

# PARLIAMENT OF THE REPUBLIC OF CROATIA

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

## DECISION

### PROMULGATING THE NATURE PROTECTION ACT

I hereby promulgate the Nature Protection Act adopted by the Croatian Parliament at its session on 20 May 2005

No: 01-081-05-1988/2

Zagreb, 27 May 2005

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

## THE NATURE PROTECTION ACT

### I GENERAL PROVISIONS

#### Article 1

(1) This Act regulates the system of protection and integrated conservation of nature and its assets.

(2) Within the meaning of this Act, nature is the overall biological and landscape diversity.

#### Article 2

Nature and natural assets are of interest for the Republic of Croatia and are beneficiaries of its special protection.

#### Article 3

Nature protection goals and tasks are:

- to conserve and restore the present biological and landscape diversity in a state of natural balance and interactions harmonised with human activities.
- to establish and monitor the state of the natural environment
- to provide for the system of protection of natural assets in the interest of their preservation,
- to provide for sustainable use of natural assets without substantially degrading parts of the natural environment and with minimum disruption of the balance of its components,
- to contribute to the conservation of the natural quality of the soil, conservation of the quality, quantity and availability of fresh and sea water, conservation of the atmosphere and of oxygen production, and climate conservation,
- to prevent harmful projects carried out by man and disruptions to nature as a result of technological progress and the performance of activities,
- to safeguard the right of citizens to a healthy life, relaxation and recreation in nature.

#### Article 4

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Nature protection and conservation is based on the following principles:

- everyone must behave in such a manner as to contribute to the conservation of biological and landscape diversity, protection of natural assets and conservation of a universally beneficial role of nature;
- non-renewable natural resources should be used rationally while those renewable should be used in a sustainable manner;
- in using natural resources and in physical planning, the principles, measures and requirements of nature protection shall apply;
- nature protection is the responsibility of any natural and legal person, and to this end he/she must cooperate in order to avoid and prevent hazardous actions and damage, eliminate and remedy the consequences of any damage incurred and restore the natural conditions prevailing prior to the occurrence of such damage;
- the public is entitled to free access to information concerning the state of the natural environment, the right to timely information about any damage to nature and about the measures undertaken for eliminating it as well as the opportunity to participate in nature-related decision-making.

**Article 5**

(1) Nature protection shall be implemented through the conservation of biological and landscape diversity and the protection of natural assets.

(2) Nature protection shall particularly be implemented through:

- establishing and evaluating the state of biological and landscape diversity components;
- implementing nature protection measures;
- incorporating nature protection requirements and measures into physical planning documents as well as the programmes on governance and management of natural resources in mining, agriculture, forestry, hunting, fishing, water management and other industries affecting nature;
- drawing up reports on the state of the natural environment, adoption and implementation of strategies, programmes, action plans and governance plans;
  - identification of natural assets and protected natural assets;
- instituting the system for management of natural assets and protected natural assets;
- linking and harmonising the national and international nature protection systems;
- encouraging scientific and professional activities in the field of nature protection;
- encouraging scientific and technical work in the area of nature protection;
- informing the public about the state of the natural environment and public participation in decision-making concerning nature protection;
- encouraging and promoting nature protection and raising public awareness on the need to protect nature by education and training.

**Article 6**

(1) The provisions of this Act shall not apply in the case of deterring an immediate threat to the life or health of persons or to property, or of rescuing people or property or exercising activities in defence of the Republic of Croatia.

(2) The provision of paragraph 1 of this Article shall apply only for the duration of the specified circumstances.

**Article 7**

The terms used in this Act have the following meanings:

1. Biological diversity means the entirety of all the living organisms that constitute integral

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parts of ecosystems and involves diversity within and between species and living communities, as well as diversity among ecosystems.

2. Forest certification means a procedure whereby an independent third party examines whether the management and use of forests reach the projected ecological, economic and social level.

3. The Red List of Threatened Taxa means a list of wild taxa classified according to categories of threat.

4. Derivative means an organic or inorganic product of living organisms (ivory, antlers, etc.),

5. Wild taxa of plants, fungi and animals mean any taxa not produced under the control of man as the result of breeding operations.

6. Near-nature conditions means the conditions of an ecosystem or landscape whose evolution has been only negligibly affected by man, the processes taking place therein being for the most part self-regulating and capable of subsisting without direct human influence.

7. Ecological network means the system of interrelated or contiguous ecologically important areas which by their well balanced biogeographic distribution substantially contribute to the conservation of the natural balance and biological diversity.

8. Ecological corridor means an ecological component or a series of such components that allow for migration of the populations of living organisms from one site to another and constitute an integral part of the ecological network.

9. An ecologically important area means an area that substantially contributes to the conservation of biodiversity in the Republic of Croatia.

10. Endemic species means a species whose distribution is restricted to a specific area,

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

12. Genetic diversity means the diversity of genes among individuals, populations, species, and higher taxonomic categories.

13. Geological heritage means everything that has been preserved in the structure and texture of rocks and the soil, such as geological, geo-morphological and hydrological phenomena and objects, including paleontological and mineralogical findings constituting an integral part of the landscape.

14. Invasive alien species means an alien species whose introduction or propagation poses a threat to biodiversity.

15. The public interest is the interest of the Republic of Croatia or the interest of the citizens (the population) of a regional or local-government unit.

16. Karst means a unique relief with special hydrogeological and geomorphological features where ground-water draining is much more abundant than surface water, in which surface watersheds substantially differ from the underground ones and in which characteristic surface forms (limestone cracks, sink-holes, karst valleys, subsidence valleys, etc.) and underground forms (caves and pits) occur in tectonically fragmented, carbonate, evaporite or gypsum rocks.

17. Minerals means indigenous homogeneous chemical elements or compounds in the form of crystalline or amorphous matter, having a defined structure, shape and composition. Minerals within the meaning of this Act are not raw minerals.

18. The Minister is the head of the central state administration body responsible for nature protection.

19. The Ministry is the central state administration body competent for nature protection.

20. Man-made nature means a part of nature shaped by man for the purpose of education,

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training, shaping landscape elements or any other purpose important for the conservation of biological and landscape diversity (e.g. lines of trees, parks, botanical gardens, arboreta, etc.).

21. Restoration of nature means a set of technical measures and actions taken to bring a disrupted state of biological and landscape diversity back into a state resembling the original one.

22. Nature conservation means any procedure carried out for the purpose of maintaining and improving the level of conservation of biological and landscape diversity.

23. Sustainable use of natural resources means the use of natural resources in a manner and extent which will not result in their degradation, but rather in the maintenance of their potential in order to meet the needs and aspirations of present and future generations.

24. Damage inflicted on nature means the alteration of natural processes by human activities to such an extent that the natural balance has been disrupted or natural assets destroyed.

25. Natural resource management plans means the planning elements prescribed by a *lex specialis* for the governance, management and use of natural resources for economic, social and ecological purposes.

26. Reintroduction into nature means the re-establishment of a species in the area where it was previously exterminated, while the ecosystem still shows almost identical ecological conditions to those before the extinction.

27. Population means a group of specimens of the same species linked together in terms of time and space and interbreeding.

28. The favourable conservation status of a species or habitat type means a state that in the foreseeable future ensures the survival of that species or the type of habitat.

29. Monitoring means a well-defined and systematic surveillance of the state of the natural environment or of the components of biological and landscape diversity.

30. Natural resources means all the components of nature exploited by man for economic purposes; natural resources may be non-renewable (raw minerals) or renewable (biological resources, waters, renewable soil).

31. Natural balance means a state of balanced interrelations and influences of living organisms among themselves and with their habitat. The natural balance is disrupted if the quantitative or qualitative structure of living communities is disturbed, a habitat is damaged or destroyed, the operational capacity of the ecological system destroyed or modified, or interrelations between individual ecosystems interrupted or a considerable isolation of individual populations is created.

32. Natural assets means parts of nature which deserve special protection for the sake of conservation of biological and landscape diversity, on account of their vulnerability or for the sake of scientific, cultural, aesthetic, educational, economic and other public interest.

33. Natural component means any original component of nature (e.g. plant, fungus, animal, mineral, fossil, rock, water, air, soil, etc.).

34. Risk to nature means the probability that an activity will directly or indirectly cause damage to nature.

35. Speleothems means mineral deposits in underground caves assuming various shapes (stalactites, stalagmites, stalagnates, helectites, etc.).

36. Speleological sites means naturally shaped underground cavities more than 5 meters in length that can be accessed by man and the dimensions of whose entrance are smaller than the depth or length of the object (caves, pits, abysses, estavelles, etc.).

37. The speleological register means a part of the database on speleological objects and constitutes an integral part of the database on protected natural assets.

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38. Habitat means the unique functional unit of an ecosystem, defined by geographical and abiotic features; all habitats of a type constitute a single habitat type.
39. Alien species means a non-indigenous species which did not naturally inhabit a particular ecosystem of the area, but was deliberately or incidentally introduced therein.
40. Leghold trap means a device designed to restrain or capture animals by preventing their free movement.
41. Taxon means a classification unit of any level in the taxonomy (nomenclature) of organisms (microorganisms, fungi, flora and fauna), while in this Act it refers to species and subspecies.
42. Domesticated species means a species whose evolution process has been controlled by man for the purpose of meeting his proper needs.
43. Introduction from the sea means the introduction into the Republic of Croatia of any specimen of flora or fauna taken from a marine environment and introduced directly from the marine environment not under jurisdiction of any state, including the airspace above the sea and subsoil beneath the sea.
44. Area of influence means the area outside the limits of the protected area which prevents a negative impact on the protected area,
45. Introduction into nature means the deliberate or incidental populating of, or the introduction of species or subspecies into, the ecosystem of a particular area which they have never before inhabited naturally.
46. Animal shelter means a space intended for temporary accommodation or veterinary treatment of sick or injured animals, rejected young not yet capable of surviving in nature, and animals seized from the owner because of their being illegally held in captivity, because of illegal trade, export, import and other reasons set out by law.
47. Wetlands means areas of marsh, fen and peatland, karst hydrogeological and hydrological systems and other waters, natural or artificial, of permanent or recurring character, with standing or running water, fresh or salt, including areas of seawater whose depth at low tide does not exceed six metres.
48. Project in nature means any temporary or permanent influence of man on nature that may disrupt its natural balance unless such an influence is aimed at protection and conservation of nature.
49. Protected natural assets means natural assets declared as protected by the body specified in this Act and registered in the registry of protected natural assets, referring to protection categories (strict nature reserves, national parks, special nature reserves, nature parks, regional parks, nature monuments, important landscapes, forest parks and park landscaping monuments), protected plant, fungus and animal taxa including dead specimens of wild taxa protected under this Act and international treaties, parts and derivatives thereof, and protected minerals and fossils.
50. Indigenous species means a species naturally inhabiting a specific ecosystem of an area.

## **II PROTECTED NATURAL ASSETS**

### **Article 8**

(1) Protected natural assets under this Act are:

1. protected areas:

strict nature reserve,

national park

special nature reserve,

nature park,

regional park,

nature monument,

important landscape,

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forest park,  
park landscaping monument,

2. protected taxa:

strictly protected wild taxon,  
protected wild taxon,  
protected indigenous domesticated taxon,

3. protected minerals, speleothems and fossils.

(2) Protected natural assets are classified into the categories of:

international importance,

national importance,

local importance.

(3) Classification into categories shall be determined by the Ministry on the basis of expert evaluation of the protected natural asset.

1. Protected areas

Article 9

(1) Protected areas may establish transboundary links with protected areas of another state.

(2) The plan of governance and measures for protected areas with transboundary links shall be established in consultation with the competent authority of the state in which the transboundary part of the protected area is located.

Strict nature reserve

Article 10

(1) A strict nature reserve means an area of land and/or the sea distinguished by an unaltered or only slightly altered overall natural environment, set aside exclusively for the conservation of its original natural character, for scientific research which does not affect biological diversity, for monitoring the state of the natural environment, and for education which does not endanger the free development of natural processes.

(2) A permit must be obtained from the Ministry for exploring and visiting a strict nature reserve for educational purposes.

(3) Any business or other activity in a strict nature reserve shall be prohibited.

National park

Article 11

(1) A national park is a large, predominantly unaltered area of land and/or sea characterised by exceptional and varied natural assets, comprising one or several preserved or predominantly unaltered ecosystems, and is primarily set aside for the conservation of original natural assets.

(2) A national park is intended for scientific, cultural, educational and recreational purposes.

(3) Any act and activity not endangering the authenticity of nature in a national park shall be permitted.

(4) Economic use of natural resources in a national park shall be prohibited.

(5) Exercising catering, tourist and recreational activities in connection with visiting and touring, as well as farming, fishery and craft in a traditional way, shall be permitted pursuant to this Act.

(6) The activities referred to in paragraph 5 of this Article may be restricted in order to conserve the authenticity of nature in a national park.

Special nature reserve

Article 12

(1) A special nature reserve is an area of land and/or sea of particular importance for its uniqueness, rarity or representative character, or is a habitat of an endangered wild taxon, having a particular scientific significance and intended purpose.

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(2) A special reserve may be of the following types: of flora, fungi, forest or other vegetation, zoological (ornithological, ichthyological, etc), geological, paleontological, hydrogeological, hydrological, marine reserve, etc.

(3) Acts and activities which could impair the characteristics for which the reserve was designated as such shall not be permitted (collecting and destroying plants, disturbing, capturing and killing animals, introducing new biological taxa, melioration undertakings, various forms of economic or other uses, etc.)

(4) Undertakings, acts and activities for maintaining and improving the conditions essential for the conservation of features for which the nature reserve was designated as such shall be permitted.

(5) Visiting and touring a special nature reserve may be prohibited or restricted by safety measures.

(6) The act on designation of a special nature reserve may simultaneously protect various assets for which it is designated as such (ornithological-ichthyological, geological-hydrological, etc.)

Nature park

Article 13

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

(2) Business and other activities and acts which do not pose a threat to its essential characteristics and role shall be permitted.

(3) The method of performing business activities and use of natural resources in a nature park shall be set out in nature protection requirements.

Regional park

Article 14

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

(2) Business and other activities which do not pose a threat to essential characteristics and role of a regional park shall be permitted.

(3) The method of performing business activities and the use of natural resources in a regional park shall be set out in nature protection requirements.

Nature monument

Article 15

(1) A nature monument is an individual unaltered segment or a group of segments of living or non-living nature distinguished by ecological, scientific, aesthetic or educational value.

(2) A nature monument may be of the following types: geological (paleontological, mineralogical, hydrogeological, structural-geological, petroleum-geological, sedimentary, etc.), geomorphologic (cave, pit, solitary rock, etc.), hydrological (watercourse, waterfall, lake, etc.), botanical (rare or site-specific specimen of flora, etc.), spatially restricted botanical and zoological site, etc.

(3) Activities posing a threat to the features and assets of a nature monument and its immediate proximity constituting an integral part of a protected area shall not be permitted.

Important landscape

Article 16

(1) An important landscape is a natural or cultivated tract of land distinguished by major landscape value and biological diversity or cultural-historical value, or a landscape distinguished by unique conserved features characteristic of a particular area designated for relaxation and recreation or a particularly valuable landscape established pursuant to this Act.

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(2) Projects and acts impairing the features for which the important landscape was designated as such shall not be permitted.

Forest park

Article 17

(1) A forest park is a natural or planted forest of major landscape value designated for relaxation and recreation.

(2) Only those projects and actions aimed at its maintenance or improvement shall be permitted.

Park landscaping monument

Article 18

(1) A park landscaping monument is an artificially shaped space (public garden, botanical garden, arboretum, municipal park, line of trees or other form of garden and park landscaping) or an individual tree or group of trees distinguished by aesthetic, stylistic, artistic, cultural-historical, ecological or scientific value.

(2) Projects or acts liable to alter or impair the features for which the park landscaping monument was granted protection shall not be permitted on the park landscaping monument or in its immediate proximity constituting an integral part of the protected area.

2. Protected taxa

Article 19

(1) Protected taxa that are endangered or rare shall be granted protection as strictly protected taxa and protected taxa.

(2) The following taxa may be designated as strictly protected:

- a wild taxon in danger of extinction on the territory of the Republic of Croatia,
- an endemic species with a small natural range,
- a wild taxon protected by virtue of an international treaty to which the Republic of Croatia is a signatory and which is in force, having been ratified by the Republic of Croatia.

(3) The following taxa may be designated as protected:

- an indigenous wild taxon that is vulnerable or rare but is not threatened with extinction on the territory of the Republic of Croatia,
- a wild taxon that is not endangered, but due to its appearance is likely to be confused with an endangered wild taxon,
- a wild taxon protected by virtue of an international treaty to which the Republic of Croatia is a signatory and which is in force.

(4) The designation of a protected indigenous domesticated taxon shall be granted to an endangered inherited plant variety and/or animal breed developed as a result of traditional breeding and shall constitute an integral part of the Croatian natural heritage.

(5) *Leges speciales* shall apply to the issues of protection of protected wild taxa and indigenous domesticated taxa not regulated by this Act.

3. Protected minerals, raw materials, fossils

Article 20

(1) The designation of protected mineral may be granted to any mineral, mineral deposits or speleothems that owing to their rarity, exceptional size or appearance or outstanding scientific importance constitute a natural asset within the meaning of this Act.

(2) The designation of protected fossil may be granted to any fossil that owing to its rarity, exceptional size or appearance or outstanding scientific importance constitutes a natural asset within the meaning of this Act.

(3) Minerals, speleothems and fossils shall be the property of the Republic of Croatia.

(4) Destruction of protected minerals, speleothems and fossils and the degradation of their discovery sites shall be prohibited.

III DESIGNATION PROCEDURE CONCERNING PROTECTED NATURAL ASSETS

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1. Protected areas

Article 21

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

(2) Strict and special natural reserves are designated by the Government of the Republic of Croatia (hereinafter referred to as: the Government) by a regulation at the proposal of the Ministry.

(3) A regional park, important landscape or forest park located on the territory of a county or the City of Zagreb is designated by the county assembly or by the town assembly of the City of Zagreb subject to prior approval of the Ministry and central state administration body competent for agriculture and forestry.

(4) A nature monument or park landscaping monument located on the territory of a county or the City of Zagreb are designated by the county assembly or by the town Assembly of the City of Zagreb subject to prior approval of the Ministry.

(5) Protected areas referred to in paragraph 3 and 4 of this Article located on the territory of two or several counties are designated by the Government by a regulation at the proposal of the Ministry.

(6) Where the Ministry proposes protection referred to in paragraph 3 and 4 of this Article and the relevant representative body fails to pass the act on protection within three months from receipt of the proposal, such a natural asset shall be designated as protected by the Government.

Article 22

(1) A proposal of an act of designation shall be founded on an expert base proposal drawn up by the National Institute for Nature Protection (hereinafter referred to as: the Institute) which shall establish the assets of the area to be protected, the method of administering the area, as well as on a statement drawn up by the body passing the act of designation concerning the funds granted for managing the protected area.

(2) The expert base proposal referred to in paragraph 1 of this Article shall include a detailed description of characteristics and assets of the area to be protected, evaluation of the state of that area, consequences ensuing from the adoption of an act of designation, especially with regard to property rights and business activities presently obtaining, as well as the estimate and sources of funds necessary for implementing the act on the designation of the protected area.

(3) The public shall be informed of the proposal for the designation of a protected area. Informing the public implies that access is accorded to the public concerning the proposed act on designation of the protected area as well as the expert base proposal containing cartographic documentation.

(4) The procedure of providing public access to information in granting the status of national parks, nature parks, strict nature reserves and special nature reserves shall be organised and implemented by the Ministry, while the procedure of providing public access to information relative to other protected areas (park monument, regional park, important landscape, forest park and park landscaping monument) shall be organised and implemented by the county or the City of Zagreb.

(5) Public access referred to in paragraph 4 of this Article shall be provided for a period of at least thirty days.

(6) The body issuing the proposal on the act of designation of a protected area must issue an opinion on the observations submitted during public access, and the observations submitted and the opinions shall become an integral part of the documentation presenting the grounds for the proposal on designation.

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(7) Notification on the provision of public access shall be published in at least one mass media organ and it shall include instruction as to the place where cartographic and other documents related to the proposed protection may be examined.

**Article 23**

(1) The act on designation of a protected area shall include:

- the name and category of the protected area,
- a delineation of the extent of the area protected,
- an indication of the scale of cartographic views, or other site indication,
- a cartographic view with delineated limits or site indication constituting an integral part of the act on designation.

(2) With a view to preventing a threat to a protected area, the act on designation may specify an area of influence outside the protected area and prescribe measures for protection thereof.

**Article 24**

(1) The act on designation of a protected area referred to in Article 21, paragraph 1, 2 and 5 of this Act shall be published in the Official Gazette, while the act on designation referred to in Article 21, paragraph 3 and 4 of this Act shall be published in the official journal of the county or of the City of Zagreb and in the Official Gazette.

(2) The cartographic view with delineated limits or indication of the site shall be kept by the body passing the act of designation, and one copy of the act and the cartographic view must be forwarded to the Ministry and the Institute.

(3) The act of designation shall be forwarded to a competent court for registry in land registers.

**Article 25**

(1) Where the features for which the protected area was designated as such disappear, the body passing the act on designation may pass an act on cessation of protection subject to prior approval of the Ministry, according to the procedure stipulated for passing the act on designation of protection.

(2) The act on cessation of protection shall be forwarded to a competent court for deletion of the record in land registers.

**Preventive protection**

**Article 26**

(1) The area ascertained by the Institute through an expert statement of reasons as having the characteristics of a protected area and/or for which a procedure to place it under protection has been launched, shall be designated to be under preventive protection by the passing of a decision on preventive protection. The decision on preventive protection shall be passed by the Ministry.

(2) The decision on preventive protection shall establish the protected area and the designated period of preventive protection, which may not exceed three years from the date of passing the decision.

(3) The provisions of this Act shall apply during the period of preventive protection of a natural asset.

(4) The decision on preventive protection shall be forwarded to a competent court for registration in land registers.

**2. Protected taxa**

**Article 27**

(1) The Ministry shall designate wild taxa endangered within the meaning of this Act as protected taxa or strictly protected taxa by passing an ordinance at the proposal of the Institute on the grounds of an assessment of threat to certain taxa and obligations ensuing from international treaties in force to which the Republic of Croatia is a party.

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(2) The ordinance referred to in paragraph 2 of this Article shall be passed on the basis of the Red List drawn up by the Institute.

**Article 28**

(1) Indigenous domesticated taxa that are endangered within the meaning of this Act shall be established and designated as protected indigenous domesticated taxa by the Minister at the proposal of the Institute.

(2) The decision referred to in paragraph 1 of this Article shall also set out the breeding objectives, rules of breeding and conservation of pure and sound genetic material, as well as the methods of using endangered indigenous domesticated taxa not prescribed by a *lex specialis*.

**3. Protected minerals, speleothems and fossils**

**Article 29**

Minerals, speleothems and fossils shall be established and designated as protected mineral assets by the Minister at the proposal of the Institute.

**4. Register of protected natural assets**

**Article 30**

(1) Protected natural assets shall be registered in the Register of protected natural assets.

(2) The Register of protected natural assets shall be kept by the Ministry.

(3) The registration of protected natural assets and deletion from the Register shall be carried out on the basis of the act on establishing or designating and the act on cessation of protection.

(4) The content and method of keeping the Register of protected natural assets shall be set out by the ordinance issued by the Minister.

(5) Data from the Register of protected natural assets shall be public, unless it is set out that data on the status of a protected natural asset shall remain confidential for the sake of its protection.

**IV IMPLEMENTATION OF PROTECTION AND NATURE CONSERVATION**

**1. General safety and nature protection measures**

**Article 31**

(1) The owners and right-holders of components of nature must allow representatives of the bodies competent for exercising administrative and/or technical tasks of nature protection (hereinafter referred as: competent bodies) and persons whom they authorise, to inspect and examine such components of nature with the purpose of exploration, collecting technical information and supervision of the implementation of prescribed nature protection requirements and measures.

(2) The provisions referred to in paragraph 1 of this Article shall also refer to protected natural assets.

**Article 32**

(1) In order to organise driving and parking of motor vehicles (test driving, cross-country driving, off-road driving, sport, races and promotional driving, etc.) in areas off any kind of road, on country roads and improved paths, it shall be necessary to secure permission from the Ministry subject to the approval of the central state administration body competent for agriculture and forestry.

(2) For the exercise of official duties, or agricultural, forestry and other authorised activities, where they are compliant with this Act and other regulations, permission shall not be required.

**Article 33**

Changing the original purpose of land to a purpose incompatible with the physical planning document shall not be permitted in a protected area.

**Article 34**

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(1) Plant protection agents and mineral fertilisers may only be used on the basis of expert opinions and results of verification of the overall status of endangered species, in a nature-friendly manner, pursuant to *leges speciales*.

(2) In the case of well-grounded suspicion that the use of plant protection agents or mineral fertilisers endangers biological diversity or natural assets, i.e. that the use is not ecologically acceptable, the Minister shall, subject to the prior opinion of the central state administration body competent for agriculture and forestry, order temporary restriction or permanent prohibition of the use of plant protection agents or mineral fertilisers which endanger biological diversity or the natural asset.

Projects in nature

Article 35

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

(2) In carrying out a project, a developer must act in such a manner as to inflict the least possible damage on nature, and upon completing the project the developer must restore or bring the state of the natural environment close to that which prevailed prior to the project.

Article 36

(1) In the case of a planned project in nature for which an environmental impact assessment is not obligatory, and which by itself or in combination with other projects may have a significant impact on an ecologically important area or protected natural asset, its admissibility for nature shall be evaluated in relation to the objectives of conserving such an ecologically important area or protected natural asset, pursuant to this Act and *leges speciales*.

(2) In the case of planned projects where a *lex specialis* prescribes obligatory environmental impact assessment, nature impact assessment shall be carried out within the context of environmental impact assessment pursuant to the *lex specialis*.

(3) Projects for which nature impact assessment is obligatory, the content, deadline and method of establishing nature impact assessment, the method of informing the general public and the method of calculating the security for recovery of possible impacts on nature shall be laid down by ordinance by the Minister subject to prior approval of the head of the central administration body competent for environmental protection, physical planning and construction.

Article 37

(1) If the nature impact assessment referred to in Article 36 of this Act shows that the planned project is acceptable, the Ministry shall issue a decision authorising the project. The decision shall also set out the nature protection requirements including compensation terms. The decision shall also set out the payment of security for recovery of a potential impact on nature to the level of anticipated costs needed for elimination of potential impacts, the method of payment and security refund. If the nature impact assessment indicates that the project is unacceptable, the Ministry shall issue a decision denying the request for carrying out the project in nature.

(2) By way of derogation, if the planned project is not acceptable to nature, owing to overriding public interest, including that of an economic and social nature, or to lack of other appropriate solutions, the Government may grant a permit for carrying out the planned project following public consultation. A permit must include compensation terms.

(3) If in the area of planned project there is a habitat type or habitat of flora, fungus or fauna species protected pursuant to international treaties and other regulations, the overriding public interest owing to which the planned project is accepted may relate only to public health protection and public safety or to restoring conditions that are substantially more favourable for nature.

Article 38

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(1) The Ministry shall set out special nature protection requirements in the procedure of granting a location permit for construction and execution of works and projects in the area of a national park, special nature reserve, nature monument, nature park, as well as outside the limits of a building plot for buildings of importance for the Republic of Croatia established under a *lex specialis* and for projects involving areas extending over two or several counties or the City of Zagreb.

(2) The state administration office of the county, or administration body of the City of Zagreb competent for nature protection activities (hereinafter referred to as: state administration office) shall establish special nature protection requirements in the procedure of granting a location permit for construction and execution of works and projects in the area of a regional park, important landscape, forest park, park landscaping monument, as well as outside the limits of a construction plot.

Mitigation of harmful effects on nature incurred by projects or by the use of natural resources  
Article 39

(1) Compensation terms shall be established with the aim of mitigating or repairing foreseeable damage to nature.

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

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

(4) The types of compensation terms shall be as follows:

- establishing the compensation area whose characteristics are identical or similar to those of the degraded natural environment,
- establishing another area significant for conservation of biological and landscape diversity, or for protection of natural assets,
- payment of an amount equivalent to the estimated damage inflicted on nature in any case where it is not possible to apply recovery or other compensation terms.

(5) The Ministry shall define the compensation terms. The compensation amount shall be paid from the state budget.

Article 40

(1) If a project in nature or use of natural resources is undertaken without the nature protection requirements having been defined or contrary to published nature protection requirements, thus incurring damage to nature, the developer or the user of natural resources shall without delay and at his own expense eliminate the harmful effects of his action.

(2) Should the developer carrying out the project or the user of natural resources not eliminate the harmful effects of their action pursuant to paragraph 1 of this Article, thus causing damage to nature in ecologically important areas, protected areas or other natural assets, the Ministry shall by a decision define the compensation terms that the developer or user of natural resources must implement pursuant to Article 39 of this Article as well as the amount of compensation owing to damage caused to nature.

2. Protection of ecosystems

Article 41

(1) Protection of ecosystems shall be realised through the implementation of biological diversity conservation measures in the use of natural resources and physical planning, as well as protection of habitat types.

(2) The Institute shall keep a registry of ecosystems and shall together with a person managing the natural resource monitor the state of special and endangered ecosystems or habitat types pursuant to this Act.

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Article 42

- (1) The conservation of biological diversity of forest ecosystems shall be pursued in compliance with this Act and *leges speciales*.
- (2) Conservation of biological diversity of forests in forest management shall be provided on the basis of principles of sustainable development and maintaining the natural composition of species and their natural regeneration.
- (3) Forest management within the meaning of paragraph 2 of this Article shall be pursued on the principles of forest certification and pursuant to a *lex specialis*.
- (4) A programme for the protection of forest ecosystems comprising measures for their protection and improvement based on the state monitoring thereof shall be developed for protected areas.
- (5) The Programme for the protection of forest ecosystems shall constitute an integral part of the governance plan for public entities managing the protected areas referred to in Article 80, paragraph 1 of this Act and of the forest management plans.

Article 43

- (1) Afforestation, where habitat conditions so permit, shall be carried out by native species of trees in a composition reflecting the natural composition, using nature-friendly methods and with the permission of the Ministry.
- (2) Afforestation of non-forest areas shall be carried out insofar as endangered non-forest and rare habitat types are not further endangered thereby.
- (3) Endangered and rare habitat types shall be incorporated in forest management plans for a particular area on the basis of the habitat type map referred to in Article 57 of this Article.

Article 44

- (1) The use of biological and biotechnical plant protection agents in forests aimed at conserving biological diversity shall be permitted.
- (2) If a causative agent needs to be used which is likely to provoke major economic damage, and if there is no appropriate biological or biotechnical agent, chemical agents may be used with the permission of the central state administration body competent for agriculture and forestry subject to the approval of the Ministry.

Article 45

- (1) In order to conserve biological diversity throughout the forests, it is necessary to safeguard a constant proportion of mature, old and dead trees, particularly hollow trees, pursuant to nature protection requirements which constitute an integral part of the forest management plans.
- (2) Nature protection requirements shall be set out for a particular ecological and economic forest type or regulation category and constitute an integral part of the forest management plans of the area.
- (3) At any final clearing of major forest surfaces, minor surfaces defined in forest management plans shall be left uncleared for the sake of biological diversity conservation.
- (4) In order to enrich biological and landscape diversity, forest management shall be implemented in such a manner as to preserve forest clearings (meadows, pastures, etc.) and forest edges to the maximum extent.

Article 46

- (1) Within the meaning of this Act, karst ecosystems represent natural assets of international importance.
- (2) Natural resources management plans of karst area shall identify the potential impact on a karst ecosystem, subject to prior the approval of the Ministry.

Article 47

- (1) Speleological sites shall be the property of the Republic of Croatia.

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(2) A register of speleological sites shall be compiled. The register shall be set up and kept by the Institute.

(3) Discovery of any speleological site or part thereof shall be notified to the Ministry within 15 days.

(4) For further proceeding with a discovered speleological site, the Ministry shall issue a decision subject to a prior opinion of the Institute within 30 days from the date of notification of the finding of the said speleological site.

(5) Should the Ministry not issue a decision within the period referred to in paragraph 4 of this Article, it shall be deemed that exploration and protection of the discovered site is not necessary, and a legal entity or natural person may continue to undertake works or projects pursuant to a *lex specialis*.

**Article 48**

(1) It is prohibited to damage, destroy or take away speleothems, living organisms from speleological sites, fossil, archaeological and other findings, as well as to alter habitat conditions within the site, its above-ground area and the immediate proximity.

(2) Prior to performing any activity in a speleological site, it is necessary to secure permits from the Ministry, particularly as regards the following:

- organised visits, use or adoption of the speleological site or part thereof;
- opening and/or closing the entrance/exit in/on the speleological site, and construction, reconstruction or repair of any underground site;
- carrying out scientific and technical research;
- diving in a speleological site;
- recording films or taking photographs in a speleological site;
- acts and projects affecting fundamental features, conditions and natural flora and fauna in a speleological site and its above-ground area.

(3) Speleological associations may be granted an annual permit for carrying out scientific and technical research.

(4) The decision concerning the permission shall also include the nature protection requirements.

**Article 49**

(1) The owner of or holder of the right on land hosting the speleological site must not endanger or damage the speleological site, bury the entrance, or hinder its use in an authorised manner, and must render possible access and visit to such a site for authorised purposes only.

(2) The owner or holder of the right on land hosting the speleological site shall have the right of priority in granting a concession or the right to compensation for restrictions to which he/she is subjected owing to the use of the speleological site, in an amount proportional to the reduced income. The compensation level shall be determined by agreement, and in case of dispute concerning the level of compensation, the matter shall be referred to the courts. The compensation shall be disbursed from State Budget funds or the budget of the county or of the City of Zagreb.

(3) Should a concession be granted for the use of a speleological site, the concessionaire shall compensate the owner for constraints to which he/she is subjected in the amount established pursuant to paragraph 2 of this Article.

**Article 50**

(1) Wetlands, including waters, represent natural assets within the meaning of this Act, and should therefore be conserved in a natural state or in a near-nature state.

(2) The provisions of *leges speciales* shall apply to the issues of protection of wetland habitats, including waters, not governed by this Act.

(3) Any natural lake and pond, any pool in a coastal area measuring more than 0.01 ha, any natural and near-natural marsh measuring more than 0.25 ha, any bog, spring, underground

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sink and edge comprising a bank belt of two metres, shall represent ecologically important areas within the meaning of this Act.

**Article 51**

(1) No barrier construction, reclamation, burying or modification of the springs, underground sinks, ponds, etc. shall be permitted insofar as the subsistence of natural assets and conservation of biological diversity is thereby endangered.

(2) The quantity of water in wetlands referred to in paragraph 1 of this Article that is necessary for subsistence of natural assets and conservation of biological diversity shall be defined by the Ministry subject to prior approval of the central state administration body competent for water, on the basis of a study on required quantities of water supplies in wetlands elaborated by the Institute in cooperation with a legal entity competent for water management.

(3) Competent bodies within the scope of their activities, as well as natural persons and legal entities must in exercising their activities ensure a biological minimum of water in the wetlands.

**Article 52**

(1) Activities at sea and in its subsoil must not endanger, degrade or destroy marine habitats.

(2) Conservation of biological diversity shall be safeguarded through enforcement of the measures for conservation of habitat types in a favourable state and the measures for conservation of wild taxa.

**Article 53**

If protection of individual strictly protected types or habitat types so requires, the Minister may by an order, subject to prior approval of the minister competent for fisheries, temporarily or permanently exclude parts of the sea and its subsoil from fishing and other uses.

**Article 54**

For the sake of conserving biological diversity, grasslands shall be managed through a pasture and mowing regime, as adapted to the type of grassland, along with nature-friendly use of plant protection agents and mineral fertilisers.

**Article 55**

(1) For the sake of conservation of biological and landscape diversity, valuable and endangered peripheral habitats (hedges, isolated trees, and groups of trees, ponds and meadow stretches) should be conserved by arable land planning.

(2) In planning and effecting expansion of agricultural land, it is necessary to conserve to the maximum possible extent the existing habitats or create new habitats referred to in paragraph 1 of this Article, design their arrangement and size in such a manner as to safeguard the maximum value of the habitat with respect to biological and landscape diversity.

**3. Preservation of ecological network**

**Article 56**

(1) Preservation of the ecological network shall provide for conservation of habitat types in a favourable state or regeneration of habitats whose favourable state has been impaired.

(2) A habitat type shall be in a favourable state insofar as:

- its natural range and the area it covers is stable or increasing,
- there is, and in the foreseeable future will probably be maintained, a specific structure and functions necessary for its long-term survival,
- the favourable state of its important biological species is granted.

**Article 57**

(1) Habitat types shall be documented on a habitat map and their state and the threats thereto shall be monitored.

(2) Habitat types shall be deemed endangered insofar as their state is not favourable and/or they are under threat of extinction.

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(3) The areas of endangered and rare habitat types shall be ecologically important areas within the meaning of this Act.

(4) The sorts of habitat types, a habitat map, endangered and rare habitat types and the safeguard measures for conservation of habitat types shall be specified in the ordinance passed by the minister.

(5) The Institute shall monitor the state of and the threats to the habitat.

**Article 58**

(1) Ecologically important areas are the following:

- areas of exceptional biological diversity or well conserved areas of international importance by the standards of international agreements to which the Republic of Croatia is a party,
- areas that significantly contribute to the conservation of biological and landscape diversity in the Republic of Croatia,
- areas of habitat types that are endangered at a global, European or national level,
- habitats of species that are endangered at a global, European or national level;
- habitats of species endemic to the Republic of Croatia,
- areas that significantly contribute to genetic interrelatedness between the populations of biological species (ecological corridors),
- migratory routes of animals,
- conserved forest entities.

(2) The system of mutually interrelated or contiguous ecologically important areas, which by their balanced biogeographic distribution substantially contribute to conservation of natural balance and biological diversity constitute the ecological network. Within the ecological network, its parts communicate via natural or artificial ecological corridors.

(3) The Government shall at the proposal of the Ministry designate the ecological network with the system of ecologically important areas and ecological corridors.

**Article 59**

(1) The protection of ecologically important areas shall be safeguarded through implementation of statutory measures and nature protection requirements with the aim of conserving biological and landscape diversity and protecting natural assets pursuant to provisions of this Act.

(2) Actions that may result in destruction or any other substantial or permanent damage to an ecologically important area shall not be authorised.

(3) Provided that the Ministry may authorise actions referred to in paragraph 2 of this Article insofar as the damage to an ecologically important area may be compensated by appropriate measures or insofar as the projects and actions are necessary owing to overriding public interest.

(4) In granting the permit pursuant to paragraph 3 of this Article the Ministry shall define the compensation terms.

**Article 60**

(1) An international ecologically important area shall be an area established as such in accordance with international standards, by a regulation adopted by the Government that will also provide the protection thereof through a particular regime of protection, pursuant to the provisions of this Act.

(2) The management of an internationally and ecologically important area referred to in paragraph 1 of this Article shall provide for conservation and improvement of its characteristics that are of the highest importance for the conservation of a favourable state of the habitat type or wild species.

(3) The features that are of the highest significance for the conservation of a favourable state of species protected pursuant to international treaties in force to which the Republic of Croatia

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is a signatory shall be preserved and developed for the sake of protection of internationally important ecological areas and improvement of the coherence of the ecological network.

(4) Actions that may result in the destruction or some other substantial or permanent damage to an international ecologically important area shall not be permitted.

#### 4. Incentives for conservation and protection of biological and landscape diversity

##### Article 61

(1) Conservation of endangered wild taxa, indigenous domesticated taxa and endangered habitat types shall be supported by financial incentives and compensations, as well as by providing favourable loans for safeguard operations.

(2) Financial and other incentives shall also be set aside for protection and conservation of biological and landscape diversity, and particularly for stimulating a management that recognises and enforces biological and landscape diversity conservation measures not harmful to nature, as well as for granting compensations to legal entities and natural persons who owing to protection of biological and landscape diversity suffer respective constraints or damages.

(3) The financial incentive and compensation referred to in paragraph 1 and 2 of this Article shall be laid down by *leges speciales*.

#### 5. Conservation of genetic diversity

##### Article 62

(1) Genetic material shall be used pursuant to this Act and *leges speciales*.

(2) Extracting genetic material from nature for use must not pose a threat to the survival of the ecosystem or a population of species in their habitats.

##### Article 63

(1) Access to genetic sources shall be permitted to everyone on equivalent terms in the manner set out by this Act and a *lex specialis*.

(2) The results of research and development ensuing from use of genetic material shall be utilised in an equitable manner pursuant to *leges speciales*.

(3) Nobody may become the owner of genetic material produced on the basis of the genetic material of wild taxa.

##### Article 64

(1) Gene banks shall preserve biological material, controlled and bred populations or parts of animals, fungi or plants, especially seeds, spores, gametes and other biological material manipulated for the purposes of conservation of species or their genetic resources. The operation terms for gene banks shall be set out by the head of the central state administration body competent for science, subject to the approval of the Ministry.

(2) Gene banks shall be administered by legal entities or natural persons authorised pursuant to this Act or a *lex specialis*.

(3) The authorisation referred to in paragraph 2 of this Article shall be granted by the head of central state administration body competent for science, subject to the approval of the Ministry.

#### 6. Inventory and state monitoring

##### Article 65

(1) The Institute shall establish and keep an inventory of all the components of biological and landscape diversity (biological taxa, habitat types and landscape types), shall map endangered taxa and habitat types, and update them continuously and in timely manner.

(2) The data on the inventory shall be forwarded to the Ministry. The data shall be public, unless declared confidential for the sake of protection of wild taxa or habitats.

##### Article 66

(1) The Institute shall monitor and organise monitoring of the nature conservation status.

(2) Monitoring of the state of conservation shall involve:

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- monitoring and evaluation of the state of biological taxa, their habitats, habitat types, ecologically important areas, ecosystems, ecological network, and landscape types,
- monitoring the transformation of geological features (phenomena of landslides, subsidences, new springs, etc.), which also entails drawing up special geological maps as a basis for further exploration and monitoring,
- monitoring the state of protected natural assets.

(3) The data on monitoring the status of nature conservation shall be forwarded to the Ministry. The data shall be public, unless proclaimed confidential for the sake of protection of wild taxa or habitats.

**Article 67**

(1) In order to pursue exploration in protected areas of protected plant, fungi and animal taxa, protected minerals, fossils and speleological sites it shall be necessary to secure a permit from the Ministry. The permit shall also set out the nature protection requirements. The permit shall be issued in the form of a decision.

(2) A legal entity or natural person who has pursued explorations must report the results of the exploration to the Ministry and Institute within thirty days from the date of completing the exploration.

**Article 68**

The Institute shall manage the nature protection information system as part of an integral information system of the Ministry, in compliance with internationally agreed standards and commitments.

**SPECIAL NATURE PROTECTION AND CONSERVATION MEASURES**

**7. Implementing protection in protected areas**

**Article 69**

(1) The spatial arrangement, method of use, planning and protection of space in a national park or nature park shall be regulated on the basis of an expert document elaborated by the Institute, a spatial plan of the area distinguished by particular features.

(2) The spatial plan of the national park and nature park shall be adopted by the Parliament.

**Article 70**

(1) Protective measures for protected areas shall constitute an integral part of the spatial plans, governance plans, management plans, and other regulations passed on the basis of this Act regulating the issues of protection, conservation, improvement and use of the national park, nature park and other protected areas.

(2) The protective measures referred to in paragraph 1 of this Article relate to prohibition or restriction of projects in the space: building infrastructure objects; building new transit, utility, power, telecommunication and traffic facilities; excavation or filling in of land, excavation or extraction of stones, minerals, raw materials or fossils; disposal of waste and discharging wastewaters; modifying water regimes; removal of deposited matter; economic utilisation of natural resources; land-improvement projects; removal of hedges and other components of nature; planting monocultures; collecting fungi and plants and parts thereof; disturbing, killing or capturing animals; hunting; fishing; circulation; sport and recreational activities; posting advertising or other signs; visiting and touring; and other activities which endanger a protected natural asset.

(3) Exercises or other military activities likely to pose a threat to natural assets shall not be authorised in protected areas.

**Article 71**

(1) An Ordinance on internal order shall regulate in more detail the issues of, and stipulate the measures for, the protection, conservation, upgrading and use of a national park and nature park, as well as protected areas and other protected natural assets managed by a public entity founded by a county assembly or the Assembly of the City of Zagreb.

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(2) The Ordinance referred to in paragraph 1 of this Article for a national park shall be passed by the steering council of the public entity subject to the approval of the Ministry and prior opinion of the central state administration body for agriculture, forestry and water management where the underlying phenomenon involves forest or water.

(3) The Ordinance referred to in paragraph 1 of this Article for a nature park and other protected natural assets shall be issued by the steering council of the public entity subject to the approval of the Ministry and the central state administration body competent for agriculture, forestry and water management where the underlying phenomenon falls within its competence.

(4) The Ordinance on the internal order for national parks and nature parks shall be published in the Official Gazette, while ordinances on the internal order of other protected areas shall be published in the official bulletin of the respective establishing entity.

Protected area management

Article 72

(1) Protected areas shall be administered by public entities.

(2) Public entities in charge of administering a national park and nature park shall be established by the Republic of Croatia by virtue of a regulation adopted by the Government of the Republic of Croatia.

(3) Public entities for administering other protected areas and/or other protected natural assets shall be established by the regional government units or the City of Zagreb by virtue of a decision by the county assembly or the Municipal Assembly of the City of Zagreb.

(4) The county assemblies may transfer shareholder rights over the public entity referred to in paragraph 3 of this Article to the municipality or city whose territory hosts the protected area.

(5) Protected areas designated by the Government, county assembly or Municipal Assembly of the City of Zagreb, if located on the territory of a national park or nature park or adjacent thereto, or located just by the border thereof, shall be administered by the public entity administering the national park or nature park.

Article 73

(1) Public entities referred to in Article 72 of this Act shall carry out the activity of protection, maintenance and promotion of protected area with the purpose of protection and conservation of the authenticity of nature, safeguarding the undisturbed running of natural processes and sustainable use of natural resources, and shall control the enforcement of nature protection requisites and measures in the area they administer.

(2) Public entities administering nature parks and regional parks shall also control the method of carrying out authorised business activities with the aims of safeguarding rational and sustainable use of natural resources.

(3) Public entities shall exercise the activity referred to in paragraph 1 and 2 of this Article as a public service.

(4) Public entities may also exercise other activities defined in its charter and by-laws that serve for running the activities referred to in paragraph 1 and 2 of this Article.

Article 74

Funds for operation of the public entity and running the activity referred to in Article 73 of this Act shall be provided in particular from:

- the State Budget, and the budget of the county, City of Zagreb, city or municipality,
- income from the use of protected natural assets,
- income from compensation fees,
- other sources laid down in this Act and *leges speciales*.

Article 75

(1) The public entity administering the protected areas shall be run by the steering council. The steering council shall be composed of no more than five members.

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(2) The composition, method of election and terms of their office, as well as the method of making decisions of the steering council shall be regulated by the charter and by-laws of the public entity.

(3) The president and members of the steering council of the public entities founded by the Republic of Croatia shall be appointed by the Minister, while the president and members of steering councils in other public entities administering the protected areas shall be appointed by the representative body of the respective establishing entity.

**Article 76**

(1) The steering council of a public entity administering the protective area shall adopt:

- the by-laws of the public entity,
- a governance plan,
- an annual programme for protection, maintenance, conservation, promotion and use of a protected area containing a price list for services related to use of protected natural assets,
- general acts,
- the development plan of a public entity and annual financial plan,
- a decision concerning the election or appointment and dismissal of officers designated in the by-laws of the public entity.

(2) A governance plan and annual programme for protection, maintenance, conservation, promotion and use of a national park and nature park containing a price list for services related to the use of protected natural assets shall be adopted subject to the approval of the Ministry and prior opinion of the Institute.

(3) The governance plan concerning other protected areas shall be adopted subject to the approval of the Ministry and prior opinion of the Institute, while the annual programme for protection, maintenance, conservation, promotion and use of a protected area shall be adopted subject to the approval of the county council or Council of the City of Zagreb, or the city or municipal council.

(4) The by-laws of a public entity administering the national park or nature park shall be adopted subject to the approval of the Ministry, while those of public entities administering other protected areas shall be adopted subject to the approval of the council of the establishing entity.

(5) The public entity administering the protected area on the territory of two or several counties shall adopt by-laws subject to the approval of the Ministry.

(6) The public entity shall forward to its founder a report concerning the realisation of the governance plan and annual programme for protection, maintenance, conservation, promotion and use of the protected area by 1 March of the current year for the preceding year at the latest.

**Article 77**

(1) The Director of the public entity in charge of administering a national park and a nature park shall be appointed by the Minister, based on a public announcement procedure launched by the steering council.

(2) The Director of the public entity for administering protected areas under the competence of a county or the City of Zagreb shall be appointed by the representative body of the establishing entity on the basis of a public announcement procedure.

(3) A person holding a university degree and at least a five-year professional experience may be appointed to the position of director of a public entity. More detailed requirements with regard to the position of director shall be laid down in the public entity's by-laws.

**Article 78**

(1) The technical operations of a public entity administering a protected area shall be managed by a technical manager whose rights, liabilities and responsibilities, as well as the requirements he/she must meet, shall be laid down in the entity's by-laws.

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(2) Any person holding a university degree in natural sciences having at least five years of professional experience may be appointed to the post of technical manager.

**Article 79**

(1) Control over the legality of operations and general acts of public entities in charge of administering protected areas founded by the Republic of Croatia shall be exercised by the Ministry.

(2) Control over the legality of operations and general acts of public entities in charge of administering protected areas founded by a county, the City of Zagreb, a city or a municipality shall be exercised by a competent state administration office.

(3) Supervision over technical operations of public entities referred to in paragraph 1 and 2 of this Article shall be exercised by the Ministry.

**Governance plan for protected area**

**Article 80**

(1) The administration of a strict natural reserve, national park, nature park, regional park, special nature reserve and protected landscape shall be exercised in accordance with a governance plan.

(2) The governance plan shall be adopted for a period of ten years.

(3) The governance plan shall set out development guidelines, the method of implementing protection, the use and administration of the protected area, as well as more detailed guidelines for protection and conservation of natural assets of a protected area, taking into consideration the needs of the local population.

(4) Legal and natural persons exercising an activity in a protected area must adhere to the administration plan.

(5) Following the expiry of a period of five years the implementation of the governance plan shall be analysed along with results achieved and as circumstances require the audit carried out in a manner and in the procedure stipulated for the adoption thereof.

**Article 81**

(1) The governance plan for a protected area referred to in Article 80, paragraph 1 of this Act shall include:

a) The objectives and policies in administering the protected area, with the following components:

- perspective, mission and objectives for a protected area,
- protected area administration policy.

b) Protected area protection guidelines with the following components:

- state evaluation for the protected area and zone of influence,
- concept for protection of the entire area and its integral parts (zones),
- monitoring the state of protected area and its assets,
- protection and administration of the natural and cultural assets and the resources of the protected area (programmes for protection, etc.),
- development of authorised activities in a protected area,
- visiting the protected area (programmes of visits, interpretations, etc.)
- establishing connections between the protected area and its neighbouring areas,
- impact on environment and socio-economic complex.

c) Implementation of the plan, with the following components:

- guidelines for integrating sectoral plans,
- activities in implementing the plan,
- control of implementation of the plan,
- costs of implementation of the plan,
- method and sources of financing,
- institutional structure and bodies responsible for administering the protected area.

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(2) The governance plan shall be implemented by an annual programme for protection, conservation, use and promotion of the protected area.

(3) The public entity must provide public access to the governance plan draft proposal, pursuant to provisions of Article 166 of this Act.

Speleological sites

Article 82

(1) Where a speleological site is located in a protected area or represents a specially protected area, it shall be administered by a public entity pursuant to the provisions of this Act.

(2) Where a speleological site is located outside a protected area or is not accorded special protection, the administration of the speleological site for purposes of visiting and touring may be conferred on a legal or natural person pursuant to a decision on granting a concession under this Act.

Landscape protection

Article 83

In the activities of planning and organising the area and in planning and using natural resources it shall be necessary to provide for conservation of important and characteristic landscape features as well as the maintenance of biological, geological and cultural values featuring its significance and aesthetic perception.

Article 84

(1) Landscapes shall be classified according to their significant and characteristic features into landscape types reflecting the diversity of the natural and cultural heritage.

(2) Significant and characteristic landscape features shall within the meaning of this Act mean parts of nature characteristic of particular landscape types or artificial landscape components having natural, historical, cultural, scientific or aesthetic value.

(3) Landscape types and particularly valuable landscapes as protected natural assets shall be established by the Ministry at the proposal of the Institute, with the participation of the public, the competent state administration office in the county or in the City of Zagreb, units of local or regional self-government and other legal and natural persons holding an interest in establishing the values of a landscape.

(4) The monitoring of the state of significant and characteristic landscape features shall be carried out by the of regional self-government units and of local self-government units in cooperation with the Institute and other authorised legal persons.

8. Protection and conservation of wild taxa

Article 85

(1) Wild taxa consist of:

- the specimens of wild growing plants, fungi and animals living in freedom and of cultivated/bred specimens thereof,
- their evolution forms (eggs, larvae, pupae, seeds, fruits, mycelia, etc.),
- parts and derivatives thereof,
- and readily distinguishable products thereof.

(2) In the absence of just cause, it shall be forbidden to disturb, capture or injure wild animals, reduce the population size of a wild taxon (by killing, eliminating, etc.), destroy or damage its habitat or modify its living conditions to an extent in which the taxon would become endangered. Just cause shall be established by the Ministry.

(3) It shall be forbidden to exterminate indigenous wild taxa.

(4) The favourable status of wild taxa shall be assured by protection of their habitats and by safeguard measures for individual taxa pursuant to the provisions of this Act.

(5) The state of wild taxa shall be favourable insofar as their range and population size are within the limits of natural fluctuations and do not indicate a long-term reduction trend, and if the habitats are sufficiently spacious to ensure long-term conservation of populations.

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Article 86

(1) In undertaking projects in nature and use of natural resources impinging upon the habitats of wild taxa, the measures, methods and technical means that contribute to the conservation of a favourable status of species shall be applied, or those which disturb wild taxa or habitats of their populations to the minimum extent, so that projects in habitats of animal species may be confined to a period coinciding with their vital periods of life.

(2) The preservation of wild taxa and their habitats referred to in paragraph 1 of this Article shall constitute an integral part of the measures and nature protection requirements referred to in Article 123 of this Act.

Article 87

(1) Public roads and other roads or constructions crossing the known migration routes of wild animals shall be built in such a manner as to provide for safe crossing for wild animals at appropriate spatial distances.

(2) Constructed crossings ensuring undisturbed and safe crossing by wild animals shall enjoy protection as natural assets.

(3) The protective measures, the persons eligible to provide protection and the method of maintaining the crossings referred to in paragraph 2 of this Article shall be prescribed by ordinance by the Minister subject to the approval of the head of the central state administration body competent for communications, environmental protection and physical planning.

Article 88

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

(2) Within five years from the entry into force of this Act, measures necessary for protection of birds from electric shock shall be carried out on towers and technical components endangering birds to a high degree and built prior to the entry into force of this Act.

(3) The provisions of paragraph 1 and 2 of this Article shall not apply to overhead railway wires.

Article 89

(1) For collecting plants, fungi and parts thereof, as well as capturing or killing animals belonging to a category of protected wild taxa referred to in Article 19 of this Act, for the purpose of processing, trade and other business, if not set out otherwise by the present or another act, it shall be necessary to procure a permit from the Ministry. The permit shall be issued in the form of a decision.

(2) The applicant may be granted a permit for operations referred to in paragraph 1 of this Article, if he/she is a holder of prior approval by an owner or holder of the right to natural resources.

Article 90

(1) Natural and legal persons may carry out research on protected components of nature in the Republic of Croatia with the approval of the central state administration body competent for science, subject to the prior approval of the Ministry, and in the case of research on animals, also of the central state administration body competent for agriculture and forestry.

(2) Research referred to in paragraph 1 of this Article may be carried out at the land or aquatic surface subject to prior approval of the owner or holder of the right to use.

(3) Any person who has carried out research must notify the central state administration bodies referred to in paragraph 1 of this Article of the research results within 8 days from the date of completion of research.

(4) For exporting the 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 permit from the Ministry. The permit shall be issued in the form of a decision.

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Article 91

- (1) It shall be forbidden to introduce alien wild taxa into nature on the territory of the Republic of Croatia and into ecological systems which they do not populate naturally.
- (2) It shall be prohibited to introduce alien wild fish into natural and near-natural waters, as well as to transfer such species from fish farms into other wetland habitats.
- (3) By way of derogation, introduction referred to in paragraph 1 of this Article shall be authorised if scientifically and technically founded and acceptable from the standpoint of nature protection and sustainable management.
- (4) The Ministry shall issue a permit referred to in paragraph 3 of this Article on the basis of a study of the assessment of the risk of introducing into nature, subject to prior approval from the minister competent for agriculture and forestry. The permit shall be issued in the form of a decision.
- (5) The costs of producing the study and of enforcing the procedure of assessing the risk resulting from introduction into nature shall be borne by a legal or natural person that filed the request for the issuing of the permit.
- (6) Any breeding of alien wild taxa in a controlled environment which obviates invasion of the natural environment shall not be deemed as introduction.
- (7) The method of producing and conducting the study on assessing the risk resulting from introducing and reintroducing into nature, as well as the method of ascertaining public opinion shall be prescribed by ordinance by the Minister.

Article 92

Should incidental introduction of alien taxa into the territory of the Republic of Croatia occur, or if there is a grounded suspicion that such introduction is to occur, the Minister shall by an order prescribe measures for proceeding with the purpose of destroying or preventing further propagation of introduced alien species.

Article 93

- (1) Reintroduction of vanished wild taxa into the natural environment on the territory of the Republic of Croatia may be pursued with permission from the Ministry granted on the basis of a study of assessment of the risk resulting from reintroduction into the natural environment, subject to prior approval from the central state administration body competent for agriculture, forestry and water management.
- (2) The costs for producing the study and conducting the procedure of assessing the impact of reintroduction on natural environment shall be borne by the legal or natural person who filed the request for the issuing of the permit.

Method of using protected wild taxa

Article 94

- (1) The use of protected wild taxa shall be authorised in a manner and in a quantity ensuring that their population at national or at local level is not endangered.
- (2) The Minister and the minister competent for agriculture, forestry and water management, each one within his/her competence, shall lay down the protective measures for protected wild taxa which include:
  - seasonal prohibition on use and other restrictions on the use of populations,
  - temporary or local prohibition on use for the sake of regenerating populations to a satisfactory level,
  - regulation of trade and holding for commercial and transport purposes of live and dead specimens.
- (3) The Ministry shall keep records of the method and intensity of use of protected wild taxa in order to establish and monitor the state of populations. Where it is established that owing to use the protected wild taxon is under threat, the Minister may issue an order prohibiting or restricting the use of such a taxon.

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Article 95

Use is prohibited of any devices for capturing and killing wild animal taxa as well as the use of agents that may induce local disappearance or severe disturbance of populations of such species, and especially:

- legtraps,
- crossbows,
- electrical and electronic devices capable of killing or stunning,
- artificial light sources, except in fishing at sea,
- mirrors and other dazzling devices,
- sound transmitters (tape recorders, cassette recorders, etc) emitting sounds of call, pain or response,
- devices for illuminating targets,
- sighting devices for night shooting comprising an electronic image magnifier or image converter,
- explosives,
- poisons or dazing baits,
- semiautomatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition,
- aircraft,
- moving motor vehicles,
- and other means set out in international treaties in force to which the Republic of Croatia is a party.

Strictly protected wild taxa

Article 96

(1) A particular wild taxon may be strictly protected on the entire territory of the Republic of Croatia or the individual parts thereof.

(2) Protective measures for a strictly protected taxon and protective measures for habitats thereof shall be prescribed by decree by the Ministry.

(3) Should a particular area be a temporary habitat of a strictly protected wild taxon, and its protection may not be safeguarded otherwise, the Ministry may by order, with an opinion previously obtained from the central state administration body competent for agriculture and forestry, designate such an area or part thereof as temporarily protected, but not for a period exceeding six months.

Article 97

(1) It shall be forbidden to pick, collect, destroy, cut or uproot wild growing strictly protected plants and fungi.

(2) It shall be forbidden to hold and trade in wild growing strictly protected plants and fungi.

(3) Strictly protected animals shall by prohibition not be:

- deliberately captured, kept and/or killed,
- deliberately harmed and their evolution forms, nests or broods, or breeding or resting sites 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,
- deliberately destroyed or their eggs picked up from a natural environment or kept as empty eggs,
- hidden, kept, bred, traded in, imported, exported, transported and alienated or acquired in any other way or stuffed.

(4) Protection shall also extend to wild growing plants and fungi, as well as wild animals found in a national park, strict nature reserve, and special nature reserve in the case of wild

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growing plants, fungi and wild animals owing to which the area is protected in the first place, as well as all underground animals even where not protected as individual taxa, insofar as the act on protection of such area provides otherwise for individual species.

(5) The Ministry shall be notified of any incidental capturing and/or killing of strictly protected animals. The Ministry shall keep the records on incidentally captured and/or killed strictly protected animals, and decide on protective measures with the aim of preventing a negative impact on individual species.

**Article 98**

(1) By way of derogation from the provisions of Article 97 of this Act, in the case of justified public interest and provided the derogation will not be harmful for the survival of a particular population, the Ministry may authorise operations for the sake of:

- protection of plants, fungi and animals,
- preventing severe damage to crops, livestock, forests, fishponds, water and other forms of property,
- protection of public health and safety, air safety or other overriding public interests, and,
- research and education, repopulation, reintroduction and necessary reproduction,

(2) The Ministry may authorise, on a selective basis and to a limited extent, the taking, holding and other reasonable use of certain strictly protected wild taxa in small quantities under strict control in order to maintain the favourable status of the species.

**Article 99**

(1) Certain specimens of strictly protected wild animal taxa may be kept in captivity, bred, sold and purchased on the basis of authorisation from the Ministry, provided that:

- such specimens have been legally imported into the Republic of Croatia and have an owner,
- such specimens have been acquired legally prior to the granting of legal protection to the taxon,
- the case referred to in Article 98 of this Act applies.

(2) By way of derogation from Article 97 of this Act, certain strictly protected animals, fungi and plants may be placed on the market or exported and imported for trade purposes with the authorisation of the Ministry, and exported and imported for scientific purposes, for exchange, exhibition and the like on the basis of authorisation granted by the Ministry.

(3) The finder must notify the nearest veterinary organisation and veterinary private outpatient clinic and the Ministry of:

- dead specimens of strictly protected wild animals found,
- specimens of strictly protected wild animals that are diseased or injured to such an extent that they are not capable of surviving in nature by themselves.

(4) The veterinary organisation and veterinary private outpatient clinic must establish the cause of death of strictly protected wild animals found dead. The costs of the procedure shall be borne by the Ministry.

(5) The Ministry may at the request of the finder of a diseased or injured animal allow him, insofar as he possesses adequate knowledge and conditions, to keep such an animal in captivity for healing and recovery purposes. Justified costs incurred by treatment of the animal shall be borne by the Ministry.

(6) The Ministry may authorise derogations from the prohibition on keeping in captivity and marketing of strictly protected wild taxa, where such are confiscated or seized specimens, and if not contrary to other regulations and international treaties to which the Republic of Croatia is a party.

(7) Each specimen of strictly protected taxa referred to in paragraph 6 of this Article must be duly marked.

**Article 100**

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(1) For exploring strictly protected taxa it shall be necessary to secure a permit in the manner set out in this Act.

(2) Exploration results shall be forwarded to the Ministry and the Institute within thirty days following completion of the exploration.

Transfrontier trade in protected wild taxa

**Article 101**

(1) The Ministry shall grant authorisation for taking out, introduction, export or import and introduction from the sea of wild taxa, parts and derivatives thereof produced under this Act. The permit shall be issued in the form of a decision.

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

(3) The authorisation referred to in paragraph 1 of this Article shall be issued on the basis of evidence:

- on legal acquisition of the entitlement to free use of an individual pertaining to wild animal, fungus and plant taxa or proving that a bred specimen is involved;
- that animals or a consignment have been marked in the prescribed manner;
- that in the case of import, an export permit has been secured from a competent body of the exporting country.

(4) The authorisation referred to in paragraph 1 of this Article shall be granted only on condition that the Ministry has ascertained that the import and export approved will not endanger wild populations of animals, fungi or plants concerned.

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

(6) The species for which a permit referred to in paragraph 1 of this Article is granted, the procedure and terms for issuing permit, the method of marking animals or consignments, the method of exercising control and keeping records as well as producing the reports, shall be prescribed by ordinance by the Minister.

(7) At import, export, introduction from the sea and/or transit, live animals must be transported and attended to in a manner that minimises the likelihood of injuring, causing harm to health or inhumane conduct, pursuant to *leges speciales*.

**Article 102**

(1) It is mandatory to notify a competent organisational unit of the customs service of the import, export or transit, as well as introduction or taking out of protected taxa, parts and derivatives thereof, pursuant to provisions of this Act and regulations for implementation thereof, accompanied by relevant application of customs regulations.

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

(3) State border crossings where export, import or transit as well as introduction or taking out of protected taxa, parts and derivatives thereof may be carried out, as well as the conditions relative to their fitness in terms of equipment and capacity to perform such procedures, shall be set out by the head of the central state administration body competent for agriculture, forestry and water management subject to the approval of the Minister.

(4) The customs service must at import, export, introduction from the sea or re-export referred to in Article 101, paragraph 1 of this Act examine relevant permits depending on the statutory protection of wild taxa, as well as certify the border crossing in a section designated therefore on the permit form. In the case of export, the customs service shall deliver a corresponding certified copy of a permit bearing indications “for the exporting country” to the Ministry, while the customs service shall keep the copy of the permit bearing the indication “for

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customs” for their own records. In the case of import, the customs service shall certify the original and first copy of the permit for the applicant, return the first copy for the applicant to the importer, and forward the original copy of the permit to the Ministry.

Article 103

(1) If at import, export, introducing from the sea or transit, the customs service is not able to establish whether animals, fungi or plants belong to taxa whose import or export is subject to restrictions or prohibitions, it may proceed as follows:

– at the expense of the person submitting the customs declaration or the consignee or consignor of goods, to store the goods itself or deposit them with somebody else pending ascertaining whether they belong to taxa whose export, import or transit is subject to restrictions,

– to leave the goods to the person submitting the customs declaration or the consignee or consignor pending finalisation of the procedure, but banning the use thereof.

(2) The customs service may request a person submitting the customs declaration or the consignee or consignor to deliver a certificate that the taxon in question is not under protection.

(3) Any taxa that the customs service ascertains as being imported, exported or transited without statutory permits or other documents, shall be confiscated pending finalisation of the procedure. A certificate shall be issued on confiscated taxa. Confiscated taxa shall be deposited with an authorised legal or natural person indicated on the list of the Ministry and may be deposited with a person submitting the customs declaration or consignee or consignor banning the use thereof. If the prescribed permit or other documents requested are not delivered within a month following confiscation or within an extended deadline that may not exceed two months, the customs service shall issue a decision on seizure.

(4) If in the course of the customs procedure it is ascertained that seizure of taxa having no import or export permit is involved, these shall be seized, and a certificate shall be issued on the taxa seized.

(5) In cases referred to in paragraphs 3 and 4 of this Article, the customs service must as soon as possible notify the Ministry deciding on the temporary or permanent care of seized taxa, mindful of the provisions of *leges speciales* and international treaties in force to which the Republic of Croatia is a party.

(6) Where the taxa are confiscated or seized, the costs incurred thereby (costs of food, accommodation, transport, restitution, etc) must be paid by the person submitting the customs declaration or by the consignee or consignor. If the person submitting the customs declaration or the consignee is not identified, the costs must be paid by the consignor, carrier or buyer.

Keeping, breeding and trade in wild taxa

Article 104

(1) It shall be prohibited to keep the animals of wild taxa in captivity in unsuitable conditions and without appropriate care.

(2) Natural or legal persons that become owners of protected animals with the purpose of keeping them in captivity shall have the obligation to notify the Ministry thereof within thirty days following the entitlement to ownership on such animals.

(3) Animals referred to in paragraph 2 of this Article shall, if provided therefor by the law, be permanently and unalterably marked in the manner provided by statute.

(4) The conditions for keeping, and the method of marking and keeping records concerning animals referred to in paragraph 2 of this Article shall be prescribed by ordinance by the Minister.

Article 105

(1) A natural or legal person who intends to keep animals of indigenous or alien wild taxa in captivity with the purpose of displaying those to general public in zoological gardens,

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aquariums, terrariums or similar spaces, must secure authorisation from the Ministry. The authorisation shall be issued in the form of a decision.

(2) The authorisation referred to in paragraph 1 of this Article shall be granted insofar as the applicant presents evidence that all statutory requirements have been fulfilled, and that the animals will be displayed in an environment imitating natural conditions in a habitat that does not misrepresent the biological perception of the taxon.

**Article 106**

(1) A natural or legal person who intends to breed indigenous or alien wild taxa must obtain authorisation pursuant to this Act or a *lex specialis*.

(2) Should an ecological risk be ascertained in the procedure of granting authorisation, the Ministry may request the applicant to draft a preliminary risk assessment survey prior to granting the permit in order to control negative impacts on local ecological systems and indigenous species.

(3) The Ministry may prescribe permanent and irreplaceable marking for animals referred to in paragraph 1 of this Article.

(4) The owner of the animals referred to in paragraph 1 of this Article must ensure that the animals will not escape into nature and shall be responsible for any damage that the animals may cause.

**Article 107**

(1) A legal and natural person using live animals of indigenous or alien wild taxa for commercial gain must provide suitable conditions for keeping the animals pursuant to this Act and other regulations, and also keep records on trading operations with animals.

(2) Trading means sale and purchase, acquiring for commercial purposes, displaying to the public for commercial gain, use for commercial gain, keeping for sale, offering for sale or transport for sale, as well as the lease and exchange of animals, fungi and plants. Trade may be effected only with specimens bred in a registered establishment or by possession of a document on authorised ancestry, and provided the specimen or consignment is properly labelled.

(3) In trading in protected animals, the seller or the owner must issue a certificate of ancestry of the animal and an invoice to the new owner.

(4) Legal and natural persons must secure authorisation or approval from the Ministry in exercising the activities referred to in paragraph 2 of this Article.

**Article 108**

(1) Specimens of protected taxa kept in captivity without authorisation or bred or traded illegally shall be seized by a competent inspector issuing a certificate of receipt.

(2) Seized specimens referred to in paragraph 1 of this Article shall be taken care of temporarily or permanently by authorised natural or legal persons at the expense of the Ministry.

**9. Protection of minerals, fossils and speleothems**

**Article 109**

(1) Minerals, fossils and speleothems designated as protected natural assets shall be kept at the discovery site thereof, and the discovery site shall be a beneficiary of protection as a protected natural asset.

(2) If the minerals, fossils and speleothems cannot be protected at their discovery site, they shall be deposited with a legal or natural person who shall provide for their technical protection and render possible their use for educational purposes, museum activities, science and nature protection.

(3) The conditions under which the minerals, fossils and speleothems must be deposited with a legal or natural person for protection and care shall be set out by the Ministry.

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(4) The conditions for exploration of the discovery sites, the method of protection of minerals, fossils and speleothems at the discovery site, the method of protecting the discovery site, as well as the content, method and conditions for the technical safeguarding of minerals, fossils and speleothems kept outside their discovery site shall be set out by the Ministry subject to the prior opinion of the central state administration body competent for science.

**Article 110**

(1) It shall be prohibited to take from the natural environment minerals, fossils and speleothems designated as protected natural assets or situated in a protected discovery site.

(2) By way of derogation the Ministry may authorise taking from the natural environment minerals, fossils and speleothems designated as protected natural assets, or situated in a protected discovery site for the purpose of scientific and technical research, education, displaying at exhibitions, etc.

**Article 111**

(1) The finder must notify the Ministry of the discovery of minerals, fossils and speleothems which could represent a protected natural asset referred to in Article 110 of this Act within eight days from the date of discovery and undertake necessary protective measures against destruction, damage or theft.

(2) The Ministry shall take decisions on exploration of discovery sites of minerals, fossils and speleothems not later than thirty days from the date of notification of the discovery site. The decision concerning exploration shall also stipulate the nature protection measures.

(3) Unless provided otherwise by the Ministry, the finder may not carry out any activities at the discovery site that could result in destruction or damaging of the discovery site, apart from protective measures.

(4) The owner or holder of the right to land where minerals, fossils and speleothems have been found must render possible exploration of the discovery site pursuant to the decision issued by the Ministry.

(5) Exploration of the discovery site shall be carried out by a legal or natural person on the basis of an authorisation issued by the Ministry.

(6) A legal or natural person must within thirty days from the date of exploration pursued forward to the Ministry a report on exploration pursued containing data concerning the state of any discovery site, potential threat to the discovery site and any required additional explorations and additional safeguard measures.

**10. Restrictions in legal transactions**

**Pre-emption**

**Article 112**

(1) The owner of a real estate property located within the limits of a national park, nature park, strict or special nature reserve intending to sell such a property must first offer it for sale to the Republic of Croatia, thereafter to the county or the City of Zagreb, thereafter to the city or municipality hosting the property, while the owner of a property in other protected areas intending to sell such a property must first offer it to the county or the City of Zagreb, thereafter to the Republic of Croatia, and thereafter to the city or municipality hosting the property.

(2) The owner of a property within the limits of a protected area must quote the price and state terms of sale in the offer.

(3) The Republic of Croatia, the county or the City of Zagreb, or the city or municipality must declare themselves concerning the offer within sixty days from the date of receipt of a written offer.

(4) Should the offer not be accepted within the stipulated deadline, the owner may sell the property on equivalent or more favourable terms compared with those contained in the offer.

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(5) Should the owner sell a property in a protected area failing to proceed pursuant to paragraph 1 and 4 of this Article, the Republic of Croatia, the county or the City of Zagreb, or the city or municipality shall be entitled to request cancellation of the sale contract by bringing legal action against the seller and buyer within ninety days from the date when the contract came to their knowledge, but not later than five years from the date of conclusion of the sales contract.

(6) The Republic of Croatia, the county or the City of Zagreb may within the period referred to in paragraph 5 of this Article request a declaration of the nullity of the sales contract for a property situated in a protected area and likewise in a case when such a contract is concluded in the form of donation or when the price level or terms of sale are fictitious, the actual price and contract terms being more favourable to the buyer.

(7) The pre-emption referred to in paragraph 1 of this Article shall be registered in the land register with the competent court.

Article 113

(1) Ownership of a property in a protected area may be acquired on terms set out in this Act and other laws.

(2) Foreign legal entities or natural persons may not acquire the entitlement to ownership of a property in a strict nature reserve, national park, special nature reserve, nature park, regional park, nature monument, important landscape, forest park or park landscaping monument unless otherwise provided by international treaty.

11. Expropriation and limitation of ownership rights

Article 114

(1) Where necessary for the sake of implementing the protection and conservation of protected natural assets, it shall be deemed that there exists an interest of the Republic of Croatia for expropriation or limitation of ownership and other property rights on real estate in a protected area.

(2) The procedure of expropriation on real estate shall be implemented pursuant to a *lex specialis*.

Article 115

(1) The Republic of Croatia must, at the request of the owner of a property in a protected area so designated by the Croatian Parliament or the Government, purchase at market price, or offer another property of equivalent value in exchange for, any property which owing to restrictions and prohibitions referred to in this Act can no longer be utilised for the activity for which it was utilised prior to the award of protection, or can be so utilised only to a reduced extent.

(2) The county or the City of Zagreb must, on request of the owner of a property in a protected area, so designated by virtue of this Act, purchase at market price, or offer another property of equivalent value in exchange for, any property which owing to restrictions and prohibitions referred to herein can no longer be utilised for the activity for which it was utilised prior to the award of protection, or can be so utilised only to a reduced extent.

(3) The owner of a property shall have the right to offer such property for sale pursuant to this Article within two years from the date of entry into force of the act that gave rise to restrictions and prohibitions on the property.

12. Remuneration and indemnity

Article 116

(1) A legal or natural person whose prevailing opportunities for earning income are significantly impaired owing to restrictions and prohibitions referred to in this Act or of the acts on protection passed on the basis of this Act, if such impairment cannot be compensated by authorised activity within the framework of the statutory protection regime within the

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protected area, shall be entitled to remuneration resulting from restrictions to which he/she is subjected.

(2) The Remuneration referred to in paragraph 1 of this Article may be disbursed if the state administration office has previously ascertained that the legal or natural person subjected to restrictions implements prescribed nature protection requirements.

(3) The level of remuneration shall be established by agreement, and in the case of dispute concerning the level of remuneration, the matter shall be referred to the courts.

(4) The remuneration referred to in paragraph 1 of this Article shall be the liability of the State Budget or the budget of the county or the City of Zagreb

(5) A legal person in the majority ownership of the Republic of Croatia shall not be entitled to remuneration on the grounds of restrictions it is subjected to in administering property.

**Article 117**

The Republic of Croatia shall not be liable for damage inflicted by wild taxa, except in the cases set out by law.

**Article 118**

(1) Any legal or natural person to whom animals of strictly protected taxa may cause economic or any other damage (hereinafter referred to as: the injured party) must duly and at his own expense undertake all authorised procedures and projects in order to prevent the occurrence of damage.

(2) The procedure or project within the meaning of paragraph 1 of this Article shall mean efficient fencing off, targeted safeguarding of resources and putting to flight the strictly protected animal taxa.

**Article 119**

(1) An injured party shall have the right to indemnity in the amount of the actual damage inflicted by the animals of strictly protected taxa if he/she has undertaken statutory procedures and projects.

(2) An injured party must notify the Ministry or the expert authorised by the Minister of the occurrence of damage without delay, and no later than eight days from the date of occurrence of damage.

(3) The injured party and the expert shall ascertain at the place of occurrence of the damage the facts essential for establishing the occurrence of damage, and the cause and level of damage, and the expert shall write up minutes thereon.

(4) If an injured party has duly reported the damage, and the expert does not attend for examination within three days from the receipt of notification, the injured party may submit a damage claim to the Ministry within an additional period of fifteen days.

(5) The procedures and projects referred to in Article 118 of this Act and the operation methods and procedures of the expert in the procedure of establishing damage, as well as the amount of indemnity (tariff) or criteria for evaluating damage shall be prescribed by ordinance by the Minister.

(6) The amount of indemnity shall be established by agreement between the Ministry and the injured party by virtue of the minutes on examination referred to in paragraph 3 of this Article, and in the case of dispute concerning the amount of indemnity, the matter shall be referred to the courts.

(7) A list of experts shall be published in the Official Gazette.

**Article 120**

(1) If a legal or natural person starts an activity or works in any area which is a natural habitat of a strictly protected wild taxon and which it already inhabits, and if there is a predictable risk of damage from the strictly protected wild taxon, the amount of indemnity shall be reduced for predictable damage.

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(2) The predictable risk referred to in paragraph 1 of this Article shall be established by the Ministry by virtue of the expert opinion of a competent institution or the authorised expert.

**Article 121**

(1) Legal and natural persons must indemnify for any damage incurred by violations of this Act.

(2) The amount of indemnity for damage inflicted by unauthorised action with regard to particular specimens of strictly protected taxa shall be established pursuant to the indemnity tariff to be issued by the Minister.

(3) The amount of indemnity incurred by unauthorised activity with regard to other protected natural assets shall be established by virtue of the expert evaluation of a person authorised by the Ministry.

(4) The funds arising from indemnities referred to in paragraph 1, 2 and 3 of this Article shall constitute the revenue of the State Budget.

**V USE OF NATURAL RESOURCES**

**Article 122**

(1) Use of natural resources shall be pursued on the basis of management plans and physical planning documents taking into account the conservation of biological and landscape diversity.

(2) It shall be prohibited to use natural resources in a manner that results in:

- degradation of the soil and the loss of its natural fertility,
- degradation of the surface or underground geological, hydrogeological and geomorphologic features,
- impoverishment of the natural flora, fungi and fauna,
- reduction of the biological and landscape diversity,
- pollution or contamination of water and endangering its exploitability..

**Article 123**

(1) Management plans for natural resources include nature protection measures and requirements.

(2) Nature protection measures referred to in paragraph 1 of this Article involve the following:

- review of protected and registered natural assets, ecologically important areas and particularly valuable landscapes with their features and an assessment of their state,
- review of the areas where the existence of natural assets is expected, as well as recommendations for procedure on the discovery of such assets or designating their protection,
- protective measures and development trends for protected natural assets, ecologically important areas and particularly valuable landscapes,
- measures for conservation of biological diversity, particularly the measures for conservation of habitat types,
- a cartographic view of habitat types.

(3) Prior to drawing up management plans concerning natural resources, the owners and holders of rights must obtain from the Ministry the nature protection requirements. The Ministry must issue nature protection requirements within sixty days from the date of the filing of a due request for the issue of the terms. Should the Ministry not issue nature protection requirements within the specified period, it shall be deemed that it agrees with the proposed management plan.

**Article 124**

(1) In the procedure of producing physical planning documents, the Ministry shall issue to the body responsible for drawing up a plan the requirements and measures for nature protection.

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(2) In the procedure of adopting physical plans involving a protected area, the prior opinion of the Ministry shall be sought.

**Article 125**

(1) Management plans concerning natural resources in protected areas shall be composed by the owners or right-holders subject to the prior opinion of the Ministry.

(2) Should the Ministry not grant approval within thirty days from the date of filing a due request, it shall be deemed that the approval is granted.

**Article 126**

(1) Should the method or extent of use of natural resources directly endanger the favourable state of a particular species or habitat type, the Minister may by order restrict or temporarily suspend the use while the threat prevails.

(2) For restrictions they are subject to by virtue of the order referred to in paragraph 1 of this Article, owners and right-holders shall be entitled to remuneration in proportion to their reduced income.

(3) The amount of remuneration shall be established by agreement, while in case of dispute concerning the amount of remuneration, the matter shall be referred to the courts. Remuneration shall be the liability of the State Budget.

(4) Any owner or right-holder who does not proceed in compliance with the order referred to in paragraph 1 of this Article shall be liable for any damage to a species or habitat type occurring after adoption of the order.

**1. Projects in protected area**

**Article 127**

(1) In a protected area any projects and actions shall be permitted that do not cause damage thereto or alter the characteristics in respect of which it is protected.

(2) Projects and actions in a protected area which pursuant to a *lex specialis* do not require the securing of a location permit or a nature impact assessment procedure, shall be granted authorisation.

(3) Authorisation for projects and actions in a strict nature reserve, special nature reserve, national park, nature park and monument of nature shall be issued by the Ministry.

(4) Authorisation for projects and actions in a regional park, important landscape, forest park and park landscaping monument shall be issued by the competent state administration office.

(5) Authorisation shall be granted in the form of a decision. Complaints against the decision of the state administration body may be lodged with the Ministry.

(6) Projects and actions conducted by virtue of management plans in forestry, hunting, fishery, water management and mining do not require the obtaining of approval insofar as the management plans include nature protection requirements.

(7) Should management plans referred to in paragraph 6 of this Article not include nature protection requirements, the authorisation shall be issued by the Ministry.

(8) The authorisation referred to in paragraph 3, 4 and 7 of this Article shall also include the nature protection requirements.

**Article 128**

(1) Protected natural areas may be visited and toured in a manner that will not endanger their assets or the implementation of protection.

(2) Visiting and touring a protected area and other protected natural assets shall be permitted to everyone under equivalent terms in compliance with this Act and regulations passed on the basis of this Act.

(3) Should visiting and touring of protected areas cause danger for their conservation, visiting and touring of the protected area or parts thereof may be banned or restricted.

**Article 129**

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**PROVISIONAL TRANSLATION**

(1) The owner or holder of the right to a protected area shall be bound to permit access to a particular natural asset provided that is necessary with regard to the scope of protection and significance of such a natural asset necessary for satisfying scientific, educational, aesthetic, cultural and recreational needs, in a manner and on conditions established by the decision of the Minister.

(2) The decision referred to in paragraph 1 of this Article shall stipulate remuneration to the owner or right-holder for any restrictions to which he is subjected.

**Article 130**

(1) Should the use and exploitation of a protected area for particular designated purposes be restricted or prohibited, the owner or holder of the right on such protected area shall have the right to remuneration owing to any restrictions to which he/she is subjected.

(2) The amount of remuneration shall be established by agreement. In the case of dispute concerning the amount of remuneration, the matter shall be referred to the courts.

(3) Remuneration shall be the liability of the State Budget or budget of the county, the City of Zagreb, city or municipality.

**Article 131**

(1) Care of natural assets in a protected area may be conferred on the owner or holder of the right to real estate by concluding a contract regulating mutual rights and liabilities between the public entity administering the protected natural asset and the owner or holder of rights on the property concerned. Should the natural asset be a forest, concluding the agreement shall require securing prior approval from the central state administration body competent for forestry.

(2) The contract referred to in paragraph 1 of this Article shall establish:

- the natural asset which is the object of care contracted,
- safeguard measures which the owner or right-holder must undertake during the contract period ,
- the amount of remuneration for enforcing statutory and contractually established safeguard measures,
- other mutual rights and obligations with respect to care for a natural asset.

(3) Should the natural asset referred to in paragraph 1 of this Article be a protected wild taxon, a contract shall be concluded by the Ministry.

**Article 132**

(1) The protection of a natural asset in a protected area may, on the basis of a conducted public bidding procedure, be conferred on a person who is not its owner or holder of the right to it, by concluding a contract on tutelage, under conditions established by the Ministry. The bidding procedure shall be conducted by the public entity administering the protected area hosting the natural asset.

(2) A person who meets prescribed requirements and concludes a contract with the public entity referred to in paragraph 1 of this Article shall become the trustee of a natural asset.

(3) The contract referred to in paragraph 1 of this Article shall regulate the issues stipulated in Article 131 of this Act.

**Article 133**

Where a particular activity or use of a natural asset or real estate property in the protected area is restricted or prohibited in a particular manner or with a specified purpose, entailing thereby damage to the owner or holder of the right to such a natural asset, he/she shall be entitled to remuneration for restrictions he/she is subjected to pursuant to provisions of this Act.

**2. Concessions and concession approvals**

**Concessions**

**Article 134**

**MEI**  
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**PROVISIONAL TRANSLATION**

(1) A concession provides the right to economic use of natural resources or the right to exercise activities of interest to the Republic of Croatia as well as the right to construct and use installations and plant necessary for exercising such activities in protected areas and speleological sites at which those shall be authorised pursuant to this Act.

(2) *Leges speciales* governing management of natural resources shall apply to the issues of granting concessions not governed by this Act.

**Article 135**

(1) A concession may not be granted in a strict nature reserve.

(2) A concession may be granted in the manner set out in this Act in a national park, special nature reserve, nature monument and speleological site.

(3) A concession in a maritime demesne in a national park or special nature reserve may be granted in accordance with the physical plan of the protected area.

(4) A concession in a nature park, regional park, forest park, important landscape and park landscaping monument may be granted pursuant to a *lex specialis* subject to approval from the Ministry. The approval shall not be required when the decision on concession is passed by the Government or the Parliament.

(5) A public entity does not need hold a concession for utilising natural resources in a protected area which it administers.

(6) The Government may by its decision specify particular protected areas or particular protected natural assets owned by the Republic of Croatia or parts of the maritime demesne in which a concession may not be granted.

**Article 136**

(1) A concession shall be granted by virtue of a completed public bidding procedure.

(2) The decision on publishing an invitation for bids shall also contain the nature protection requirements established by the Ministry.

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

(4) Concessions shall be registered in the Register administered by the Ministry.

**Article 137**

(1) The decision on awarding a concession shall particularly establish the following:

- the protected area or speleological site for which the concession is granted,
- the envisaged extent of economic use,
- the concession beneficiaries,
- the designated purposes for which the concession is granted,
- nature protection requisites which the concessionaire is bound to enforce,
- the period of concession,
- the amount of the fee or the basis for determining the amount of fee.

(2) The Ministry shall issue the decision on granting a concession for:

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

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

**Article 138**

(1) By virtue of the decision on concession, the granter of the concession and the concessionaire shall conclude a concession contract.

(2) The concession contract, in compliance with the decision on awarding the concession, shall set out:

- the designated purpose for which the concession is granted,

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- nature protection requirements and other requirements which the concessionaire must meet during concession use,
- the amount of the concession fee,
- conditions and method of payment of the fee,
- guarantees of the concessionaire,
- the method of establishing the relationship between the concessionaire and the public entity administering the protected area on which the concession has been granted,
- the method of resolving relations in the case of cessation of the concession prior to the expiry of the period for which the concession has been granted,
- other rights and liabilities of the concessionaire and the granter of the concession.

(3) The amount of the concession fee shall be established depending on the intended purpose, the extent and amount of necessary investments, the privileges and the material effects entailed by the concession, the restrictions to which the concessionaire is subject under statutory nature protection requirements, as well as other standards and market conditions established by the granter of the concession.

(4) The granter of the concession may decide that the concession fee be paid in an amount lower than the one specified pursuant to paragraph 3 of this Article, should the concession be granted with the purpose of improving the operations of the public entity administering the protected area, or should the grant of the concession ensure more adequate protection of a protected area or speleological site.

**Article 139**

(1) The rights and liabilities of the concessionaire under the concession contract may be transferred to another person subject to approval by the granter of the concession.

(2) The Concession period referred to in paragraph 1 hereof shall cease if the heirs or legal successors do not, within six months from the death of the person entitled, or from the cessation of the legal person, request the granter of the concession to confirm such a concession.

(3) Should the granter of the concession not confirm the concession, the concession shall be withdrawn.

(4) The heir of the person or the legal successor of a legal person referred to in paragraph 2 of this Article shall enclose evidence of fulfilling the requirements for assuming the role of a person entitled to the concession.

**Article 140**

(1) A concession contract shall cease to be valid:

- on expiry of the period for which the concession has been granted,
- by the death of the concessionaire or cessation of a legal person should the rights and liabilities under the concession contract not be transferred to a particular heir or legal successor,
- if by virtue of a valid court ruling or decision by a competent authority the concessionaire is under permanent ban on performing activities for which the concession has been granted,
- if such reasons arise by a change of the protection regime of the protected area in which the concession is granted as prevent the granting or the use of the concession on such an area,
- cancellation of the concession contract by mutual agreement.

(2) In the case of dispute concerning the cessation of validity of the concession contract for reasons set out in paragraph 1 of this Article, the matter shall be referred to the courts.

(3) In the case of cessation of a concession for reasons set out in paragraph 1 of this Article the concessionaire shall not have the right to compensation resulting from rescission of the contract.

**Article 141**

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**PROVISIONAL TRANSLATION**

(1) A concession contract may be rescinded prior to the expiry of a period for which the concession has been granted:

- if the concessionaire has not within due period started or completed the works he/she should have undertaken pursuant to the concession contract,
- if the concessionaire does not pay the concession fee as it falls due,
- if the concessionaire ceases to exercise continuously the activity for which the concession has been granted, where the rights and liabilities from the concession have not been taken over by a new user in the manner set out in this Act, upon expiry of a period of six months from the date when cessation of such activity has been ascertained.
- if the concessionaire is not using the concession in the manner established by nature protection requirements, resulting in the occurrence of threat to the protected area or speleological site, while in the period specified by the Ministry he/she has not restored the original state or implemented compensation terms.

(2) Should an agreement not be reached on contract rescission in the cases referred to in paragraph 1 of this Article, the decision concerning the concession shall be referred to the courts.

(3) A concessionaire with whom the concession contract has been rescinded for reasons established in paragraph 1 of this Article shall not be entitled to compensation for contract rescission.

**Article 142**

The Concessionaire must undertake all protective measures for a protected area or a speleological site in the manner and under the conditions established in the concession contract and this Act and regulations passed on the basis of this Act.

**Article 143**

(1) If during the period of a concession in a protected area unforeseeable changes or degradation should occur calling for restriction of the scope of the concession and the method of exploiting it, the concessionaire must undertake all the procedures and measures that may be ordered to him/her by the Ministry or state administration body with the goal of preventing the resulting changes or damage.

(2) In the event of undertaking the actions and measures referred to in paragraph 1 of this Article, the concessionaire shall be entitled to indemnity for actual loss.

(3) Should the concessionaire not respect the nature protection requirements issued, he shall be bound to indemnify for damage occurred, restore the former state or apply compensation terms pursuant to provisions of this Act.

**Article 144**

The fee for a concession granted by the Parliament of the Republic of Croatia, the Government or the Ministry shall be the income of the State Budget, while the contracted amount of concession fee granted by a competent body in the county or competent body of the City of Zagreb shall be the income of the county budget or of the City of Zagreb.

**Article 145**

(1) A concession in a protected area or speleological site shall be granted pursuant to this Act for a period of four to thirty years.

(2) No complaint shall be permitted against a decision on concession issued by the Parliament, the Government or the Ministry, but an administrative procedure may be instituted within 30 days from the date of delivery of the decision.

(3) Any complaint against a decision on concession issued by a competent county body or competent body of the City of Zagreb shall be lodged with a competent state administration body pursuant to a *lex specialis*.

**Concession approval**

**Article 146**

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- (1) The public entity administering the protected area may grant concession approval for a period of three years to legal or natural persons registered for craft trade for the economic use of natural resources or exercising other activities in a protected area.
- (2) Concession approvals shall be registered in the Register of the public entity and of the Ministry.
- (3) A public entity may not grant concession approval for economic use of natural resources or the exercise of other activity on a maritime demesne or for the management and use of forests, forest land and hunting-grounds.
- (4) Activities for which a concession approval in a protected area may be granted, with the exception of maritime demesne, the method of granting concession approvals, the conditions and method of establishing the amount of fee for the issuing thereof, the conditions and method of exercising the activity for which the contract on concession approval is concluded, shall be established by the public entity subject to the approval of the Ministry.
- (5) It shall be necessary to secure the approval of the Ministry for concession approval in a protected part of nature granted pursuant to this Act or pursuant to a *lex specialis*.
- (6) The income earned from concession approval fees under this Act shall be the income of the public entity administering the protected area in which the concession approval has been granted and shall be designated for nature protection.
- (7) On the basis of a decision on concession approval the granter of concession approval and the entitled person shall conclude the concession approval contract. The provisions of the Act on Concession Contracts shall correspondingly apply to the concession approval contract.
- (8) The decision on concession approval or the concession approval contract must provide for appropriate guarantees for implementing nature protection.
- (9) The Government may by its decision specify certain parts of maritime demesne for which concession approval prescribed by a *lex specialis* may not be granted.

**Article 147**

- (1) The decision on concession approval shall be issued on the basis of a completed procedure of public bidding or on request. The terms for granting concession approval as well as the conditions which are essential for nature protection shall be specified in the procedure of public bidding.
  - (2) Any complaint against a decision on a concession approval granted pursuant to this Act must be lodged with the Ministry within fifteen days from the date of delivery of the decision.
- 3. Use of minerals, fossils and speleothems.**

**Article 148**

- (1) A natural person may take from nature for his/her own collection minerals, speleothems and fossils which have not been designated as protected natural assets.
- (2) A legal person may take from nature minerals, speleothems or fossils not designated as protected natural assets for the purpose of exercising scientific, educational or museum activity.
- (3) A legal or natural person may take from nature minerals, speleothems and fossils for placing them on the market with previously obtained authorisation from the Ministry. Authorisation shall be issued in the form of a decision.
- (4) A legal or natural person who places minerals, speleothems or fossils on the market must for each mineral, speleothem or fossil it owns have evidence proving its origin or authorisation for taking it from nature. The evidence or authorisation shall at the sale of such minerals, speleothems or fossils be delivered to the buyer.
- (5) A legal or natural person referred to in paragraph 4 of this Article must keep records on placing of the market of minerals, speleothems or fossils.

**Article 149**

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(1) When taking minerals, speleothems or fossils from the natural environment it shall be prohibited to use machines, explosives, pressurised gas or other chemical agents.

(2) By way of derogation the Ministry may authorise the use of devices referred to in paragraph 1 of this Article with the view of collecting minerals, speleothems or fossils for scientific or educational purposes.

**Article 150**

(1) A natural or legal person intending to export minerals, speleothems or fossils must apply for an export permit from the Ministry. The permit shall be issued in the form of decision.

(2) It shall not be permitted to export minerals, speleothems or fossils that are designated as protected natural assets.

(3) By way of derogation, the Ministry may authorise the export of minerals, speleothems or fossils designated as protected natural assets for the purpose of scientific research, education or displaying at exhibitions. The permit shall set out the export terms for minerals, speleothems or fossils.

**VI PLANNING AND ORGANISATION OF NATURE PROTECTION**

**1. Basic documents in nature protection**

**Article 151**

(1) The basic documents in nature protection are the Strategy and Action Plan for Protection of Biological and Landscape Diversity of the Republic of Croatia (hereinafter referred to as: the Strategy) adopted by the Parliament, and programmes for nature protection adopted by county assemblies or the Assembly of the City of Zagreb, each one for its respective area.

(2) The programmes must be harmonised with the Strategy.

**Article 152**

(1) The Strategy defines long-term objectives and guidelines for conservation of biological and landscape diversity and protected natural assets as well as the methods for their implementation, in compliance with the overall economic, social and cultural development of the Republic of Croatia.

(2) The Strategy shall be drawn up on the basis of a report on the state of the natural environment and the status of nature protection (hereinafter referred to as: report on the state of the natural environment), and shall include in particular:

- general strategic objectives,
- guidelines for conservation of landscape, ecological systems, habitat types, wild taxa and indigenous domesticated taxa,
- guidelines for protected natural assets,
- guidelines for exploring and monitoring the state of the natural environment,
- guidelines for incorporating nature protection into other sectors,
- guidelines for legislative and institutional framework,
- guidelines for education and training aimed at promotion and conservation of biological and landscape diversity,
- guidelines for informing the public and for public participation in decision making concerning nature,
- action plans for implementation of guidelines, indicating priorities and potential sources of financing,
- the method of meeting international obligations concerning nature protection,
- cartographic supplement presenting spatially the measures for conservation of biological and landscape diversity and protection of natural assets

(3) The guidelines established in the Strategy shall be applied in drafting the physical plan and natural resources management plans.

(4) Expertise for drafting the Strategy shall be produced by the Institute.

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(5) The analysis of objectives and guidelines set out by the Strategy shall be pursued every five years as the analysis of action plan implementation, and a review of the Strategy shall be carried out as required.

Article 153

(1) In order to implement the Strategy and programme of nature protection as well as other documents regulating particular issues in the area of nature protection, a report on the state of the natural environment in the Republic of Croatia shall be drafted and submitted to the Parliament for adoption.

(2) The report on the state of the natural environment shall be drafted for a five-year period and shall among other things include in particular:

- data of the state of landscape, ecological systems, habitat types, wild taxa and indigenous domesticated taxa with the analysis of the threats thereto, as well as the reasons for such threats and problems concerning protection,
- data on the impact of use of natural resources on biological and landscape diversity,
- data on impacts of particular projects on nature,
- an evaluation of measures enforced in conservation of biological and landscape diversity and protected natural assets,
- an analysis of implementation of the Strategy and other documents essential for nature protection,
- evaluation of the monitoring carried out,
- data on the use of financial resources for nature protection,
- assessment of the need for drafting new or amending existing documents as well as other important data for protection and conservation of nature.

(3) A proposal of the report on the state of the natural environment shall be drafted by the institute, and defined by the Ministry.

(4) The county assembly and the Municipal Assembly of the City of Zagreb shall approve relevant reports on the state of the natural environment on their territory.

2. Carrying out the administrative and technical procedures concerning nature protection.

Article 154

(1) Administrative and technical procedures concerning nature protection shall be carried out by the Ministry and the state administration office, except for those procedures that under this Act or another act are under the competence of another state administration body, the Institute, town or municipality.

(2) Counties and the City of Zagreb must, in compliance with this Act, the Strategy, programmes for nature protection and physical planning documents:

- provide for the conservation of biological and landscape diversity on their territory,
- designate protected areas within their competence,
- provide conditions for protection and conservation of protected areas within their competence,
- participate in the procedure of designating protected areas promulgated by the Government or Parliament,
- participate in drawing up the governance plans for protected areas within their competence.
- provide for promoting nature protection and extend support and provide for professional and other associations whose activity is directed to nature protection,
- monitor the state of nature conservation and submit reports on the conservation status to the Ministry and the Institute,
- keep registers on the data relevant for nature protection,
- inform the public on the state of the natural environment on its territory and on the measures undertaken for the purpose of its protection and conservation,

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- provide technical and other assistance to local-government bodies in nature protection on their territory,
- perform as well other activities laid down in this Act and regulations passed on the basis of the Act.

(3) Cities and municipalities must, in compliance with programmes of nature protection and physical planning documents:

- provide for conservation of biological and landscape diversity on their territory,
- participate in the procedure of public examination in the interest of designating protected natural assets on their territory,
- monitor the status of nature conservation and submit reports on nature conservation to the Ministry and the Institute,
- keep registers on the data relevant for nature protection,
- inform the public about the state of the natural environment on their territory and on the measures undertaken in the interest of its protection and conservation,
- popularise the protection of natural assets on their territory
- support the activities of professional and other organisations whose activities are directed at protection of nature on their territory.

Article 155

(1) No complaint against decisions brought by the Ministry on the basis of this Act shall be permitted, but an administrative dispute may be instituted.

(2) Complaints against decisions brought on the basis of this Act may be lodged with the Ministry within fifteen days from the date of delivery of the decision.

3. Carrying out technical tasks of nature protection

Article 156

(1) Technical tasks of nature protection for the Republic of Croatia shall be carried out by the Institute.

(2) The Institute is a public entity that exercises its activity as a public service.

Article 157

(1) The Institute shall within the framework of its activities perform technical tasks of nature protection relating to:

- collecting and processing collected data in connection with nature protection,
- producing relevant data bases concerning plant, fungi and animal species, habitat types, ecosystems and landscapes,
- collecting and producing the data base of invasive alien species,
- monitoring the state of conservation of biological and landscape diversity and proposing the measures for protection thereof,
- drawing up expertise reports for protection and conservation of the parts of nature or natural assets,
- drawing up expertise reports with the object of establishing nature protection requirements, administering protected areas and use of natural resources,
- performing statistical analyses, consolidating results and drawing up the reports on the state and protection of nature,
- technical tasks in connection with nature impact assessment,
- preparation and implementation of projects and programmes in the field of nature protection,
- participation in implementing international treaties concerning nature protection in force to which the Republic of Croatia is a party,
- organisation and implementation of educational and promotional activities in nature protection,
- exercising other tasks set out in this Act.

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(2) The Institute shall carry out the tasks referred to in paragraph 1 of this Article in compliance with annual and pluriannual programmes of work.

(3) The annual and pluriannual programmes of work referred to in paragraph 2 of this Article shall be adopted subject to the approval of the Ministry.

(4) The Institute shall submit the achievement report concerning the annual and pluriannual programmes of work to the Ministry and the Government in the manner laid down in the Institute by-laws.

(5) The competent bodies and relevant institutions must forward to the Institute the data on the state of the natural environment collected pursuant to this Act.

(6) Funds for carrying out activities of the Institute laid down in this Act shall be provided in the State Budget and also from other sources in accordance with the law.

**Article 158**

(1) The Institute shall be managed by a Steering Council.

(2) The President and members of the Steering Council shall be appointed and dismissed by the Minister.

(3) The composition and term of office of the president and members of the Steering Council and the scope and method of their work shall be regulated in Institute by-laws.

**Article 159**

(1) The manager of the Institute shall be the Director of the Institute.

(2) The Director shall act on behalf of and represent the Institute.

(3) The Director of the Institute shall have the rights and liabilities established by the law, charter and by-laws of the Institute.

(4) The Director of the Institute shall be appointed and dismissed by the Government.

(5) Any person with a university degree and five years of professional experience, and meeting other requirements set out in Institute by-laws, may be appointed Director of the Institute.

(6) The competence, authorisation and responsibilities and the procedure of appointment and dismissal of the Director of the Institute shall be regulated by the charter and by-laws of the Institute.

**Article 160**

(1) The technical operations of the Institute shall be managed by the technical manager of the institute, whose rights, duties and responsibilities, as well as the requirements he/she must meet, shall be established in the charter and by-laws of the entity.

(2) Any person with a university degree in natural science and at least five years of professional experience and meeting other requirements set out in by-laws of the Institute may be appointed technical manager of the Institute.

(3) The competence, authority and responsibility as well as the procedure of appointment and dismissal of the technical manager of the Institute shall be regulated in the Institute by-laws.

**Article 161**

Control over the legality of operations of the Institute shall be exercised by the Ministry.

**Article 162**

(1) The counties and the City of Zagreb may, for the purpose of carrying out technical tasks in the field of nature protection, set up institutes for nature protection for their respective territories.

(2) The tasks of the institutes shall be specified in the charter and by-laws.

(3) The provisions of Article 157, paragraph 1 and 2 of this Act shall also apply in due manner to the institutes for nature protection in the counties and the City of Zagreb.

(4) Technical tasks in nature protection shall also be carried out by public entities administering protected areas and other protected natural assets pursuant to this Act, charter and by-laws.

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**VII ACCESS TO INFORMATION AND PUBLIC PARTICIPATION**

**1. Informing the public**

**Article 163**

(1) The Ministry, the Institute, the institutes for nature protection of the counties and of the City of Zagreb, the state administration offices, competent bodies of local-government units and regional -government units, and public entities administering protected assets must provide for the public character of data with regard to the state and protection of nature, unless a *lex specialis* or act of a relevant body provides for secrecy of data.

(2) Competent bodies and legal entities referred to in paragraph 1 of this Article must keep a register of data concerning the state and protection of nature, and in case of damage inflicted on nature they must inform the public thereof and provide instructions on procedures aimed at its protection and conservation. In the case of any immediate threat to nature and to human health, the public shall be informed about the undertaking of necessary measures and actions with a view to preventing or attenuating damage that could result from such a threat.

(3) The information must be timely and truthful.

**Article 164**

(1) The Ministry, the Institute, the institutes for nature protection of the counties and of the City of Zagreb, the state administration offices, competent bodies of the local-government units and units of regional government, and public entities administering protected natural assets must provide to the mass communication media at their request information concerning the state and protection of nature and on carrying out the tasks of protection and provide access to relevant documents.

(2) Information on the state and protection of nature shall, as a rule, be provided in written form.

(3) Reports on the state and protection of nature shall be submitted to the Parliament and Government at their request and in the manner laid down in this Act.

(4) The assemblies of the counties and the Municipal Assembly of the City of Zagreb must submit the reports on the state of and protection of nature to the Ministry every two years and also at other times at the request of such a body.

**Article 165**

Any person who finds that his/her request for information has been neglected or rejected unjustly, either partly or in entirety, shall have the right to adequate protection of his/her right before judiciary or other competent bodies.

**2. Public participation in decision making**

**Article 166**

(1) In the course of drafting legislation or acts on designating protected natural assets, administration plans for protected areas and plans for the use of natural resources as well as the generally applicable and legally binding regulations and documents in the field of nature protection, the participation of the public shall be provided for.

(2) In the course of the procedure referred to paragraph 1 of this Article the public must be informed via public announcement.

**3. Keeping and use of data**

**Article 167**

The documentation and data on inventory of all components of biological and landscape diversity as well as monitoring the nature conservation status, and in particular of protected natural assets, shall be collected and kept with the Institute and the Ministry.

**VIII NATURE PROTECTION LABEL**

**Article 168**

(1) A nature protection label shall be used in order to promote nature protection and the identification of officials in exercising control and undertaking measures in nature protection.

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(2) The design of the label and the procedure and conditions for its use shall be prescribed by ordinance by the Minister.

#### **IX PROMOTING EDUCATION ON NATURE PROTECTION**

##### **Article 169**

(1) The central state administration body competent for education must provide the conditions for promoting education on nature protection.

(2) The Ministry, the counties, the City of Zagreb, cities and municipalities as well as the Institute and legal persons holding public authority must stimulate the process of informing the public on nature protection and conservation thereof via the mass communication media, lectures and editorial activity, and inform about natural assets with a view to their being visited for educational, sightseeing and recreational purposes.

##### **Article 170**

(1) With the aim of promoting nature protection, a Nature Protection Day shall be celebrated each year.

(2) Educational, training, recreational, professional and other activities intended to stimulate and promote nature protection in an appropriate manner shall be organised on the Nature Protection Day.

(3) Nature Protection Day shall be celebrated on 22 May each year on the International Day for Biological Diversity.

#### **X RECOGNITION AND PRIZES FOR ACHIEVEMENTS IN NATURE PROTECTION**

##### **Article 171**

(1) Recognition and prizes for achievements in the field of nature protection shall be awarded for:

- results achieved in stimulating and promoting nature protection,
- work results achieved in nature protection projects and programmes,
- development of the system of education in nature protection in the schooling system,
- achievements of an individual in developing and improving nature protection at national and international level,
- contributions by professional institutions as well as professional and other associations in promoting nature protection.

(2) Recognition and prizes shall be awarded by the Ministry.

(3) The types, design, procedure and method of awarding recognition and awards shall be established by the minister.

#### **XI FINANCING NATURE PROTECTION**

##### **Article 172**

(1) Funds shall be provided in the State Budget for the protection of natural assets of international and national importance as well as for those natural assets established by the Ministry, for the financial and other incentives laid down in this Act, for indemnity for damages inflicted by protected animals, for effecting the pre-emption by the Republic of Croatia, for remuneration to owners and holders of rights on real estate in respect of restrictions to which they are subjected in protected natural assets of international and national importance, and for other purposes established in this Act.

(2) Resources shall be provided in the budget of the county, the City of Zagreb, cities and municipalities for protection of natural assets designated by the county or the city of Zagreb, for financial and other incentives laid down in this Act as well as for effecting the pre-emption and compensation to owners and holders of rights on real estate in respect of restrictions to which they are subject in such protected natural assets..

(3) Resources for nature protection shall be provided by using natural resources and protected natural values, unless otherwise provided for in this Act or a *lex specialis*, from fees for

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concession approvals and other sources set out by the law or regulations adopted pursuant to the law.

## XII SUPERVISION

### 1. Administrative supervision

#### Control 173

Administrative supervision over the application of the provisions of this Act and regulations passed on the basis thereof shall be carried out by the Ministry.

### 2. Direct supervision in protected areas

#### Chief supervisor, supervisors and rangers

#### Article 174

(1) Direct supervision in protected areas shall be carried out by the chief supervisor and supervisors of the public entity administering protected area.

(2) The chief supervisor and supervisors shall be appointed by the steering council of a public entity administering the protected area.

(3) A person who holds a 2 year post-secondary education degree or university degree in natural sciences, with three years of professional experience, and who has passed the certification examination, may be appointed to the post of chief supervisor, while a person who has completed at least secondary education, with one year of professional experience and who has passed the certification examination may be appointed to the post of supervisor.

(4) The chief supervisor and supervisors shall produce evidence of their official status by presenting the official card.

(5) The chief supervisor and supervisors shall in the course of performing their routine work wear a uniform, the nature protection label and the designation of the protected area that they inspect.

(6) The syllabus of the certification examination for chief supervisor and supervisor, the examination method, the content, form and method of issuing the official card and the design of the uniform shall be prescribed by ordinance by the Minister.

#### Article 175

(1) Should the chief supervisor or supervisor in exercising control encounter any person performing activities in a protected area incurring misdemeanour liability by virtue of the provisions of Article 195, 196, 197 and 198 of this Act, the chief supervisor and supervisor shall have the right and obligation:

- to request an identity card or another document in order to identify such a person,
- to inspect the luggage, vehicle or craft,
- to temporarily restrict the movement in a designated area,
- to issue a misdemeanour order against the defendant in order to collect a fine, penalty, indemnity or compensation for costs incurred from the perpetrator of the misdemeanour,
- to collect a fine, penalty, indemnity or compensation for costs incurred from the perpetrator without a misdemeanour order and issue a receipt for the fine collected,
- to temporarily seize any illegally acquired part of living or non-living nature belonging to the protected area as well as the means by which illegal acquisition has been effected,
- to request the restoration of the former state or order measures for preventing and eliminating damaging consequences,
- to pronounce an administrative measure,
- to bring misdemeanour or criminal charges.

(2) The misdemeanour order referred to in paragraph 1, subparagraph 4 of this Article may provide for a misdemeanour fine in the minimum amount stipulated for such a misdemeanour or order protective measure, while the fine referred to in paragraph 1, subparagraph 5 of this Article may be collected in the amount of HRK 500.00 for natural persons and HRK 10,000.00 for legal persons.

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(3) Funds collected pursuant to paragraph 1, subparagraph 5 of this Article shall constitute the income of the public entity.

(4) The chief supervisor and supervisors may, on the basis of a decision of the steering council, also carry out the tasks of a ranger.

**Article 176**

(1) The direct protection and tasks of keeping and promoting the protected area shall also be exercised by rangers, in particular:

- planning, organising and performing instructive walks throughout protected area,
- ecological teaching for visitors of a protected area and for the local population,
- care for the safety of visitors and in carrying out rescue operations,
- observing and monitoring the state of plant, fungus and animal species and of other assets in protected area,
- cooperation with leaders of research and other authorised projects in a protected area,
- cooperation with owners and holders of the rights to real estate in a protected area with a view to nature protection,
- control over performing authorised activities and operations in a protected area,
- caring for maintenance of infrastructure objects in a protected area,
- performing the tasks of a supervisor by virtue of special authority.

(2) Rangers may carry out the tasks of supervisor set out in Article 175, paragraph 1 of this Act, insofar as they are authorised for carrying out such tasks by the steering council, and if within the period of a year from issuance of the authorisation they pass the certification examination for supervisors.

(3) Rangers are the employees of a public entity, and the method and conditions for carrying out the tasks of a ranger shall be regulated by the public entity by a general act.

**3. Inspection supervision**

**Article 177**

(1) Inspection supervision over the application of this Act and regulations passed on the basis thereof shall be carried out by the nature protection inspectorate within the Ministry.

(2) Inspection supervision shall be carried out by the nature protection superintendent and nature protection inspectors.

(3) Inspection supervision may also be carried out by other state employees for the Ministry by virtue of special authorisation by the Minister.

(4) Nature protection superintendents and nature protection inspectors shall in implementing the inspection supervision prove their official capacity, identity and authority by the official card and badge.

(5) The content, form and method of issuing the official card and badge shall be prescribed by ordinance by the Minister.

**Article 178**

(1) The post of nature protection superintendent may be occupied by a person holding a university degree in the field of natural sciences with not less than five years of professional work experience and three years of work experience in nature protection operations, and who has passed the state certification examination for nature protection inspector.

(2) The post of nature protection inspector may be occupied by a person holding a university degree in the field of natural sciences with no less than three years of professional work experience, and who has passed the state certification examination for nature protection inspector.

(3) In addition to the requirements referred to in paragraph 1 and 2 of this Article, the nature protection superintendent and nature protection inspector must also meet the requirements set out in the laws regulating the status, rights and liabilities of state employees.

**Article 179**

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(1) The nature protection superintendent and nature protection inspector (hereinafter referred to as: the inspector) shall keep the register of inspections pursued and of other operations with the data on implementation of inspection supervision.

(2) The content and method of keeping the register referred to in paragraph 1 of this Article shall be prescribed by ordinance by the Minister.

**Article 180**

(1) Should the inspector establish, or learn of, an infringement of the law whose application he is authorised to supervise, he shall be bound to carry out an inspection procedure and undertake the measures set out in this Act.

(2) No complaint may be lodged against the decision and conclusion made by the inspector by which he finalises the procedure or pronounces an administrative measure, but an administrative dispute may be instituted.

(3) The inspector shall be bound to notify the complainant of the facts established in the inspection procedure or of the measures undertaken.

(4) Notice given by the inspector as referred to in paragraph 3 of the Article shall not constitute an administrative act.

**Article 181**

In implementing inspection supervision the inspector shall have the right to request personal data and to examine buildings and facilities of business, residential and other premises, work instruments, tools and other means of transport, business files and documents on the basis of which the identity of persons is proved, as well as the natural assets on which the inspectional supervision is performed.

**Article 182**

(1) In performing inspectional supervision the inspector shall have the right and responsibility to examine the protected natural asset and other natural assets enjoying protection under this Act, together with pertinent documents, business files and equipment, and to conduct a hearing of individuals in the administrative procedure.

(2) Any person under supervision must ensure the conditions for the carrying out of supervision by the inspector, render possible examination of work premises, permit access to any data and documents required for carrying out supervision, and give notification of the measures taken with the purpose of eliminating any shortcomings identified.

**Article 183**

In carrying out supervision over protected natural assets and other parts of nature provided for by this Act the inspector shall supervise:

- the state of the quality of the natural environment,
- the exploitation and usage of protected natural assets and other parts of nature,
- the application of the requirements and measures of nature protection as well as other acts issued on the basis of this Act,
- the implementation of compensation terms,
- the implementation of natural resource management plans in the part relating to nature protection measures and requirements,
- the implementation of the governance plan and programme of protection, conservation, use and promotion of the protected natural asset,
- actions that might give rise to alterations or degradation of a protected natural asset or other part of nature,
- the application of direct protection, conservation and use of protected natural assets,
- the implementation of protective measures with regard to protected plant, fungus and animal taxa and other protected natural assets,
- the export, import and transport of plants, fungi and animals, where restricted or prohibited by this Act or regulations passed on the basis thereof,

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- the introduction and re-introduction of wild taxa into the natural environment,
- informing the public on the state of the natural environment,
- implementing other prescribed requirements and protective measures for biological and landscape diversity set out in this Act and regulations passed on the basis thereof.

**Article 184**

(1) In implementing inspection supervision the inspector shall have the right and responsibility to order inspected persons to eliminate within due period any ascertained deficiencies and irregularities in proceeding with protected plant, fungus and animal taxa or other protected natural asset.

(2) in implementing inspection supervision the inspector shall have the right and responsibility to forbid inspected persons from performing any activity, procedures and works that are not in compliance with this Act and regulations passed on the basis thereof, to request the restitution of a previous state, or to order measures for preventing and eliminating damaging consequences.

(3) In the case referred to in paragraph 2 of this Article, the inspector may also order urgent measures for the sake of preventing or minimising damage incurred as a result of works, activities and procedures or further preventing the occurrence of damage.

**Article 185**

(1) In implementing inspection supervision the inspector shall have the right and obligation to seize temporarily from inspected persons the following:

- objects with which a criminal act or misdemeanour defined in this Act was committed,
- any movable protected natural asset, and to prescribe the depositing or keeping thereof.

(2) For objects and natural assets seized the inspector shall issue a confirmation of receipt and file a request for instituting misdemeanour or criminal proceedings.

(3) A competent court shall rule on permanent seizure of a protected natural asset or object referred to in paragraph 1 of this Article.

(4) A movable natural asset acquired by illegal activity which is subject to deterioration or which may not be taken care of in an appropriate way, or if its conservation calls for disproportionate costs, shall be sold, provided the sale is authorised pursuant to this Act, while the funds earned shall constitute the income of the State Budget, or shall be treated in a manner that is most appropriate for conservation and protection.

(5) By way of derogation from paragraph 4 of this Article, the seized natural asset may be conceded to a charity or other association accompanied by confirmation of receipt, but not for trading purposes.

**Article 186**

(1) In carrying out inspection supervision the inspector shall have the right and obligation to forbid inspected persons holding no authorisation of the Ministry or other approvals to:

- collect protected plants, fungi and parts thereof,
- put to flight, capture, keep, kill or stuff protected animals and their evolution forms,
- remove the nests or litters of protected wild taxa,
- introduce or re-introduce wild taxa into nature,
- trade in protected natural assets,
- trade in specimens of plant, fungus and animal taxa protected by virtue of international treaties to which the Republic of Croatia is a party,
- trade in real estate in protected areas,
- import, export and transport protected natural assets,
- perform underwater activities in protected areas,
- perform statutory procedures of nature protection,
- perform explorations in protected areas and/or exploration of individual protected taxa.

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(2) The inspector may order urgent measures in order to protect the life of persons and minimise damage inflicted by carrying out unauthorised activities, procedures or projects.

(3) The inspector shall be authorised to prohibit degradation or destruction of habitats of protected wild taxa as well as other activities and projects which are contrary to the provisions of this Act and regulations passed on the basis thereof.

**Article 187**

(1) Should the inspector in carrying out inspection supervision establish that a misdemeanour defined in this Act has been committed, he/she shall issue a misdemeanour order pursuant to a *lex specialis*, or lodge a request for instituting misdemeanour proceedings.

(2) The inspector may issue a misdemeanour order referred to in paragraph 1 of this Article for a misdemeanour that was committed for the first time and provided that he/she assesses by direct observation that for such a misdemeanour, considering all the relevant circumstances, a fine in the minimum stipulated amount is due.

(3) The wording of the decision on the misdemeanour order shall stipulate the instruction that the fine, penalty, indemnity or compensation for costs must be paid within eight days, or in cases laid down in a *lex specialis*, may be paid forthwith at the site of the misdemeanour perpetrated or of the supervision carried out.

(4) Should the inspector in carrying out inspectional supervision establish that there are grounds for suspicion that a criminal act has been committed, he/she shall be bound to file charges to a competent public prosecutor.

**Article 188**

(1) When the requirements for issuing a misdemeanour order are fulfilled the inspector may forthwith collect a fine, penalty, indemnity or compensation for costs from the perpetrator, without a misdemeanour writ, issuing however a confirmation of receipt.

(2) On the site of a misdemeanour perpetrated, or at the site of inspectional supervision, the total amount of the fine or penalty together with possible indemnity and costs shall be collected.

(3) Should the perpetrator of a misdemeanour not agree to pay the fine, penalty, indemnity or compensation for costs on the site of the misdemeanour perpetrated, or the site of inspection supervision, a misdemeanour order shall be issued to him/her containing instruction that payment may be effected within eight days from the date of commission of the misdemeanour.

**Article 189**

Should the inspector ascertain any infringement of a legal provision or other regulations whose application is supervised by another inspection authority or another state administration body, he/she shall notify thereof without delay the competent inspection or competent body.

**Article 190**

(1) An inspected person must notify the inspector of implementation of the procedure ordered by decision within eight days from the date of expiry of the deadline for fulfilling the obligation.

(2) Should the inspected person not proceed in compliance with the decision of the inspector, the decision shall be enforced by another person at the expense of the enforcer. The expenses of enforcing the inspection decision through another person shall be paid from the State Budget pending collection from the enforcer.

**Article 191**

In order to prevent the occurrence of irreparable damage to a protected natural asset, biological or landscape diversity, or for the sake of ordering urgent protective measures or eliminating direct hazards to life and health of persons and property, a decision in the course of the inspection may also be brought verbally. The verbal decision shall be entered in the

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minutes specifying that the delivery of the written decision shall be effected within a period and in the manner laid down in a *lex specialis*.

**Article 192**

(1) The inspector shall conduct the procedure on his/her own, and perform the activities and undertake measures for which he/she holds authority.

(2) Nobody may, benefiting from an official post or in any other way, prevent or hinder the inspector in performing supervision and undertaking measures and activities for which he/she holds authorisation.

(3) Should the inspector in performing supervision and undertaking measures and procedures for which he/she holds authorisation encounter resistance or threat that force will be utilised directly, or should there be grounds that such resistance is justifiably expected, the inspector may request assistance from official persons of a competent police department.

**XIII MISDEMEANOUR PROVISIONS**

**Article 193**

(1) A fine in the amount of HRK 500,000.00 to 1,000,000.00 for a misdemeanour shall be imposed on a legal person who:

- undertakes any project or action which may result in destruction or some other major or permanent damage to an ecologically important area (Article 59),
- undertakes any project or action which may result in destruction or some other major or permanent damage to an international ecologically important area (Article 60, paragraph 4),
- exterminates an indigenous wild taxon (Article 85, paragraph 3).

(2) A fine in the amount of HRK 20,000.00 to 70,000.00 for the misdemeanour referred to in paragraph 1 of this Article shall be imposed on a natural and responsible person within a legal person.

**Article 194**

(1) A fine in the amount of HRK 100,000.00 to 500,000.00 for a misdemeanour shall be imposed on a legal person who:

- carries out a project for which nature impact assessment has not been carried out, or which is contrary to the assessment (Article 36),
- proceeds contrary to the measures for protection, conservation, improvement and use of protected areas and other protected natural assets laid down in the Ordinance on internal order (Article 71),
- introduces an alien wild taxon in nature on the territory of the Republic of Croatia (Article 91),
- reintroduces into the natural environment on the territory of the Republic of Croatia vanished wild taxa without approval from the Ministry (Article 93).

(2) A fine in the amount of HRK 15,000.00 to 50,000.00 for the misdemeanour referred to in paragraph 1 of this Article shall be imposed on a natural and responsible person within a legal person.

**Article 195**

(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 carries out 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 or uses natural resources without having obtained the nature protection requirements (Article 13),

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- pursues any activity that significantly endangers the purpose 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),
- undertakes actions in a nature monument or in its immediate vicinity 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 improving the nature 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),
- destroys minerals, speleothems or fossils without valid reason (Article 20, paragraph 4),
- does not protect indigenous domesticated taxa in the prescribed manner (Article 28),
- organises rides on motor vehicles outside centres of population, any kind of roads, field roads, improved paths or driving polygons without approval from the Ministry (Article 32),
- places on the market or applies plant protection agents and mineral fertilisers in an unauthorised manner (Article 34),
- upon completion of an project does not restore or approximate the state of nature to that prevailing prior to project (Article 35, paragraph 2),
- does not implement the compensation terms in the prescribed manner (Article 37 and 39),
- as a person responsible for undertaking or as a user of natural resources, fails to 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 forestation wherever that is not justified and in a manner endangering an endangered non-forest or rare habitat type (Article 43),
- uses chemical agents for protection of plants in forests without authorisation (Article 44),
- does not safeguard a constant percentage of mature, old and dry trees pursuant to nature protection requirements (Article 45, paragraph 1),
- does not leave unfelled areas defined in forest management plans or nature protection requirements (Article 45, paragraph 3),
- does not manage in such a manner as to conserve to the maximum extent forest clearances and forest edges (Article 45, paragraph 4),
- does not manage in such a manner as to provide prolongation of felleable maturity for indigenous species of trees (Article 45, paragraph 5),
- damages, destroys or takes away speleothems or underground live nature from a speleological site (Article 48, paragraph 1),
- modifies habitat conditions in a speleological site by disposal of refuse or biological waste, by burning fire or otherwise (Article 48, paragraph 1),
- performs activities or actions in a speleological site without prior approval of the Ministry (Article 48, paragraph 2),
- endangers or degrades a speleological site or otherwise impedes its use (Article 49, paragraph 1),
- constructs barriers on watercourses, reclaims, buries springs, ponds, etc, thereby endangering 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 prescribed measures for conservation of habitat types in a favourable state (Article 56, paragraph 1),

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- does not implement appropriate compensation or other appropriate measures for an authorised project (Article 59),
- disturbs, captures or injures wild animals, reduces the population of a wild taxon, or 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 or parts thereof or captures or kills animals with the purpose of processing, trade or other business without obtaining authorisation from the Ministry or without other prescribed requirements (Article 89),
- pursues exploration without permission of the competent body and/or does not forward the results of exploration to a competent body (Article 90),
- uses protected wild taxa contrary to prescribed requirements (Article 94),
- uses devices for capturing and killing protected animals or agents that may induce local disappearance or severe disturbance of populations of the species (Article 95),
- trades in wild growing strictly protected plants or fungi (Article 97, paragraph 2),
- intentionally captures, holds or kills strictly protected animals, damages or destroys their evolution forms, nests or broods, or their breeding or resting sites, disturbs these during the times of breeding, rearing young and hibernation, or intentionally destroys or takes eggs from the natural environment or keeps empty eggs (Article 97, paragraph 3, subparagraph 1, 2, 3 and 4),
- hides, keeps, breeds, trades in, alienates or in any other manner way acquires protected plants, fungi or animals, or stuffs strictly protected animals (Article 97, paragraph 3, subparagraph 5),
- proceeds contrary to the law with regard to wild growing plants, fungi and animals found in a strict nature reserve, national part or special nature reserve, as well as with regard to underground animals (Article 97, paragraph 4),
- keeps in captivity, breeds, markets or purchases wild taxa contrary to statutory requirements (Article 99),
- exports or imports strictly protected plants, fungi or animals without authorisation from the Ministry (Article 99, paragraph 2),
- takes out, brings in, exports, imports, introduces from the sea or effects transit of plants, fungi or animals that are protected under this Act or international treaties to which the Republic of Croatia is a signatory, or the parts or derivatives thereof without authorisation or contrary to the requirements laid down in the Act and implementing regulations (Article 101, 102 and 103),
- carries on trade contrary to prescribed requirements (Article 107),
- does not submit an 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 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),
- utilises natural resources in an unauthorised manner and with damaging consequences (Article 122),
- implements a natural resources management plan without approval of the Ministry (Article 122),

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- undertakes actions and projects on a protected natural asset without permission or contrary to specified nature protection requirements (Article 127),
- does not apply nature protection requirements established by a decision or concession contract (Article 137, paragraph 1, subparagraph 5 and Article 138, paragraph 2, subparagraph 2),
- does not undertake all the measures and actions to impede the modifications and damage incurred (Article 143, paragraph 1),
- exercises activity in a protected area without concession approval (Article 146, paragraph 1),
- places on the market minerals, speleothems or fossils without permission (Article 148, paragraph 3),
- exports minerals, speleothems or fossils that are designated as protected natural assets (Article 150, paragraph 2).

(2) A fine in the amount of HRK 7,000.00 to 30,000.00 shall be imposed on a natural and responsible person within a legal person for a misdemeanour referred to in paragraph 1 of this Article.

**Article 196**

(1) A fine in the amount of HRK 15,000.00 to 25,000.00 for a misdemeanour shall be imposed on a legal person who:

- does not apply protective measures prescribed by this Act while a natural asset is under preventive protection (Article 26),
- does not allow inspection and examination of natural components (Article 31),
- does not notify the discovery of speleological site or part thereof within a prescribed period (Article 47, paragraph 3),
- pursues exploration without approval from the Ministry (Article 67),
- does not proceed in compliance with the governance plan for a protected area (Article 80, paragraph 4 and Article 81),
- captures, injures or kills wild animals without justified reason (Article 85, paragraph 2),
- eliminates wild taxa (plants or animals) from their habitats, reduces their populations or destroys them without justified reason (Article 85, paragraph 2),
- picks, collects, destroys, cuts or uproots wild growing strictly protected plants or fungi (Article 97, paragraph 1),
- holds strictly protected plants or fungi (Article 97, paragraph 2),
- carries out exploration on strictly protected taxa without authorisation from the Ministry (Article 100, paragraph 1),
- keeps in captivity in inappropriate conditions or without adequate care, or contrary to prescribed requirements, animals of wild taxa (Article 104, paragraph 1),
- displays in zoological gardens, aquariums, terrariums or similar spaces animals of indigenous or alien wild taxa without authorisation from the Ministry (Article 105, paragraph 1),
- breeds indigenous or alien wild taxa without authorisation or approval from the Ministry (Article 106, paragraph 1 and 2),
- does not mark bred animals of wild taxa in the prescribed manner (Article 106, paragraph 3),
- does not provide precautions for a bred animal not to escape into natural environment and inflict damage (Article 196, paragraph 4),
- exercises any activity at a discovery site that may result in destruction or degradation of a discovery site of minerals, speleothems or fossils (Article 111, paragraph 3),
- explores a discovery site of minerals, speleothems or fossils without authorisation (Article 111, paragraph 5),

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- organises visiting and touring of a protected natural asset contrary to prohibition or restrictions (Article 128),
- does not authorise access to a protected natural asset pursuant to prescribed requirements (Article 129, paragraph 1),
- cares for or protects a natural asset in a protected area without contract or contrary to terms of contract (Article 131 and 132),
- in taking minerals, speleothems or fossils makes use of machinery or other unauthorised devices (Article 149, paragraph 1),
- does not provide for participation of the public in the course of drafting legislation or acts on designating protected natural assets, physical plans, governance plans and plans of utilisation of protected areas and natural resources (Article 166).

(2) A fine in the amount of HRK 5,000.00 to 20,000.00 for a misdemeanour referred to in paragraph 1 of this Article shall be imposed on a natural and responsible person within a legal person.

**Article 197**

(1) A fine in the amount of HRK 7,000.00 to 15,000.00 for a misdemeanour shall be imposed on a legal person who:

- explores or visits a strict nature reserve without authorisation from the Ministry (Article 10, paragraph 2),
- does not forward to the Ministry a report on the results of exploration (Article 76, paragraph 2),
- collects plants, fungi or parts thereof or captures or kills animals with the purpose of processing, marketing or other trade without the approval of the owners or right-holders (Article 89, paragraph 2),
- collects plants, fungi or parts thereof, captures or kills animals for scientific research purposes or for taking out of the Republic of Croatia without authorisation from the Ministry (Article 90, paragraph 4),
- does not notify the Ministry and veterinary service of dead, ill or injured strictly protected wild taxa (Article 99, paragraph 3),
- does not forward to the Ministry and Institute the data within the prescribed period on the results of exploration (Article 100, paragraph 2),
- does not declare import or export of animals, fungi or plants to a competent customs service (Article 102),
- does not notify the Ministry within the prescribed period of acquiring ownership on protected animals (Article 104, paragraph 2),
- does not issue to a new owner the certificate of origin of the animal and the invoice (Article 107, paragraph 3),
- does not protect or preserve minerals, speleothems and fossils in the prescribed manner (Article 198, paragraph 2 and 3),
- does not notify the Ministry within the prescribed period of the discovery of minerals, speleothems and fossils or does not undertake due protective measures against destruction, damage or theft (Article 111, paragraph 1),
- does not provide for the exploration of the discovery site of minerals, speleothems and fossils pursuant to the decision of the Ministry (Article 111, paragraph 4),
- takes from the natural environment minerals, speleothems or fossils for purposes that are not laid down in this Act (Article 148, paragraph 2),
- takes minerals, speleothems or fossils from the natural environment with the purpose of marketing them without authorisation from the Ministry (Article 148, paragraph 3),
- does not possess evidence proving the origin of minerals, speleothems and fossils or the authorisation for taking those from nature (Article 148, paragraph 4),

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- does not keep records of placing on the market minerals, speleothems and fossils in the prescribed manner (Article 148, paragraph 5),
- exports minerals, speleothems or fossils without authorisation from the Ministry (Article 150, paragraph 1),
- uses the nature protection label contrary to the prescribed manner (Article 168, paragraph 2),

(2) A fine in the amount of HRK 3,000.00 to 7,000.00 for any misdemeanour referred to in paragraph 1 of this Article shall be imposed on a natural and responsible person within a legal person.

**Article 198**

A fine in the amount of HRK 1,000.00 to 15,000.00 for a misdemeanour shall be imposed on a natural person who:

- drives and/or parks a motor vehicle outside a centre of population, any kind of road, country road or improved driving path (Article 32),
- proceeds contrary to the Ordinance on internal order, and no damage occurs thereat (Article 71),
- does not present to the buyer proof of origin for minerals, speleothems or fossils or proof of the authorisation for taking those from nature (Article 148, paragraph 4).

**XIV TRANSITIONAL AND FINAL PROVISIONS**

**Article 199**

(1) Natural values protected prior to the entry into force of this Act shall remain protected, while the owners and right-holders of such protected natural assets shall have the rights and be subject to the liabilities laid down in this Act.

(2) Registration of protected natural assets in the Register shall be harmonised with the provisions of this Act within two years from the date of entry into force of this Act.

**Article 200**

From the day of entry into force of this Act, the protection and administration of Arboretum Trsteno shall be carried out by the Croatian Academy of Arts and Sciences pursuant to the Act on the Croatian Academy on Arts and Sciences, with appropriate application of this Act.

**Article 201**

(1) Legal persons managing forests must align forest management plans with the provisions of this Act on the occasion of their renewal or first review.

(2) Holders of the right of hunting must align the hunting management plans with the provisions of this Act on the occasion of their renewal or first review.

(3) Legal persons administering water resources must align governance plans with the provisions of this Act within two years from the entry of this Act into force.

(4) Other legal and natural persons managing natural resources must align the plans for using natural resources with the provisions of this Act within a year from the entry into force of this Act.

(5) Legal and natural persons operating in a trade referred to in Article 107 of this Act must align their business operations with the provisions of this Act within thirty days from the entry into force of this Act.

(6) Public entities or competent bodies which have conferred the care of protected natural assets on legal and natural persons by virtue of a contract prior to the entry into force of this Act must align such contracts with the provisions of this Act within three months from the entry into force of this Act.

**Article 202**

(1) The Institute and public entities administering protected areas shall proceed with operations in accordance with this Act.

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(2) The Institute and public entities must align their organisation, activities and general acts with the provisions of this Act within ninety days from the entry into force of this Act.

(3) Any county which by the day of entry into force of this Act has not pursuant to Article 285, paragraph 3 of the Nature Protection Act (Official Gazette No 162/03) established a public entity for administering a protected area must establish it within a year from the entry into force of this Act.

**Article 203**

(1) The international ecologically important areas referred to in Article 60, paragraph 2 of this Act shall be constituent parts of the European ecological network Natura 2000.

(2) The international ecologically important areas referred to in paragraph 1 of this Article shall be established before the date of accession of the Republic of Croatia into the European Union.

**Article 204**

(1) The Government and the Minister shall within a year from the entry into force of this Act pass legislation for which they are empowered under this Act.

(2) Pending the entry into force of the implementation acts set out in this Act, the implementation acts in force in the field of nature protection shall remain legally valid pending the entry into force of this Act and/or those passed on the basis of the Nature Protection Act (Official Gazette 162/03) insofar as their provisions are not contrary to the provisions of this Act.

(3) Protective measures passed by county governments and the municipal government of the City of Zagreb for protected parts of nature on their respective territory shall by virtue of provisions of the Nature Protection Act (Official Gazette 172/03) remain in force pending the adoption of implementing regulations on the measures of protection concerning such protected natural assets pursuant to this Act insofar as those are not contrary to the provisions of this Act.

**Article 205**

(1) On the day of entry into force of this Act, the Nature Protection Act (Official Gazette 162/03) shall cease to be valid.

(2) The procedures initiated pursuant to the provisions of the Nature Protection Act (Official Gazette 162/03) shall be completed pursuant to the provisions of this Act.

(3) Misdemeanour proceedings initiated pursuant to provisions of the Nature Protection Act (Official Gazette 162/03) prior to the date of entry into force of this Act shall continue before the competent court

**Article 206**

This Act shall enter into force on the eighth day from the day of its publication in the Official Gazette.

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Zagreb on 20 May 2005

**THE CROATIAN PARLIAMENT**  
The President of the Croatian Parliament  
**Vladimir Šeks, m.p.**