

# THE CROATIAN PARLIAMENT

3887

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

## DECISION

### PROMULGATING THE ACT ON AMENDMENTS TO THE NATURE PROTECTION ACT

I hereby promulgate the Act on Amendments to the Nature Protection Act passed by the Croatian Parliament at its session on 21 November 2008.

Class: 011-01/08-01/151  
Reg. No: 71-05-03/1-08-2  
Zagreb, 27 November 2008

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

## ACT

### ON AMENDMENTS TO THE NATURE PROTECTION ACT

#### Article 1

In the Nature Protection Act (Official Gazette 70/05) Article 7, item 5 is amended to read:

“5. *wild taxa* of plants, fungi and animals means any species and subspecies not produced under control of man as the result of artificial selection (selection and breeding for the purpose of producing domesticated animal breeds and cultivated plant varieties) or genetic modification of hereditary material using the techniques of modern biotechnology,”.

In item 7 after the words: “biological diversity” the words: “that consists of ecologically important areas for the Republic of Croatia which also include ecologically important areas of the European Union Natura 2000 network,” are added.

After item 13, item 13a is added and reads:

“13a. *geological diversity (geodiversity)* means any types of rocks, minerals, fossils and relief formations, as well as the processes that formed them through geological periods,”.

After item 15, items 15a and 15b are added and read:

“15a. *landscape* means an area, as perceived by the human eye, whose character is the result of the interaction of natural and/or human factors, such as natural or cultivated land region or

land and sea region,

15b. *compensation terms* are measures that are established for the purpose of ensuring the overall integrity (coherence) of the ecological network.”.

After item 25, item 25a is added and reads:

“25a. *plans and programmes* means any plans or programmes which are subject to preparation and/or adoption at the national, regional or local level, or which are prepared by an executive body for adoption in the legislative procedure by the Croatian Parliament or the Government of the Republic of Croatia and which are governed by laws and their implementing regulations, including plans and programmes on amendments thereto.”.

After item 29, item 29a is added and reads:

“29a. *overriding public interest* means the interest in nature protection issues expressed by the State, or a local or regional self-government unit in accordance with its by-laws,”.

After item 41, item 41a is added and reads:

“41a. *trade* means sale and purchase, acquisition for commercial purposes, public display for the purpose of gain, use for the purpose of gain, keeping for sale, offer for sale or transport for sale, and rent and exchange of protected wild taxa.”

#### Article 2

In Article 25, paragraph 1, the words: “according to the procedure stipulated for passing the act on designation of the protection” are replaced by the words: “which is not required when the act on cessation of protection is passed by virtue of an act or Government regulation.”

#### Article 3

In Article 26, after paragraph 1, a new paragraph 2 is added and reads:

“(2) When the underlying phenomenon of the area which is being placed under protection is water, the decision referred to in paragraph 1 of this Article shall be issued by the Ministry subject to the prior expert opinion of the central state administration body competent for water management.”

The former paragraphs 2, 3 and 4 become paragraphs 3, 4 and 5.

#### Article 4

In Article 30, after paragraph 5, paragraph 6 is added and reads:

“(6) Entries in the Register, changes and deletion therefrom shall be published in the Official Gazette.”

#### Article 5

The subheading above Article 35 is amended to read: “Appropriate Assessment (AA) and projects”.

Article 35 is amended to read:

“(1) Appropriate Assessment means the procedure used to assess whether there is a probability that the implementation of a plan, programme or project in the ecological network area, which by itself or in combination with other plans, programmes or projects, may have a significant impact on the conservation objectives and integrity of the ecological network area in respect of its structure and functionality.

(2) Appropriate Assessment shall not be required if a plan, programme or project is directly related to the management of the ecological network area.”

#### Article 6

Article 36 is amended to read:

“(1) ) In the case of a planned project in the ecological network area, which by itself or in combination with other projects, may have a significant impact on the conservation objectives and integrity of the ecological network area, its impact on the ecological network shall be assessed pursuant to this Act.

(2) In the case of projects where *lex specialis* governing environmental impact assessment prescribes mandatory environmental impact assessment or in the case of projects where the need for assessment was established in the evaluation of the need for assessment procedure, the main assessment within the Appropriate Assessment relating to the conservation objectives and integrity of the ecological network area shall be carried out as part of the mandatory environmental impact assessment procedure.

(3) In the case of plans and programmes the implementation of which may have a significant impact on the conservation objectives and integrity of the ecological network area, an Appropriate Assessment shall be mandatory.

(4) In the case of plans and programmes where the act governing environmental protection prescribes mandatory strategic assessment and in the case of plans and programmes where the need for strategic assessment was established in the procedure for evaluation of the need for that assessment, the main assessment within the Appropriate Assessment relating to the conservation objectives and integrity of the ecological network area shall be carried out as part of the mandatory strategic assessment of plans and programmes.

(5) The content, deadline and method of establishing Appropriate Assessment relating to the conservation objectives and integrity of the network area and the method of informing the general public shall be laid down in an ordinance issued by the Minister, with the prior approval of the head of the central state administration body competent for environmental protection and physical planning.”

#### Article 7

Article 37 is amended to read:

“Appropriate Assessment consists of: prior screening of acceptability (hereinafter referred to as: screening), main assessment of acceptability along with an assessment of other feasible options (hereinafter referred to as: main assessment), establishment of overriding public interest and compensation terms.”

#### Article 8

After Article 37, Articles 37a, 37b, 37c, 37d, 37e, 37f and 37g are added and read:

#### “Article 37a

(1) The Ministry shall carry out screening for the ecological network area if it is also a protected area belonging to the category of national park, nature park, special nature reserve, nature monument and for projects carried out on the territory of two or more counties or the territory of the City of Zagreb and a county as well as for projects for which the central state administration body competent for environmental protection, physical planning and construction carries out the environmental impact assessment procedure and the procedure for evaluation of the need for environmental impact assessment pursuant to *lex specialis*.

(2) The administrative body in the county or the City of Zagreb competent for nature protection activities (hereinafter referred to as: the administrative body), on the territory where the ecological network area is located, shall carry out the screening for the ecological network area that includes protected areas belonging to the category of regional park, important landscape, forest park and park architecture monument as well as for projects in an area that is not specially protected and for which the administrative body carries out the environmental impact assessment procedure and the procedure for evaluation of the need for environmental impact assessment pursuant to *lex specialis*. In the screening procedure, the administrative body shall request the prior opinion of the Institute.

(3) Insofar as the screening procedure referred to in paragraphs 1 and 2 of this Article establishes that a planned project does not have a significant impact on the ecological network area, the Ministry or the administrative body shall issue a certificate on the acceptability of the project. Insofar as it is established that a project may have a significant impact on the ecological network area, the Ministry or the administrative body shall issue a decision prescribing the implementation of the main assessment procedure. The decision shall be delivered to the Ministry.

(4) The decision referred to in paragraph 3 of this Article shall not be issued in the case that *leges speciales* in the field of environmental protection prescribe mandatory environmental impact assessment or evaluation of the need for assessment. In that case, the Ministry or the administrative body shall, instead of the decision, issue an opinion on the obligation to carry out the main assessment. In the procedure that will be carried out pursuant to *leges speciales* in the field of environmental protection, this opinion shall be binding upon issuing the decision on the evaluation of the need for environmental impact assessment.

(5) Detailed content of the acts referred to in this Article shall be prescribed by the ordinance referred to in Article 36, paragraph 5 of this Act.

#### Article 37b

- (1) The main assessment shall be carried out by the Ministry or the administrative body.
- (2) Insofar as the main assessment establishes that the planned project does not have an adverse impact on the conservation objectives and integrity of the ecological network area, the Ministry or the administrative body shall issue a decision authorising the project. The decision shall establish measures for mitigation of harmful effects on the ecological network.
- (3) In the main assessment procedure, the administrative body shall request a prior opinion of the Institute and the decision referred to in paragraph 2 of this Article shall be delivered to the Ministry.
- (4) Insofar as the Appropriate Assessment establishes that the planned project has an adverse impact on the conservation objectives and integrity of the network area, the Ministry or the administrative body shall issue a decision refusing the request to execute the project. The administrative body shall deliver its decision to the Ministry.
- (5) In the case that the main assessment is carried out as part of the environmental impact assessment procedure pursuant to the act governing environmental protection, the main assessment shall not be carried out as a separate procedure pursuant with this Act. In that case, the environmental impact study must contain all the information prescribed for the main assessment, pursuant to the ordinance referred to in Article 36, paragraph 5 of this Act.
- (6) The decision referred to in paragraphs 2 and 4 shall not be issued in case, pursuant to *leges speciales* in the field of environmental protection, the environmental impact assessment is carried out. In that case, the decision on the environmental acceptability of the project shall also contain the Appropriate Assessment pursuant to this Act.

#### Article 37c

- (1) Insofar as the Appropriate Assessment establishes that the planned project has an adverse impact on the network and that there are no other feasible options, the project may still be carried out in the case of imperative reasons of overriding public interest, including those of a social or economic nature.
- (2) A party in the procedure or an interested party may submit to the Ministry a request to initiate the procedure of establishing overriding public interest and compensation terms.
- (3) Insofar as the existence of overriding public interest referred to in paragraph 1 of this Article is established, the Ministry shall issue a decision authorising the planned project. The decision shall establish compensation terms for the purpose of ensuring the overall integrity (coherence) of the ecological network.
- (4) Insofar as the compensation terms referred to in paragraph 3 of this Article relate to an international ecologically important area referred to in Article 60 of this Act, the Ministry shall inform the European Commission of the compensation terms.
- (5) Insofar as the existence of overriding public interest is not established, the Ministry shall issue a decision refusing the request to execute the project.
- (6) By way of derogation, if the ecological network area hosts a habitat type and/or taxon

referred to in the List of critically endangered and important habitat types and taxa, the overriding public interest owing to which the planned project is being accepted may relate only to protecting human health and public safety, or to establishing significantly more favourable conditions of primary environmental concern, or to other imperative reasons of overriding public interest, about which a decision shall be passed by the Government of the Republic of Croatia along with participation by the public. The decision shall establish compensation terms for the purpose of ensuring coherence of the ecological network. Insofar as the existence of other imperative reasons of overriding public interest is established, and the planned project will have an adverse impact on the ecologically important area referred to in Article 60 of this Act, the Government may authorise the project subject to prior opinion of the European Commission.

(7) By way of derogation, in the case that, pursuant to *leges speciales* in the field of environmental protection, the environmental impact assessment is carried out, the administrative bodies referred to in paragraphs 3, 5 and 6 of this Article shall not issue a decision on the overriding public interest and compensation terms pursuant to this Act, but issue opinions which are binding in the procedure of environmental impact assessment.

(8) The List referred to in paragraph 6 of this Article shall be established by the Minister.

#### Article 37d

(1) In the case of plans and programmes where the act governing environmental protection prescribes that the strategic assessment and evaluation of the need for strategic assessment is not mandatory, and the implementation of which may have a significant impact on the conservation objectives and integrity of the ecological network area, the Appropriate Assessment shall be carried out by the Ministry.

(2) In the case of plans and programmes referred to in paragraph 1 of this Article, the Appropriate Assessment shall be carried out within the procedure for issuing requirements, measures and prior approval pursuant to Articles 123, 124 and 125 of this Act.

(3) In the case of plans and programmes where the act governing environmental protection prescribes mandatory strategic assessment and evaluation of the need for strategic assessment, the Appropriate Assessment in relation to the conservation objectives and integrity of the network area shall be carried out in accordance with Article 36, paragraph 4 and Article 37e of this Act.

#### Article 37e

(1) In the case of plans and programmes referred to in Article 37d, paragraph 3 of this Act, for which the act governing environmental protection prescribes mandatory strategic assessment, the screening of the ecological network area shall be carried out by the Ministry.

(2) In the case of plans and programmes referred to in Article 37d, paragraph 3 of this Act, for which the act governing environmental protection prescribes mandatory evaluation of the need for strategic assessment, the screening of the ecological network area shall be carried out as part of the evaluation of the need for strategic assessment pursuant to *lex specialis* in the field of environmental protection.

(3) Insofar as the screening of a plan or programme referred to in paragraphs 1 and 2 of this Article establishes that it may have a significant impact on the ecological network area, the Ministry shall issue an opinion establishing the need to carry out the main assessment for the ecological network.

(4) The main assessment for the ecological network area shall be carried out within the context of strategic assessment pursuant to *lex specialis* in the field of environmental protection.

#### Article 37f

(1) Insofar as the developer does not carry out the mitigation measures referred to in Article 37b, paragraph 2 and the compensation terms referred to in Article 37c, paragraphs 3 and 6 of this Act, the competent body shall carry them out at his/her expense.

(2) The competent body shall, by issuing a decision, determine the developer's obligation to remunerate the costs and execution expenses.

(3) An appeal submitted against the decision referred to in paragraph 2 of this Article shall not postpone its enforcement.

#### Article 37g

(1) Projects shall be planned in such a manner so as to avoid or minimise the degradation of nature.

(2) In executing a project, the developer must act in such a manner so as to impart the least possible damage to nature, and upon completing the project the developer shall have to restore or bring the state of the natural environment close to that which existed prior to the execution of the project.”

#### Article 9

In Article 38, paragraph 1, the words: “of importance for the Republic of Croatia established under *lex specialis*” are replaced by the words: “for which the central state administration body competent for physical planning, environmental protection and construction issues a location and/or building permit pursuant to *lex specialis*”.

#### Article 10

Article 39 is amended to read:

“(1) Compensation terms shall be defined depending on the anticipated or incurred damage to the ecological network area as well as on the possibility of recovery of the near-nature state.

(2) In selecting compensation terms preference shall be given to compensating by the area having characteristics which are identical or similar to those of the degraded ecological network area for which the compensation is effected, thereby ensuring coherence and integrity of the ecological network.

(3) The types of compensation terms are as follows:

– establishing the compensation area the characteristics of which are identical or similar to those of the degraded ecological network area,

– establishing another ecological network area,

– payment of the amount equivalent to the estimated damage inflicted to the ecological network area in the case that it is not possible to apply compensation terms.

(4) For an ecologically important area of the European Union Natura 2000 network, the compensation term may only be the establishment of an area the characteristics of which are identical or similar to those of the degraded network area in respect of the conservation objectives, structure and functionality of the ecological network area.

(5) The Ministry shall define compensation terms. The compensation amount shall be paid in favour of the State Budget.”

#### Article 11

In Article 40, paragraph 2 is amended to read:

“(2) Should the project developer or the user of natural resources not eliminate the harmful effects in accordance with paragraph 1 of this Article, the competent body shall eliminate them at his expense.”

After paragraph 2, paragraphs 3 and 4 are added and read:

“(3) The competent body shall establish the obligation of the project developer or the user of natural resources to remunerate the costs and the amount of execution costs by a decision.

(4) An appeal submitted against the decision referred to in paragraph 3 of this Article shall not postpone its enforcement.”

#### Article 12

In Article 42, paragraphs 4 and 5 are amended to read:

“(4) A programme for the protection of forest ecosystems comprising measures for their protection and improvement based on monitoring shall be developed for protected areas in which economic utilisation of natural resources is not permitted.

(5) The programme for the protection of forest ecosystems referred to in paragraph 4 of this Article shall be drafted and implemented by the public entity managing the protected area and shall be adopted pursuant to *lex specialis* governing forest management, with the approval of the Ministry.”

#### Article 13

In Article 58, after paragraph 3, paragraph 4 is added and reads:

“(4) Actions that may result in the destruction or any other substantial or permanent damage



to an ecologically important area shall not be permitted.”

#### Article 14

Article 59 is deleted.

#### Article 15

In Article 60, paragraph 1 is amended to read:

(1) An ecologically important area of the European Union NATURA 2000 network is an area of importance for wild bird species and other wild animal and plant species, their habitats and habitat types established as such pursuant to international standards, by a regulation adopted by the Government of the Republic of Croatia, pursuant to the provisions of this Act. The regulation shall also prescribe conservation objectives for the ecologically important area of the European Union, guidelines for the maintenance or restoration, at a favourable conservation status, of wild species, their habitats and habitat types, method of management, monitoring and other rules of procedure required for conservation of the ecologically important area of the European Union.”

In paragraph 2, the word: “international” is deleted.

In paragraph 3, the words: “international important ecological areas” are replaced by the words: “ecologically important areas of the European Union NATURA 2000 network”.

In paragraph 4, the words: “international ecologically important area” are replaced by the words: “ecologically important area of the European Union NATURA 2000 network”.

After paragraph 4, paragraph 5 is added and reads:

“(5) In the case of plans, programmes and/or projects, which by themselves or in combination with other plans, programmes and/or projects, may have a significant impact on the conservation objectives and integrity of the ecologically important area referred to in paragraph 1 of this Article, the Appropriate Assessment shall be carried out pursuant to Articles 36 to 37f of this Act.”

#### Article 16

The subheading above Article 65 is amended to read: “6. Inventory, research and monitoring”

#### Article 17

In Article 65, paragraph 1 is amended to read:

“(1) The Institute shall establish and keep an inventory of all the components of biological, geological and landscape diversity (taxa, habitat types, geosites and landscape types), map endangered taxa, geosites and habitat types, as well as perform their continuous and timely updating.”

## Article 18

Article 67 is amended to read:

“(1) Research of protected natural assets and speleological objects may be carried out based on a decision from the Ministry. The decision authorising research shall establish requirements under which it may be carried out.

(2) The owner or holder of rights to use land or aquatic surfaces shall allow research of protected natural assets to a person who holds the decision referred to in paragraph 1 of this Article. The owner shall not have the right to compensation for restrictions, except in cases when it is demonstrated that he/she suffered material damage due to those restrictions.

(3) The person who carried out research must report the results of the research to the Ministry and Institute within thirty days from the date of research completion.

(4) For exporting from the Republic of Croatia wild taxa and parts thereof that are not a protected natural asset within the meaning of this Act for scientific purposes, it shall be necessary to secure a decision from the Ministry.”

## Article 19

After Article 70, Article 70a is added and reads:

### “Article 70a

(1) In strict nature reserves, national parks, special nature reserves, nature parks, regional parks, important landscapes, forest parks and park architecture monuments, it shall be prohibited to:

- perform underwater activities without authorisation from the Ministry or administrative body,
- anchor and/or berth vessels outside locations designated by the spatial plan,
- perform recreational fishing without a licence or contrary to the conditions laid down in the issued licence,
- damage and/or destroy signs and/or information boards,
- make a fire outside the settlements and/or locations specially designated for that purpose,
- film or photograph for commercial purposes without authorisation from the Ministry or administrative body,
- fly hang gliders or paragliding wings without authorisation from the Ministry or administrative body,
- post information boards, advertising and/or other boards without authorisation from the Ministry or administrative body,

- visit and/or tour without a ticket when the ticket is mandatory,
- deposit waste outside the designated and marked area,
- swim outside the location designated by the public entity.”.

#### Article 20

In Article 76, paragraph 3, the words: “the county council or Council of the City of Zagreb, or the city or municipal council” are replaced by the words: “the county prefect or mayor of the City of Zagreb, or the mayor or head of municipality”.

In paragraph 4 the words: “of the council” are deleted.

#### Article 21

In Article 78, paragraph 2 is amended to read:

“(2) Any person who meets the requirements defined in the charter of a public entity may be appointed to the post of technical manager of the public entity.”

#### Article 22

In Article 82, paragraph 2 is amended to read:

“(2) Where a speleological object is located outside the protected area or is not under special protection, the performance of activities relating to visiting and touring the speleological object may be conferred to a legal or natural person pursuant to a concession.”

#### Article 23

In Article 89, paragraph 2 is amended to read:

“(2) The operations referred to in this Article may be carried out subject to the approval of the owner or holder of the right on natural resources.”

#### Article 24

Article 90 is deleted.

#### Article 25

In Article 91, paragraphs 4 and 7 are amended to read:

“(4) The Ministry shall issue the decision referred to in paragraph 3 of this Article on the basis of a study on assessment of the risk resulting from introduction into nature, subject to prior approval of the central state administration body competent for agriculture, forestry, hunting, sea and freshwater fisheries.

(7) The method of performing risk assessment and developing the study on assessment of the risk resulting from introduction, reintroduction and breeding and the procedure for issuing authorisations as well as the method of procuring the public opinion shall be prescribed by an ordinance by the Minister.”

#### Article 26

In Article 96, paragraph 2, the words: “by order” are replaced by the words: “by management plans with action plans.”

#### Article 27

In Article 97, paragraph 3 is amended to read:

“(3) Strictly protected free-living animals shall not be:

- taken from the wild,
- deliberately captured and/or killed,
- deliberately harmed and/or their evolution forms, nests or broods destroyed,
- deliberately disturbed, particularly during the time of breeding, rearing young, migration and hibernation, should such disturbance prove significant with regard to the objectives of protection,
- their eggs deliberately destroyed and/or taken from the natural environment or kept empty,
- their reproduction or resting sites damaged or destroyed, and
- hidden, kept, bred, traded in, imported, exported, transported and alienated or in any other way acquired and stuffed.”

#### Article 28

In Article 98, paragraph 1 in the opening sentence, the words: “justified public interest” are replaced by the words: “non-existence of other feasible options”.

Subparagraph 1 is amended to read:

“- protection of plants, fungi and animals as well as protection of natural habitats,”

#### Article 29

In Article 99, paragraph 1, after subparagraph 1 a new subparagraph 2 is added and reads:

“- such specimens have been legally acquired in the Republic of Croatia”

In the former subparagraph 2 which becomes subparagraph 3, the word: “legally” is deleted.

The former subparagraph 3 becomes subparagraph 4.

After paragraph 7, paragraph 8 is added and reads:

“(8) The authorisations referred to in paragraphs 1, 2, 5 and 6 of this Article shall be issued in the form of a decision.”

#### Article 30

Article 101 is amended to read:

“(1) The Ministry shall issue a decision for introduction, taking out, export or import and introduction from the sea, and a re-export certificate for wild taxa, parts and derivatives thereof protected under this Act.

(2) The decision and certificate referred to in paragraph 1 of this Article shall be issued only under the condition that it does not endanger wild populations of animals, fungi or plants to which it refers.

(3) The decision and certificate referred to in paragraph 1 of this Article shall also be secured in the case of a hybrid where one or both parents belong to a protected wild taxon.

(4) The taxa for which the decision and certificate referred to in paragraph 1 of this Article is issued, the procedure and terms for issuing decisions and certificates, content and method of submitting a request, content and method of submitting an import notification, general and special restrictions on import, method of marking animals or consignments, method of accommodation of seized specimens, bodies competent for enforcement and control, the method of exercising control, keeping records and producing reports as well as other conditions required for conducting transboundary movement of wild taxa, pursuant to the international treaty the Republic of Croatia is a party to, shall be prescribed by ordinance by the Minister.

(5) During the activities referred to in paragraph 1 of this Article and/or during transit of live animals, for which the ordinance referred to in paragraph 4 of this Article prescribes so, must be transported and attended to in a manner that minimizes the likelihood of injury, harm to health or inhumane conduct, pursuant to *leges speciales*.

(6) By way of derogation from paragraph 1 of this Article, the wild taxa, for which the ordinance referred to in paragraph 4 of this Article prescribes so, shall not require an import permit, but an import notification shall be submitted to the competent body for the purpose of import.

(7) The decisions, certificates and other acts issued under this Act for the purpose of transboundary movement of protected wild taxa may be used exclusively for specimens to whom they refer.

(8) The transit of protected taxa through the territory of the Republic of Croatia shall be carried out on the basis of a valid act on export or re-export issued by the competent body of the exporting or re-exporting country.”

### Article 31

In Article 102, paragraphs 2 and 3 are amended to read:

“(2) Veterinary health check and control of consignments referred to in paragraph 1 of this Article under the competence of the border veterinary inspection shall be performed under *leges speciales*.

(3) Protected wild taxa, parts and derivatives thereof may be exported, imported, transited, introduced or taken out only through designated border crossings where phytosanitary and border veterinary inspections are established.”

### Article 32

In Article 105, paragraph 1, after the words: “wild taxa” the words: “protected under the Act” are added”.

### Article 33

Article 107 is amended to read:

“(1) A legal and natural person trading in protected indigenous or alien wild taxa, for which it is specially prescribed by the ordinance referred to in paragraph 4 of this Article, shall obtain a certificate from the Ministry. In the case of refusal of a request, a decision shall be issued.

(2) Trading may be conducted only with specimens bred in a registered establishment or with specimens holding a document on authorised origin, provided the specimen or consignment is properly labelled.

(3) In trading in protected animals, the seller or the owner shall:

- provide for suitable conditions for keeping the animals pursuant to this Act and other regulations,
- keep records on trading with animals and
- issue a certificate of origin of the animal to the new owner.

(4) The conditions for trade and issuance of a trade certificate, contents of a request and certificate, keeping trade records and control shall be prescribed by the Minister by the ordinance referred to in Article 101, paragraph 4 of this Act.

(5) The certificates and other acts issued under this Act for the purpose of trade in wild taxa may be used exclusively for specimens to whom they refer.”

### Article 34

In Article 108, paragraph 2 is amended to read:

“(2) Seized specimens referred to in paragraph 1 of this Article shall be given temporary or

permanent accommodation at the expense of the Ministry with natural or legal persons authorised by the Ministry.”

#### Article 35

After Article 108, Article 108a is added and reads:

#### “Article 108a

(1) The provisions and conditions laid down in permits, certificates and other acts issued by the Ministry for the purpose of introduction, taking out, export, import, introduction from the sea, re-export, trade and other proceedings involving wild taxa, parts and derivatives thereof, protected under this Act and international treaties the Republic of Croatia is a party to, must be complied with for the entire duration of permits, certificates and other acts.

(2) The holder of the permit, certificate or other act referred to in paragraph 1 of this Article, shall immediately notify the Ministry of any changes and new circumstances that affect or may affect the duration of the permit, and in particular with a view to:

- non-compliance with the requirements under which the permit, certificate or other act was issued,
- death of a specimen of an animal and/or plant taxon,
- destruction of a specimen of an animal and/or plant taxon,
- escape of a specimen of an animal taxon and
- other circumstances due to which the content of a permit, certificate or other act differs from the actual state.

(3) The compliance with the requirements determined in the permit, certificate or other act referred to in paragraph 1 of this Article as well as the changes and new circumstances referred to in the previous paragraph of this Article shall be checked by the Ministry during the entire duration of a permit or certificate.”

#### Article 36

In Article 119, paragraph 2, the full stop is replaced by a comma and the words: “or no later than three days from the date of occurrence of damage inflicted by strictly protected large wild animals on domestic animals.” are added.

#### Article 37

Article 124 is amended to read:

“(1) In the procedure of producing the spatial plan of the area distinguished by particular features, the spatial plan of a county or the City of Zagreb, major city, city and municipality, the Ministry shall issue to the body responsible for drawing up the spatial plan the requirements for producing the plan (data, planning instructions, prescribed documents, nature

protection requirements and measures, guidelines for conservation of the ecological network area with a cartographic presentation).

(2) In the procedure of producing urban development plans and detailed development plans in the area of a national park and nature park, the Ministry shall issue to the body responsible for drawing up the spatial plan the requirements for producing the spatial plan (data, planning instructions, prescribed documents, nature protection requirements and measures, guidelines for conservation of the ecological network area with a cartographic presentation).

(3) The physical planning documents referred to in paragraph 1 of this Article involving a protected area the implementation of which may have a significant impact on the conservation objectives and integrity of the ecological network area shall be adopted subject to the prior approval of the Ministry.

#### Article 38

Article 125 is amended to read:

“Natural resource management plans that include a protected area and the implementation of which may have a significant impact on the conservation objectives and integrity of the ecological network area shall be adopted subject to the prior approval of the Ministry.”

#### Article 39

In Article 134, paragraph 2, the words: “The Concessions Act and” are added to the beginning of the sentence.

#### Article 40

In Article 135, paragraph 2, the words: “in this Act” are replaced by the words: “by law”.

#### Article 41

Article 136 is amended to read:

“(1) Concession shall be granted upon completion of the public bidding procedure.

(2) In addition to information prescribed by the Concessions Act, a notice on the intention of granting a concession shall also contain the nature protection requirements established by the Ministry.

(3) Nature protection requirements shall constitute an integral part of the decision on the selection of the preferred bidder and the concession contract.

(4) Concessions shall be registered in the Register administered by the Ministry and the Register of Concessions administered by the Ministry of Finance.”

#### Article 42

Article 137 is amended to read:



“(1) In addition to information prescribed by the Concessions Act, the decision on the selection of the preferred bidder shall contain in particular:

- protected area, other protected natural asset, or speleological object the concession is granted for,
- designated purposes for which the concession is granted,
- nature protection requirements.

(2) The decision on the selection of the preferred bidder shall be issued by the Ministry for:

- national parks and special nature reserves,
- nature parks unless *lex specialis* provides for otherwise,
- speleological objects.

(3) For other protected areas the decision on the selection of the preferred bidder shall be passed by the competent body of a county or the City of Zagreb subject to prior approval of the Ministry.”

#### Article 43

Article 138 is amended to read:

“(1) By virtue of the decision on the selection of the preferred bidder, the concession provider and the selected preferred bidder shall conclude a concession contract that must be in accordance with this Act and the Concessions Act.

(2) The amount of concession fee shall be established depending on the intended purpose, extent and amount of necessary investments, privileges and material effects accomplished by the concession, restrictions which the concessionaire is subjected to under the prescribed nature protection requirements, as well as other standards and market conditions established by the concession provider, and also the criteria prescribed by the Concessions Act.”

#### Article 44

Article 139 is deleted.

#### Article 45

Article 140 is amended to read:

“A concession contract shall cease to be valid under the conditions prescribed by the Concessions Act and if a change of protection regime of the protected area in which the concession is granted results in reasons that prevent the granting or the use of concession on that area.”

Article 46

Article 141 is deleted.

Article 47

Article 144 is amended to read:

“The concession fee granted by the Ministry shall be the income of the State Budget, while the concession fee granted by the competent body of a county or the City of Zagreb shall be the income of the county budget or that of the City of Zagreb.”

Article 48

In Article 145, paragraphs 2 and 3 are deleted.

Article 49

In Article 160, paragraph 2 is amended to read:

“(2) Any person holding the academic title of professional master or professional specialist in the field of natural sciences, biotechnology or biomedicine, who has at least five years of professional experience and meets other requirements set out in the statute of the Institute may be appointed technical manager of the Institute.”

Article 50

In Article 172, paragraph 1, the words: “protected animals” are replaced by the words: “strictly protected animals”.

Article 51

In Article 174, paragraph 3, the words: “a two-year post-secondary education degree or university degree in natural sciences” are replaced by the words: “the academic title of professional or university bachelor or professional master in the field of natural sciences, biotechnology, biomedicine or social sciences”.

In paragraph 5, the words: “of protected area they inspect” are replaced by the words: “of a public entity managing the area.”

Article 52

In Article 177, after paragraph 1, a new paragraph 2 is added and reads:

“(2) Inspectional supervision referred to in paragraph 1 of this Article at sea may also be carried out by authorised officials of the Coast Guard of the Republic of Croatia.”

The former paragraphs 2, 3, 4 and 5 become paragraphs 3, 4, 5 and 6.

Article 53

In Article 178, paragraph 1, the words: “holding a university degree in the field of natural sciences” are replaced by the words: “who acquired the academic title of professional master or professional specialist in the field of natural sciences, biotechnology, biomedicine or social sciences”.

In paragraph 2, the words: “holding a university degree in the field of natural sciences” are replaced by the words: “who acquired the academic title of professional master or professional specialist in the field of natural sciences, biotechnology, biomedicine or social sciences”.

#### Article 54

In Article 187, paragraphs 2 and 3 are deleted.

The former paragraph 4 becomes paragraph 2.

#### Article 55

Article 188 is amended to read:

“When the requirements for issuing a misdemeanour order are fulfilled, pursuant to *lex specialis* the inspector may forthwith collect a pecuniary fine, indemnity or compensation for costs from the perpetrator, without a misdemeanour order, issuing however a confirmation of receipt.”

#### Article 56

In Article 193, paragraph 1, subparagraph 1 is amended to read:

“- undertakes an action which may result in destruction or some other major or permanent damage to the ecologically important area (Article 58, paragraph 4),”

#### Article 57

In Article 194, paragraph 1, subparagraph 1, after the number: “36” in brackets, the words: “paragraphs 1 and 3” are added.

#### Article 58

In Article 195, paragraph 1 is amended to read:

“(1) A fine in the amount of HRK 25,000.00 to 200,000.00 for a misdemeanour shall be imposed on a legal person who:

- performs unauthorised actions in a strict nature reserve (Article 10),
- makes unauthorised economic use of natural resources or other unauthorised activity in the national park (Article 11),

- undertakes unauthorised projects and actions that may impair the characteristics owing to which the designation of a special nature reserve was awarded (Article 12, paragraph 3),
- pursues activities endangering the essential characteristics and role of a nature park, or carries out business activities and uses natural resources without having obtained the nature protection requirements (Article 13),
- pursues the activity that significantly endangers the essential characteristics and role of a regional park or carries out business activities and uses natural assets without having obtained the nature protection requirements (Article 14, paragraph 2),
- in the nature monument or in its immediate vicinity undertakes actions that endanger its characteristics and values (Article 15, paragraph 3),
- performs actions and activities degrading the characteristics owing to which the designation of important landscape was awarded (Article 16, paragraph 2),
- carries out actions and activities not aimed at maintenance or development of the forest park (Article 17, paragraph 2),
- undertakes projects and actions which modify or degrade the values owing to which the park architecture monument was awarded protection (Article 18, paragraph 2),
- with no valid reason destroys minerals, speleothems or fossils (Article 20, paragraph 4),
- does not protect indigenous domesticated taxa in the prescribed manner (Article 28),
- organises rides in motor vehicles outside communities, any kind of roads, field roads, developed paths and driving polygons without the approval from the Ministry (Article 32),
- places on the market and applies plant protection agents and mineral fertilizers in an unauthorised manner (Article 34),
- does not restore or bring the state of the natural environment in the impact area of the project close to that which prevailed prior to the execution of the project (Article 37g, paragraph 2)
- does not implement the mitigation measures in the prescribed manner (Article 37b, paragraph 2)
- does not implement the compensation terms in the prescribed manner (Article 37c, paragraphs 3 and 6)
- as a developer carrying out the project or as a user of natural resources does not eliminate harmful consequences without delay (Article 40),
- uses and manages forests contrary to principles of sustainable development and principles of forest certification (Article 42, paragraph 2 and 3),
- performs unjustified forestation in a manner endangering the endangered non-forest and rare habitat type (Article 43),

- uses chemical agents for protection of plants in forests with no authorisation (Article 44),
- does not safeguard constant percentage of mature, old and dry trees pursuant to nature protection requirements (Article 45, paragraph 1),
- does not leave unhewed areas defined in forest management plans or nature protection requirements (Article 45, paragraph 3),
- does not manage in such a manner so as to conserve forest clearances and forest edges to the maximum extent (Article 45, paragraph 4),
- does not manage in such a manner as to ensure prolongation of hewable maturity for indigenous species of trees (Article 45, paragraph 5),
- damages, destroys or removes speleothems and underground live nature from the speleological object (Article 48, paragraph 1),
- modifies habitat conditions in a speleological object by disposal of garbage or biological waste, by burning fires or otherwise (Article 48, paragraph 1),
- performs activities or actions in a speleological object without prior approval of the Ministry (Article 48, paragraph 2),
- endangers or degrades a speleological object or otherwise impedes its use (Article 49, paragraph 1),
- constructs barriers on watercourses, reclaims, obstructs springs, ponds, etc, and thereby endangers natural assets and biological diversity (Article 51, paragraph 1),
- manages grasslands in an unauthorised manner (Article 54),
- does not conserve peripheral parts of agricultural land as habitats (Article 55, paragraph 1),
- does not implement the prescribed measures for the conservation of habitat types in a favourable state (Article 56, paragraph 1),
- pursues research without the permission of the competent body and/or does not forward the results of research to the competent body (Article 67, paragraph 1 and/or 3),
- disturbs, captures, injures wild animals, reduces population of a wild taxon, destroys or degrades its habitat without just cause (Article 85, paragraph 2),
- does not apply measures, methods and technical means that least disturb wild taxa or habitats of populations thereof (Article 86, paragraph 1),
- does not apply prescribed protective measures and does not maintain crossings for wild animals (Article 87, paragraph 3),

- constructs towers and technical components of medium-voltage transmission lines in an unauthorised manner (Article 88),
- collects plants, fungi and parts thereof and captures and kills animals for the purpose of processing, trade and other business without obtaining authorisation from the Ministry and without other prescribed requirements (Article 89),
- uses protected wild taxa contrary to prescribed requirements (Article 94),
- uses devices for capturing and killing protected animals as well as agents that may induce local disappearance or severe disturbance of populations of the species (Article 95),
- trades in wild growing strictly protected plants and fungi (Article 97, paragraph 2),
- intentionally captures, holds and kills strictly protected animals, damages or destroys their evolution forms, nests or broods, as well as the breeding and resting sites, disturbs these during the time of breeding, rearing young and hibernation, and intentionally destroys or takes eggs from the natural environment or keeps empty eggs (Article 97, paragraph 3, subparagraph 1, 2, 3, 4, 5 and 6),
- hides, keeps, breeds, trades in, imports, exports, transports, alienates or in any other manner way acquires, and stuffs strictly protected animals (Article 97, paragraph 3, subparagraph 7)
- proceeds contrary to the law with regard to wild growing plants, fungi and animals found in a strict nature reserve, national park and special nature reserve, as well as to underground animals (Article 97, paragraph 4),
- keeps in captivity, breeds, markets and purchases wild taxa contrary to statutory requirements (Article 99),
- exports or imports strictly protected plants, fungi and animals with no authorisation from the Ministry (Article 99, paragraph 2),
- performs introduction, taking out, export, re-export, import, introduction from the sea of wild taxa that are protected under this Act or international treaties the Republic of Croatia is a party to, parts and derivatives thereof contrary to the requirements laid down in the Act and implementing regulations (Article 101),
- performs introduction, taking out, export, re-export, import, introduction from the sea of wild taxa that are protected under this Act or international treaties the Republic of Croatia is a party to, parts and derivatives thereof without an appropriate permit or certificate issued by the Ministry or an act issued by the competent body of the exporting or re-exporting country, or with a false, falsified or invalid permit or certificate, or with a permit or certificate that was changed without approval from the Ministry or the competent body of the exporting or re-exporting country (Article 101, paragraph 1),
- uses a permit, certificate or other act issued under this Act for the purpose of transboundary movement and trade in protected wild taxa for any other specimen of a wild taxon that is not the one for which the permit, certificate or other act was issued (Article 101, paragraph 7 and/or Article 107, paragraph 5),

- in his/her request for issuance of permits for introduction, taking out, export or import and introduction from the sea, re-export certificate, trade permit or certificate, uses a false statement or knowingly provides false information for the purpose of obtaining a permit or certificate (Article 101, paragraphs 1 and 4, Article 107, paragraphs 1 and 4),
- submits a false, falsified or invalid permit or certificate, or a permit or certificate that was changed without approval of the issuing competent body in his/her request for issuance of permits for introduction, taking out, export or import and introduction from the sea, re-export certificate, trade permit or certificate or any other purpose relating to this Act and implementing regulations adopted on the basis thereof (Article 101, paragraphs 1 and 4, Article 107, paragraphs 1 and 4),
- carries out transit of wild taxa protected under this Act, parts and derivatives thereof without a valid export permit or re-export certificate issued by the competent body of the exporting or re-exporting country (Article 101, paragraph 8),
- performs trade in indigenous or alien wild taxa protected under this Act or international treaties the Republic of Croatia is a party to, contrary to the requirements laid down in the Act and implementing regulations adopted on the basis thereof (Article 107),
- falsifies or changes a permit or certificate for trading in indigenous or alien wild taxa protected under this Act (Article 107, paragraphs 1 and 4),
- does not comply with the provisions and conditions listed in the permit or certificate for trading in indigenous or alien wild taxa protected under this Act (Article 107, paragraphs 1 and 4),
- if the Ministry is not immediately notified of any changes and new circumstances that affect or may affect the validity of the permit or certificate for the purpose of transboundary movement and trade in protected wild taxa issued under this Act and implementing regulations adopted on the basis thereof (Article 108a, paragraph 2),
- does not submit the offer for sale of real estate on the pre-emption right basis in the manner prescribed by this Act (Article 112, paragraph 1 and 2),
- sells the real estate located in a protected natural asset to another person at a price that is lower than the price quoted in the offer to the persons entitled to pre-emption (Article 112, paragraph 4),
- utilizes natural resources in an unauthorised manner and with damaging consequences (Article 122),
- implements the natural resources management plan without approval of the Ministry (Article 122),
- undertakes the actions and interventions on a protected natural asset without permission or contrary to specified nature protection requirements (Article 127),

- does not apply nature protection requirements established by decision on the selection of the preferred bidder and concession contract (Article 137, paragraph 1, subparagraph 3 and Article 138, paragraph 1),
- does not undertake all the measures and actions to impede the modifications and damages incurred (Article 143, paragraph 1),
- exercises the activity in a protected area with no concession approval (Article 146, paragraph 1),
- places on the market minerals, speleothems and fossils without permission (Article 148, paragraph 3),
- exports minerals, speleothems or fossils that are designated as protected natural assets (Article 150, paragraph 2).”

#### Article 59

In Article 196, paragraph 1, subparagraph 12 is amended to read:

“- displays in zoos, aquariums, terrariums or similar spaces animals of indigenous or alien wild taxa protected under this Act without authorisation from the Ministry (Article 105, paragraph 1),”

#### Article 60

In Article 197, paragraph 1, subparagraph 2 is deleted.

The former subparagraph 3 becomes subparagraph 2.

Subparagraph 4, which becomes subparagraph 3, is amended to read:

“- takes out from the Republic of Croatia wild taxa and parts thereof that are not a protected natural asset for scientific purposes without authorisation from the Ministry (Article 67, paragraph 4)”

The former subparagraphs 5 to 18 become subparagraphs 4 to 17.

#### Article 61

Article 198 is amended to read:

“A misdemeanour fine in the amount of HRK 1,000.00 shall be imposed on a natural person who in national parks, nature parks, regional parks, forest parks and park architecture monuments:

- performs underwater activities without authorisation from the Ministry or administrative body (Article 70a, paragraph 1, subparagraph 1),
- anchors and/or berths vessels outside locations designated by the spatial plan (Article 70a, paragraph 1, subparagraph 2),



- performs recreational fishing without a licence or contrary to the conditions laid down in the issued licence (Article 70a, paragraph 1, subparagraph 3),
- damages and/or destroys signs and/or information boards (Article 70a, paragraph 1, subparagraph 4),
- makes a fire outside of the settlements and/or locations specially designated for that purpose (Article 70a, paragraph 1, subparagraph 5),
- films or photographs for commercial purposes without authorisation from the Ministry or administrative body (Article 70a, paragraph 1, subparagraph 6),
- flies hang gliders or paragliding wings without authorisation from the Ministry or administrative body (Article 70a, paragraph 1, subparagraph 7),
- posts information boards, advertising and/or other signs without authorisation from the Ministry or administrative body (Article 70a, paragraph 1, subparagraph 8).”

#### Article 62

After Article 198, Article 198a is added and reads:

#### “Article 198a

A misdemeanour fine in the amount of HRK 200.00 shall be imposed on a natural person who:

- visits and/or tours a national park, nature park, regional park, forest park and a park architecture monument without a ticket (Article 70a, paragraph 1, subparagraph 9),
- deposits waste outside the designated and marked area (Article 70a, paragraph 1, subparagraph 10),
- swims outside the location designated by the public entity (Article 70a, paragraph 1, subparagraph 11).”

#### Article 63

In Article 38, paragraph 2, the words: “the state administration office in the county, or administrative body of the City of Zagreb competent for nature protection activities (hereinafter referred to as: state administration office)” are replaced by the words: “administrative body of the county or of the City of Zagreb competent for nature protection activities (hereinafter referred to as: the administrative body)”.

In Article 79 paragraph 2, Article 84 paragraph 3, Article 116 paragraph 2, Article 127 paragraphs 4 and 5, Article 143 paragraph 1, Article 145 paragraph 3, Article 154 paragraph 1, Article 155 paragraph 2, Article 163 paragraph 1, Article 164 paragraph 1 of this Act, the words: “state administration office” are replaced by the words: “administrative body”.

#### Article 64

(1) Counties shall ensure the performance of activities prescribed by this Act, as well as establish competent administrative bodies for that purpose within two months from the entry into force of this Act.

(2) Counties shall take over the activities, employees, office and other equipment as well as records of the state administration offices in counties which were related to the performance of activities in line with the Nature Protection Act (Official Gazette 70/05), each from their territory and in accordance with their self-governmental scope in line with *lex specialis*.

#### Article 65

(1) Proceedings initiated prior to the entry into force of this Act shall be completed in accordance with the provisions of the Nature Protection Act (Official Gazette 70/05).

(2) Pending the adoption of the regulation of the Government of the Republic of Croatia referred to in Article 15 of this Act, the Appropriate Assessment referred to in Article 5 of this Act shall apply only to the ecological network proclaimed by the Government of the Republic of Croatia in the Regulation on the proclamation of the ecological network (Official Gazette 109/07).

#### Article 66

This Act shall enter into force on the eighth day from the day of its publication in the Official Gazette, with the exception of the provisions of Article 37c, paragraphs 4 and 6 referred to in Article 8 of this Act which shall enter into force on the date of accession of the Republic of Croatia to the European Union and Article 20 of this Act which shall enter into force on 18 May 2009.

Class: 351-01/08-01/07

Zagreb, 21 November 2008

THE CROATIAN PARLIAMENT

The President of the Croatian Parliament

**Luka Bebić, m.p.**