

THE MINISTRY OF CULTURE

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Pursuant to Article 36, paragraph 5 and Article 37a, paragraph 5 of the Nature Protection Act (Official Gazette 70/05 and 139/2008), the Minister of Culture, with the prior consent from the minister competent for environmental protection, hereby issues the

ORDINANCE

ON THE APPROPRIATE ASSESSMENT OF THE IMPACT OF PLANS, PROGRAMMES AND PROJECTS ON THE ECOLOGICAL NETWORK

I GENERAL PROVISIONS

Article 1

(1) This Ordinance prescribes the content, deadlines and method of carrying out the procedure for the Appropriate Assessment of the impact of plans, programmes and projects on the ecological network (hereinafter: the Appropriate Assessment) in regards to the conservation objectives and integrity of the ecological network areas, the method of determining the overriding public interest and compensatory measures, the method of informing the public, as well as the content of the certificate on the acceptability of a project for the ecological network, of the decision determining the implementation of the Main Assessment procedure for a project, and of the opinion on the obligation to carry out the Main Assessment procedure for a project.

(2) Provisions of this Ordinance also refer to the ecologically important area of the European Union Natura 2000 Network.

Article 2

(1) The Appropriate Assessment is obligatory for a plan, programme or project that alone or in combination with other plans, programmes and projects, could have a significant impact on the conservation objectives and on the integrity of the ecological network areas.

(2) The Appropriate Assessment shall not be carried out for plans, programmes and projects that are directly related to the management of the ecological network area, as well as for projects that are carried out within an already built-up part of a building area.

II THE APPROPRIATE ASSESSMENT OF THE IMPACT OF A PLAN OR PROGRAMME ON THE ECOLOGICAL NETWORK

Article 3

The Appropriate Assessment of a plan or programme consists of:

– Screening of a plan or programme,

– Main Assessment of a plan or programme with the assessment of alternative solutions (hereinafter: the Main Assessment of a plan or programme).

Article 4

(1) In the case of a plan or programme where the act governing environmental protection prescribes mandatory strategic assessment and in the case of a plan or programme where the need for strategic assessment was established in the procedure for evaluation of the need for that assessment, the Main Assessment of a plan or programme shall be carried out as part of the strategic assessment procedure.

(2) In the case of a plan or programme where the act governing environmental protection does not prescribe mandatory strategic assessment, the Appropriate Assessment of a plan or programme shall be carried out pursuant to the provisions of the Nature Protection Act (hereinafter: the Act).

Screening of a plan or programme for which the strategic assessment or the evaluation of the need for strategic assessment is mandatory

Request for Screening of a plan or programme

Article 5

(1) The holder of a plan or programme shall submit to the ministry competent for nature protection (hereinafter: the Ministry) a written request for Screening of a plan or programme.

(2) The request shall contain:

1. information on the holder of a plan or programme;

2. information on the plan or programme, in particular:

– name of plan or programme,

– reasons for adoption thereof,

– programme objectives and starting points, and

– scope of plan or programme;

3. information on the authorised person with a copy of authorisation for performing expert activities in the field of nature protection that the authorised person has acquired pursuant to the conditions prescribed by *leges speciales* in the field of environmental protection;

4. screening report on the impact of a plan or programme on the ecological network in a printed and electronic format, the content of which is prescribed in Appendix I of this Ordinance;

5. administrative fee.

(3) The authorised person is a legal person authorised to perform expert activities in the field of nature protection under the conditions prescribed pursuant to *leges speciales* in the field of environmental protection (producing the screening report on the impact of a project, plan or programme on the ecological network, producing the Main Assessment report on the impact of a project, plan or programme on the ecological network, justification of the reasons for overriding public interest with a proposal of compensatory measures, nature protection monitoring activities).

Procedure following the request for Screening of a plan or programme

Article 6

(1) The Screening of a plan or programme shall be carried out by the Ministry in accordance with the provisions of the Act, after it establishes that the request of the Holder contains all the prescribed information and evidence referred to in Article 5 of this Ordinance.

(2) In the event that the request does not contain all the prescribed information and evidence referred to in Article 5 of this Ordinance or if the screening report on the impact of a plan or programme on the ecological network does not contain all the chapters in accordance with Appendix I of this Ordinance, the Ministry shall invite the Holder to remove all deficiencies within an appropriate deadline that cannot be longer than 30 days. In the event that the deficiencies are not removed within the given deadline, the Ministry shall not undertake the Screening procedure and shall notify the Holder thereon.

Article 7

(1) After reviewing an orderly request, the Ministry shall issue:

- a certificate on acceptability stating that the plan or programme does not have a significant impact on the conservation objectives and on the integrity of the ecological network area, or
- an opinion stating that a plan or programme could have a significant impact on the conservation objectives and on the integrity of the ecological network area and that therefore it is necessary to perform the Main Assessment of a plan or programme.

(2) The competent authority shall inform the public and the public concerned of the outcome of the Screening process of a plan or programme, by publishing the official document (certificate, opinion) on its website.

Article 8

(1) The certificate referred to in Article 7 of this Ordinance shall contain:

- information on the holder of plan or programme,
- name of plan or programme,
- information about the objectives and scope of plan or programme,
- information about the ecological network,

– justification of reasons for which it was determined that a plan or programme does not have a significant impact on the conservation objectives and on the integrity of the ecological network area.

(2) The opinion referred to in Article 7 of this Ordinance shall contain the information referred to in paragraph 1, subparagraphs 1, 2, 3 and 4 of this Article, as well as the justification of reasons for which it was determined that the Main Assessment procedure needs to be carried out for a plan or programme.

Main Assessment of a plan or programme for which strategic assessment is mandatory

Article 9

(1) In the event that the Main Assessment of a plan or programme is performed as part of the strategic assessment procedure pursuant to *lex specialis*, the strategic assessment report shall contain a chapter on Main Assessment of impacts of a plan or programme on the ecological network, the content of which is prescribed in Appendix II of this Ordinance.

(2) In the event that during the procedure referred to in paragraph 1 of this Article the Ministry finds it necessary to request an opinion on the Main Assessment of a plan or programme from the State Institute for Nature Protection, the State Institute is obliged to deliver its opinion within 15 days from the day of receiving the request from the Ministry.

Informing the public and public participation in the process of Main Assessment of a plan or programme

Article 10

(1) Informing the public and participation of the public and the public concerned in the process of Main Assessment of a plan or programme shall be done as part of the public debate on the strategic report and draft proposal of a plan or programme.

(2) The decision on sending the strategic report and draft proposal of a plan or programme to public debate must contain the information that the Main Assessment of a plan or programme is done as part of the process of strategic assessment pursuant to nature protection legislation.

Article 11

(1) At the same time when the strategic report and draft proposal of a plan or programme are opened for a public debate, the Ministry shall issue an opinion pursuant to *lex specialis* governing strategic environmental assessment of plans and programmes.

(2) The opinion referred to in paragraph 1 of this Article shall contain:

- information on the holder of the plan or programme,
- name of plan or programme,
- brief summary of possible impacts of a plan or programme on conservation objectives and on the integrity of the ecological network area,

- proposal of measures for mitigating adverse impacts of a plan or programme on the conservation objectives and on the integrity of the ecological network area, which are not already proposed in the chapter Main Assessment of impacts of plan or programme on the ecological network,
- justification of reasons for which it was determined that a plan or programme does not have an adverse impact, or the justification of reasons for which it was determined that a plan or programme could have an adverse impact on the conservation objectives and on the integrity of the ecological network areas, and
- other information depending on the type of plan or programme.

III APPROPRIATE ASSESSMENT OF THE IMPACT OF A PROJECT ON THE ECOLOGICAL NETWORK

Article 12

(1) Appropriate Assessment of a project shall consist of:

- Screening of a project,
- Main Assessment of a project with the assessment of alternative solutions (hereinafter: the Main Assessment of a project).

(2) In the event that it is established during the Main Assessment of a project, including during environmental impact assessment implemented pursuant to *lex specialis*, that the project has an adverse impact on the conservation objectives and on the integrity of the ecological network area and that there are no alternative solutions, it is possible to start a procedure for determining overriding public interest and compensatory measures.

Article 13

(1) For projects referred to in Article 2 paragraph 1 of this Ordinance for which environmental impact assessment is not prescribed as mandatory or determined, and for which the official documents are issued pursuant to *lex specialis* governing physical planning and construction, before filing an application for these official documents, the project developer is obliged to obtain an official document (certificate, opinion, decision) from the competent authority on the performed Appropriate Assessment of the impact of a project on the ecological network in accordance with this Ordinance.

(2) In the case of a project for which environmental impact assessment is mandatory as well as in the case of a project for which the need for assessment was determined in the course of evaluation of the need for assessment, the Main Assessment of a project is carried out as part of the environmental impact assessment procedure.

Screening of a project

Request for Screening of a project

Article 14

(1) The project developer shall submit to the Ministry or to the competent administrative authority of a county or of the City of Zagreb a written request for Screening of a project.

(2) The request shall contain:

1. information on the project developer:

– for a legal person – name and headquarters of the company, name of the responsible person, telephone number,

– for a craftsman – first and last name, name and headquarters of the trade and craft, telephone number,

– for a natural person – first and last name, address, telephone number.

Information for a legal person is supported by an excerpt from the court register, for a craftsman by an excerpt from the trade and craft register, for a natural person-farmer by an excerpt from the register of farmers and for a natural person-citizen by a copy of the personal identification card.

2. information on the site and project:

– name of the local and regional self-government unit where the project is located, including the name of the cadastral municipality and the number of the cadastral parcel,

– exact name of the project,

– map showing the project and its relation to the ecological network areas,

– description of the ecological network (code of the area and conservation objectives);

3. project design (project description, description of other activities needed for implementation of the project, e.g., access roads, etc.) and,

4. administrative fee.

Article 15

(3) Request for Screening of a project for which environmental impact assessment or the evaluation of the need for assessment is mandatory, shall contain:

1. information on the project developer:

– for a legal person – name and headquarters of the company, name of the responsible person, telephone number,

– for a craftsman – first and last name, name and headquarters of the trade and craft, telephone number,

– for a natural person – first and last name, address, telephone number.

Information for a legal person is supported by an excerpt from the court register, for a craftsman by an excerpt from the trade and craft register, for a natural person-farmer by an excerpt from the register of farmers and for a natural person-citizen by a copy of the personal identification card.

2. information on the site and project:

– name of the local and regional self-government unit where the project is located, including the name of the cadastral municipality and the number of the cadastral parcel,

– exact name of the project,

3. certificate, receipt or similar, from the competent authority pursuant to legislation governing physical planning on project's compliance with the existing physical planning documents;

4. information on the authorised person with a copy of authorisation for performing expert activities in the field of nature protection that the authorised person has gained pursuant to the conditions prescribed in *leges speciales* in the field of environmental protection;

5. screening report on the impact of a project on the ecological network in printed and electronic format, the content of which is prescribed in Appendix III of this Ordinance, and

6. administrative fee.

Procedure following the request for Screening of a project

Article 16

(1) The Screening of a project shall be done by the competent authority in accordance with the provisions of the Act, after it establishes that the request contains all the prescribed information and evidence referred to in Article 14 or 15 of this Ordinance.

(2) In the event that the request does not contain all the prescribed information and evidence referred to in Article 14 or 15 of this Ordinance or when the screening report on the impact of a project on the ecological network does not contain all the chapters in accordance with Appendix III of this Ordinance, the competent authority shall invite the developer to remove all the deficiencies within an appropriate deadline that cannot be longer than 30 days. In the event that the deficiencies are not removed within the given deadline, the Ministry shall not undertake the Screening procedure and will notify the developer thereof.

Certificate, decision and opinion on the Screening of a project

Article 17

(1) After reviewing an orderly request, the competent authority:

– shall issue a certificate on acceptability stating that a project does not have a significant impact on the conservation objectives and on the integrity of the ecological network area, or

– shall issue a decision stating that the project could have a significant impact on the conservation objectives and on the integrity of the ecological network area and that therefore it is necessary to carry out the Main Assessment of the project.

(2) In the event of a project for which the environmental impact assessment or the evaluation of the need for assessment is mandatory, the decision referred to in paragraph 1 of this Article shall not be issued; instead, the competent authority shall issue an opinion on the obligation to carry out the Main Assessment of the project.

(3) The competent authority shall inform the public and the public concerned about the outcome of the Screening of the project, by publishing the official document (certificate, decision, opinion) on its website.

Article 18

(1) The certificate referred to in Article 17 paragraph 1 of this Ordinance shall contain:

- information on the project developer,
- information about the project location (name of local and regional self-government unit, including the name of the cadastral municipality and number of the cadastral parcel),
- information about the project,
- information about the ecological network, and
- justification of reasons for which it was determined that a project does not have a significant impact on the conservation objectives and on the integrity of the ecological network area.

(2) The decision referred to in Article 17 paragraph 1 of this Ordinance shall contain:

- information on the project developer,
- information on the project location (name of local and regional self-government unit, including the name of the cadastral municipality and number of the cadastral parcel),
- information about the project,
- information about the ecological network, and
- justification of the reasons for which it was determined that the Main Assessment of a project needs to be carried out.

(3) The opinion referred to in Article 17 paragraph 2 of this Ordinance shall contain information referred to in paragraph 2 of this Article.

Main Assessment of a project

Implementing Main Assessment of a project as a standalone procedure

Request for Main Assessment of a project

Article 19

(1) The project developer shall submit to the Ministry or to the competent administrative authority of the county or of the City of Zagreb a written request for the Main Assessment of a project.

(2) The request shall contain:

1. Information on the project developer:

- for a legal person – name and headquarters of the company, name of the person responsible, telephone number,
- for a craftsman – first and last name, name and headquarters of the trade and craft, telephone number,
- for a natural person – first and last name, address, telephone number.

Information for a legal person is supported by an excerpt from the court register, for a craftsman by an excerpt from the trade and craft register, for a natural person-farmer by an excerpt from the register of farmers and for a natural person-citizen by a copy of the personal identification card.

2. information on the site and project:

- name of the local and regional self-government unit where the project is located, including the name of the cadastral municipality and the number of the cadastral parcel,
- name of the project;

3. information on the authorised person with a copy of authorisation for performing expert activities in the field of nature protection that the authorised person has gained pursuant to the conditions prescribed in *leges speciales* in the field of environmental protection;

4. Main Assessment report on the impact of a project on the ecological network (hereinafter: the Report) in printed and electronic format, the content of which is prescribed in Appendix IV of this Ordinance; and

5. administrative fee.

Procedure following the request for Main Assessment of a project

Article 20

(1) The Main Assessment of a project shall be carried out by the competent authority in accordance with the provisions of the Act, after it establishes that the request of the developer contains all the prescribed information and evidence referred to in Article 19 of this Ordinance.

(2) In the event that the request does not contain all the prescribed information and evidence referred to in Article 19 of this Ordinance or if the Report does not contain all the chapters in accordance with Appendix IV of this Ordinance, the competent authority shall invite the developer to remove all deficiencies in the request within an appropriate deadline that cannot be longer than 3 months. In the event that the deficiencies are not resolved within the given deadline, the competent authority shall not undertake the Main Assessment procedure and will notify the developer thereof.

(3) In the event that during the procedure referred to in paragraph 1 of this Article the Ministry finds it necessary to request an opinion on the Main Assessment of a project from the State Institute for Nature Protection, the State Institute is obliged to deliver its opinion within 30 days from the day of receiving the request from the Ministry.

Informing the public and public participation in the process of Main Assessment of a project

Article 21

In the process of Main Assessment the public and the public concerned shall be informed about:

1. the request of the project developer,
2. implementation of public inspection and
3. the outcome of the Main Assessment of a project.

Article 22

(1) After determining that the request for Main Assessment of a project contains all the prescribed information and evidence and that the Report contains all the prescribed chapters in accordance with Appendix IV of this Ordinance, the competent authority shall inform the public and the public concerned about the request by publishing this information on its website. The information must remain published for at least 30 days.

(2) The information referred to in paragraph 1 of this Article shall include:

- the body publishing the information (name, class, reg. no., date)
- name and address of the body competent for implementing the procedure,
- name of regulation and provision pursuant to which the procedure is implemented,
- information about the project developer and project content (name of the developer, location and brief description of the project, brief summary about the ecological network) and
- the manner in which the public and public concerned can be involved in the process.

Article 23

(1) The competent authority shall provide information about the public inspection on its website and in the daily press at least 8 days before the commencement of the public inspection.

(2) The information referred to in paragraph 1 of this Article shall contain:

- the body publishing the information (name, class and reg. no., date)
- name and address of the body competent for implementing the procedure,
- name of regulation and provision pursuant to which the procedure is implemented,
- subject of the public inspection and documents that would be available during public inspection,
- location, commencement date and duration of the public inspection,
- location and date of public presentation,
- the deadline by when written opinions, suggestions and remarks can be delivered to the competent authority,
- the method of informing the public and the public concerned about the outcome of the Main Assessment procedure.

(3) In the event that the Ministry is in charge of coordinating and implementing public inspection and public presentation, it may assign certain activities related to public inspection and public presentation to the competent administrative authority of the county or of the City of Zagreb.

(4) The duration of the public inspection cannot be shorter than 15 days.

Article 24

(1) The public and public concerned during public inspection may:

- ask questions that are to be answered by the representatives of the authorised person and of the developer,
- write in suggestions and remarks into the book of remarks that must be placed beside the subject of public inspection,
- give suggestions and remarks during public presentation, and
- send to the competent authority written suggestions and remarks within the deadline specified in the notification on the public inspection.

(2) The suggestions and remarks referred to in paragraph 1 of this Article that are not delivered by the announced deadline or are illegible, shall not be taken into consideration while drafting the report on public inspection.

(3) In the event that the public and public concerned, competent authorities and bodies of local (regional) self-government do not deliver their opinions, remarks and proposals by the deadline published in the notification on public inspection and public presentation, it shall be deemed that they have no remarks.

Article 25

(1) The competent authority shall organise a public presentation during public inspection.

(2) During public presentation the presence and participation of representatives of the authorised representative and developer and representatives of the local (regional) self-government unit on whose territory public inspection and public presentation are being held shall be ensured.

(3) Minutes of the public presentation are taken by the official person from the authority coordinating and implementing public debate or public presentation. The minutes are signed by the official person keeping the minutes and by the responsible person of the authority.

(4) Minutes referred to in paragraph 3 of this Article contain questions, suggestions and opinions of public inspection participants expressed during public presentation, as well as the answers to questions given by the persons referred to in paragraph 2 of this Article.

Article 26

(1) The authority competent for implementing the public inspection shall prepare the report on its implementation containing:

- information about the subject of the public inspection,
- list of participants at the public inspection whose suggestions and remarks were accepted,
- list of participants' remarks and proposals that were not accepted or were only partially accepted with the explanation for not accepting them or for only partially accepting them,
- the list of participants at the public inspection whose opinions, suggestions and remarks were given after the set deadline.

(2) Official documents, copies and other evidence of publishing the public inspection, the minutes from public presentations, list of participants at the public presentation and the book of remarks, are all constituent parts of the report on public inspection.

Article 27

The competent authority shall inform the public and the public concerned about the outcome of the Main Assessment of a project, by publishing the official document (decision, opinion) on its website.

Decision on the Main Assessment of a project

Article 28

(1) After implementing the public inspection, the competent authority shall deliver all opinions, remarks and suggestions to the project developer for response.

(2) In the response, the developer shall also propose the final measures for mitigating adverse impacts on the ecological network and the programme for monitoring the state of ecological network's conservation objectives.

Article 29

(1) After the competent authority implements the Main Assessment of a project and considers all received opinions, suggestions and remarks, and establishes that the proposed project does not have an adverse impact on the conservation objectives and on the integrity of the ecological network, it shall issue a decision permitting the project.

(2) In the event that the competent authority finds that the proposed project has an adverse impact on the conservation objectives and on the integrity of the ecological network, it shall issue a decision rejecting the request to implement the project.

(3) The decision permitting the project shall contain:

- information on the project developer,
- information on the location of the project (name of local and regional self-government unit, including the name of the cadastral municipality and the number of the cadastral parcel),
- information on the project (purpose, size, capacity, etc.),
- information on the ecological network,
- measures for mitigating adverse effects on the conservation objectives and on the integrity of the ecological network,
- programme for monitoring conservation objectives of the ecological network, and
- justification of reasons for which it was determined that the project does not have an adverse impact on the conservation objectives and on the integrity of the ecological network.

(4) The decision rejecting the request to implement the project shall contain, besides the information referred to in paragraph 3, items 1, 2, 3 and 4 of this Article, the justification of reasons for which it was determined that the project has an adverse impact on the conservation objectives and on the integrity of the ecological network.

Deadline for implementing the Main Assessment of a project

Article 30

(1) The Main Assessment of a project shall be implemented within four months from the day of receiving a correct request.

(2) The request shall be deemed as correct if it contains all information and evidence referred to in Article 19 of this Ordinance.

(3) By way of exception to paragraph 1 of this Article, the deadline for implementing the Main Assessment of a project may be extended for a maximum of two months, if it is assessed during the procedure that it is necessary to perform additional activities.

Implementation of the Main Assessment of a project as part of the environmental impact assessment procedure

Article 31

(1) In the event that the Main Assessment of a project is carried out as part of the environmental impact assessment procedure pursuant to *lex specialis*, the environmental impact assessment report shall contain a chapter Main Assessment of project impacts on the ecological network, the content of which is prescribed pursuant to Appendix V of this Ordinance.

(2) In the event that during procedure referred to in paragraph 1 of this Article the Ministry finds it necessary to request an opinion on the Main Assessment of a project from the State Institute for Nature Protection, the State Institute is obliged to deliver its opinion within 10 days from the day of receiving the request from the Ministry.

Article 32

(1) Informing the public and participation of the public and of the public concerned in the process of Main Assessment of a project shall be done as part of the public debate on the environmental impact assessment report pursuant to *lex specialis*.

(2) The decision on sending the report to public debate must contain the information that the Main Assessment of the project is done within the process of environmental impact assessment pursuant to legislation in the field of nature protection.

Article 33

(1) The decision on acceptability of a project for the environment, which is brought pursuant to *lex specialis* from the field of environmental protection, must also contain the Appropriate Assessment of project impact on the ecological network.

(2) In the event that the Main Assessment of a project establishes that the project has no adverse impact on conservation objectives and on the integrity of the ecological network area, the decision referred to in paragraph 1 of this Article shall also contain:

– in the argumentation: measures for mitigating the adverse effects on the conservation objectives and on the integrity of the ecological network area and programme for monitoring the state of conservation objectives of the ecological network, and

– in the exposition: information on the ecological network and justification of reasons for which it was determined that the project does not have an adverse impact on the conservation objectives and on the integrity of the ecological network area.

Article 34

(1) In the event that the Main Assessment of a project establishes that the project has an adverse impact on the conservation objectives and on the integrity of the ecological network area, the authority competent for environmental protection shall terminate the procedure by issuing a conclusion, pursuant to *lex specialis* governing environmental impact assessment.

(2) After receiving the conclusion referred to in paragraph 1 of this Article, the party in the procedure or an interested party may file a request for implementing the procedure for determining overriding public interest and compensatory measures pursuant to the provisions of this Ordinance.

(3) In the event that it is determined that there is an overriding public interest, the decision on acceptability of a project for the environment, issued pursuant to *lex specialis*, shall also contain the justification of the established overriding public interest with compensatory measures.

(4) In the event that the existence of overriding public interest is not determined, nor compensatory measures, or a negative decision is made regarding the request for implementing the procedure for determining overriding public interest (request is rejected or refused), the authority competent for environmental protection shall bring a decision on unacceptability of the project.

Article 35

(1) In the event that a party in the procedure or an interested party does not file a request for initiating a procedure for determining overriding public interest and compensatory measures within 30 days from the day of receiving the conclusion on the termination of the procedure referred to in Article 34 paragraph 1 of this Ordinance, the Ministry shall inform the authority competent for environmental protection thereof.

(2) After receiving the notification referred to in paragraph 1 of this Article, the authority competent for environmental protection shall bring a decision on unacceptability of the project.

Determining overriding public interest and compensatory measures

Request for determining overriding public interest and compensatory measures

Article 36

(1) In the event that it is established with the Main Assessment of a project that the project has an adverse impact on the conservation objectives and on the integrity of the ecological network area and that there are no alternative solutions, a party in the procedure or an interested party can file a request to the Ministry to initiate the procedure for determining overriding public interest and compensatory measures pursuant to the Act.

(2) The request shall contain:

1. information on the project developer:

– for a legal person – name and headquarters of the company, name of the responsible person, telephone number,

– for a craftsman – first and last name, name and headquarters of the trade and craft, telephone number,

– for a natural person – first and last name, address, telephone number.

2. information on the site and project:

– name of the local and regional self-government unit where the project is located, including the name of the cadastral municipality and the number of the cadastral parcel,

– name of the project,

3. decision of the competent authority rejecting the implementation of the project referred to in Article 29 paragraph 2 of this Ordinance, or the conclusion on termination of the environmental impact assessment procedure pursuant to *lex specialis*.

4. justification of the reasons for overriding public interest with the proposal of compensatory measures in written and electronic format, which contains:

– brief description of the project and the alternative solutions considered in the Main Assessment of a project,

– description of adverse impacts of the project and of the alternative solutions on the conservation objectives and on the integrity of the ecological network area,

– justification of existence of the overriding public interest,

– proposal and description of compensatory measures,

– the method of implementing compensatory measures,

– analysis of efficiency of compensatory measures in regards to conservation objectives and to the integrity of the ecological network area on which the project will have an adverse impact.

The justification shall be prepared by an authorised person.

5. other information and maps depending on the type of the project, and

6. administrative fee.

Procedure following a request for determining overriding public interest and compensatory measures

Article 37

(1) The Ministry shall implement the procedure for determining overriding public interest and compensatory measures in accordance with the provisions of the Act and of this Ordinance, once it establishes that the request contains all the prescribed information and evidence referred to in Article 36 of this Ordinance.

(2) In the event that the request does not contain all the information and evidence referred to in Article 36 of this Ordinance, the Ministry shall invite the person who filed the request to eliminate all deficiencies within an appropriate deadline that cannot be longer than 30 days. In the event that the deficiencies are not eliminated within the given deadline, the Ministry shall not implement the procedure for determining overriding public interest and compensatory measures, and will notify the person who filed the request thereof.

Informing the public and public participation in the procedure for determining overriding public interest and compensatory measures

Article 38

(1) In the procedure for determining overriding public interest and compensatory measures, the Ministry shall inform the public and the public concerned about the submitted request and about the outcome of the procedure, by publishing this information on its website. The information must remain published for at least 30 days.

(2) The information shall include:

- the body publishing the information (name, class and reg. no., date)
- name of regulation and provision pursuant to which the procedure is implemented,
- information about the person filing the request,
- justification referred to in Article 36 paragraph 2 item 4 of this Ordinance, and
- the deadline by which written opinions, suggestions and remarks are to be delivered to the Ministry.

(3) Information about the outcome of the procedure is given by publishing the official document (decision, opinion).

Article 39

(1) After the Ministry implements the procedure for determining overriding public interest and compensatory measures, considers all opinions, suggestions and remarks received from the public and public concerned, and establishes the existence of overriding public interest, it shall issue a decision permitting implementation of the project.

(2) The decision permitting implementation of the project must include compensatory measures.

(3) In the event that the Ministry does not establish the existence of overriding public interest, it shall issue a decision rejecting the implementation of the project.

Article 40

When environmental impact assessment is implemented pursuant to *lex specialis*, the Ministry shall not issue the decision referred to in Article 39 paragraph 1 of this Ordinance, but shall issue an opinion instead. The opinion is binding in the environmental impact assessment procedure.

Article 41

In the event that the overriding public interest is being determined for a project located in the ecological network area where there is a habitat type and/or species from the List of particularly endangered and significant habitat types and species, the administrative activities within the procedure are done by the Ministry, and the overriding public interest and compensatory measures are determined, pursuant to the Act, by the Government of the Republic of Croatia.

IV PROCEDURE COSTS

Article 42

The costs of procedures of Screening and Main Assessment of a plan, programme and project are borne by the plan and programme Holder and project developer, while the costs of the procedure for determining overriding public interest are borne by the person submitting the request referred to in Article 36 of this Ordinance.

V TRANSITIONAL AND FINAL PROVISIONS

Article 43

Annexes I, II, III, IV and V are attached to this Ordinance and form an integral part thereof.

Article 44

(1) The provisions of this Ordinance referring to the authorised representatives and information on authorised representatives shall be enforced by way of establishment of the system for issuing authorisations to legal persons to perform expert activities in the field of environmental protection pursuant to *lex specialis* from the field of environmental protection governing, among other things, the matter of issuing authorisations to legal persons for performing expert activities in the field of nature protection.

(2) The establishment of the system referred to in paragraph 1 of this Article, shall be assumed to be the period starting from the publication of the list of issued authorisations pursuant to the act governing environmental protection.

Article 45

Proceedings initiated prior to the entry into force of this Ordinance shall be completed in accordance with the provisions of the Ordinance on nature impact assessment (Official Gazette 89/07).

Article 46

On the day of entry into force of this Ordinance, the Ordinance on nature impact assessment (Official Gazette 89/07) shall cease to have an effect.

Article 47

This Ordinance shall enter into force on the eighth day after the day of its publication in the Official Gazette, with the exception of the provision of Article 1 paragraph 2 which shall enter into force with the adoption of the Regulation of the Government of the Republic of Croatia referred to in the Article 60 paragraph 1 of the Act and the provision of Article 41 which shall enter into force on the date of accession of the Republic of Croatia to the European Union.

Class: 612-07/09-49/821
Reg. No: 532-08-09-01
Zagreb, 22 September 2009

Minister
Božo Biškupić, m.p.

APPENDIX I

OBLIGATORY CONTENT OF THE SCREENING REPORT ON THE IMPACT OF A PLAN OR PROGRAMME ON THE ECOLOGICAL NETWORK

1. Characteristics of the plan or programme:

- starting points of the plan or programme,
- information about the objectives and scope of the plan or programme,
- projects and activities planned as part of the plan or programme.

2. Characteristics of the ecological network area:

- description of the ecological network area which could be affected by the implementation of the plan or programme,
- description of conservation objectives of the ecological network area,
- map of the ecological network area presented in an appropriate scale in accordance with the scale of the map of the plan or programme.

3. Characteristics of impacts arising from implementation of the plan or programme on the ecological network:

– probability, duration, frequency of possible impacts arising from implementation of the plan or programme on the conservation objectives and on the integrity of the ecological network area,

– cumulative nature of impacts arising from implementation of a plan or programme on the conservation objectives and on the integrity of the ecological network area,

– scope and area of impact arising from the implementation of a plan or programme on the conservation objectives and on the integrity of the ecological network area.

4. Conclusions on the impact of a plan or programme on the ecological network:

– proposal of the justification of reasons for which it was established that the implementation of a plan or programme does not have a significant impact on the conservation objectives and on the integrity of the ecological network, or

– proposal of the justification of reasons for which it was established that Main Assessment of the plan or programme should be carried out because it cannot be ruled out that the implementation of the plan or programme will not have a significant impact on the conservation objectives and on the integrity of the ecological network.

5. Sources of information;

6. List of regulations;

7. Other data and information.

APPENDIX II

OBLIGATORY CONTENT OF THE CHAPTER IN THE STRATEGIC ASSESSMENT REPORT – MAIN ASSESSMENT OF IMPACTS OF A PLAN OR PROGRAMME ON THE ECOLOGICAL NETWORK

1. Characteristics of the ecological network area:

– description of the ecological network area which could be affected by the implementation of the plan or programme,

– description of conservation objectives of the ecological network area,

– map of the ecological network area presented in an appropriate scale in accordance with the scale of the map of the plan or programme.

2. Characteristics of impacts arising from implementation of the plan or programme on the ecological network:

- probability, duration, frequency of possible impacts arising from implementation of the plan or programme on the conservation objectives and on the integrity of the ecological network area,
 - cumulative nature of impacts arising from implementation of the plan or programme on the conservation objectives and on the integrity of the ecological network area,
 - scope and area of impact arising from the implementation of the plan or programme on the conservation objectives and on the integrity of the ecological network area.
3. Overview of alternative solutions and impacts of alternative solutions on the conservation objectives and on the integrity of the ecological network area.
 4. Measures for mitigating adverse effects arising from implementation of the plan or programme on the conservation objectives and on the integrity of the ecological network area (mitigation, prevention, reducing adverse effects arising from implementation of the plan or programme).
 5. Conclusions on the impact of the plan or programme on the ecological network:
 - proposal of the justification of reasons for which it was established that the plan or programme does not have an adverse impact or justification of reasons for which it was established that a plan or programme could have an adverse impact on the conservation objectives and on the integrity of the ecological network,
 - proposal of the justification of the most acceptable alternative solution for implementing the plan or programme in relation to the conservation objectives and the integrity of the ecological network.

APPENDIX III

OBLIGATORY CONTENT OF THE SCREENING REPORT ON THE IMPACT OF A PROJECT ON THE ECOLOGICAL NETWORK

1. Project description:

- project design (project description, description of other activities needed for implementation of the project, e.g., access roads, description of main characteristics of the technological process, etc.),
- map showing the project and its relation to the ecological network areas.

2. Information and description of the project site:

- excerpts from relevant physical planning documents.

3. Characteristics of the ecological network:

- description of the ecological network area,
 - description of conservation objectives of the ecological network.
4. Description of project impacts on the ecological network:
- probability, duration and frequency of possible project impacts on the conservation objectives and on the integrity of the ecological network area,
 - scope and area of project impacts on the conservation objectives and on the integrity of the ecological network area.
 - possible cumulative nature of impacts of the project with other already implemented or planned projects on the conservation objectives and on the integrity of the ecological network area.
5. Conclusions on the project's impact on the ecological network:
- proposal of the justification of reasons for which it was established that the project does not have a significant impact on the conservation objectives and on the integrity of the ecological network area, or
 - proposal of the justification of reasons for which it was established that Main Assessment of the project should be carried out because it cannot be ruled out that the project will not have a significant impact on the conservation objectives and on the integrity of the ecological network area.
6. Sources of information;
7. List of regulations;
8. Other data and information.

APPENDIX IV

OBLIGATORY CONTENT OF THE MAIN ASSESSMENT REPORT ON THE IMPACT OF A PROJECT ON THE ECOLOGICAL NETWORK

1. Introductory part:
- brief information about the reasons for drafting the report (e.g., decision on screening, legislation),
 - objective of Main Assessment,
 - brief description of the method used for forecasting the impacts (undertaken field research studies, applied expert and/or scientific assessment models, etc.).

2. Information on the project and on the project site:

- scope of the project,
- project site (name of the local and regional self-government unit including the name of the cadastral municipality and the number of the cadastral parcel),
- excerpt from relevant physical planning documents,
- description of the project and of other activities needed for implementation of the project,
- description of main characteristics of the technological process of the project,
- list of types and amounts of substances that are part of the technological process,
- list of types and amounts of substances that remain after the technological process, and substance emissions,
- description of alternative solutions of the project,
- analysis of project's relation to existing and planned projects,
- graphic appendices with the project drawn in and showing the relation towards existing and planned projects.

3. Information on the ecological network:

- description of the ecological network area which could be affected by the project,
- description of conservation objectives of the ecological network area which could be affected by the project,
- map of the ecological network area presented with drawn in location of the project and access roads to the project site.

4. Description of project impacts on the ecological network:

- possible direct, indirect, temporary, permanent impacts of the project on the conservation objectives and on the integrity of the ecological network area,
- possible cumulative nature of impacts of the project with other already implemented or planned projects on the conservation objectives and on the integrity of the ecological network area.
- probability, duration and frequency of possible individual or cumulative project impacts on the conservation objectives and on the integrity of the ecological network area,
- scope and area of individual and cumulative project impacts on the conservation objectives and on the integrity of the ecological network area,

– analysis of possible impacts of the project's alternative solutions on the conservation objectives and on the integrity of the ecological network area.

5. Conclusions:

– final Appropriate Assessment of impacts of the project on the ecological network, and in the case of considering alternatives to the projects, their comparison and selection of the most favourable alternative solution to the project.

6. Measures for mitigating the project's adverse effects on the ecological network:

– proposal of measures for mitigating the project's adverse effects on the integrity of the ecological network area,

– proposal of measures for mitigating the project's adverse effects on the conservation objectives of the ecological network area,

- proposal of the ecological network monitoring programme.

7. Sources of information;

8. List of regulations;

9. Other data and information.

APPENDIX V

OBLIGATORY CONTENT OF THE CHAPTER IN THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT – MAIN ASSESSMENT OF PROJECT IMPACTS ON THE ECOLOGICAL NETWORK

1. General information:

– the objective of Main Assessment,

– brief description of the method used for forecasting the impacts (undertaken field research studies, applied expert and/or scientific assessment models, etc.).

2. Information on the ecological network:

– description of the ecological network area which could be affected by the project,

– description of conservation objectives of the ecological network which could be affected by the project,

– map of the ecological network area with drawn in location of the project and access roads to the project site.

3. Description of project impacts on the ecological network:

- possible direct, indirect, temporary, permanent impacts of the project on the conservation objectives and on the integrity of the ecological network area,
- possible cumulative impacts of the project with other already implemented or planned projects on the conservation objectives and on the integrity of the ecological network area.
- probability, duration and frequency of possible individual and cumulative project impacts on the integrity of the ecological network area,
- probability, duration and frequency of possible individual and cumulative project impacts on the conservation objectives of the ecological network area,
- scope and area of individual and cumulative project impacts on the integrity of the ecological network area,
- scope and area of individual and cumulative project impacts on the conservation objectives of the ecological network area,
- analysis of possible impacts of the project's alternative solutions on the conservation objectives and on the integrity of the ecological network area.

4. Conclusions:

- final Appropriate Assessment of impacts of the project on the ecological network, and in the case of considering alternative solutions to the projects, their comparison and selection of the project's most favourable alternative solution;

5. Measures for mitigating the project's adverse effects on the ecological network:

- proposal of measures for mitigating the project's adverse effects on the integrity of the ecological network area,
- proposal of measures for mitigating the project's adverse effects on the conservation objectives of the ecological network area,
- proposal of the ecological network monitoring programme.