natural person« in various genders, numbers and cases are replaced by the words: »controlled and alternative substances«, »county prefect«, »city mayor«, »municipality mayor«, »web site« and »craftsman« in the appropriate genders, numbers and cases.

Article 56

The legal persons referred to in Article 54 paragraph 1 of the Air Protection Act (OG 178/04 and 110/07) may perform activities of air quality monitoring and emission monitoring without a certificate from the national accreditation authority until 31 December 2009.

Article 57

The Government shall adopt the regulations referred to in Article 47.h and 48 of this Act within six months from the day of entry into force of this Act.

Article 58

The Legislation Committee of the Croatian Parliament shall hereby be authorised to prepare and publish a revised version of the Air Protection Act.

Article 59

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette, with the exception of the provision of Article 12 paragraph 1 of this Act which shall enter into force on 31 December 2009.

Class: 351-01/08-01/01

Zagreb, 9 May 2008

THE CROATIAN PARLIAMENT

The President of the
Croatian Parliament

Luka Bebić, m.p.

PROVISIONAL TRANSLATION