

PARLIAMENT OF THE REPUBLIC OF CROATIA

1658

Pursuant to Article 89 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 21 June 2013

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Zagreb, 24 June 2013

President of the
Republic of Croatia
Ivo Josipović, m. p.

NATURE PROTECTION ACT

I. GENERAL PROVISIONS

Article 1

This Act regulates the system of protection and integrated conservation of nature and its parts, as well as other related issues.

Article 2

By this Act the following European Union directives are transposed into the legal system of the Republic of Croatia:

– Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22. 7. 1992), as last amended by Council Directive 2006/105/EC adapting Directives 73/239/EEC, 74/557/EEC and 2002/83/EC in the field of environment, by reason of the accession of Bulgaria and Romania (OJ L 363, 20. 12. 2006),

– Directive 2009/147/EC on the conservation of wild birds (OJ L 20, 26. 1. 2010).

Article 3

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

(2) Nature and parts of nature are of interest for the Republic of Croatia and are beneficiaries of its special protection.

Article 4

Nature protection goals and tasks are:

- to conserve and/or restore biological, landscape and geological diversity in a state of natural balance and interactions harmonised with human activities,
- to establish and monitor the state of nature,
- to provide the system for the protection of nature for the purpose of its continuous preservation,
- to provide for sustainable use of natural resources without substantially degrading parts of nature 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 or abate harmful projects carried out by man and disruptions to nature as a result of technological progress and the performance of activities.

Article 5

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, landscape and geological diversity, as well as the conservation of a universally beneficial role of nature,
- non-renewable natural resources shall be used rationally while renewable ones shall be used in a sustainable manner,
- in using natural resources and in physical planning, the principles of sustainable use shall apply,
- nature protection is the obligation of any natural and legal person, and to this end they shall 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,

- precaution when there is a threat from serious or irreparable damage to nature,
- the public is entitled to free access to information concerning the state of nature.

Article 6

(1) Nature protection shall be implemented through the conservation of biological, landscape and geological diversity and the protection of parts of nature.

(2) Nature protection shall in particular be implemented through:

- establishing and assessing the state of nature,
- implementing nature protection measures,
- adopting physical planning documents pursuant to a special regulation as well as plans for the management of natural resources in mining, energy, transport, agriculture, forestry, hunting, fishing, water management and other activities having an impact on nature,
- preparing the report on the state of nature and implementation of the strategy and other documents prescribed by this Act,
- designation of protected parts of nature,
- establishing the system for management of nature and protected parts of nature,
- linking and harmonising the national with the international nature protection system,
- encouraging scientific and expert work in the field of nature protection,
- informing the public about the state of nature and public participation in decision-making concerning nature protection,
- encouraging and promoting nature protection and raising awareness of the need to protect nature through education.

Article 7

(1) When planning and managing space as well as planning and using natural resources preservation is ensured of significant and characteristic features of landscape which by virtue of their linear and continuous structure or function are essential for the migration, dispersal and genetic exchange of wild species.

(2) Landscape protection implies planning and implementation of measures for prevention of unwanted changes, deterioration or destruction of significant and characteristic features of landscape, including those which by virtue of their linear and continuous structure or function are essential for the migration, dispersal and genetic exchange of wild species, their diversity, uniqueness and cultural value, and ensuring sustainable multifunctional and/or traditional manner of landscape use.

(3) Landscape protection referred to in paragraph 2 of this Article is based on classification of landscapes according to their natural and/or created features into landscape types, and structuring of interrelated and multifunctional networks of green/landscape infrastructure at the local, regional and national level.

(4) Landscape protection referred to in paragraphs 2 and 3 of this Article shall be carried out by integration into procedures of developing physical planning documents as well as plans for the management of natural resources.

Article 8

(1) The provisions of this Act shall not apply in the case of deterring an immediate threat to human life or health or to property, of rescuing people and 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 and the duration of activities on remediation of potential consequences which cannot last longer than thirty days from the cessation of the immediate threat.

Article 9

(1) Certain terms for the purpose of this Act have the following meaning:

1. *biological material* means any material containing genetic information and capable of reproducing itself or being reproduced in a biological system (e.g. microorganisms, molecules and fragments of deoxyribonucleic acid (DNA), viruses, tissue and cell cultures, seed, etc.),

2. *biological diversity* means the entirety of all the living organisms that constitute integral parts of ecosystems and includes diversity within species, between species, living communities and of ecosystems,

3. *red list* means a list of wild species the degree of threat to which is assessed according to internationally accepted criteria,

4. *wild species* means any taxa not produced under the control of man as the result of artificial selection (selection and breeding or propagation for the purpose of obtaining breeds of domesticated animals and varieties of cultivated plants) or genetic modification of the hereditary material by techniques of modern biotechnology,

5. *seminatural state* means the state of an ecosystem or landscape the evolution of which 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,

6. *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,

7. *ecosystem* means a dynamic complex of plant, fungi, animal, algae and micro-organism communities and their non-living environment interacting as a functional unit,

8. *endemic species* means a species the distribution of which is restricted to a specific area,

9. *ex situ conservation* (outside nature) means conservation of components of biological and genetic diversity outside their natural habitats and conservation of parts of geological heritage outside their natural finding sites, mostly minerals and rocks as well as fossils in museum or private collections and institutions,

10. *fossils* means remains of living organisms from the geological past, as well as impressions of their life activities,

11. *genetic material* means any material of plant, animal, fungal, algae, microorganism or other origin containing functional units of heredity,

12. *genetic diversity* means the totality of genes for all living organisms and the diversity of genes among individuals, populations, species, and higher taxonomic categories,

13. *gene bank* means a repository of biological material that contains monitored or cultivated populations or parts of animals, fungi, plants, algae or microorganisms, in particular seed, spores, germ cells and other biological material, which is managed for the purpose of preservation of species, that is their genetic wealth,

14. *geological diversity* means diversity of soil, rock, minerals, fossils, relief forms, underground facilities and structures and natural processes that created them through geological periods,

15. *nature protection information system* means the information system that consolidates expert and scientific data on biological diversity and nature protection, and which is maintained by the State Institute for Nature Protection (hereinafter: Institute),

16. *in situ conservation* (in nature) means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties, as well as the conservation of parts of geological heritage in their place of origin, that is the finding sites of minerals and fossils and rocks,

17. *invasive alien species* means an alien species whose introduction or spread poses a threat to biodiversity or human health or causes economic damage,

18. *compensation conditions* means measures established for the purpose of ensuring the general connection (coherence) of an ecological network,

19. *controlled environment for breeding or keeping species* means conditions preventing the introduction into nature of individual specimens in any phase of development or their parts whereby the species can asexually or sexually reproduce or cross breed with a native species,

20. *use of genetic sources* means carrying out research and development based on genetic and/or biochemical components of the genetic source, including use of biotechnology for the purpose of creating new products and patents,

21. *landscape* means a part of space whose character is the result of the action and interaction of natural and/or human factors,

22. *landscape diversity* means the structure of space arising from the interaction of natural and/or created landscape elements determined by biological, climatic, geological, geomorphological, pedological, cultural and historical and sociological features,

23. *karst* means a unique type of relief with special hydrogeological and geomorphological features which develops in rocks of good solubility with developed secondary porosity with characteristic surface forms (limestone cracks, sink-holes, karst valleys, subsidence valleys, etc.) and underground forms (caves and pits),

24. *mineral* means a natural creation, an integral part of lithosphere having a defined and constant chemical composition and physical properties that are stable in certain conditions of pressure and temperature. Mineral within the meaning of this Act is also considered a cluster or creation of minerals. Minerals within the meaning of this Act are not raw minerals,

25. *conservation of species and habitats* means a series of measures required to maintain or restore the natural habitats and the populations of wild species to a favourable status,

26. *sustainable use of natural resources* means the use of natural resources in a manner that maintains their potential in order to meet the needs to fulfil, now and in the future, appropriate ecological, economic and social functions at local, national and global level,

27. *recovery centre for wild animals* means a space in which specimens of strictly protected native species that were found in nature exhausted, diseased, injured, wounded or poisoned are temporarily or permanently stationed for the purpose of healing or recovery in order to be returned to nature or for the purpose of repopulation and/or reintroduction, as well as confiscated or seized strictly protected animals, and wild species confiscated in line with a special regulation governing transboundary movement and trade in wild species,

28. *natural resource management plans* means plans, programmes or bases for protection, control, management and use of natural resources adopted pursuant to special regulations in the field of agriculture, forestry, water management, hunting, fishery, etc.,

29. *protected area management plan* means a strategic document that determines the purpose and status of the protected area, and sets goals for management, activities necessary for realisation of goals and indicators of management efficiency,

30. *management plan for strictly protected species* means a strategic document that determines the status of the species and sets goals for management, activities necessary for realisation or maintenance of favourable status of the species and indicators of management efficiency,

31. *reintroduction into nature* means the re-establishment of a species in the area where it was previously exterminated, while the ecosystem still or once again shows almost identical ecological conditions to those before the extinction and which ensure its survival,

32. *population* means a group of specimens of the same species linked together in terms of time and space and ecology,

33. *favourable status of a wild species* means a state that in the future ensures the survival of that species, genetic stability of the population and genetic exchange between populations,

34. *monitoring of the status of nature preservation (monitoring)* means a well-defined and systematic monitoring of the state of nature,

35. *overriding public interest* means public interest in nature protection issues expressed by the Republic of Croatia, and determined in accordance with this Act,

36. *specimen* means each animal, plant, fungus or alga, regardless whether it is alive or dead, all of its parts or derivative, regardless of whether they are included in other goods,

37. *natural resources* means all components of nature that are used by man or can be used for economic purposes,

38. *repopulation* means adding specimens to an existing population of a species in a certain area for the purpose of realising a favourable status of species,

39. *speleothem* means mineral deposit in underground caves assuming various shapes (stalactites, stalagmites, etc.),

40. *speleological formation* means a naturally shaped underground cavity (cave, pit, abyss, estavelle, etc), as well as its parts,

41. *speleological cadastre* means a database on speleological formations,

42. *habitat* means the unique functional unit of a terrestrial or aquatic ecosystem distinguished by geographic, abiotic and biotic features, whether entirely natural or seminatural. All habitats of a type constitute a single habitat type,

43. *wild species habitat* means environment defined by specific abiotic and biotic factors, in which the species lives at any stage of its biological cycle,

44. *alien species* means a non-native species that does not naturally inhabit a certain ecosystem of an area, but arrived there through intentional or unintentional introduction,

45. *endangered wild species* means the native wild species the long-term survival in nature of which is under threat and as such it is included in the Red List of Threatened Species under the category of regionally extinct (RE), critically endangered (CR), endangered (EN) or vulnerable (VU) species,

46. *introduction into nature* means intentional or unintentional settlement or introduction of alien species,

47. *taxon* means a classification unit of any level in the taxonomy (nomenclature) of organisms (microorganisms, algae, fungi, flora and fauna), while in this Act it refers to species and lower systematic categories,

48. *intervention in nature* means every temporary or permanent human activity in nature that could upset the natural balance if the purpose of that activity is not the protection and conservation of nature,

49. *protected part of nature* means a part of nature designated as protected in accordance with this Act,

50. *protected area* means a clearly defined geographical space intended for nature protection which is managed for the purpose of long-term conservation of nature with associated ecosystem services,

51. *native species* means a species naturally inhabiting a specific ecosystem of an area,

52. *green infrastructure* means a multi-functional network of protected and other natural and man-made areas and landscapes of high ecological and environmental value that improves ecosystem services.

(2) Terms used in this Act for persons in the masculine gender are used neutrally and refer both to male and female persons.

II. PLANNING AND ORGANISATION OF NATURE PROTECTION

Main documents in nature protection

Article 10

(1) The main nature protection documents are the Nature Protection Strategy and Action Plan of the Republic of Croatia (hereinafter: Strategy).

(2) The Strategy defines long-term objectives and guidelines for conservation of biological and geological diversity and the manner of its implementation.

(3) The Strategy shall be developed on the basis of the Report on the State of Nature in the Republic of Croatia and shall contain in particular:

- Strategy principles and general strategic objectives,
- assessment of the state,
- specific objectives with performance indicators,
- activities for implementation of specific objectives with indication of priority and potential sources of funding,
- performance indicators for activity implementation.

Article 11

(1) The Strategy shall be developed by the central state administration body responsible for nature protection (hereinafter: Ministry) in cooperation with other central state administration bodies. The development of the Strategy is coordinated by the Ministry.

(2) The Strategy, upon proposal by the Government of the Republic of Croatia (hereinafter: Government), shall be adopted by the Croatian Parliament.

(3) The Strategy shall be published in the »Official Gazette«.

(4) Every five years the Ministry shall carry out an analysis of realisation of objectives and implementation of activities set by the Strategy, and if necessary propose adoption of amendments to the Strategy, i.e. adoption of a new Strategy.

Article 12

(1) For the purpose of an analysis of realisation of objectives and activities under the Strategy the Report on the State of Nature in the Republic of Croatia (hereinafter: Report on the State of Nature) shall be developed.

(2) Report on the State of Nature shall be developed for a five-year period, and shall contain in particular:

– analysis of endangerment, reasons for endangerment and issues in protection of ecosystems, habitat types and wild species, as well as geological diversity, along with an assessment of status,

– analysis of endangerment, reasons for endangerment and issues in protection of protected areas and ecological network, along with an assessment of status,

– analysis of legislative and institutional framework,

– analysis of Strategy implementation,

– data on sources and use of funds for nature protection.

(3) The proposal of the Report on the State of Nature shall be prepared by the Institute.

(4) The Report on the State of Nature shall be proposed to the Government by the Ministry, while the Government shall pass it to the Croatian Parliament for adoption.

Performance of administrative and expert tasks in nature protection

Article 13

(1) Administrative and expert tasks in nature protection shall be carried out by the Ministry and the administrative body of regional self-government unit responsible for nature protection (hereinafter: administrative body), except for those tasks that have by this Act or other regulation been transferred to the responsibility of another state administration body, Institute, public institutions or local and regional self-government units.

(2) Regional self-government units shall in accordance with this Act, Strategy and physical planning documents:

- provide for the conservation of biological and geological diversity in their territory,
- ensure conditions for protection and conservation of species, habitats and habitat types,
- proclaim and revoke protection of areas within their competence,
- provide conditions for protection and conservation of protected areas and areas of the ecological network within their competence,
- participate in the procedure of designating protected areas promulgated by the Government or Croatian Parliament,
- participate in development of the management plans for protected areas and areas of the ecological network within their competence,
- provide for promoting nature protection and encourage the work of professional and other associations the activity of which is aimed at nature protection,
- monitor the state of conservation of nature and submit reports on the conservation status to the Ministry and the Institute,
- keep registers on data relevant for nature protection,
- inform the public on the state of nature in its territory and on the measures undertaken for the purpose of its protection and conservation,
- provide expert and other assistance to local self-government bodies in nature protection in their territory,
- perform other tasks prescribed by this Act and regulations adopted on the basis of the Act.

Article 14

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

(2) The Institute is a public institution that carries out its activity as a public service.

Article 15

(1) The Institute shall within the framework of its activities perform expert tasks of nature protection concerning:

- collection, processing and analysis of collected data related to nature protection,

- development and maintenance of relevant databases on wild and invasive alien species, habitat types, ecosystems, protected areas and ecologically important areas, areas of the ecological network, geological diversity and speleological formations,
- establishment and maintenance of the Nature Protection Information System, within which it shall establish and maintain the Catalogue of species and habitats and the Cadastre of speleological formations,
- assessment of threat to biological diversity components, including the development of the red list of endangered native wild species,
- standardisation of the methodology and protocols, monitoring the state of conservation of biological and geological diversity and proposing measures for their protection,
- establishment of the system for monitoring captured, killed and wounded strictly protected species,
- preparation of expert background documents for protection and conservation of parts of nature, ecologically important areas and the ecological network,
- development of standards related to planning of management, implementation of plans and performance assessment of management of protected areas, ecologically important areas and areas of the ecological network,
- preparation of expert background documents for planning the management of wild species, except if otherwise regulated by other regulations,
- preparation of expert background documents for the purpose of establishing nature protection requirements for natural resources management plans and nature protection requirements for the purpose of physical planning,
- performing analyses, consolidating results and developing reports on the state of nature and nature protection,
- collection and processing of data and preparation of reports in accordance with European Union regulations,
- collection and processing of data, development of indicators of the state of biological diversity and participation in preparation of reports for the European Environment Agency,
- expert tasks related to the procedure of acceptability assessment for the ecological network,
- expert tasks related to assessment of the impact of control of spreading and removal of alien species, reintroduction and repopulation of wild species, on nature,
- expert tasks related to transboundary movement and trade in wild species,
- preparation and implementation of projects and programmes in the field of nature protection,

- participation in implementing international treaties concerning nature protection to which the Republic of Croatia is a party and participation in the preparation of reports,
- participation in the work of international expert and other bodies related to nature protection,
- organisation and implementation of education of employees in nature protection and educational and promotional activities in nature protection,
- provision of expert opinions upon request by the Ministry, public institutions and administrative bodies,
- performance of other tasks prescribed by this Act.

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

(3) The annual and multiannual 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 multiannual programmes of work to the Ministry and the Government in the manner laid down in the Institute statute.

(5) The competent bodies and relevant institutions shall deliver to the Institute data on the state of nature collected in accordance with 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 16

(1) The Institute shall be managed by a Steering Committee. The Steering Committee shall have five members.

(2) The Chair and members of the Steering Committee shall be appointed and relieved of their duties by the Government upon proposal by the Minister responsible for nature protection tasks (hereinafter: Minister).

(3) The composition, manner of selection, term of office, manner of decision making by the Steering Committee, the amount of compensation for the work of the chair and members of the Steering Committee shall be regulated by the act on establishment of the Institute and its statute.

(4) The Steering Committee shall:

- adopt the statute of the Institute,
- adopt the Rules of procedure for its work,
- adopt the annual and multiannual programmes of work for the Institute and monitor their execution,

- adopt the annual financial plan of the Institute as well as the annual account,
- issue a public vacancy advertisement for the appointment of the Director of the Institute,
- issue a public vacancy advertisement and appoint and relieve of their duties the Head of the Expertise Division and Heads of internal organisational units of the Institute,
- adopt the ordinance on internal organisation, ordinance on salaries and other general acts determined by the act on establishment and the statute,
- adopts decisions on acquisition, burdening and alienation of real estate owned by the Institute or other property up to the amount determined by the act on establishment and the statute, by itself, and above that amount subject to the approval of the Government,
- decide on other issues determined by this Act, act on establishment and the statute, as well as other issues related to the management of the Institute for which the responsibility of the Director has not been prescribed.

(5) The Steering Committee shall adopt the statute of the Institute subject to the approval of the Government, and the ordinance on internal organisation of the Institute and ordinance on salaries in the Institute subject to the approval of the Ministry.

(6) The Steering Committee shall submit to the Ministry the achievement report concerning the Institute's annual programme of work by 1 March of the current year for the previous calendar year. The Steering Committee shall every five years through the Ministry submit to the Government the achievement report concerning the Institute's multiannual programme of work.

Article 17

(1) The Head 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 shall have the rights and liabilities established by the law, the act on establishment and the statute of the Institute.

(4) The Director of the Institute shall be appointed and relieved of his duties by the Government upon proposal by the Minister.

(5) The Director shall be appointed on the basis of a public vacancy advertisement issued by the Steering Committee. Term of office of the director shall be four years and the same person may be re-selected.

(6) A person with completed undergraduate and graduate university studies or integrated undergraduate and graduate university studies or a specialist graduate professional study, with at least five years work experience, and who meets other requirements prescribed by the statute of the Institute may be appointed Director.

(7) The competence, authorisation and responsibilities as well as the procedure of appointment and relieving of duties of the Director shall be regulated by the act on establishment and the statute of the Institute.

Article 18

(1) The expert work of the Institute shall be managed by the Head of the Expertise Division of the Institute whose rights, responsibilities and liabilities as well as the requirements that he has to meet shall be determined by the act on establishment and the statute.

(2) A person with completed undergraduate and graduate university studies or integrated undergraduate and graduate university studies or a specialist graduate professional study in the field of natural sciences, biotechnology or biomedicine, with at least five years work experience, and who meets other requirements prescribed by the statute of the Institute may be appointed Head of the Expertise Division.

(3) The competence and authorisation as well as the procedure of appointment and relieving of duties of the Head of the Expertise Division shall be regulated by the act on establishment and the statute of the Institute.

III. USE OF NATURAL RESOURCES AND SPACE AND THE ASSESSMENT OF ACCEPTABILITY FOR THE ECOLOGICAL NETWORK

1. Use of natural resources and space

Article 19

(1) Use of natural resources shall be carried out on the basis of plans for the management of natural resources taking into account the conservation of biological, landscape and geological diversity.

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

- degradation of the surface or underground geological, hydrogeological and geomorphologic features,
- disturbance of the favourable status of wild species and habitats,
- reduction in the biological, landscape and geological diversity.

Article 20

(1) Plans for the management of natural resources shall include nature protection requirements.

(2) In the procedure of development of plans for the management of natural resources, the owners and holders of rights or plan developers shall obtain the nature protection requirements from the Ministry. The nature protection requirements shall be issued in the form of a decision.

(3) The application referred to in paragraph 2 of this Article shall contain:

– data on the title of the management plan, name and address of the owner or holder of right, the period for which the plan is developed and data on the name and address of the plan developer,

– act by the competent body from which it is clear that the legal or natural person is the owner or holder of right in the area of the scope of the plan, act on the establishment of the area of the scope of the plan (persons authorised for hunting) and the cartographic representation of the area of the scope of the plan.

(4) In the procedure of issuing the decision referred to in paragraph 2 of this Article, the Institute shall upon request by the Ministry develop an expert background document. The expert background document shall contain an overview of protected parts of nature, areas of the ecological network and ecologically important areas with the accompanying cartographic representation, proposal of protection measures and guidelines for sustainable use of natural resources and areas of the ecological network, as well as measures for conservation of biological, landscape and geological diversity.

(5) The Ministry shall issue the decision referred to in paragraph 2 of this Article within sixty days from the date of receipt of a due application. Should the Ministry not issue the decision within the specified period, it shall be deemed that nature protection requirements are issued.

Article 21

(1) For the purpose of prescribing measures, that is guidelines for the protection and conservation of natural values in spatial plans, in the process of development of such plans nature protection requirements shall be determined.

(2) Nature protection requirements referred to in paragraph 1 of this Article consist of nature protection requirements, overview of protected parts of nature and areas of the ecological network and ecologically important areas with the accompanying cartographic representation, and shall be determined by the Ministry.

Article 22

(1) Plans for the management of natural resources referred to in Article 20 of this Act which encompass a protected area or the implementation of which may have a significant adverse impact on the objectives of conservation and the integrity of the area of the ecological network shall be adopted subject to the prior approval of the Ministry.

(2) Spatial plans referred to in Article 21 of this Act which encompass a protected area or the implementation of which may have a significant adverse impact on the objectives of conservation and the integrity of the area of the ecological network shall be adopted subject to the prior approval of the Ministry.

Article 23

(1) The Ministry shall determine nature protection requirements prior to initiating the location permit procedure or during the location permit issuance procedure for projects outside the boundaries of building area for construction works for which the central state administration

body responsible for physical planning and construction issues a location permit in accordance with a special regulation governing physical planning.

(2) Administrative body shall determine nature protection requirements prior to initiating the location permit procedure or during the location permit issuance procedure for projects outside the boundaries of building area, except for projects referred to in paragraph 1 of this Article.

2. Assessment of acceptability for the ecological network

Article 24

(1) Assessment of acceptability for the ecological network (hereinafter: Acceptability assessment) is a procedure whereby the impact is assessed of a plan, programme or project, alone or together with other plans, programmes or projects, on the objectives of conservation and the integrity of the area of the ecological network.

(2) Acceptability assessment shall be carried out for a plan, programme or project, that is, parts of a plan, programme or project which alone or together with other plans, programmes or projects may have a significant adverse impact on the objectives of conservation and the integrity of the area of the ecological network.

(3) Acceptability assessment shall also be carried out for strategies for which the obligation of strategic assessment is prescribed by a special regulation.

(4) Acceptability assessment shall not be carried out for a plan, programme or project, that is, parts of a plan, programme or project directly related to and necessary for management of the area of the ecological network.

(5) Detailed content of the application referred to in Articles 30, 31, 34 and 48 of this Act, the content of the study on the assessment of acceptability of the project for the ecological network, the manner of public information and participation and the List of particularly threatened and significant habitat types and species shall be prescribed by the Minister through an ordinance.

Article 25

Assessment of acceptability for the area of the ecological network shall consist of: prior acceptability assessment (hereinafter: Prior assessment), main acceptability assessment (hereinafter: Main assessment) and determination of the overriding public interest and approval of the project along with compensation conditions.

Article 26

(1) For strategies, plans and programmes, for which assessment of the need for strategic assessment has been set by a special regulation governing environmental protection, Prior assessment shall be carried out within the procedure of assessment of the need for strategic assessment.

(2) For strategies, plans and programmes, for which assessment of the need for strategic assessment has been set by a special regulation governing environmental protection, Prior

assessment shall be carried out before initiating the procedure of strategic impact assessment of the strategy, plan and programme on the environment.

(3) For strategies, plans and programmes, for which the obligation of a strategic assessment has been set by a special regulation governing environmental protection or has been set during the procedure of assessment of the need for strategic assessment, the Main assessment shall be carried out within the framework of the procedure of strategic assessment of a strategy, plan and programme on the environment.

Article 27

(1) For projects, for which the assessment of the need for environmental impact assessment has been set by a special regulation governing environmental protection, Prior assessment shall be carried out within the framework of the procedure for assessment of the need for assessment.

(2) For projects, for which the obligation of an environmental impact assessment has been set by a special regulation governing environmental protection, Prior assessment shall be carried out before initiating the environmental impact assessment procedure.

(3) For projects, for which the obligation of an environmental impact assessment has been set by a special regulation governing environmental protection or has been set during the procedure of assessment of the need for assessment, the Main assessment shall be carried out within the framework of the environmental impact assessment procedure.

Project acceptability assessment

Article 28

(1) Project acceptability assessment shall be carried out in accordance with the precautionary principle in order to reduce the impacts of a project on the objectives of conservation and the integrity of the area of the ecological network to a reasonable level.

(2) Project acceptability assessment shall be carried out within the framework of preparing the intended project, prior to location permit issuance or issuance of another required permit for project implementation.

Article 29

(1) The Ministry shall carry out Prior assessment and main assessment for the following projects:

– those the central state administration body responsible for environmental protection carries out the procedure of environmental impact assessment or the assessment of the need for environmental impact assessment in accordance with a special regulation governing environmental protection,

– those carried out in a protected area within the category of national park, nature park and special reserve.

(2) Administrative body shall carry out Prior assessment and main assessment for the following projects:

- those the administrative body carries out the procedure of environmental impact assessment or the assessment of the need for environmental impact assessment in accordance with a special regulation governing environmental protection,
- those carried out in a protected area within the category of regional park, significant landscape, park forest, nature monument and park architecture monument,
- those carried out in an area that is not at the same time protected area, except for projects referred to in paragraph 1, subparagraph 1 of this Article.

Article 30

(1) For a project referred to in Article 27, paragraph 2 of this Act, as well as a project for which environmental impact assessment, that is, assessment of the need for environmental impact assessment is not mandatory, the legal and natural person intending to carry out the project (hereinafter: project developer) shall submit to the competent body referred to in Article 29 of this Act an application for Prior assessment.

(2) The application referred to in paragraph 1 of this Article shall contain data on the project developer and the conceptual solution for the project.

(3) The competent body referred to in Article 29 of this Act shall request a prior opinion from the Institute.

(4) If the competent body rules out the possibility of significant adverse impacts of the project on objectives of conservation and the integrity of the area of the ecological network, it shall adopt a decision stating that the project is acceptable for the ecological network.

(5) If the competent body does not rule out the possibility of significant adverse impacts of the project on objectives of conservation and the integrity of the area of the ecological network, it shall adopt a decision stating that the Main assessment is mandatory for the project.

(6) The decision referred to in paragraphs 4 and 5 of this Article shall contain data on the project, data on the ecological network and grounds for the ruling out of the possibility of significant adverse impacts of the project on objectives of conservation and the integrity of the area of the ecological network or the grounds for setting the obligation of carrying out the Main assessment.

(7) The decision referred to in paragraphs 4 and 5 of this Article shall be issued by the competent body within 30 days from the date of receipt of a due application.

(8) For projects, for which environmental impact assessment is carried out in accordance with a special regulation governing environmental protection, the decision referred to in paragraphs 4 and 5 of this Article shall be enclosed to the relevant application.

(9) For a project referred to in Article 27, paragraph 1 of this Act the decision adopted within the procedure of the assessment of the need for environmental impact assessment shall also contain the results of the Prior assessment in accordance with this Article which are binding.

Article 31

(1) For a project for which Main assessment is mandatory, the project developer shall submit to the competent body referred to in Article 29 of this Act an application for Main assessment for the project.

(2) The application referred to in paragraph 1 of this Article shall contain data on the project developer, the study on project acceptability for the ecological network (hereinafter: study) and the decision referred to in Article 30, paragraph 5 of this Act.

(3) On the submitted application referred to in paragraph 1 of this Article and the study the competent body shall request a prior opinion from the Institute and at the same time inform the public and carry out public consultations in a manner prescribed by the ordinance referred to in Article 24, paragraph 5 of this Act.

Article 32

(1) The study shall be developed by the person authorised pursuant to a special regulation governing professional environmental protection activities (hereinafter: authorised person).

(2) The cost of study development shall be covered by the project developer.

(3) The authorised person shall develop the study on the basis of data reflecting the current status of the area of project impact.

(4) The authorised person shall be responsible for the authenticity, accuracy and expert foundation of the study.

Article 33

(1) If the competent body referred to in Article 29 of this Act establishes, taking also into account public opinion, that the planned project has or that a significant adverse impact on objectives of conservation and the integrity of the area of the ecological network cannot be ruled out despite mitigation measures, it shall by a decision reject the application referred to in Article 31 of this Act accompanied by an instruction that it is possible to initiate for the project the procedure of determining the overriding public interest and approval of the project with compensation conditions.

(2) If the competent body referred to in Article 29 of this Act establishes, taking also into account public opinion, that the planned project has no significant adverse impacts on objectives of conservation and the integrity of the area of the ecological network, it shall adopt a decision stating that the project is acceptable for the ecological network.

(3) The decision referred to in paragraph 2 of this Article shall contain data on the project, measures for mitigation of adverse impacts on objectives of conservation and the integrity of

the area of the ecological network and the programme for monitoring and reporting on the state of objectives of conservation and the integrity of the area of the ecological network.

(4) The competent body shall adopt the decision referred to in paragraphs 1 and 2 of this Article within 30 days from the date of conclusion of public consultations.

(5) For projects, for which environmental impact assessment is carried out in accordance with special regulations governing environmental protection, the decision adopted in that procedure shall also contain the results of the Main assessment in accordance with this Article which are binding.

Article 34

(1) Developer of a project for which the decision on rejection of the project was adopted may submit to the Ministry an application for determination of overriding public interest and approval of the project with compensation conditions.

(2) The application referred to in paragraph 1 of this Article shall contain the description of the impact of the project on objectives of conservation and the integrity of the area of the ecological network, reasons justifying the existence of overriding public interest and the proposal of compensation conditions.

Article 35

(1) On the submitted application referred to in Article 34 of this Act the Ministry shall request an opinion from the Institute and at the same time inform the public and carry out public consultations in a manner prescribed by the ordinance referred to in Article 24, paragraph 5 of this Act.

(2) If the Ministry establishes that, taking into account the opinion referred to in paragraph 1 of this Article, compensation conditions cannot be determined, it shall by a decision reject the application referred to in Article 34 of this Act within 30 days from the date of conclusion of public consultations.

Article 36

(1) Compensation conditions shall be determined depending on the predicted damage to the area of the ecological network and the possibility of return to the seminatural state.

(2) Forms of compensation conditions, among other, may be:

– establishment of an area possessing characteristics identical to the damaged or destroyed area of the ecological network,

– inclusion of the new area possessing characteristics identical to the damaged or destroyed area of the ecological network into the ecological network.

(3) Compensation condition cannot be payment of a sum in the amount of the cost of the inflicted damage in the area of the ecological network.

Article 37

(1) If the Ministry establishes that, taking into account the opinion referred to in Article 35, paragraph 1 of this Act, it is possible to determine compensation conditions, it shall submit to the Government the application referred to in Article 34 of this Act, the opinion referred to in Article 35 of this Act and the proposal of the decision on the determination of overriding public interest for project implementation within 30 days from the date of conclusion of public consultations referred to in Article 35, paragraph 1 of this Act, that is, from obtaining an opinion from the European Commission referred to in paragraph 4 of this Article.

(2) The Government shall within 30 days from the date of receipt of the application referred to in paragraph 1 of this Article adopt a decision on the determination of overriding public interest for project implementation, including that of a social or economic nature.

(3) If in the area of the ecological network is found a habitat type and/or species from the List of particularly threatened and significant habitat types and species, the overriding public interest may apply only to protection of human health, human safety and safety of property or to establishment of significantly more favourable conditions of primary importance for the environment.

(4) By way of derogation from paragraph 3 of this Article for determining a second overriding public interest the Ministry shall obtain the opinion from the European Commission.

Article 38

(1) Upon receipt of the Government decision on non-existence of an overriding public interest for project implementation, the Ministry shall by a decision reject the application referred to in Article 34 of this Act.

(2) Upon receipt of the Government decision on determination of an overriding public interest for project implementation, the Ministry shall adopt a decision on determination of an overriding public interest and approval of the project with compensation conditions necessary for conservation of the general connection (coherence) of an ecological network.

(3) The decision referred to in paragraph 2 of this Article shall contain:

- determined overriding public interest for project implementation,
- compensation conditions,
- deadlines for implementation of compensation conditions,
- level of implementation of compensation conditions after which execution of works may be initiated,
- mandatory monitoring and reporting on implementation of compensation conditions.

(4) The decision referred to in paragraphs 1 and 2 of this Article shall be adopted by the Ministry within 15 days from the receipt of the Government decision.

(5) The Ministry shall inform the European Commission on the implemented compensation conditions referred to in paragraph 2 of this Article.

Article 39

(1) Prior to commencement of works the project developer shall implement compensation conditions in accordance with the decision referred to in Article 38, paragraph 2 of this Act and inform the Ministry thereof.

(2) The costs of determining and implementing compensation conditions shall be borne by the project developer.

Article 40

For projects, for which environmental impact assessment in accordance with special regulations governing environmental protection, the procedure of determination of an overriding public interest and approval of the project with compensation conditions is carried out, the Ministry shall issue an opinion which is binding within the framework of that procedure along with the appropriate application of provisions of Articles 34 to 39 of this Act.

Article 41

(1) If the project developer fails to implement mitigation measures referred to in Article 33, paragraph 3 of this Act the Ministry shall implement them at the cost of the project developer.

(2) The Ministry shall ex officio by a decision establish the obligation of the project developer to reimburse costs and the amount of the costs of implementation. Costs of implementation shall be paid into the State Budget.

Article 42

(1) For projects for which in the procedure of Main assessment mitigation measures were prescribed, the project developer shall monitor implementation of prescribed mitigation measures for the ecological network with regard to objectives of conservation and the integrity of the area of the ecological network.

(2) For projects for which pursuant to Article 38, paragraph 2 implementation of compensation conditions was set, the project developer shall monitor implementation of compensation conditions.

(3) Project developer shall ensure funds for monitoring referred to in paragraphs 1 and 2 of this Article.

(4) Project developer shall submit data on monitoring referred to in paragraphs 1 and 2 of this Article to the Ministry.

Article 43

(1) The decision referred to in Article 33, paragraph 2 and Article 38, paragraph 2 of this Act for projects in space shall be rescinded within two years from the date of enforcement of the

decision if within that period the application for issuance of a location permit is not submitted, that is, of another act whereby construction is allowed in accordance with a special regulation governing physical planning and construction or another act in accordance with this Act, that is, a special regulation.

(2) The period of validity of the decision referred to in Article 33, paragraph 2 and Article 38, paragraph 2 of this Act may, upon request by the project developer, be extended once for the duration of two years if the conditions under which the decision was issued have not changed.

(3) The competent body shall through a decision resolve the application for the extension of the validity of the decision referred to in Article 33, paragraph 2 and Article 38, paragraph 2 of this Act.

(4) Provisions of this Article shall in an appropriate manner apply to the opinion referred to in Article 40 of this Act.

Article 44

(1) The administrative body shall submit to the Ministry the decision referred to in Articles 30, 33 and 43 of this Act.

(2) The administrative body shall submit to the Nature protection inspectional service the decision referred to in Articles 30, 33, 35, 38 and 175, paragraph 1 of this Act.

(3) The administrative body shall publish at its website the decision referred to in Articles 30, 33, 35, 38 and 175, paragraph 1 of this Act.

Acceptability assessment for strategy, plan and programme

Article 45

For plans and programmes, for which mandatory strategic assessment has not been set by a special regulation, Acceptability assessment shall be carried out by the Ministry in the procedure of issuing requirements, application and prior approval in accordance with Articles 20, 21 and 22 of this Act.

Article 46

For strategies, plans and programmes for which mandatory strategic assessment or assessment on the need for strategic assessment has been set by a special regulation governing environmental protection, Acceptability assessment shall be carried out by the Ministry in accordance with Article 26 of this Act.

Article 47

(1) If the Ministry rules out the possibility of significant adverse impacts of a strategy, plan and programme referred to in Article 26, paragraph 1 of this Act on objectives of conservation and the integrity of the area of the ecological network, it shall issue an opinion stating that the strategy, plan or programme is acceptable for the ecological network.

(2) If the Ministry does not rule out the possibility of significant adverse impacts of a strategy, plan and programme referred to in Article 26, paragraph 1 of this Act on objectives of conservation and the integrity of the area of the ecological network, it shall issue an opinion which is binding stating that Main assessment is mandatory for the strategy, plan or programme.

Article 48

(1) The body responsible for adoption of the strategy, plan and programme referred to in Article 26, paragraph 2 of this Act shall submit to the Ministry an application for Prior assessment.

(2) The application referred to in paragraph 1 of this Article shall contain data on the plan or programme, reasons for adoption, objectives and programming starting point, scope of the plan or programme, cartographic representation in written and electronic format.

(3) Upon receipt of the application referred to in paragraph 1 of this Article the Ministry shall request from the Institute an opinion on the likelihood of significant adverse impacts of a strategy, plan and programme on objectives of conservation and the integrity of the area of the ecological network.

(4) The Institute shall submit the opinion referred to in paragraph 3 of this Article to the Ministry within 15 days from the date of receipt of the application referred to in paragraph 3 of this Article.

(5) If the Ministry rules out the possibility of significant adverse impacts of a strategy, plan and programme on objectives of conservation and the integrity of the area of the ecological network, it shall issue a decision stating that the strategy, plan or programme is acceptable for the ecological network.

(6) If the Ministry does not rule out the possibility of significant adverse impacts of a strategy, plan and programme on objectives of conservation and the integrity of the area of the ecological network, it shall issue a decision stating that Main assessment is mandatory for the strategy, plan or programme.

(7) The decision referred to in paragraphs 5 and 6 of this Article shall contain data on the strategy, programme or plan, data on the ecological network and grounds for the ruling out of the possibility of significant adverse impacts of the strategy, programme or plan on objectives of conservation and the integrity of the area of the ecological network or the grounds for setting the obligation of carrying out the Main assessment.

(8) For strategies, plans and programmes, for which strategic assessment is mandatory in accordance with a special regulation governing environmental protection, the decision referred to in paragraphs 5 and 6 of this Article shall be enclosed to the relevant application.

Article 49

For strategies, plans and programmes referred to in Article 26, paragraph 3 of this Act, Main assessment shall be carried out by the Ministry within the framework of the procedure of strategic assessment through issuing of a binding opinion.

Article 50

(1) If by Main assessment it is established that the strategy, plan or programme has no significant adverse impacts on objectives of conservation and the integrity of the area of the ecological network, the Ministry shall issue an opinion on the acceptability of the strategy, plan or programme. Measures for mitigation of adverse impacts on the ecological network can be determined by the opinion.

(2) If by Main assessment it is established that the strategy, plan or programme, that is, the alternative solution of the strategy, plan or programme has significant adverse impacts on objectives of conservation and the integrity of the area of the ecological network or that they cannot be excluded, the Ministry shall issue an opinion on the unacceptability of the strategy, plan or programme.

Article 51

(1) For plans and programmes referred to in Article 45 of this Act information and participation of the public and interested public shall be ensured during the procedure of adoption of strategies, plans and programmes in accordance with special regulations.

(2) For strategies, plans and programmes referred to in Article 26, paragraphs 1 and 3 of this Act information and participation of the public and interested public shall be ensured during the procedure of assessment on the need for strategic assessment or strategic assessment in accordance with a special regulation governing environmental protection.

(3) The Ministry shall publish the decision referred to in Article 48, paragraphs 5 and 6 of this Act at its website.

IV. CONSERVATION OF BIOLOGICAL DIVERSITY

1. Habitat types, ecologically important areas and ecological network

Article 52

(1) Conservation status of a natural habitat means the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species within that habitat.

(2) The conservation status of a natural habitat will be taken as favourable when:

- its natural range and areas it covers within that range are stable or increasing,
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future,
- the conservation status of its typical species is favourable.

(3) Conservation of the ecosystem shall be ensured through conservation of habitat types in a favourable status or restoration of habitat types whose favourable status has been impaired.

(4) Habitat types shall be documented on a habitat map and their status and the threats thereto

shall be monitored. Monitoring of status and threats to habitat types shall be carried out by the Institute.

(5) The list of habitat types, a habitat map, endangered and rare habitat types, including priority habitat types of interest for the European Union shall be prescribed by the Minister through an ordinance.

Article 53

(1) Ecologically important areas in the Republic of Croatia are as follows:

- areas of exceptional biological diversity or well conserved areas that are of international importance by the standards of international treaties to which the Republic of Croatia is a party,
- areas that significantly contribute to the conservation of biological diversity in the Republic of Croatia,
- areas of habitat types that are rare or endangered at a global, European or national level, including priority habitat types of interest for the European Union and areas of habitat types that present outstanding examples of typical characteristics of that habitat type
- 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 species (ecological corridors),
- migratory routes of animals.

(2) Ecologically important areas referred to in paragraph 1 of this Article shall be determined by the Institute which shall develop and maintain their cartographic representation.

(3) Ecologically important areas outside the ecological network shall be protected by incorporating the nature protection requirements and conditions into plans for the management of natural resources and physical planning documents in accordance with Articles 20 and 21 of this Act.

Article 54

(1) Ecological network shall be designated for the purpose of conserving and achieving a favourable status of wild birds and their habitats, other wild animal and plant species and their habitats, as well as habitat types of particular significance for the European Union and the Republic of Croatia. Areas of the ecological network also encompass areas significant for the conservation of migratory bird species, in particular wetlands of international importance.

(2) Ecological network of the Republic of Croatia shall be designated by the Government through a regulation.

(3) The regulation referred to in paragraph 2 of this Article shall prescribe also the list of species and habitat types the conservation of which requires establishment of the area of the ecological network, criteria for establishment of the area of the ecological network, target species and habitat types for which the area of the ecological network is being established, the manner of development of a financial framework for implementation of measures for conservation of the ecological network, as well as determine the cartographic representation of the ecological network.

(4) Ecological network may be altered pursuant to:

– a decision by the European Commission whereby for a certain biogeographical region areas of importance for the European Union are determined,

– the decision referred to in Article 38, paragraph 2 of this Act.

(5) Ecological network within the meaning of this Act shall be considered the areas of Natura 2000.

Article 55

(1) Conservation of the area of the ecological network shall be ensured by carrying out the procedure of Acceptability assessment and effective management of the area as well as respecting main conservation measures referred to in paragraphs 3 and 4 of this Article.

(2) If necessary for realisation of objectives for conservation of the ecological network area, plans for the management of natural resources, physical planning documents and plans for management of the ecological network besides main measures may also contain additional conservation measures.

(3) Conservation objectives and main measures for conservation of target bird species in the area of the ecological network and the manner of implementation of conservation measures, subject to the approval of the central state administration body responsible for agriculture, forestry, hunting, fishery and water management, shall be prescribed by the Minister through an ordinance.

(4) Conservation objectives and main measures for conservation of target species, except for birds, and habitat types in the area of the ecological network and the manner of implementation of conservation measures, subject to the approval of the central state administration body responsible for agriculture, forestry, hunting, fishery and water management, shall be prescribed by the Minister through an ordinance.

(5) Introduction of genetically modified organisms into nature in protected areas and areas of the ecological network shall be prohibited in accordance with the provisions of a special regulation governing introduction of genetically modified organisms.

Article 56

(1) Areas of the ecological network are managed, in a manner prescribed by this Act, by public institutions referred to in Article 130 of this Act.

(2) Area of the ecological network that is at the same time protected in the category of a national park or nature park, or which is located within the boundaries of a national park or nature park or borders with it, or to a great extent correspond to the boundaries of a national park or nature park, shall be managed by a public institution responsible for managing a national park or nature park.

(3) Area of the ecological network that is protected in other categories or is not a protected part of nature in accordance with this Act, shall be managed by a public institution responsible for managing other protected areas and/or other protected parts of nature.

(4) Area of the ecological network which extends over the territory of several regional self-government units shall be jointly managed by public institutions for management of other protected areas and/or other protected parts of nature of those regional self-government units.

(5) Conservation of areas of the ecological network shall be ensured by the responsible public institution and the legal person that implements the management plan in areas of the ecological network, each within the framework of its competence.

Article 57

(1) Public institution managing areas of the ecological network may develop plans for the management of areas of the ecological network.

(2) Management plan referred to in paragraph 1 of this Article may encompass several areas of the ecological network under the competence of one public institution

(3) Management plan referred to in paragraph 1 of this Article shall contain a status analysis for target species and habitat types, management and conservation objectives and the manner of realisation of those objectives.

(4) Detailed content of the management plan referred to in paragraph 1 of this Article shall be prescribed by an ordinance referred to in Article 138, paragraph 4 of this Act.

(5) Management plan referred to in paragraph 1 of this Article shall be adopted by the management board of the competent public institution in a manner prescribed by the provisions of Articles 134 and 138 of this Act.

(6) Plan for the management of areas of the ecological network which extends over the territory of several regional self-government units shall be jointly adopted by management boards of all public institution managing it.

2. Conservation of wild species in nature

Article 58

(1) Conservation status of a wild species means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the area of distribution.

(2) The conservation status of a wild species will be taken as favourable when:

– population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats,

– there is, and will probably continue to be, a sufficiently large habitat and natural range to maintain its populations on a long-term basis.

(3) Conservation of native wild species shall be ensured through establishment or conservation of their favourable status in nature.

Article 59

(1) It shall be forbidden to exterminate native wild species.

(2) It shall be forbidden to reduce the population size of a native wild species, reduce or destroy its habitat or aggravate its living conditions to an extent in which the population would become endangered.

(3) To native wild species the sustainable use of which is permitted pursuant to European Union regulations governing conservation of wild plant and animal species or international treaties to which the Republic of Croatia is a party, except for provisions of paragraphs 1 and 2 of this Article, shall apply provisions of Article 62 of this Act.

(4) To native wild species that are endangered or are narrowly-distributed endemic species or wild species protected pursuant to European Union regulations governing conservation of wild plant and animal species or international treaties to which the Republic of Croatia is a party, and that are designated as protected by the Minister through an ordinance referred to in Article 151, paragraph 2 of this Act, except for provisions of paragraphs 1 and 2 of this Article, shall apply provisions of Articles 151 to 159 of this Act.

(5) For carrying out activities that may result in a significant reduction in the number of specimens within a specific population of a native wild species which is not a species referred to in paragraphs 3 and 4 of this Article, a legal and natural person shall obtain a permit from the Ministry.

(6) The application for the issuance of the permit referred to in paragraph 5 of this Article shall contain:

– a description of the planned activity and its impact on the specimens in the population of the species concerned, as well as data on the location at which the activity will be carried out,

– grounds for the need to carry out the planned activity.

(7) The Ministry shall deliver the application referred to in paragraph 6 of this Article to the Institute or other expert institution to issue an expert opinion.

(8) The Institute and other expert institution shall deliver the expert opinion on the impact of the activity on the population of the native wild species, its habitat or its living conditions within 30 days from the date of receipt of the application referred to in paragraph 6 of this Article.

Article 60

(1) The Ministry shall issue the permit referred to in Article 59 of this Act if it establishes that the activity would not threaten the population of the wild species to an extent in which the population would become endangered.

(2) The permit referred to in Article 59 of this Act shall be issued for the period of up to one year.

(3) The permit referred to in Article 59 of this Act shall contain conditions for carrying out the activity, time limit for carrying out the activity and the obligation of reporting on the carried out activity.

(4) The legal and natural person to which the permit referred to in Article 59, paragraph 5 of this Act was issued shall inform the Ministry on the implementation of the approved activity.

(5) Provisions of Article 59, paragraph 5 shall not apply to regular activities contained in plans for the management of natural resources for which the Ministry has issued nature protection requirements pursuant to Article 20 of this Act, and the emergency protection activities carried out in accordance with special regulations for the purpose of protecting human health, flora and fauna.

Article 61

(1) When issuing acts for approving implementation of projects in nature and use of natural resources which have an impact on native wild species or whereby incursion is made into their habitats, bodies responsible for the issuance of those acts in accordance with special regulations shall take into account the manner and methods whereby the population of the wild species would not be disturbed to an extent in which it would become endangered.

(2) The manner and methods referred to in paragraph 1 of this Article for projects in the field of transport, energy, water management, mining and other sectors that have an impact on native wild species and their habitats, and for which exist professional rules and/or international practice for application of measures for protection of wild species and their habitats, the Ministry shall publish at its website in the form of guidelines.

(3) By way of derogation from paragraph 2 of this Article, on the basis of an analysis of the need to mitigate significant adverse impacts of the project on the status of conservation of native wild species and/or habitat types, the manner and methods referred to in paragraph 1 of this Article for projects in the field of transport, energy, water management, mining and other sectors that have an impact on native wild species and their habitats shall, subject to the approval of the central body responsible for that field, be prescribed by the Minister through an ordinance.

Article 62

(1) Native wild species the removal from nature and sustainable use of which is permitted pursuant to European Union regulations governing conservation of wild plant and animal species or international treaties to which the Republic of Croatia is a party or expert assessment by the Institute shall be established by the Government through a decision.

(2) Sustainable use of native wild species referred to in paragraph 1 of this Article shall be ensured by measures for management and protection of wild species (hereinafter: measures for protection of wild species) pursuant to special regulations in the field of hunting and freshwater and sea fishing, as well as management plans adopted pursuant to special regulations from the indicated administrative fields or implementing regulations adopted pursuant to this Act.

(3) Measures for protection of wild species include:

- continuous monitoring of conservation status,
- temporary or local prohibition of the taking of specimens in the wild and exploitation of certain populations,
- regulation of the periods and/or methods of taking specimens,
- application of hunting and fishing rules which take into account conservation of populations of species when taking certain specimens from nature,
- establishment of a system of licences for taking specimens or of quotas,
- regulation of the purchase, sale, offering for sale, keeping for sale or transport for sale of specimens,
- breeding in captivity of animal species as well as artificial propagation of plant species, in a strictly controlled environment, with a view to reducing the taking of specimens of the wild,
- assessment of the effect of the measures adopted.

(4) The body that keeps records on the manner and extent of use of the native wild species referred to in paragraph 1 of this Article shall submit a report thereon to the Ministry by 31 July of the current year for the previous calendar year with the aim of determining and monitoring population status.

(5) By the decision referred to in paragraph 1 of this Article shall also be set the content of the report, and the competent body that keeps the records for each species shall be indicated.

(6) The decision referred to in paragraph 1 of this Article shall be published in the Official Gazette.

(7) Measures for management and protection of native wild species that are not subject to special regulations and management plans adopted pursuant to special regulations, conditions for their use, native wild species for the use of which it is necessary to obtain the permit referred to in Article 64 of this Act as well as the detailed content of the application shall be prescribed by the Minister through an ordinance.

Article 63

(1) If the manner and scope of use of the native wild species referred to in Article 62, paragraph 1 of this Act has an impact on its population to an extent in which it would become endangered the Minister may limit or prohibit such use by an order.

(2) If the use of native wild species is carried out pursuant to a special regulation in the field of hunting and freshwater and sea fishing and plan for the management of natural resources adopted pursuant to that regulation, the order referred to in paragraph 1 of this Article shall be adopted subject to the approval of the body that adopted this plan.

(3) The order referred to in paragraph 1 of this Article shall be published in the Official Gazette.

Article 64

(1) For the use of wild species for which it is prescribed by the ordinance referred to in Article 62, paragraph 7 of this Act, a legal and natural person shall obtain a permit from the Ministry.

(2) The application for the issuance of the permit referred to in paragraph 1 of this Article shall contain:

– description of the planned activity,

– scientific and Croatian names of species planned to be used, the quantity, area and period of performance of the activity.

(3) The Ministry shall issue the permit on the basis of an expert background document by the Institute, and for species for which an expert background document does not exist the Ministry shall submit the application referred to in paragraph 2 of this Article to the Institute for expert opinion.

(4) The Institute shall submit the expert opinion on the impact of the method, the quantity and time period of the use of the wild species on the size of its population, its habitat, its living conditions or the entire biological diversity within 30 days from the date of receipt of the application referred to in paragraph 2 of this Article.

Article 65

(1) The Ministry shall issue the permit referred to in Article 64 of this Act if it establishes that the use of the wild species would not threaten the survival of the population of the wild species to an extent in which it would become endangered or the entire biological diversity.

(2) The permit referred to in Article 64 of this Act shall be issued for the period of up to one year.

(3) The permit referred to in Article 64 of this Act shall contain the conditions and time limit for the use of wild species as well as the obligation of reporting on the carried out activity.

(4) The legal and natural person to which the permit referred to in Article 64 of this Act was issued shall inform the Ministry on the use of the wild species.

Article 66

(1) With regard to the capture and killing of animal species listed in the decision referred to in Article 62, paragraph 1 of this Act and the Ordinance referred to in Article 151, paragraph 2 of this Act, and the capture and killing of all bird species naturally occurring in the territory of the

Republic of Croatia, which are not listed in the decision or the Ordinance, use is prohibited of any devices for capturing and/or killing that may cause local disappearance or severe disturbance of populations of such species, such as:

– for mammals and birds:

1. blind or mutilated animals used as live decoys,
2. tape recorders,
3. electrical and electronic devices capable of killing or stunning,
4. artificial light sources,
5. mirrors and other dazzling devices,
6. devices for illuminating targets,
7. sighting devices for night shooting comprising an electronic image magnifier or image converter,
8. explosives,
9. nets which are non-selective according to their principle or their conditions of use,
10. traps which are non-selective according to their principle or their conditions of use,
11. crossbows,
12. poisons and poisoned or anaesthetic bait,
13. gassing or smoking out,
14. semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition,
15. for birds also snares, nets, traps, hooks and limes;

– for fish:

1. poison,
2. explosives.

(2) Any form of capture and/or killing of wild animals referred to in paragraph 1 of this Article is prohibited from aircraft or moving motor vehicles, and with regard to birds additionally capture and/or killing from boats driven at a speed exceeding five kilometres per hour, or 2.7 knots.

(3) By way of derogation from provisions of paragraphs 1 and 2 of this Article the listed means may be used in situations and under conditions specified in Article 155, paragraph 2 of this Act.

(4) Permit for exceptional use of means referred to in paragraphs 1 and 2 of this Article with regard to strictly protected species shall be issued by the Ministry in the procedure of issuing permits for the derogation from Article 155, paragraph 3 of this Act, while the permit for species on the list of game shall be issued by the central state administration body responsible for hunting in accordance with a special regulation with prior approval of the Ministry.

Article 67

(1) Specimens of wild animals from nature that belong to a strictly protected species and have been found exhausted, diseased, injured, wounded or poisoned shall be stationed in recovery centres for wild animals for the purpose of healing or return to nature.

(2) Recovery centres for wild animals shall be selected on the basis of applications to public tender issued by the Ministry.

(3) The decision on the selection of the recovery centres for wild animals shall be issued by the Ministry.

(4) The conditions that have to be met by the recovery centre for wild animals, tasks it performs, the manner of financing, supervision of work of the recovery centre and the requirements for the selection of a legal or natural person that can perform activities of a recovery centre shall be prescribed by the Minister through an ordinance subject to the approval of the central state administration body responsible for veterinary medicine and animal welfare.

(5) Specimens of wild animals confiscated or seized on the basis of the provisions of this Act or a special regulation governing transboundary movement and trade in wild species shall also be stationed in the recovery centre referred to in paragraph 1 of this Article.

3. Import, placing on the market and introduction of wild species into nature

Article 68

(1) Import, placing on the market in the Republic of Croatia of alien species and/or their introduction into nature in the territory of the Republic of Croatia and into ecosystems which they do not populate naturally shall be prohibited.

(2) By way of derogation from paragraph 1 of this Article, import, placing on the market in the Republic of Croatia of alien species and/or their introduction into nature on the territory of the Republic of Croatia and into ecosystems which they do not populate naturally shall be permitted if they do not represent a threat to biological diversity, human health and if they do not threaten performance of an economic activity.

(3) Criteria for import and placement on the market in the Republic of Croatia of alien species and their introduction into nature on the territory of the Republic of Croatia and into ecosystems which they do not populate naturally, assessment of the risk from invasion, the manner of obtaining public opinion, the manner of development and the content of the study on the assessment of the impact of an alien species on nature and the study on the assessment of the

impact on nature of reintroduction of a native wild species that has disappeared or its repopulation, the manner of monitoring a native wild species after reintroduction or repopulation shall be prescribed by the Government through a regulation.

(4) Alien species the import and placement on the market of which is prohibited and alien species that may be imported and placed on the market without the approval of the Ministry shall be prescribed by the Minister through an ordinance subject to the approval of the central state administration body responsible for agriculture, fishery, forestry and hunting.

Article 69

(1) The legal and natural person that intends to import, place on the market and/or introduce into nature alien species not listed in the ordinance referred to in Article 68, paragraph 4 of this Act shall obtain a permit from the Ministry.

(2) The application for the issuance of the permit referred to in paragraph 1 of this Article shall contain:

- scientific and Croatian names of species, the number or quantity of specimens, origin of specimens, description of the development stage or shape, and for animal species also gender and age of specimens,
- description of the purpose of import, placement on the market or introduction, and for introduction into nature also description of the manner of introduction, including the schedule during the year and envisaged size of the area with precise location of introduction.

(3) The Ministry shall submit the application referred to in paragraph 2 of this Article to the Institute for expert opinion.

(4) The Institute shall submit the expert opinion on the ecological risk of the import, placement on the market or introduction of alien species into nature within 30 days from the date of receipt of the application referred to in paragraph 2 of this Article.

Article 70

(1) If during the procedure of issuing the permit referred to in Article 69 of this Act the Ministry establishes that there exists an ecological risk, it shall request from the applicant to submit the study on the assessment of the impact of an alien species on nature within the time period that shall not exceed one year.

(2) Upon receipt the Ministry shall immediately submit the study referred to in paragraph 1 of this Article to the Institute for expert opinion.

(3) The Ministry shall inform the public on the submitted application referred to in Article 69, paragraph 2 of this Act and the study referred to in paragraph 1 of this Article and shall carry out public consultations in the manner prescribed by the regulation referred to in Article 68, paragraph 3 of this Act.

(4) The Institute shall submit the expert opinion on the assessment of the impact of an alien species on nature within 30 days from the date of receipt of the study referred to in paragraph 1 of this Article.

(5) When introducing alien bird species into the nature of the Republic of Croatia, the Ministry shall submit to the European Commission the application referred to in Article 69, paragraph 2 of this Act, the expert opinion by the Institute referred to in Article 69, paragraph 4 of this Act, or paragraph 4 of this Article and a proposal of the administrative act.

Article 71

(1) The Ministry shall, on the basis of the expert opinion by the Institute referred to in Article 69, paragraph 4 and Article 70, paragraph 4 of this Act and taking into account public opinion, issue a permit for import, placing on the market and/or introduction into nature if it determines that there is no ecological risk.

(2) When deciding on introduction of alien bird species into the nature of the Republic of Croatia, the Ministry shall also take into account the opinion by the European Commission.

(3) The permit referred to in Article 69 of this Act shall be issued for the period of up to five years.

(4) The permit referred to in Article 69 of this Act shall contain the conditions for import, placing on the market and/or introduction of alien species, time limit for carrying out the activity, and for introduction into nature also the obligation of reporting.

(5) The legal and natural person to which the permit for introduction of alien species into nature was issued shall immediately upon introducing the alien species into nature inform the Ministry thereof.

Article 72

(1) By way of derogation from Article 69 of this Act, the permit for introduction into nature of alien species to be used for hunting, freshwater and sea fishing, forestry and agriculture, shall be issued by the central state administration body responsible for indicated administrative areas in accordance with a special regulation subject to the prior approval of the Ministry.

(2) The Ministry shall issue prior approval if it determines that there exists no ecological risk.

Article 73

(1) In case of introduction of alien species on the territory of the Republic of Croatia or into ecosystems which they do not populate naturally the Minister may by an order decide on their removal or measures for action with the aim of destroying or preventing further spreading of the introduced alien species.

(2) The order referred to in paragraph 1 of this Article shall be published in the Official Gazette.

4. Reintroduction and repopulation of native species

Article 74

(1) For reintroduction into nature of a native wild species that has disappeared or its repopulation, a legal and natural person shall obtain a permit from the Ministry.

(2) The application for the issuance of the permit referred to in paragraph 1 of this Article shall contain:

– scientific and Croatian names of species, the number or quantity of specimens, origin of specimens, description of the development stage or shape, and for animal species also gender and age of specimens,

– description of the purpose of import, placement on the market or introduction, and for introduction into nature also description of the manner of introduction, including the schedule during the year and envisaged size of the area with precise location of introduction.

(3) The Ministry shall submit the application referred to in paragraph 2 of this Article to the Institute for expert opinion.

(4) The Institute shall submit the expert opinion on the ecological risk of reintroduction into nature of a native wild species that has disappeared or its repopulation within 30 days from the date of receipt of the application referred to in paragraph 2 of this Article.

(5) The provisions of this Article shall not apply to repopulation when it is prescribed by a special regulation from the field of forestry, hunting, freshwater and sea fishing and/or plan for the management of natural resources developed pursuant to a special regulation, if nature protection requirements have been obtained for the management plan in accordance with Article 20 of this Act.

(6) The provisions of this Article shall not apply to reintroduction into nature of a native wild species that has disappeared to be used for hunting, forestry, freshwater and sea fishing, if the issuance of the permit is prescribed by a special regulation in the field of hunting, forestry, freshwater and sea fishing, subject to the prior approval of the Ministry.

Article 75

(1) If during the procedure of issuing the permit referred to in Article 74 of this Act the Ministry establishes that there exists an ecological risk, it shall request from the applicant to submit the study on the assessment of the impact on nature of reintroduction into nature of a native wild species that has disappeared or its repopulation within the time period that shall not exceed one year.

(2) Upon receipt the Ministry shall immediately submit the study referred to in paragraph 1 of this Article to the Institute for expert opinion.

(3) The Ministry shall inform the public on the submitted application referred to in Article 74, paragraph 2 of this Act and the study referred to in paragraph 1 of this Article and shall carry out public consultations in the manner prescribed by the regulation referred to in Article 68, paragraph 3 of this Act.

(4) The Institute shall submit the expert opinion on the assessment of the impact on nature of reintroduction within 30 days from the date of receipt of the study referred to in paragraph 1 of this Article.

Article 76

(1) The Ministry shall, on the basis of the expert opinion by the Institute referred to in Article 74, paragraph 4 and Article 75, paragraph 4 of this Act and with prior approval by the central state administration body responsible for agriculture, sea fishing, freshwater fishing or water management, and taking into account public opinion, issue a permit for reintroduction into nature of a native wild species that has disappeared or repopulation if it determines that there exists no ecological risk.

(2) The permit referred to in Article 74 of this Act shall be issued for the period of up to five years.

(3) The permit referred to in Article 74 of this Act shall contain the conditions for introduction of a native wild species into nature or its repopulation, time limit for carrying out the activity, and the obligation of monitoring and reporting.

(4) The legal and natural person to which the permit referred to in Article 74 of this Act was issued shall immediately upon introduction into nature of a native wild species that has disappeared or its repopulation inform the Ministry, monitor the native wild species after introduction into nature or its repopulation in the manner prescribed by the regulation referred to in Article 68, paragraph 3 of this Act and inform the Ministry thereof.

Article 77

(1) On the basis of the Institute's opinion on the need for reintroduction or repopulation of the native wild species that has disappeared or is endangered, the Ministry may adopt a decision on reintroduction or repopulation of the native wild species that has disappeared or is endangered.

(2) Provisions of Articles 74, 75 and 76 of this Act shall in an appropriate manner apply to the procedure for adoption of the decision referred to in paragraph 1 of this Article.

(3) By the decision referred to in paragraph 1 of this Article shall be determined the addressee of the obligation to reintroduce or repopulate the native wild species that has disappeared or is endangered, the manner and conditions for reintroduction of a native wild species into nature or its repopulation, the time limit for carrying out the activity, and the obligation of monitoring and reporting.

5. Breeding of wild species

Article 78

(1) The legal and natural person that intends to breed an alien wild species shall obtain a permit from the Ministry.

(2) The application for the issuance of the permit referred to in paragraph 1 of this Article shall contain:

- location and description of the breeding facilities,
- date of the planned commencement of breeding,
- scientific and Croatian names of species, the number or quantity and origin of parental specimens,
- evidence that breeding shall be carried out in a controlled environment that prevents settlement in nature (e.g. security measures to prevent escapes, uncontrolled spreading and/or theft).

(3) The Ministry shall submit the application referred to in paragraph 2 of this Article to the Institute for expert opinion.

(4) The Institute shall submit the expert opinion on the ecological risk of breeding of alien wild species within 30 days from the date of receipt of the application referred to in paragraph 2 of this Article.

Article 79

(1) By way of derogation from Article 78 of this Act, the permit for breeding of an alien wild species pursuant to a special regulation in the field of forestry, plant health, hunting, veterinary medicine, freshwater or sea fishing, shall be issued by the competent central state administration body in accordance with that regulation subject to the prior approval of the Ministry.

(2) The Ministry shall issue prior approval if it determines that there exists no ecological risk.

(3) By way of derogation from Article 78 of this Act, a legal and natural person that intends to breed an alien wild species listed in the ordinance referred to in Article 68, paragraph 4 of this Act for which a permit for import and placing on the market is not required, shall not be obliged to obtain the permit referred to in Article 78 of this Act.

Article 80

(1) If during the procedure of issuing the permit referred to in Article 78 of this Act the Ministry establishes that there exists an ecological risk, it shall request from the applicant to submit the study on the assessment of the impact of an alien species on nature within the time period that shall not exceed one year.

(2) Upon receipt the Ministry shall immediately submit the study referred to in paragraph 1 of this Article to the Institute for expert opinion.

(3) The Ministry shall inform the public on the submitted application referred to in Article 78, paragraph 2 of this Act and the study referred to in paragraph 1 of this Article and shall carry out public consultations in the manner prescribed by the regulation referred to in Article 68, paragraph 3 of this Act.

(4) The Institute shall submit the expert opinion on the assessment of the impact on nature of the breeding of alien species within 30 days from the date of receipt of the study referred to in paragraph 1 of this Article.

Article 81

(1) The Ministry shall, on the basis of the expert opinion by the Institute referred to in Article 78, paragraph 3 and Article 80, paragraph 4 of this Act and taking into account public opinion, issue the permit referred to in Article 78 of this Act if it determines that there exists no ecological risk.

(2) The permit referred to in Article 78 of this Act shall be issued for the period of up to five years.

(3) The permit referred to in Article 78 of this Act and the approval referred to in Article 79, paragraph 1 of this Act shall contain the conditions under which breeding is permitted, time limit for carrying out the activity, and the obligation of reporting.

(4) The list of specimens of the alien wild species for which breeding is permitted shall be an integral part of the permit referred to in Article 78 of this Act.

(5) The legal and natural person to which the permit referred to in Article 78 of this Act was issued shall inform the Ministry on the breeding of the wild species.

Article 82

(1) The legal and natural person that intends to breed a strictly protected native species shall obtain a permit from the Ministry.

(2) The application for the issuance of the permit referred to in paragraph 1 of this Article shall contain:

- location and description of the breeding facilities,
- date of the planned commencement of breeding,
- scientific and Croatian names of species, the description of the parental stock, the number or quantity of parental specimens, evidence of the legal origin of parental specimens, description of the location of the current and the expected number of specimens,
- description of the breeding techniques,
- description of security measures to prevent spreading, escapes and/or theft,
- assessment of the expected need and sources of additional specimens for the increase of the number of specimens in the breeding operation,
- type of product intended for commercial purposes.

(3) The Ministry shall submit the application referred to in paragraph 2 of this Article to the Institute for expert opinion.

(4) The Institute shall submit the expert opinion on the justifiability of breeding from the standpoint of the preservation of species within 30 days from the date of receipt of the application referred to in paragraph 2 of this Article.

Article 83

(1) The Ministry shall issue the permit referred to in Article 82 of this Act if it determines the legality of the origin of parental specimens and the justifiability of breeding from the standpoint of the preservation of species.

(2) The permit referred to in Article 82 of this Act shall be issued for the period of up to five years.

(3) The permit referred to in Article 82 of this Act shall contain the conditions under which breeding is permitted, time limit for carrying out the activity and the obligation of reporting.

(4) The list of specimens of the strictly protected native wild species for which breeding is permitted shall be an integral part of the permit referred to in Article 82 of this Act.

(5) The legal and natural person to which the permit referred to in Article 82 of this Act was issued shall inform the Ministry on the breeding of the strictly protected native wild species.

Article 84

(1) The breeder or owner of the parental specimen or bred specimen of strictly protected animal from the vertebrate group shall ensure marking of that specimen in the manner prescribed by this Act.

(2) The costs of animal marking shall be borne by the breeder or owner of the animal.

6. Marking of strictly protected animals

Article 85

(1) Marking of live animals from the vertebrate group for which this is prescribed by this Act shall be carried out in the following manner:

– live vertebrates, other than birds, shall be marked by means of a uniquely numbered unalterable microchip transponder conforming to HRN ISO 11784:2006 and HRN ISO 11785:2006 standards,

– birds shall be marked by means of a seamlessly closed leg-ring, that is, a ring or band in a continuous circle, without any break or join, with a unique permanently visible and unalterable code, of a size which cannot be removed from the bird when its leg is fully grown after having been applied in the first days of the bird's life, which has not been tampered with in any way and which has been commercially manufactured for that purpose and of a size and make that it does not harm the bird and that the bird cannot damage it.

(2) Specimens of live animals referred to in paragraph 1 of this Article marked outside the Republic of Croatia shall be considered marked in accordance with the provisions of this Act if

they are marked in a manner approved by the competent administrative body of the other state which is compatible with the manner of marking prescribed by this Act.

(3) Additional rules for marking the strictly protected species, exceptions from the prescribed methods of marking, procedure in the case of death, escape or other loss of a marked animal, procedure in the case of damage to or loss of the original marking shall be prescribed by the Minister through the ordinance referred to in Article 151, paragraph 3 of this Act.

Article 86

(1) Bred specimen of a wild species shall be the ownership of the person that has bred or acquired it.

(2) The owner of the bred specimen of a wild species shall prevent escape or introduction into the wild of that specimen or its part and shall be responsible for the damage that specimen inflicts as well as the costs of its removal from nature according to the principle of guilt.

(3) Escape or spreading of the bred specimen of an alien species in the wild shall be considered damage to nature upon establishment of adverse impacts on nature.

Article 87

(1) The study on the assessment of the impact of an alien species on nature and the study on the assessment of the impact on nature of reintroduction of a native wild species that has disappeared or its repopulation shall be developed by the authorised person.

(2) The costs of development of the study referred to in paragraph 1 of this Article shall be borne by the applicant.

(3) Provisions of Article 32, paragraphs 3 and 4 of this Act shall apply to the development of the study referred to in paragraph 1 of this Article.

7. Conservation of genetic diversity

Article 88

(1) Conservation of genetic diversity and the genetic material of native wild species is of interest for the Republic of Croatia and shall be carried out in accordance with the principle of sustainable development and fair sharing of benefits arising from utilisation of genetic resources.

(2) Access to genetic material of native wild species and its utilisation shall be carried out in accordance with the provisions of this Act and special regulations.

(3) By way of derogation, provisions of paragraph 2 of this Article shall not apply to the utilisation of plant genetic material covered by Annex I of the Act on the Ratification of the International Treaty on Plant Genetic Resources for Food and Agriculture.

(4) Access to and utilisation of genetic material, depending on the purpose and manner of utilisation, shall be permitted to all under equal conditions in a manner prescribed by this Act or a special regulation.

Article 89

(1) Access to and utilisation of genetic material of native wild species in the wild (*in situ*) must not endanger the survival of the ecosystem and disturb the population of the native wild species that is subject to the utilisation to an extent in which it would become endangered.

(2) For access to and utilisation of genetic material of native wild species in the wild (*in situ*) a legal and natural person shall obtain a permit from the Ministry and meet the requirements for access and/or utilisation of genetic material prescribed by the regulation referred to in Article 98 of this Act.

(3) By way of derogation from paragraph 2 of this Article, a legal and natural person may conduct research on the genetic material of native wild species that is not strictly protected pursuant to this Act on a non-commercial basis.

(4) If the legal and natural person referred to in paragraph 3 of this Article identifies the possibility of commercial utilisation of genetic material it shall immediately obtain the permit referred to in paragraph 2 of this Article.

Article 90

(1) The application for the issuance of the permit referred to in Article 89 of this Act shall contain:

- evidence of registration for performance of activities,
- the name of the species and quantity for which access and utilisation of genetic material is requested,
- description of the planned activity of gathering and utilisation of genetic material and description of the impact of gathering on other specimens in the population of the species concerned and impact on the habitat,
- data on the location of performance of activities (with regard to access to genetic material and location of research/utilisation of genetic material),
- grounds for the need for and the end purpose/intention of carrying out the planned activity/research.

(2) The Ministry shall, if it deems necessary, submit the application referred to in paragraph 1 of this Article to the Institute or another expert institution for expert opinion.

(3) The Institute and other expert institution shall submit the expert opinion on the impact of the activity on the population of the native wild species, its habitat or its living conditions and/or the entire biological diversity within 30 days from the date of receipt of the application referred to in paragraph 1 of this Article

Article 91

(1) The Ministry shall issue the permit referred to in Article 89 of this Act if it determines that the activity would not endanger the survival of the ecosystem and disturb the population of the native wild species to an extent in which it would become endangered, and establishes conditions that ensure just sharing of benefits arising from utilisation of the genetic material.

(2) For the issuance of the permit for access and utilisation of genetic material of native wild species that are strictly protected pursuant to this Act, the Ministry shall determine that conditions referred to in Article 155 of this Act have also been met.

(3) The permit referred to in Article 89 of this Act shall be issued for the period of up to five years.

(4) The permit referred to in Article 89 of this Act shall contain the conditions for access to and/or utilisation of genetic material, time limit for carrying out the activity, the obligation of reporting on the results of research and the manner of utilisation of genetic material, the obligation of reporting on the transfer of genetic material to third parties, agreed conditions of fair sharing of benefits arising from utilisation of the genetic material.

Article 92

(1) The legal and natural person to which the permit referred to in Article 89 of this Act was issued shall inform the Ministry of the carried out access to and/or utilisation of genetic material by 31 March of the current year for the previous calendar year.

(2) The legal and natural person to which the permit referred to in Article 89 of this Act was issued may transfer genetic material to a third party under the conditions set by the regulation referred to in Article 98 of this Act and shall inform the Ministry thereof.

Article 93

On the basis of the permit referred to in Article 89 of this Act the user and the Ministry shall conclude an agreement whereby conditions for the utilisation of genetic material and conditions related to fair sharing of benefits arising from utilisation of the genetic material are determined in more detail.

Article 94

(1) Genetic material of wild species shall be kept in gene banks, collections of natural history museums, botanical gardens, herbaria and zoological gardens (hereinafter: *ex situ* sources).

(2) Access to and utilisation of genetic material of native wild species from *ex situ* sources shall be carried out in accordance with this Act, unless otherwise prescribed by special regulations regulating the work of institutions that manage *ex situ* sources of genetic material.

Article 95

(1) A legal person may carry out activities of a gene bank if it obtains an approval from the Ministry.

(2) The approval referred to in paragraph 1 of this Article is not an administrative act.

(3) Conditions for the operation of gene banks in which biological material of native wild species protected pursuant to this Act is kept, the procedure and manner of issuance of the approval for performance of activities of a gene bank shall be prescribed by the Minister through an ordinance.

(4) Provisions of this Article shall not apply to performance of activities of genetic and seed banks for species of forest trees governed by a special regulation.

Article 96

(1) For access to and utilisation of genetic material of native wild species from *ex situ* sources a legal and natural person shall obtain a permit from the Ministry.

(2) Provisions of Articles 89 to 93 of this Act shall in an appropriate manner apply to the procedure and conditions for the issuance as well as the content of the permit referred to in paragraph 1 of this Article.

(3) On the basis of the permit referred to in paragraph 1 of this Article the user and the Ministry shall conclude an agreement whereby conditions for the utilisation of genetic material and conditions related to fair sharing of benefits arising from utilisation of the genetic material are determined in more detail.

Article 97

The Ministry shall keep a register of issued permits referred to in Articles 89 and 96 of this Act and concluded agreements referred to in Articles 93 and 96 of this Act.

Article 98

The detailed content of the applications for the issuance of the permits referred to in Articles 89 and 96 of this Act, conditions for access to and utilisation of genetic material, the manner of keeping records of issued permits and concluded agreements, conditions for transfer of genetic material to a user depending on commercial or non-commercial use, conditions for transfer of genetic material to subsequent users, conditions for the utilisation of genetic material and fair sharing of benefits arising from utilisation of the genetic material, and other conditions and measures related to utilisation of genetic material shall be prescribed by the Government through a regulation.

V. CONSERVATION OF GEOLOGICAL DIVERSITY

1. Speleological formations

Article 99

(1) Speleological formations are of particular interest for the Republic of Croatia and shall have its special protection.

(2) A cadastre shall be developed for speleological formations and shall be maintained by the Institute.

Article 100

(1) The finder of any speleological formation shall notify the Ministry and the Institute of the discovery within 8 days from the date of discovery.

(2) For further proceeding with the discovered speleological formation referred to in paragraph 1 of this Article, the Ministry shall, ex officio, adopt a decision within 90 days from the date of notification of the finding of the said speleological formation whereby measures can be determined for securing and protecting the speleological formation.

Article 101

(1) If the discovery of a speleological formation occurs during execution of construction or other works carried out on the surface or under the surface of the soil, on land, under water or sea, the person executing the works shall cease all activities at the discovery site and immediately notify in writing the Ministry and the Institute of the findings.

(2) The notification referred to in Article 100, paragraph 1 of this Act and paragraph 1 of this Article shall contain data on the location and description of the discovered speleological formation.

(3) The Institute shall carry out urgent examination of the speleological formation and submit to the Ministry an expert report on the potential significance of the speleological formation within 20 days from the date of receipt of the notification referred to in paragraph 1 of this Article.

(4) The Ministry shall, ex officio, by a decision permit the project developer or the person executing other works referred to in paragraph 1 of this Article to continue with the works and determine measures for securing and protecting the speleological formation or shall adopt a provisional decision on cessation of works within 10 days from the date of receipt of the expert report referred to in paragraph 3 of this Article.

(5) The provisional decision referred to in paragraph 4 of this Article shall be delivered to the Institute.

Article 102

(1) The Institute shall carry out a detailed examination of the speleological formation and submit to the Ministry an expert report on the significance of the discovered speleological formation within 30 days from the date of receipt of the provisional decision on cessation of works.

(2) Within 15 days from the date of receipt of the expert report referred to in paragraph 1 of this Article the Ministry shall adopt a decision whereby the provisional decision on cessation of works is rescinded and continuation of works is permitted or the works are permanently suspended.

(3) In case a decision is adopted whereby works are permanently suspended the project developer shall have the right to compensation in the amount or the actual damage caused by the permanent suspension of works.

Article 103

The finder of the speleological formation referred to in Article 100 of this Act and the project developer or the person executing other works referred to in Article 101 of this Act shall undertake necessary protection measures in order to prevent destruction of or damage to the speleological formation, living organisms and fossil, archaeological or other findings located within the speleological formation until the adoption of the decision referred to in Article 100 and Article 101, paragraph 4 of this Act.

Article 104

It is prohibited to damage, destroy or remove speleothems, living organisms from speleological formations, fossil, archaeological and other findings, dispose of waste or discharge waste matter into speleological formations, as well as carrying out other projects and activities by which habitat conditions are altered within the formation.

Article 105

(1) The legal and natural person that plans to carry out a project or perform activities or exploration in the speleological formation or its above-ground area which have an impact on the main features, conditions and the living organisms in the speleological formation shall obtain a permit from the Ministry.

(2) The application for issuance of the permit referred to in paragraph 1 of this Article shall contain data on:

- the person that carries out the project, activities or exploration,
- the location of the project, activities or exploration,
- the method of carrying out the project, activities or exploration,
- the time period within which the project, activities or exploration will be carried out,
- the utilised equipment, tools, machinery, etc.

Article 106

(1) The Ministry shall issue the permit referred to in Article 105 of this Act if it establishes that the project, activities or exploration would not alter habitat conditions within the speleological formation.

(2) The permit referred to in Article 105 of this Act shall generally be issued for the period of up to five years.

(3) The permit referred to in Article 105 of this Act shall contain nature protection requirements and other conditions which the person that carries out the project or exploration has to comply with, as well as the time limit within which the project or exploration may be carried out.

(4) Provisions of Article 144 and Article 145 of this Act shall apply to the issuance of a permit to carry out a project or perform activities or exploration in the speleological formation located within a protected area or which constitutes a specially protected area.

Article 107

(1) If the speleological formation is located within a protected area or represents a specially protected area, it shall be managed by a competent public institution in line with the provisions of this Act.

(2) If the speleological formation is located outside a protected area or is not accorded special protection, the management of the speleological formation for the purpose of visiting may be conferred to a legal or natural person pursuant to a decision on granting of concessions. Provisions of Articles 178 to 187 of this Act and a special regulation shall apply to the issues related to concessions.

Article 108

(1) The owner of or holder of the right on land at which the speleological formation is located shall render possible access to that formation and the carrying out of a project or performance of activities and/or exploration for which the permit referred to in Article 105 of this Act was obtained.

(2) The owner of or holder of the right on land at which the speleological formation is located shall have the right to compensation for restrictions to which he is subjected owing to the use of the speleological formation in an amount proportional to the reduced income.

(3) The amount of compensation shall be determined by agreement, and in case of dispute concerning the amount of compensation, the matter shall be referred to the courts. The compensation shall be disbursed from the State Budget.

(4) The owner of or holder of the right on land at which the speleological formation is located shall, if he also holds the permit from the Ministry for organised visiting, use or management of the speleological formation or its part before entry into force of this Act, have the right of priority in granting a concession under equal conditions.

2. Minerals and fossils

Article 109

(1) The finder of any mineral or fossil exceptional owing to its rarity, size, appearance or educational and scientific significance shall notify the Ministry of the discovery within 8 days from the date of discovery.

(2) If the Ministry establishes that minerals or fossils referred to in paragraph 1 of this Article represent a natural value that needs to be protected, it shall, ex officio, adopt a decision on

necessary measures for protection of the finding site for the purpose of preventing destruction, damage or theft of the findings within 30 days from the date of notification of the finding.

(3) The Ministry shall issue a decision on the exploration of the finding site referred to in paragraph 1 of this Article within 30 days from the date of notification of the finding.

(4) The decisions referred to in paragraphs 2 and 3 of this Article shall be delivered to the public institution competent for management of protected parts of nature.

(5) It is prohibited to carry out any projects or activities that could lead to the destruction or damage to the findings at the site of the findings referred to in paragraph 1 of this Article, unless the Ministry decides otherwise.

(6) The owner of or holder of the right on land at which the minerals and fossils were discovered shall render possible exploration of the finding site in accordance with the decision referred to in paragraph 3 of this Article.

Article 110

(1) The legal and natural person that intends to extract minerals or fossils from nature for the purpose of placing them on the market shall obtain a permit from the Ministry.

(2) The application for the permit referred to in paragraph 1 of this Article shall in particular contain data on:

- the location of extraction,
- the type and quantity of minerals or fossils,
- the time of extraction.

(3) The Ministry shall issue the permit referred to in paragraph 1 of this Article if it establishes that depending on the distribution and quantity of minerals or fossils extraction would not significantly threaten geological diversity.

(4) The permit referred to in paragraph 1 of this Article shall be issued for the period of up to one year.

(5) The permit referred to in paragraph 1 of this Article shall contain nature protection requirements, the type and quantity of minerals or fossils.

VI. PROTECTED PARTS OF NATURE

Article 111

(1) Protected parts of nature under this Act are:

1. protected areas in the following categories:

- strict reserve,

- national park,
- special reserve,
- nature park,
- regional park,
- nature monument,
- significant landscape,
- park forest,
- park architecture monument,

2. protected species:

- strictly protected wild species,

3. protected minerals and fossils.

(2) Protected areas referred to in paragraph 1, subparagraph 1 of this Article are classified into the categories of:

- national importance,
- local importance.

(3) Protected areas of national importance are: strict reserve, national park, special reserve and nature park.

(4) Protected areas of local importance are: regional park, nature monument, significant landscape, park forest and park architecture monument.

A) PROTECTED AREAS

Article 112

(1) A strict 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.

(2) Economic and other activities shall be prohibited in the strict reserve.

(3) Visiting, research and monitoring of the state of nature may be permitted in the strict reserve.

Article 113

(1) A national park is an extensive, predominantly unaltered area of land and/or sea characterised by exceptional and varied natural values, comprising one or several preserved or predominantly unaltered ecosystems, and is primarily intended for the conservation of original natural and landscape values.

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

(3) Any project 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) By way of derogation from paragraph 4 of this Article, exercising of catering, tourist and recreational activities in connection with visiting and touring, as well as performance of other activities in line with the ordinance referred to in Article 142 of this Act may be permitted.

Article 114

(1) A special reserve is an area of land and/or sea of particular importance owing to its unique, rare or representative natural values, or is an endangered habitat or a habitat of an endangered wild species, and is primarily intended for the preservation of those values.

(2) Projects and activities which could impair the features for which it was designated as such shall not be permitted in a special reserve.

(3) Projects and activities for maintaining or improving the conditions essential for the conservation of features for which the reserve was designated as such shall be permitted in a special reserve.

(4) By way of derogation from paragraphs 2 and 3 of this Article, breeding of fish and/or other water organisms in strict reserves in which at the moment of designation the breeding activities were in place shall be permitted in a scope and in a manner that does not impair the characteristics for which the reserve was designated as such, along with the performance of other activities in line with the ordinance referred to in Article 142 of this Act.

Article 115

(1) A nature park is an extensive natural or partly cultivated area of land and/or sea of great biological and/or geological diversity, distinguished by valuable ecological features, marked landscape, educational and cultural and historical values.

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

(3) Economic and other activities and projects which do not pose a threat to its essential features and role shall be permitted in a nature park.

Article 116

(1) A regional park is an extensive natural or partly cultivated area of land and/or sea of great biological and/or geological diversity, distinguished by valuable ecological features and landscape values characteristic for the area in which it is located.

(2) Economic and other activities and projects which do not pose a threat to its essential features and role shall be permitted in a regional park.

Article 117

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

(2) Projects and activities which do not pose a threat to its features and values shall be permitted in a nature monument.

Article 118

(1) A significant landscape is a natural or cultivated tract of land distinguished by great landscape value and biological and/or geological diversity, or a landscape distinguished by unique conserved features characteristic of a particular area.

(2) Projects and activities which do not impair the features for which it was designated as such shall be permitted in the significant landscape.

Article 119

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

(2) Projects and activities which do not impair the features for which it was designated as such shall be permitted in the park forest.

Article 120

(1) A park architecture monument is an artificially shaped space (public garden, botanical garden, arboretum, municipal park) distinguished by an aesthetic, stylistic, artistic, cultural and historical, and educational value.

(2) Projects and activities which do not impair the values for which it was protected shall be permitted in the park architecture monument.

Article 121

(1) The legal and natural person intending to perform the activity or carry out a project referred to in Article 113, paragraphs 3 and 5, Article 114, paragraphs 3 and 4 and Article 115, paragraph 3 of this Act shall meet requirements prescribed by Articles 143, 144, 180 or 188 of this Act.

(2) The legal and natural person intending to perform the activity or carry out a project referred to in Article 116, paragraph 2, Article 117, paragraph 2, Article 118, paragraph 2, Article 119,

paragraph 2 and Article 120, paragraph 2 of this Act shall meet requirements prescribed by Articles 143, 144 or 188 of this Act.

Article 122

Protected areas may be connected across borders with protected areas of another country.

1. Designation of protected areas

Article 123

(1) A national park and nature park shall be designated by law by the Croatian Parliament.

(2) Strict and special reserves shall be designated by the Government through a regulation.

(3) A regional park and significant landscape shall be designated by the representative body of the competent regional self-government unit subject to the prior approval of the Ministry and the central state administration body responsible for agriculture, fishery, forestry, water management, maritime affairs and economy.

(4) A nature monument, park forest and park architecture monument shall be designated by the representative body of the competent regional self-government unit subject to the prior approval of the Ministry, and for park forest also subject to the prior approval of the central state administration body responsible for forestry.

(5) Designation of a protected area shall be prohibited within the area defined by special regulations as an area of particular interest for defence.

Article 124

(1) A proposal of an act on the designation of a protected area shall be based on:

– the expert background document developed by the Institute upon request by the Ministry, which shall establish the values of the area proposed for protection and the manner of management of that area,

–the statement by the body adopting the act on designation concerning funds allocated for management of protected areas,

– the special geodetic background document for entry of the legal regime into the cadastre and the land registry.

(2) The expert background document referred to in paragraph 1 of this Article shall contain a detailed description of features and values of the area to be protected, assessment of the state of that area, consequences ensuing from the adoption of the act of designation, especially with regard to property rights and economic activities in place, as well as the estimate and sources of funds necessary for implementing the act on the designation of the protected area.

Article 125

(1) The public shall be informed of the proposal of the act on the designation of a protected area. Informing the public implies public insight into the proposed act on the designation of the protected area as well as the expert background document containing cartographic documentation.

(2) The procedure of public insight for designation of national parks, nature parks, strict reserves and special reserves shall be organised and implemented by the Ministry.

(3) The procedure of public insight for designation of nature monument, regional park, significant landscape, park forest and park architecture monument shall be organised and implemented by the regional self-government unit.

(4) Public insight shall be provided for a period of at least 30 days.

(5) Notification of public insight shall be published in at least one mass media organ and at the website of the body referred to in paragraphs 2 or 3 of this Article, and shall contain information as to the place where cartographic and other documents related to the proposed protection may be examined.

(6) The body issuing the proposal of the act on the designation of a protected area shall respond to the comments submitted during public insight, and the comments submitted and the responses shall become an integral part of the documentation on which the proposal of the act on designation shall be based.

Article 126

The act on the designation of a protected area shall contain:

- the name and category of the protected area,
- a description of the borders of the protected area,
- a cartographic representation of the protected area in analogue and digital format, which constitutes an integral part of the act on designation,
- an indication of the scale of the cartographic representation,
- the special geodetic background document for entry of the legal regime into the cadastre and the land registry.

Article 127

(1) The act on the designation of a protected area referred to in Article 123, paragraphs 1 and 2 of this Act shall be published in the Official Gazette, while the act on the designation of a protected area referred to in Article 123, paragraphs 3 and 4 of this Act shall be published in the official journal of the regional self-government units and in the Official Gazette.

(2) The cartographic representation of the protected area in analogue and digital format shall be kept by the body adopting the act on designation, and one copy of the act and the cartographic representation shall be delivered to the Ministry and the Institute.

(3) The act on the designation of a protected area shall be delivered by the body adopting the act to a regional cadastral office and to the body responsible for cadastral affairs in the City of Zagreb (hereinafter: regional cadastral office) for the purpose of registering the special legal regime, while for protected areas designated by the Croatian Parliament and the Government the act on the designation of a protected area shall be delivered to the competent regional cadastral office by the Ministry.

(4) After the competent regional cadastral office registers the special legal regime, it shall ex officio submit to the competent land registry court a list of plots for the purpose of making an entry of the special legal regime – protected area into land registries, by reference to the act on the basis of which it carried out the procedure of registering the special legal regime in its records.

(5) The entry referred to in paragraph 4 of this Article shall be carried out in land registries regardless of existing registrations in a land registry.

Article 128

(1) If the features for which the protected area was designated as such disappear, the competent body referred to in Article 123 of this Act may adopt an act on the cessation of protection.

(2) Proposal of the act on the cessation of protection adopted by the Croatian Parliament and the Government shall be based on the expert background document prepared by the Institute upon request by the Ministry.

(3) The representative body of the competent regional self-government unit shall adopt the act on the cessation of protection subject to prior opinion by the Institute and approval by the Ministry.

(4) Provisions of Article 125 of this Act shall in an appropriate manner apply to public information concerning the proposal of the act on the cessation of protection.

(5) The act on the cessation of protection shall, along with the list of plots for which protection ceases, be submitted to the competent regional cadastral office for deletion of the special legal regime from the records.

(6) After the competent regional cadastral office registers cessation of protection, it shall ex officio deliver to the land registry court a list of plots for the purpose of deleting the entry of the special legal regime – protected area from land registries.

Register of protected areas

Article 129

(1) Protected areas shall be recorded in the Register of protected areas.

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

(3) The recording of protected areas and deletion from the Register of protected areas shall be carried out on the basis of the act on the designation and the act on the cessation of protection.

(4) Data from the Register of protected areas shall be public.

(5) The Register of protected areas shall contain data from the act on the designation, and shall be published at the website of the Ministry.

2. Management of protected areas

Establishment of public institutions for management of protected areas

Article 130

(1) Protected areas shall be managed by public institutions.

(2) Public institutions for the management of a national park and nature park shall be established by the Republic of Croatia through a regulation by the Government.

(3) Public institutions for the management of other protected areas and/or other protected parts of nature shall be established by the representative bodies of regional self-government units through a decision.

(4) The Government may through a regulation establish a public institution for the management of two or more national parks and/or nature parks.

(5) The Government may through a regulation establish a public institution for the management of all protected areas of national importance referred to in Article 111, paragraph 3 of this Act.

(6) Through establishment of a single public institution referred to in paragraph 5 of this Article shall cease the right on the management of those areas by public institutions established by regional self-government units.

(7) By way of derogation, if a local self-government unit established a public institution for the management of any of the areas referred to in Article 111, paragraph 3 of this Act, through establishment of the public institution referred to in paragraph 5 of this Article that public institution shall continue to manage the area in question.

(8) Two or more regional self-government units may through an agreement jointly establish a public institution for the management of protected parts of nature in their territory.

(9) Founder's rights over the public institution referred to in paragraph 3 of this Article may be transferred by the representative body of a regional self-government unit to the local self-government unit in the territory of which the protected area is located.

(10) A public institution managing a national park or a nature park may manage protected areas designated by the Government and the representative body of a regional self-government unit if they are located in the territory of a national park or a nature park or if they border them or are located in the immediate vicinity of their borders.

(11) Protected area designated by the representative body of a regional self-government unit, which extends over the territory of several regional self-government units shall be jointly managed by public institutions for management of other protected areas and/or other protected parts of nature of those regional self-government units.

Activities of public institutions for management of protected areas

Article 131

(1) Public institutions referred to in Article 130 of this Act shall carry out activities of protection, maintenance and promotion of the protected area with the aim of protecting and conserving the original state of nature, ensuring the unimpeded natural processes and sustainable use of natural resources, monitoring implementation of nature protection requirements and measures in the territory they manage, and participating in collection of data for the purpose of monitoring the state of conservation of nature.

(2) Public institutions shall carry out activities referred to in paragraph 1 of this Article as a public service.

(3) Public institutions may also carry out other activities set by the act on establishment and statute that are in the service of the performance of activities referred to in paragraph 1 of this Article.

Financial activities of public institutions for management of protected areas

Article 132

(1) Funds for the operation of public institutions and performance of activities referred to in Article 131 of this Act shall be ensured from:

- State Budget and budgets of local and regional self-government units,
- income from the use of protected parts of nature,
- income from fees,
- other sources established by this Act and special regulations.

(2) The public institution shall after the completion of a fiscal year prepare the annual financial statement. Public institutions for the management of a national park and nature park shall submit it to the Ministry, while public institutions for the management of other protected areas shall submit it to the executive body of a local and regional self-government unit. The report shall be submitted at the latest within 30 days from the date of adoption.

(3) Regarding the use of official cars, mobile phones, scheduled flights, business credit cards and representation funds for public institutions managing a national park or a nature park the Minister shall adopt an ordinance, while for public institutions managing other protected areas the executive body of the founding authority shall adopt a decision.

Management bodies in public institutions for management of protected areas

Article 133

(1) A public institution for the management of protected areas shall be governed by the management board. The management board shall have a maximum of five members.

(2) The composition, manner of selection, term of office, manner of decision making by the management board shall be regulated by the act on establishment and its statute.

(3) The chair and members of the management board of public institutions for the management of a national park and nature park shall be appointed and relieved of their duties by the Minister, while the chair and members of the management board of public institutions for the management of other protected areas shall be appointed and relieved of their duties by the executive body of the founding authority.

(4) The amount of compensation for the work of the chair and members of public institutions for the management of a national park and nature park shall be set by the Minister, while the amount of compensation for the work of the chair and members of public institutions for the management of other protected areas shall be set by the executive body of the founding authority.

Article 134

(1) The management board shall:

- adopt the statute of the public institution,
- adopt the Rules of procedure for its work,
- adopt a management plan,
- adopt the annual programme for protection, maintenance, conservation, promotion and use of the protected area and monitor its implementation,
- adopt the annual financial plan of the public institution as well as the annual account,
- issue a public vacancy advertisement for the appointment of the director of the public institution,
- issue a public vacancy advertisement and appoint and relieve of their duties the head of the expertise division, head ranger and heads of internal organisational units,
- adopt the ordinance on internal organisation of the public institution, ordinance on salaries and other general acts determined by the act on establishment and the statute,
- adopts decisions on acquisition, burdening and alienation of real estate owned by the public institution or other property up to the amount determined by the act on establishment and the statute, by itself, and above that amount subject to the approval of the Government and the executive body of the local and regional self-government unit,

– decide on other issues determined by this Act, act on establishment and the statute, as well as other issues related to the management of the public institution for which the responsibility of the director has not been prescribed.

(2) The management plan and annual programme for protection, maintenance, conservation, promotion and use of the national park and nature park shall be adopted subject to approval of the Ministry and having obtained prior opinion from the Institute.

(3) The management plan for other protected areas shall be adopted subject to approval of the Ministry and having obtained prior opinion from the Institute, while the annual programme for protection, maintenance, conservation, promotion and use of protected areas shall be adopted subject to approval of the executive body of the local and regional self-government unit having obtained prior opinion from the Institute.

(4) The management board of a public institution for the management of a national park and nature park shall adopt the statute, ordinance on internal organisation and ordinance on salaries subject to approval of the Ministry, while the management board of a public institution for the management of other protected areas subject to approval of the executive body of the local and regional self-government unit.

(5) Public institution that manages a protected area in the territory of two or more regional self-government units shall adopt the statute subject to approval of the Ministry.

(6) The management board shall submit to the Ministry, or the executive body of the local and regional self-government unit, as well as the Institute the achievement report concerning the management plan and annual programme for protection, maintenance, conservation, promotion and use of the protected area by 1 March of the current year for the previous calendar year.

Article 135

(1) The director of the public institution for the management of a national park and nature park shall be appointed and relieved of his duties by the Minister, while the director of the public institution for the management of other protected areas shall be appointed and relieved of his duties by the representative body of the founding authority.

(2) The director shall be appointed on the basis of a public vacancy advertisement issued by the management board. Term of office of the director shall be four years and the same person may be re-selected.

(3) A person with completed undergraduate and graduate university studies or integrated undergraduate and graduate university studies or a specialist graduate professional study, with at least five years work experience may be appointed director. More detailed requirements for the appointment of director shall be prescribed by the act on establishment and the statute.

(4) The director of the public institution shall have the rights and liabilities established by the law, the act on establishment and the statute.

Expert work of public institutions for management of protected areas

Article 136

(1) The expert work of the public institution shall be managed by the head of the expertise division whose rights, responsibilities and liabilities shall be determined by the act on establishment and the statute.

(2) The head of the expertise division shall be appointed and relieved of his duties by the management board on the basis of a public vacancy advertisement issued by the public institution. Term of office of the head of the expertise division shall be four years and the same person may be re-selected.

(3) A person with completed undergraduate and graduate university studies or integrated undergraduate and graduate university studies or a specialist graduate professional study in the field of natural sciences, biotechnology, biomedicine and technical sciences, with at least five years work experience may be appointed head of the expertise division.

3. Implementation of protection in protected areas

Spatial plan of areas with special features

Article 137

The spatial arrangement, manner of use, planning and protection of space in a national park or nature park shall be regulated by a spatial plan of the area with special features on the basis of the expert background document developed by the Institute.

Management plan

Article 138

(1) Management of a protected area shall be carried out on the basis of a management plan.

(2) The management plan shall be adopted for a period of ten years, with the possibility of amendments after five years.

(3) The management plan shall set out:

- management objectives,
- activities aimed at realisation of management objectives,
- management performance indicators.

(4) The content of the management plan, the procedure for its adoption and/or amendment shall be prescribed in more detail by the Minister through an ordinance.

(5) Legal and natural persons carrying out an activity in a protected area must adhere to the management plan.

(6) The proposal of the management plan shall be provided for public insight by public institutions in accordance with a special regulation governing environmental protection.

(7) The plan for the management of a protected area which is connected across borders shall be agreed with the competent body in the country in the territory of which the transboundary part of the protected area is located.

(8) The management plan may encompass several protected areas under the competence of one public institution.

(9) The plan for the management of a protected area designated by the Government and the representative body of a regional self-government unit, and which extends over the territory of several regional self-government units shall be jointly adopted by management boards of all public institution managing it.

Prohibited actions

Article 139

(1) In protected areas the following actions are in particular prohibited:

- anchor and/or moor vessels outside areas set out by the spatial plan and the act of the state body responsible for inland navigation, if the protected area is located in inland waters,
- moor vessels outside areas set out by the spatial plan that have the status of a port, if the protected area is located in the maritime demesne,
- drive and/or park vehicles outside areas intended for driving or parking,
- damage and/or destroy a sign and/or information panel,
- build a fire outside settlements and/or areas specially marked and intended for that purpose,
- put up an information panel, advertising and/or any other panel without permission,
- camp outside areas marked and intended for that purpose,
- visit without a purchased ticket or vignette when a ticket or vignette is mandatory,
- deposit waste outside the provided and marked area,
- bathe in places designated by the competent public institution as area where bathing is prohibited.

(2) Prohibitions referred to in paragraph 1, subparagraphs 1, 2 and 3 of this Article shall not apply to authorised persons performing official duties and employees of legal persons carrying out authorised activities in the protected area, nor to legal and natural persons that in case of emergencies or accidents carry out activities of protection and rescue of people and property.

Forest protection programme

Article 140

(1) For protected areas in the category of a strict reserve and national park a forest protection programme shall be adopted containing measures for their protection.

(2) The costs of the development of the forest protection programme referred to in paragraph 1 of this Article shall be borne by the competent public institution.

(3) For protected areas in the category of a special reserve of forest vegetation and park forest a forest protection programme shall be adopted containing measures for their protection and shall be an integral part of the forest management plan, and shall be developed and implemented within the framework of the forest management plan.

(4) The forest protection programme referred to in paragraph 1 of this Article shall be developed and adopted pursuant to a special regulation governing development of a forest management plan subject to the prior approval of the Ministry.

(5) Implementation of the forest protection programme referred to in paragraph 1 of this Article may by the competent public institution be conferred on a legal person authorised to carry out the implementation of the forest protection programme through conclusion of an agreement.

(6) The proposal of the forest protection programme shall be provided for public insight by public institutions in accordance with a special regulation governing environmental protection.

Military exercises

Article 141

(1) Performance of military exercises and other activities for defence purposes which could impair the features for which it was designated as such shall be prohibited in the protected area.

(2) By way of derogation from paragraph 1 of this Article, performance of military exercises and other activities for defence purposes shall be allowed in areas in which at the moment of designation special (military) purpose was in place, in the scope and in a manner that does not endanger protected natural values.

General acts on protection and conservation of a protected area

Article 142

(1) For protected areas in the category of a strict reserve, national park, special reserve and nature park, upon proposal by the management board of the competent public institution and subject to prior opinion by the Institute, the Minister shall adopt an ordinance on protection and conservation.

(2) By the ordinance referred to in paragraph 1 of this Article shall be prescribed in detail requirements and measures for protection, conservation, improvement and use of the protected area and administrative measures for failure to comply with the provisions of that ordinance and this Act.

(3) For other categories of protected areas the representative body of the competent regional self-government unit may, upon proposal by the management board of the competent public

institution and subject to prior opinion by the Institute and prior approval of the Ministry, adopt a decision on measures for protection, conservation, improvement and use of the protected area.

(4) The decision referred to in paragraph 3 of this Article shall prescribe in detail requirements and measures for protection, conservation, improvement and use of the protected area and measures for implementation of the said decision.

(5) For protected areas referred to in paragraphs 1 and 3 of this Article, the ordinance on protection and conservation and the decision on measures for protection, conservation, improvement and use of the protected area shall be adopted subject to prior approval of the central state administration body responsible for maritime affairs, forestry, fishery or water management when the natural feature for which the area was protected falls under their competence.

(6) If the competent body referred to in paragraph 5 of this Article fails to deliver a prior approval within 30 days, it shall be deemed that the prior approval has been issued.

Projects, actions and exploration

Article 143

(1) The Ministry shall issue permits referred to in Articles 144 and 145 of this Act in the area of a strict reserve, national park, special reserve and nature park and shall determine nature protection requirements prior to initiating the location permit procedure or during the location permit issuance procedure for projects in the territory of a national park, special reserve and nature park.

(2) The management board shall issue permits referred to in Articles 144 and 145 of this Act and shall determine nature protection requirements prior to initiating the location permit procedure or during the location permit issuance procedure for projects in the territory of a nature monument, regional park, significant landscape, park forest and park architecture monument.

Article 144

(1) The legal and natural person that intends to carry out a project in a protected area, for which it is not necessary to obtain an act permitting building in accordance with a special regulation governing construction, shall obtain a permit.

(2) The application for the issuance of the permit referred to in paragraph 1 of this Article shall contain data on:

- the person that carries out the project,
- project location,
- the duration and the time period within which the project will be carried out,
- the method of carrying out the project,

– the utilised equipment, tools, machinery, etc.

(3) The permit referred to in paragraph 1 of this Article shall generally be issued for the period of up to two years.

(4) The permit referred to in paragraph 1 of this Article shall contain nature protection requirements and the period of its validity.

(5) The competent body shall issue the permit if it establishes that the intended project shall not change the features due to which the area was protected.

(6) Provisions of this Article shall not apply to projects carried out on the basis of plans for the management of natural resources adopted with prior approval referred to in Article 22 of this Act, except if otherwise determined by the requirements referred to in Article 20 of this Act.

Article 145

(1) The legal and natural person intending to carry out scientific and/or expert exploration in the protected area shall obtain a permit.

(2) The application for the issuance of the permit referred to in paragraph 1 of this Article shall contain data on:

– the person that carries out the exploration,

– the location of the exploration,

– the purpose of the exploration,

– the duration and the time period within which the exploration will be carried out,

– the method of carrying out the exploration,

– the utilised equipment, tools, machinery, etc.

(3) The competent body shall issue the permit if it establishes that the intended exploration shall not change the features due to which the area was protected.

(4) The permit referred to in paragraph 1 of this Article shall be issued for the period of up to five years.

(5) The permit referred to in paragraph 1 of this Article shall contain nature protection requirements, the period of its validity and the notification on the need to submit reports on or result of the exploration.

(6) The Ministry may by the permit referred to in paragraph 1 of this Article set the obligation of submission of reports or results of exploration if it deems it of interest for nature protection.

Visiting

Article 146

- (1) Protected areas may be visited in a manner that will not endanger their values or the implementation of protection.
- (2) Visiting a protected area shall be permitted to everyone under equal conditions in accordance with this Act and regulations adopted on the basis thereof.
- (3) Should visiting of protected areas endanger their conservation and/or safety of visitors it may be prohibited or restricted through an order adopted by the Minister.
- (4) The order referred to in paragraph 3 of this Article shall be published in the Official Gazette.

Article 147

- (1) The owner of or holder of the right to a protected area shall render possible visiting, unless otherwise prescribed by a special regulation.
- (2) If the owner of or holder of the right is subjected to restrictions due to visiting the Minister may through a decision stipulate a remuneration.
- (3) The decision referred to in paragraph 2 of this Article shall stipulate the amount of remuneration to the owner of or holder of the right for any restrictions to which he is subjected.

The right of the owner to remuneration

Article 148

- (1) Should the use and exploitation of a protected area for particular designated purposes be restricted or prohibited, the owner of or holder of the right on such protected area shall have the right to remuneration owing to any restrictions to which he is subjected.
- (2) The amount of remuneration shall depend on the purpose of use and utilisation and the duration, type and scope of restriction or prohibition.
- (3) 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 court having territorial and in rem jurisdiction.
- (4) The remuneration shall be disbursed from the funds of the Ministry allocated in the State Budget for the protected areas referred to in Article 111, paragraph 3, or the budget of the local or regional self-government unit in the territory of which the protected area referred to in Article 111, paragraph 4 of this Act is located.

Care for the protected area

Article 149

- (1) Care for the protected area, part of a protected area or area of the ecological network, except in the case of forests or forest land owned by the Republic of Croatia, may, on the basis of carried out public tender, be conferred on the person that is not its owner or holder of the right.

(2) The bidding shall be carried out by the competent public institution. An agreement shall be concluded on the basis of the tender.

(3) The agreement referred to in paragraph 1 of this Article shall establish:

– the area which is the object of care contracted,

– protection measures which the owner of or holder of the right must undertake during the period of validity of the agreement, and in particular measures for protection of species and habitat types from the list of species and habitat types established in line with implementing regulations adopted pursuant to this Act, whereby their long-term survival in that area is ensured,

– other mutual rights and obligations with regard to care.

Article 150

(1) The agreement referred to in Article 149, paragraph 3 of this Act shall be adopted by the public institution managing a protected area of national importance and/or area of the ecological network subject to the prior approval of the Ministry.

(2) The agreement referred to in Article 149, paragraph 3 of this Act shall be adopted by the public institution managing a protected area of local importance subject to the approval of the executive body of the local and regional self-government unit.

(3) The public institution referred to in paragraphs 1 and 2 of this Article shall within 8 days from the date of the signing of the agreement on care deliver one copy of the agreement to the Ministry or the executive body of the local or regional self-government unit.

B) STRICTLY PROTECTED SPECIES

1. Designation of strictly protected species

Article 151

(1) As strictly protected species shall be designated native wild species that are endangered or endemic species with a small natural range or wild species protected by virtue of European Union regulations governing conservation of wild plant and animal species or international treaties to which the Republic of Croatia is a party.

(2) Strictly protected species shall, upon proposal by the Institute on the basis of the red list and taking into account the precautionary principle and other criteria prescribed by this Act, be designated by the Minister through an ordinance.

(3) The ordinance referred to in paragraph 2 of this Article shall also prescribe general measures for the protection of strictly protected species and their habitats, the detailed content of the application for the granting of a permit for derogation from strict protection measures, handling of dead or injured specimens of strictly protected species, the content, manner of development and procedure for adoption of the management plan with the action plan and other rules for handling strictly protected species.

(4) The red list shall be established by the Institute which is also in charge of its updating. The red list shall be published at the Institute's website.

Article 152

(1) Measures for the protection of strictly protected species and measures for the protection of their habitats shall be the integral part of the nature protection requirements referred to in Article 20, Article 21, paragraph 2, Article 23 and Article 143 of this Act.

(2) The Minister may in emergencies by an order set measures for the protection of strictly protected species and measures for the protection of their habitats.

(3) If an area is periodically or temporarily a habitat of a strictly protected species and its protection cannot be ensured in any other manner, the Minister may by an order designate such an area or part thereof as temporarily protected for a period not exceeding six months.

(4) The order referred to in paragraphs 2 and 3 of this Article shall be published in the Official Gazette.

2. Prohibited actions with strictly protected species

Article 153

(1) It shall be prohibited to pick, cut, fell, uproot, collect or destroy specimens of strictly protected plants, fungi, moss and algae in their natural range in the wild.

(2) The following actions with strictly protected species in the wild in their natural range shall be prohibited:

- all forms of deliberate capture or killing,
- deliberate disturbance, particularly during the period of breeding, rearing, hibernation and migration,
- deliberate destruction or taking of eggs,
- deliberate destruction of, or damage to, or removal of their evolution forms, nests or broods,
- deterioration or destruction of breeding sites or resting places.

(3) The keeping, transport, sale or exchange, and offering for sale or exchange of live or dead specimens taken from the wild of the strictly protected species referred to in paragraphs 1 and 2 of this Article shall be prohibited.

(4) The prohibitions referred to in paragraphs 1, 2 and 3 of this Article shall apply to all stages of life of the strictly protected species.

(5) The prohibitions referred to in paragraphs 2 and 3 of this Article shall apply to all species of naturally occurring birds in the wild state in the territory of the Republic of Croatia.

Article 154

- (1) Each person shall notify the Institute of the incidental capture and/or killing of a strictly protected animal.
- (2) The Institute shall keep the system for notification and monitoring of captured, killed, injured and diseased strictly protected animals and the records thereon, and shall propose to the Ministry protective measures with the aim of preventing a negative impact on individual species.
- (3) The finder shall act in a manner established within the framework of the notification system.
- (4) Provisions of paragraph 1 of this Article shall not apply to strictly protected species killed during performance of regular activities determined by plans for the management of natural resources adopted in the field of forestry and water management that contain nature protection requirements in accordance with the provisions of Article 20 of this Act, as well as performance of agricultural activities with the application of requirements of cross compliance in agricultural production in accordance with a special regulation.

3. Derogations from prohibited actions

Article 155

- (1) The prohibitions referred to in Article 153 of this Act shall not apply to regular activities determined by plans for the management of natural resources adopted in the field of forestry and water management that contain nature protection requirements in accordance with the provisions of Article 20 of this Act, as well as performance of agricultural activities with the application of requirements of cross compliance in agricultural production in accordance with a special regulation.
- (2) Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the strictly protected species at a favourable conservation status in their natural range, the Ministry may allow derogations from the provisions of Article 153 of this Act:
 - in the interest of protecting wild fauna and flora and conserving natural habitats,
 - to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property,
 - in the interests of public health, public safety and safety of property, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment,
 - for the purpose of research and education, of repopulating and re-introducing these species and for the breeding operations necessary for these purposes, including the artificial propagation of plants,
 - to allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the strictly protected species in limited numbers.

(3) For derogation referred to in paragraph 2 of this Article the legal or natural person shall obtain a permit from the Ministry.

(4) By way of derogation from provisions of Article 153 of this Act the prohibitions shall not apply to birds from the list of game in accordance with a special regulation in the field of hunting and to which apply the provisions of Articles 62 and 63 of this Act.

(5) When the Ministry allows keeping of a strictly protected species from the wild it may set the obligation of marking by the permit referred to in paragraph 3 of this Article. Marking shall be carried out in accordance with provisions of Article 85 of this Act, and it shall be carried out by and the costs shall be borne by the natural or legal person that has obtained the permit.

Article 156

(1) The application for the issuance of the permit referred to in Article 155, paragraph 3 of this Act shall contain:

- a description of the planned activity and its impact on the specimens in the population of the species concerned,
- the method of carrying out the planned activity,
- data on the location at which the activity will be carried out,
- grounds for the need to carry out the planned activity.

(2) The Ministry shall submit the application referred to in paragraph 1 of this Article to the Institute for expert opinion.

(3) The Institute shall submit the expert opinion on the impact of the requested derogation on the maintenance of the population of the strictly protected species in its natural range within 30 days from the date of receipt of the application referred to in paragraph 1 of this Article.

Article 157

(1) The Ministry shall issue the permit referred to in Article 155, paragraph 3 of this Act if it establishes that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the strictly protected species in their natural range and that it will not have a negative impact on the favourable conservation status.

(2) The permit referred to in Article 155, paragraph 3 of this Act shall be issued for the period of up to two years.

(3) The permit referred to in Article 155, paragraph 3 of this Act shall contain conditions for carrying out the activity, time limit for carrying out the activity and the obligation of monitoring and reporting on the carried out activity.

(4) The legal or natural person to which the permit referred to in Article 155, paragraph 3 of this Act was issued shall inform the Ministry on the carried out activity.

Article 158

The Ministry shall ex officio issue the permit referred to in Article 155, paragraph 3 of this Act when the derogation is planned to be carried out on the basis of management plans or plans for the management of wild species adopted by the competent central state administration body, if it establishes the need for unified proceeding or in other cases when it deems necessary.

Article 159

The Ministry shall keep records of issued permits referred to in Article 155, paragraph 3 of this Act.

C) PROTECTED MINERALS AND FOSSILS

Article 160

(1) Minerals and fossils exceptional owing to their rarity, size or appearance, or educational and scientific significance shall through a decision by the Ministry, on the basis of an expert statement from the Institute developed upon request by the Ministry, be determined and designated as protected parts of nature.

(2) The decision referred to in paragraph 1 of this Article shall be published in the Official Gazette.

(3) Protected parts of nature referred to in paragraph 1 of this Article shall be entered into the Register of protected minerals and fossils kept by the Ministry.

(4) Entry of protected parts of nature referred to in paragraph 1 of this Article and their deletion from the Register of protected minerals and fossils shall be carried out on the basis of an act on designation and the act on the cessation of protection.

Article 161

(1) It shall be prohibited to destroy protected minerals and fossils and to carry out projects and/or activities that may cause damage to protected minerals and fossils and their finding sites.

(2) It shall be prohibited to take from nature and/or export protected minerals and fossils.

Article 162

(1) By way of derogation from Article 161, paragraph 2 of this Act, a legal and natural person intending to take from nature and/or export a protected mineral and fossil for the purpose of scientific and expert exploration, education, displaying at exhibitions, etc. shall obtain a permit from the Ministry.

(2) The application for the issuance of the permit referred to in paragraph 1 of this Article shall in particular contain data on:

– the location of extraction,

- the type and quantity of minerals or fossils,
- the purpose of extraction and/or export.

(3) The Ministry shall issue the permit referred to in paragraph 1 of this Article if it establishes that taking from nature and/or export would not threaten the status of preservation of protected minerals and fossils.

(4) The permit referred to in paragraph 1 of this Article shall be issued for the period of one year.

(5) The permit referred to in paragraph 1 of this Article shall contain nature protection requirements, the purpose of extraction, conditions for extraction and/or export, the time limit for taking from nature and/or export and other requirements as assessed by the Ministry.

Article 163

(1) Protected minerals and fossils shall be kept at the finding site (*in situ*).

(2) If protected minerals and fossils cannot be protected at their finding site, they shall be deposited with a legal or natural person that shall provide for their expert protection (*ex situ*) and render possible their use for educational purposes, museum activities, science and nature protection.

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

(4) The conditions referred to in paragraph 3 of this Article are not an administrative act.

Article 164

(1) The legal and natural person planning to carry out exploration of the finding site of a protected mineral and fossil shall obtain a permit from the Ministry.

(2) Provisions of Article 162 of this Act shall in an appropriate manner apply to the procedure for issuing the permit referred to in paragraph 1 of this Article.

D) RIGHTS AND RESTRICTIONS OF PERSONS IN PROTECTED PARTS OF NATURE

Right of first refusal

Article 165

(1) The owner of a real estate property located within a national park, strict or special reserve intending to sell such a property shall by a written petition (hereinafter: offer) first offer such property for sale to the Republic of Croatia, or the Agency for the Administration of State Property (hereinafter: Agency), and if the Agency fails to accept the offer within 30 days from the date of receipt of the offer he shall offer such property for sale first to the regional self-government unit, and after expiry of a new time limit of 30 days to the local self-government unit in the territory of which the property is located.

(2) The owner of the property shall state terms of sale and quote the price in the offer, and shall enclose to the offer the extract from the land registry, extract from the cadastre and a copy of the cadastral plan and shall guarantee protection from eviction.

(3) The Agency shall within 30 days from the date of receipt of the offer notify the owner of the property in writing of accepting or declining the offer. Thereafter, the regional self-government unit shall within a new time limit of 30 days, and thereafter the local self-government unit within another 30 days from the date of receipt of the offer notify the owner of the property in writing of accepting or declining the offer. If upon expiry of the deadline the owner of the property does not receive a written notification on the acceptance of the offer, it shall be deemed that the offer was not accepted.

(4) The Agency shall adopt the decision referred to in paragraph 3 of this Article on the basis of an opinion by the Ministry.

(5) The body responsible for geodetic affairs and cadastre shall submit to the competent court data and documentation on cadastral plots for real estate referred to in paragraph 1 of this Article, which shall ex officio carry out the entry of a restraint on alienation for real estate owned by the Republic of Croatia and the right of first refusal to the benefit of the Republic of Croatia, local or regional self-government units on real estate owned by other persons.

Article 166

(1) Should the offer not be accepted within the time limits referred to in Article 165, paragraph 3 of this Act, the owner may sell the property to another person for the price that is not lower than the price quoted in the offer and on terms that are not more favourable for the buyer than those contained in the offer referred to in Article 165, paragraph 2 of this Act.

(2) The sale contract concluded in contravention of Article 165 of this Act and paragraph 1 of this Article shall be null and void.

Expropriation and limitation of ownership rights

Article 167

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

(2) The procedure of expropriation on real estate shall be implemented pursuant to a special regulation.

Article 168

(1) The Republic of Croatia shall, 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 protection, or can be utilised only to a reduced extent.

(2) The regional self-government unit shall, at the 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 in this Act can no longer be utilised for the activity for which it was utilised prior to the 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.

Indemnity

Article 169

(1) The legal and 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 adopted 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 protected area, shall be entitled to remuneration resulting from restrictions to which he is subjected.

(2) The remuneration referred to in paragraph 1 of this Article may be disbursed if the Ministry or the administrative body has previously established that the legal and natural person subjected to restrictions implements prescribed nature protection requirements.

(3) The amount of remuneration shall depend on the level of impairment of prevailing opportunities for earning income and the duration, type and extent of the restrictions and prohibitions.

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

(5) The remuneration referred to in paragraph 1 of this Article shall be disbursed from the funds of the Ministry allocated in the State Budget for the protected areas referred to in Article 111, paragraph 3, or the budget of the local or regional self-government unit in the territory of which the protected area referred to in Article 111, paragraph 4 of this Act is located.

(6) 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 170

The Republic of Croatia shall not be liable for damage inflicted by wild species, except in the cases determined by this Act.

Article 171

(1) The legal and natural person to which animals of strictly protected species may inflict direct damage to property (hereinafter: the injured party) shall duly and at his own expense undertake all authorised actions and projects in order to prevent the occurrence of damage.

(2) Should it be impossible to prevent the occurrence of damage in the manner prescribed in paragraph 1 of this Article the injured party may request from the Ministry the permission to carry out prohibited actions referred to in Article 153 of this Act authorised in the manner and under conditions prescribed by Articles 155 to 157 of this Act.

(3) Provisions of special regulations governing hunting shall apply to indemnity for the damage inflicted by animals of strictly protected species for which derogation from strict protection measures is allowed and for which derogation is authorised in line with the management plan for that species adopted and implemented by the central state administration body responsible for hunting.

Article 172

(1) An injured party shall have the right to indemnity in the amount of the actual damage inflicted by the animals of strictly protected species if he has undertaken actions and projects in accordance with the provisions of Article 171 of this Act.

(2) The injured party shall notify the Ministry or the expert witness authorised by the Minister of the occurrence of damage without delay and no later than three days from the date of occurrence of damage, or at the latest within 24 hours from the date of occurrence of damage inflicted by strictly protected large carnivores upon domestic animals.

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

(4) If the injured party has duly reported the damage, and the expert witness does not carry out on-site investigation within three days from the receipt of notification, the injured party may submit a claim for damages to the Ministry within an additional period of fifteen days.

(5) The form and/or the amount of indemnity shall be established by agreement between the Ministry and the injured party by virtue of the report referred to in paragraph 3 of this Article and the damage compensation tariff and criteria for the calculation of indemnity.

(6) Action for damages may be brought before the court within 60 days from the date on which the Ministry issued a decision.

(7) The procedure for prevention and compensation of damage inflicted by animals of strictly protected species, keeping of records on files regarding indemnity, authorised actions and projects in order to prevent the occurrence of damage, criteria for implementation of additional measures in order to prevent the occurrence of damage, as well as the approval of the cost of their implementation, the form of indemnity, the amounts of indemnity (damage compensation tariff), criteria for the calculation of indemnity, the manner of work and proceeding by the expert witness and the procedure and criteria for the appointment of expert witnesses shall be prescribed by the Minister through an ordinance.

(8) The list of expert witnesses shall be an integral part of the ordinance referred to in paragraph 7 of this Article.

Article 173

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

(2) The foreseeable 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.

(3) The content of the expert opinion, the manner of establishing the foreseeable risk of damage and the criteria for the reduction of the amount of indemnity on the basis of foreseeable risk shall be prescribed by the Minister through the ordinance referred to in Article 172, paragraph 7 of this Act.

Article 174

(1) Each project or activity in nature carried out without legal basis that reduces, damages or destroys the value, structure, quality, diversity and/or specific quality of a part of nature shall constitute an ecological damage.

(2) The person that committed ecological damage shall compensate it.

(3) Ecological damage shall be indemnified by restoring nature to the state before the damage occurred. In cases when it is not possible to fully or partially restore to the former state the offender shall pay remuneration to the Republic of Croatia.

(4) The amount of remuneration referred to in paragraph 3 of this Article shall be determined according to the level of nature protection if that part of nature is protected, status of the part of nature, level of conservation, original state and intactness of nature and the level of reduction of those values, the level of reduction of biological diversity, landscape diversity and geological diversity, the level of aesthetic value and specific quality and/or diversity of landscape, the level and extent of damage and/or destruction of the part of nature, the level of surface or underground geological, hydrogeological and geomorphologic values of nature and the level of their degradation, the level of damage to habitats, area covered by the project or activity, impact on preservation of that part of nature for the future, etc.

(5) The approximate amount of remuneration on the basis of the criteria referred to in paragraph 4 of this Article shall be prescribed by the Minister through an ordinance.

(6) The amount of remuneration for damage caused by a prohibited activity to individual specimens of strictly protected species shall be determined in accordance with the damage compensation tariff adopted by the Minister.

(7) Remuneration referred to in paragraphs 3 and 6 of this Article shall be paid to the Republic of Croatia.

VII. PROCEDURAL PROVISIONS

Article 175

- (1) For amendments to the decision referred to in Article 33, paragraph 3 and Article 38, paragraph 2 of this Act the project developer shall obtain a decision from the Ministry or the administrative body.
- (2) Provisions of a special regulation governing environmental protection shall in an appropriate manner apply to the procedure of amending the decision referred to in Article 33, paragraph 3 and Article 38, paragraph 2 of this Act.
- (3) The applicant shall obtain the amendment to the permit referred to in Articles 78 and 82 of this Act in case of a change in the number or quantity of parental specimens of the species for which breeding is permitted.
- (4) The decision on the amendment to the permit referred to in Articles 78 and 82 of this Act shall be adopted by the Ministry.
- (5) The applicant shall obtain the amendment to the permit referred to in Article 144 of this Act in case of a change in the time period within which the activity and/or project will be carried out and the method of performing the activity or carrying out the project,
- (6) The decision on the amendment to the permit referred to in Article 144 of this Act shall be adopted by the administrative body or the Ministry which issued the permit being amended.

Article 176

The competent body shall upon proposal by the nature protection inspector referred to in Article 224, paragraphs 1 and 3 of this Act shall by a decision repeal the decision referred to in Article 175, paragraphs 4 and 6 of this Act and the permit Articles 59, 64, 69, 74, 78, 82, 89, 96, 105, 110, 144, 145, 155, 162 and 164 of this Act.

Article 177

- (1) The decision referred to in Articles 30, 33, 38, 41, 43, 48, 100, 101, 102, 109, 160, 175, paragraphs 1, 4 and 6 and Article 176 of this Act and the permit referred to in Articles 59, 64, 69, 74, 78, 82, 89, 96, 105, 110, 144, 145, 155, 162 and 164 of this Act is an administrative act.
- (2) An appeal may be lodged with the Ministry against the decision referred to in Articles 30, 33, 43, 175, paragraphs 1 and 6 and Article 176 of this Act and the permit referred to in Articles 144 and 145 of this Act adopted by the administrative body.
- (3) An appeal may not be lodged against the decision referred to in Articles 30, 33, 43, 175, paragraphs 1 and 6 and Article 176 of this Act and the permit referred to in Articles 144 and 145 of this Act adopted by the Ministry, and the decision referred to in Articles 38, 41, 100, 101, 102, 109, 160 and 175, paragraph 4 of this Act and the permit referred to in Articles 59, 64, 69, 74, 78, 82, 89, 96, 105, 110, 155, 162 and 164 of this Act, but an administrative dispute may be initiated.

VIII. CONCESSIONS AND CONCESSION APPROVALS FOR PROTECTED AREAS AND SPELEOLOGICAL FORMATIONS

1. Concessions

Article 178

(1) A concession provides the right to economic use of natural resources, except over forests and forest land owned by the Republic of Croatia, or the right to perform activities of interest to the Republic of Croatia as well as the right to construct and use facilities and plants necessary for performing such activities in protected areas and speleological formations at which those shall be permitted in accordance with this Act.

(2) The Concessions Act shall apply to issues related to concessions not regulated by this Act.

Article 179

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

(2) A concession may be granted in the manner prescribed by this Act in a national park, special reserve and speleological formation.

(3) A concession in a maritime demesne in a national park or special reserve may be granted in accordance with a special regulation governing granting of concessions in a maritime demesne.

(4) A concession in a nature park, regional park, park forest, significant landscape and park architecture monument may be granted pursuant to a special regulation subject to opinion from the Ministry. The opinion shall not be required when the decision on concession is adopted by the Government or the Croatian Parliament.

(5) The competent public institution does not need to hold a concession for utilising natural resources in a protected area which it manages.

(6) The Government may by a special decision specify particular protected areas or other parts of nature owned by the Republic of Croatia or the maritime demesne in which protected parts of nature are located, in which a concession may not be granted.

Article 180

(1) A concession shall be granted on the basis of a completed public bidding procedure in accordance with the Concessions Act.

(2) The notification on the intention to grant a concession shall, besides data prescribed by the Concessions Act, 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.

Article 181

(1) The decision on granting a concession shall, besides data prescribed by the Concessions Act, in particular contain:

- the protected part of nature or speleological formation for which the concession is granted,
- the purpose for which the concession is granted,
- nature protection requirements.

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

- national parks and special reserves,
- nature parks unless otherwise determined by a special act,
- speleological formations.

(3) For other protected areas the decision on granting a concession shall be adopted by the competent body of a regional self-government unit.

Article 182

(1) On the basis of the decision on granting a concession, the granter of the concession and the selected most favourable bidder shall conclude a concession contract that has to be in conformity with this Act and the Concessions Act.

(2) The amount of the concession fee as a constant equal amount and/or variable amount 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 prescribed nature protection requirements, as well as other standards and market conditions established by the granter of the concession, as well as criteria prescribed by the Concessions Act.

Article 183

(1) A concession contract shall cease to be valid on meeting the requirements prescribed by the Concessions Act.

(2) Other conditions for cessation of validity may also be established by the concession contract, in particular if through a change in the regime of protection in the area for which a concession was granted reasons arise which prevent the granting or using of a concession in that area.

Article 184

The concessionaire shall undertake all protective measures for a protected area or a speleological formation in the manner and under the conditions established in the concession contract and this Act and regulations adopted pursuant to this Act.

Article 185

(1) If during the period of a concession in a protected area or speleological formation unforeseeable changes or damage should occur calling for restriction of the scope of the concession and the method of exploiting it, the concessionaire shall undertake all the actions and measures that may be ordered to him by the Ministry or administrative body with the aim 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 fail to comply with the issued 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 186

The fee for a concession granted by the Ministry shall be the income of the State Budget, while the concession fee granted by a competent body in the regional self-government unit shall be the income of that unit.

Article 187

A concession in a protected area or speleological formation shall be granted pursuant to this Act for a period of six to 55 years.

2. Concession approvals

Article 188

(1) Public institutions area may grant a concession approval for a period of up to five years to legal or natural persons registered for craft trade for the economic use of natural resources or performing other activities.

(2) It is necessary to obtain an approval from the Ministry for a concession approval in a protected part of nature granted in accordance with a special regulation.

(3) The Government may by a decision specify particular parts of the maritime demesne in which protected parts of nature are located and in which a concession approval prescribed by a special regulation governing granting of concession in a maritime demesne may not be granted.

(4) The decision referred to in paragraph 3 of this Article shall be published in the Official Gazette.

(5) Activities for which a concession approval in a protected area may be granted, with the exception of maritime demesne and forests and forest land owned by the Republic of Croatia, the manner of granting concession approvals, the conditions and manner of establishing the amount of fee for the issuing thereof, the conditions and manner of performing the activity for which the contract on concession approval is concluded, shall be prescribed by the Minister through an ordinance.

Article 189

(1) The procedure for granting the concession approval shall be initiated by public bidding or upon request by a legal or natural person registered for craft trade or for performing other activities

(2) When a concession approval is requested for the purpose of performing a one-off activity or an activity not performed in continuity longer than seven days on an annual basis the concession approval shall be granted upon request.

(3) The decision on concession approval shall be issued by the competent public institution.

(4) The decision on concession approval is an administrative act.

Article 190

(1) An appeal may be lodged with the Ministry against the decision on concession approval.

(2) The appeal against the decision on concession approval shall not postpone its execution.

Article 191

(1) On the basis of a decision on concession approval the granter of concession approval and the authorised person shall conclude the contract on concession approval.

(2) The provisions of this Act regarding the concession contract shall in an appropriate manner apply to the contract on concession approval.

(3) The public institution shall within 8 days from the date of the signing of the contract on concession approval deliver one copy of the contract to the Ministry.

(4) In the cases referred to in Article 189, paragraph 2 of this Act the contract on concession approval shall not be concluded.

Article 192

(1) The income earned from concession approval fees in accordance with this Act shall be the income of the public institution managing the protected area in which the concession approval has been granted and shall be designated for nature protection.

(2) The decision on concession approval or the contract on concession approval must provide for appropriate guarantees for implementing nature protection.

Article 193

(1) Concessions and concession approvals shall be entered into the Registry kept by the Ministry.

(2) The Ministry shall deliver the concession contract to the central state administration body responsible for finance for the purpose of entry into the Register of Concessions.

IX. INVENTORY AND MONITORING OF THE STATUS

Article 194

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

(2) The data on the inventory referred to in paragraph 1 of this Article shall be public, unless declared confidential for the sake of protection of critically endangered species and/or narrowly-distributed endemic species or habitats and exceptionally rare fossils and minerals. The decision on the declaration of data as confidential shall be adopted by the Ministry.

Article 195

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

(2) Monitoring of the nature conservation status shall involve:

– monitoring and evaluation of the status of wild species, their habitats, habitat types, and in particular monitoring of the status of nationally endangered species and habitats, species prescribed by special regulations adopted pursuant this Act and all types of birds naturally occurring in the territory of the Republic of Croatia,

– monitoring the status of protected and other parts of nature.

(3) The data collected through monitoring of the nature conservation status shall be public, unless declared confidential for the sake of protection of critically endangered species and/or narrowly-distributed endemic species or habitats and exceptionally rare fossils and minerals. The decision on the declaration of data as confidential shall be adopted by the Ministry.

Article 196

(1) The Nature Protection Information System shall be established for the purpose of consolidating and harmonising data on biological diversity and nature protection so that it would serve as a unique foundation for the creation, organisation, planning and integrated management of nature protection and/or individual components of biological diversity.

(2) The Nature Protection Information System contains data and information on biological diversity and nature protection, and in particular data on wild species, invasive alien species, habitat types and ecosystems, protected areas and ecologically important areas, areas of the ecological network, geological diversity, speleological formations and other expert and scientific data.

(3) The Institute shall establish and manage the Nature Protection Information System of the Republic of Croatia, in compliance with internationally agreed standards and commitments.

Reporting

Article 197

(1) On the basis of permitted derogations from measures of strict protection of wild species and records of issued permits in line with Article 155 of this Act, the Ministry shall in accordance with decisions by the European Commission develop a report on permitted derogations and shall deliver it to the European Commission. The report shall specify:

- the species which are subject to the derogations and the reason for the derogation, including the nature of the risk, with a reference to alternatives rejected and scientific data used,
- the means, devices or methods authorized for the capture or killing of animal species and the reasons for their use,
- the circumstances of when and where such derogations are granted,
- the authority empowered to declare and check that the required conditions obtain and to decide what means, devices or methods may be used, within what limits and by what agencies, and which persons are to carry out the task,
- the supervisory measures used and the results obtained.

(2) On the basis of results of monitoring the status of species and habitat types the Institute shall in accordance with decisions by the European Commission develop a report on the conservation status of species and habitat types prescribed by special regulations adopted pursuant to this Act, as well as all types of birds. The Ministry shall define the report and shall deliver it to the European Commission.

(3) Besides reports prescribed by paragraphs 1 and 2 of this Article, the Ministry shall develop and define other reports in accordance with European Union regulations, as well as reports on the implementation of ratified international treaties in the field of nature protection.

X. ACCESS TO INFORMATION AND PUBLIC PARTICIPATION

Article 198

The Ministry, the Institute, management bodies, competent bodies of local and regional self-government units, and public institutions shall provide for the public character of data with regard to the state and protection of nature, unless a special act or act of a relevant body provides for confidentiality of data.

Article 199

In the course of drafting regulations or acts on designating protected parts of nature, plans for management of protected areas 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.

Article 200

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

XI. PROMOTING NATURE PROTECTION

Article 201

(1) The Ministry, the local and regional self-government units as well as the Institute and public institutions shall stimulate the process of informing the public on nature protection and conservation thereof.

(2) With the aim of promoting nature protection the Nature Protection Day shall be celebrated on 22 May each year on the International Day for Biological Diversity.

Article 202

(1) With the aim of promoting nature protection a unique visual identity shall be established.

(2) The visual identity and the book of standards for its use shall be prescribed by the Minister through an ordinance.

Article 203

(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,
- contribution of science and research to development and improvement of nature protection,
- contributions by professional institutions as well as professional and other associations in promoting nature protection,
- work results achieved in the Institute and public institutions.

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

(3) The types, design, procedure and method of awarding recognition and awards shall be prescribed by the Minister through an ordinance.

XII. FINANCING NATURE PROTECTION

Article 204

(1) Funds for financing nature protection shall be provided in the State Budget, budgets of regional and local self-government units and other sources in accordance with the provisions of this Act.

(2) Funds for financing nature protection may also be provided through the system of concessions, concession approvals and other appropriate models of such financing pursuant to special regulations.

(3) Funding of nature protection may be provided from funds such as: donations, loans, international assistance funds, funds from foreign investment intended for nature protection and other funds prescribed by a special act, as well as funds from instruments, programmes and funds of the European Union, United Nations and international organisations.

(4) Funds for financing nature protection shall be used for conservation, protection and improvement of biological and geological diversity in line with strategies, plans and programmes.

XIII. SUPERVISION

A) ADMINISTRATIVE SUPERVISION

Article 205

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

(2) Administrative supervision over the legality of the Institute's work and the legality of work and general acts of public institutions for management of protected areas established by the Republic of Croatia shall be carried out by the Ministry.

(3) Supervision over the legality of work and general acts of public institutions for management of protected areas established by the regional self-government unit shall be carried out by the competent administrative body.

(4) Supervision over the expert work of the Institute and public institutions referred to in paragraphs 2 and 3 of this Article shall be carried out by the Ministry.

B) DIRECT SUPERVISION IN PROTECTED AREAS

Article 206

(1) Direct supervision in protected areas and areas of the ecological network shall be carried out by the head ranger and rangers of the public institution managing the protected area.

(2) Rangers carry out their duties within a special organisational unit of the public institution managing the protected area. At the head of this internal organisational unit is the head ranger.

Article 207

(1) General requirements for admission into the service of the head ranger and ranger are:

- medical fitness to carry out the tasks of head ranger and ranger,
- Croatian citizenship.

(2) Besides general requirements referred to in paragraph 1 of this Article, also other requirements for admission into service – special requirements may be prescribed through the ordinance on internal organisation of the public institution.

(3) A person with completed undergraduate university studies or a professional study in the duration of at least three years in the field of natural sciences, biotechnology or biomedicine, technical or social sciences with at least three years work experience in the field, and who has passed the professional examination may be appointed as head ranger.

(4) A person with completed secondary education with at least one year work experience and who has passed the professional examination may be appointed as ranger.

(5) Impediments for admission into service of the head ranger and ranger exist for the following persons:

- against whom criminal proceedings are conducted or who have been sentenced for criminal offences against life and limb, freedoms and rights of man and citizen, the Republic of Croatia, values protected by international law, sexual freedom and morality, marriage, family and youth, property, safety of payment and business operations, judiciary, authenticity of documents, public order or official duty, unless rehabilitation has taken effect in accordance with a special law,

- whose service was terminated due to serious violation of official duty, in the period of four years after termination of service,

- whose service was terminated due to not satisfying requirements during the probation period, in the period of four years after termination of service.

(6) The head ranger and rangers shall be appointed by the management board of the public institution managing the protected area on the basis of a completed public recruitment competition.

Article 208

(1) The head ranger and ranger shall produce evidence of their official status by presenting the badge and the official identification card.

(2) The head ranger and ranger shall in the course of performing their routine work wear an official uniform, the ranger label and the designation of the public institution they are employed by.

(3) The ranger label and the inscription »RANGERS« shall be displayed on official vehicles and vessels. Official vehicles and vessels of the rangers may be equipped with light and sound signalling devices in accordance with special regulations.

(4) The head ranger and ranger shall have to pass a professional examination.

(5) The examination method for the professional examination, the content, form and manner of issuing the badge and official identification card, the design of the uniform and the visual identity of official vehicles and vessels shall be prescribed by the Minister through an ordinance.

Article 209

(1) Should the head ranger and ranger in the course of supervision encounter any person performing activities in a protected area or an area of the ecological network incurring misdemeanour liability by virtue of the provisions of Articles 226 to 233 of this Act, the head ranger and ranger shall have the right and obligation:

- to check the identity of such person,
- to issue warnings and commands,
- to inspect the person, luggage, vehicle or vessel,
- to temporarily restrict movement in a certain area,
- to secure the place of incident,
- to collect a fine, indemnity or compensation for costs incurred from the perpetrator 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 to the former state or order measures for preventing and eliminating damaging consequences,
- to pronounce an administrative measure,
- to bring criminal charges,
- to initiate magistrate court proceedings by a motion to indict.

(2) Besides the tasks of direct protection rangers shall also carry out the tasks of protecting and promoting the protected area and the area of the ecological network, in particular:

- planning, organising and carrying out instructive walks,
- ecological education for visitors and for the local population,
- care for the safety of visitors and carrying out rescue operations,
- observing and monitoring the status of plant and animal species, types of fungi and of other values in the protected area and the area of the ecological network.

(3) The manner of work and proceeding of the head ranger and ranger and the utilisation of authorities referred to in paragraph 1, subparagraphs 1 to 6 and paragraph 2 of this Article shall be prescribed by the Minister through an ordinance.

(4) Provisions of special regulations shall apply to the manner of utilisation of authorities referred to in paragraph 1, subparagraphs 7 to 11 of this Article.

C) INSPECTIONAL SUPERVISION

Article 210

(1) Inspectional supervision over the application of this Act and regulations adopted on the basis thereof (hereinafter: inspectional supervision) shall be carried out by the civil servants with the nature protection inspectional service of the Ministry.

(2) Inspectional supervision in the protected area and the area of the ecological network shall be carried out by other inspectional services competent in accordance with special regulations in the field of environmental protection, agriculture, forestry, hunting, fishery, water management, mining, veterinary medicine and health (hereinafter: coordinated inspectional supervision) in a manner prescribed by this Act and the indicated special regulations.

(3) Coordinated inspectional supervision referred to in paragraph 2 of this Article shall not exclude independent proceeding by other inspectional services within their competence in line with special regulations.

(4) Inspectional supervision tasks are tasks with special working conditions.

Article 211

(1) Police officers with the Ministry of the Interior, as authorised persons, shall carry out inspectional supervision in a manner prescribed by this Act if there exists reasonable doubt with regard to violation of provisions of this Act and regulations adopted on the basis thereof, and inspectors referred to in Article 210, paragraph 1 of this Act are not present or are unable to intervene.

(2) Authorised persons with the Coast Guard of the Republic of Croatia shall carry out inspectional supervision in a manner prescribed by this Act in the area of the Ecological and Fisheries Protection Zone or the exclusive economic zone of the Republic of Croatia in accordance with a special regulation.

(3) Authorised persons with the Coast Guard of the Republic of Croatia may carry out inspectional supervision in a manner prescribed by this Act in internal waters and territorial sea of the Republic of Croatia if there exists reasonable doubt with regard to violation of provisions of this Act and regulations adopted on the basis thereof, and inspectors referred to in Article 210, paragraph 1 of this Act are not present or are unable to intervene.

Article 212

(1) Inspectional supervision shall be carried out by the head inspector for nature protection, senior nature protection inspector and nature protection inspector (hereinafter: inspector).

(2) A person with completed undergraduate and graduate university studies or integrated undergraduate and graduate university studies or a specialist graduate professional study in the field of natural sciences, biotechnology, biomedicine or social sciences, with at least ten years work experience in the field and outstanding work outcomes in the field of nature protection inspection, and who has passed the professional examination may be appointed head inspector for nature protection.

(3) A person with completed undergraduate and graduate university studies or integrated undergraduate and graduate university studies or a specialist graduate professional study in the field of natural sciences, biotechnology, biomedicine or social sciences, with at least five years work experience in the field and who has passed the professional examination may be appointed senior nature protection inspector.

(4) A person with completed undergraduate and graduate university studies or integrated undergraduate and graduate university studies or a specialist graduate professional study in the field of natural sciences, biotechnology, biomedicine or social sciences, with at least three years work experience in the field and who has passed the professional examination may be appointed nature protection inspector.

(5) Besides requirements referred to in paragraphs 2, 3 and 4 of this Article, inspectors shall also meet requirements set by regulations governing the status, rights and obligations of civil servants.

(6) Positions with authorities, competence and requirements to be met by the inspectors in certain positions shall be determined by the Minister in line with a special regulation.

Article 213

(1) The inspector shall during implementation of inspectional supervision prove his official capacity, identity and authority by the official identification card and badge.

(2) The Ministry shall keep a register on issued official identification cards and badges.

(3) The content, form and manner of issuing and use of the official identification card and badge, the keeping of the register on issued official identification cards and badges shall be prescribed by the Minister through an ordinance.

Article 214

(1) The inspector shall carry out supervision in line with the annual and monthly work plan of the nature protection inspectional service which is harmonised with the annual and monthly work plans of other inspectional services for the purpose of carrying out coordinated inspectional supervision.

(2) The Minister shall in agreement with the ministers of agriculture, forestry, hunting, fisheries and water management, economy, interior, maritime affairs and transport, health and the chief inspector of the State Inspectorate within the scope of work of those inspectional services determine the content and the manner of cooperation in the implementation of coordinated inspectional supervision.

Article 215

(1) The inspector shall not have the obligation to give notice of the commencement of inspectional supervision to the supervised person, unless he deems that such notification is necessary for carrying out the supervision.

(2) The inspector shall autonomously carry out the procedure, perform activities and undertake measures for which he is authorised.

(3) No one is allowed to, by using the official position or in any other way, hinder or interfere with the inspector's work during supervision and carrying out of measures and activities for which he is authorised.

Article 216

(1) In carrying out inspectional supervision the inspector shall:

- inspect the protected part of nature, the area of the ecological network and other parts of nature,
- request personal data from the supervised person and persons present during the supervision (identity card, OIB (Personal Identification Number), passport or other personal documents), on the basis of which the identity of these persons can be ascertained,
- examine buildings and facilities of business, residential and other premises, work instruments, tools, vehicles and other means of transport, business files (business records, registers, documents, contracts, and other business documents on the basis of which inspection of business operation of the supervised person shall be possible), as well as the parts of nature on which inspectional supervision is performed,
- request from the supervised person to ensure the conditions for unimpeded carrying out of inspectional supervision,
- take statements from the supervised person or the legal representative of the supervised person or its proxy for the purpose of gathering evidence on the facts that cannot be directly ascertained, as well as from other persons present during inspectional supervision,
- photocopy, or temporarily seize documentation of the supervised person necessary for further conducting of the inspectional proceedings,
- request in writing from the supervised person accurate and complete data and documentation necessary for the inspectional supervision,
- establish the facts in a visual manner (taking photographs, record with a camera, video recording, etc.),
- carry out other tasks for the purpose of inspectional supervision.

(2) In the course of inspectional supervision the inspector shall by a decision:

- request the restoration to the former state,
 - order emergency measures in order to prevent or reduce damage due to works, activities or actions or further prevent damage occurring,
 - request determination, sampling and expert evaluation by authorised persons for the purpose of determining the species or the cause of damage to the protected part of nature or disease and death of specimens with the aim of establishing the amount of damage to the species or another part of nature,
 - prohibit performance of activities, actions and works that are not in line with this Act and the regulations adopted on the basis thereof.
- (3) Authorised persons referred to in Article 211 of this Act shall also be authorised to perform the tasks referred to in paragraph 1 of this Article.
- (4) Business premises within the meaning of paragraph 1, subparagraph 3 of this Article shall be deemed residential and business and other premises in which the supervised person carries out its activities.
- (5) The costs referred to in paragraph 1, subparagraph 6 of this Article shall be borne by the supervised person.
- (6) The costs of analysis of samples referred to in paragraph 2, subparagraph 3 of this Article shall be defrayed from the State Budget, and if violation of provisions of this Act is established the costs shall be borne by the party.

Article 217

In the course of inspectional supervision the inspector shall supervise:

- the state of nature,
- the exploitation and usage of protected and other parts of nature,
- the implementation of nature protection requirements and measures as well as other acts issued on the basis of this Act,
- the implementation of compensation conditions,
- the implementation of plans for the management of natural resource in the part relating to nature protection measures and requirements,
- the implementation of the management plan and programme of protection, maintenance, conservation, promotion and use of protected parts of nature,
- actions that might give rise to alterations or degradation of nature,
- the implementation of direct protection, maintenance, conservation, promotion and use of protected parts of nature,

- the implementation of measures for the protection of species and other protected parts of nature,
- the import and trade in species, where restricted or prohibited by this Act or regulations adopted on the basis thereof,
- the handling of strictly protected species,
- the introduction of alien species and genetically modified organisms or re-introduction of native wild species into nature,
- the implementation of other prescribed requirements and measures for protection of biological and geological diversity set out in this Act and regulations adopted on the basis thereof.

Article 218

(1) In the course of inspectional supervision the inspector shall have the right and obligation to seize temporarily from supervised persons the following:

- objects with which a criminal act or misdemeanour defined in this Act was committed,
- any parts of nature and to prescribe the depositing or keeping thereof.

(2) For objects and parts of nature seized the inspector shall issue a certificate of receipt and file a motion to indict or criminal charges.

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

(4) A part of nature 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 its conservation and protection.

Article 219

(1) If in the course of inspectional supervision the inspector ascertains deficiencies and irregularities in proceeding whereby the provisions of this Act are violated or which may have a harmful effect on nature, he shall by a decision order the party to eliminate deficiencies or irregularities or to cease with the activity that may have a harmful effect on nature.

(2) If in the course of inspectional supervision the inspector ascertains that deficiencies, irregularities or certain activities have had a harmful effect on nature, he shall by a decision order restoration to the former state, or prohibit further activities and order measures for removal of harmful effects.

(3) The inspector shall not issue the decision referred to in paragraph 1 of this Article if the ascertained irregularities are removed during inspectional supervision or before the decision was issued which he shall establish and indicate in his record.

(4) In order to prevent the occurrence of irreparable damage to nature or to order emergency protection measures the inspector may issue a decision verbally, which he shall indicate in his record along with the note that the decision would also be issued in written form, except in the cases when the party requests a written communication of the verbal decision.

Article 220

In carrying out inspection supervision the inspector shall have the right and obligation to, by a decision, prohibit the supervised person that does not have a permit or any other act in line with the provisions of this Act the following:

- to pick protected plants, fungi and parts thereof,
- to put to flight, capture, keep, kill or stuff protected animals and their evolution forms,
- to remove the nests or broods of wild species,
- to introduce or re-introduce wild species into nature,
- to trade in protected species and minerals and fossils,
- to keep, breed, import and trade in protected species and minerals and fossils,
- to trade in specimens of plant or animal species and fungus species protected by virtue of international treaties to which the Republic of Croatia is a party,
- to trade in real estate in protected areas,
- to perform underwater activities in protected areas,
- to perform statutory tasks of nature protection,
- to perform exploration in protected areas and/or exploration of protected species and minerals and fossils.

Article 221

(1) Should the inspector in the course of inspectional supervision establish that a misdemeanour defined in this Act has been committed, he shall issue a misdemeanour order pursuant to a special act, or file a motion to indict with the competent minor offence court.

(2) Should the inspector in the course of inspectional supervision establish that there are grounds for suspicion that a criminal act has been committed, he shall be bound to file criminal charges with the competent public prosecutor's office.

(3) If in the course of violation of this Act damage was caused to a part of nature or natural asset, the inspector shall in his record describe the caused damage.

(4) The amount of compensation for the damage caused shall be determined by the inspector on the basis of valid regulations or he shall request damage assessment from the person

authorised in accordance with a special regulation governing professional activities in environmental protection and/or from an expert witness.

(5) The costs of damage assessment referred to in paragraph 4 of this Article shall be borne in full by the party that committed the misdemeanour or that caused the damage.

(6) The inspector shall in the motion to indict propose confiscation of the illegally obtained material/property gain, or the collection of compensation for the damage referred to in paragraph 4 of this Article.

Article 222

(1) Supervised persons, state administration bodies, local and regional self-government units shall ensure implementation of inspectional supervision and conditions for unimpeded work, provide for inspection and use all necessary documentation and upon written request by the inspector deliver or prepare, without charge, additional data necessary for carrying out inspectional supervision.

(2) Supervised persons shall upon request by the inspector temporarily suspend activities and operation during inspectional supervision, if the inspector is unable to carry out inspectional supervision or establish the facts in any other way.

(3) The supervised person has failed to ensure carrying out of inspectional supervision if it:

- prevents the establishment of identity,
- obstructs the entry to private or business premises,
- prevents unimpeded performance of supervision in work and business premises,
- refuses to allow the inspector enter and examine buildings and facilities of business, residential and other premises, work instruments, tools, vehicles and other means of transport, business files and documents on the basis of which the identity of persons and business activities are proved, as well as the parts of nature on which the inspectional supervision is performed,
- hinders inspectional supervision, provides false data and information, abuses, threatens or physically attacks the inspector,
- fails to provide for inspection, upon written request and within a specified time period, all data and documentation necessary for carrying out inspectional supervision,
- fails to notify of undertaken measures for remedying the established deficiencies,
- avoids inspectional supervision,
- fails to carry out the activities referred to in paragraph 2 of this Article,

– refuses to allow confiscation of objects, parts of nature, dead or live organisms and their parts or derivatives that were acquired illegally or represent instruments of perpetration of the misdemeanour or that have been resulted from an illegal activity.

(4) Should the inspector fail to carry out inspectional supervision due to unjustified resistance from the owner, holder or any other person or should there be grounds that such resistance is justifiably expected, the inspector may request assistance from the police in accordance with the regulation governing police procedure.

Article 223

(1) The inspector shall determine whether the enforcement decision has been executed, and if not he shall issue a decision on enforcement within eight days from the enforceability of that decision.

(2) The additional time limit for fulfilling the obligation set by the decision shall not exceed 30 days.

(3) The costs of enforcement of the decision shall be borne by the party to which the execution was ordered.

(4) The costs of enforcing the inspectional decision shall be paid from the State Budget pending collection from the legal or natural person to which execution was ordered.

(5) The party shall notify the inspector of fulfilling the obligation ordered by the inspectional decision within eight days from the date of fulfilling the obligation.

Article 224

(1) Should the inspector in the course of inspectional supervision establish that the supervised person to which the act prescribed by this Act has been issued fails to comply with the requirements set out in the act and this may lead to serious and direct threat to human life and health or to punishable pollution of nature, he shall propose to the Ministry to rescind that act.

(2) Should the inspector in the course of inspectional supervision establish that the supervised person to which the act prescribed by this Act has been issued fails to meet the requirements on the basis of which it obtained that act, he shall by a decision order prohibition of carrying out activities, actions and/or project until the requirements are met.

(3) If the supervised person referred to in paragraph 2 of this Article fails to proceed in accordance with the decision, the inspector shall propose to the Ministry to rescind that act.

Article 225

(1) An appeal may be lodged with the Ministry against the decision issued by the inspector on which a Committee, the members of which are appointed by the Government, shall decide.

(2) The Committee shall be composed of three permanent members out of which one shall be the President of the Committee and two alternate members.

(3) A person with completed undergraduate university studies of legal professional background and at least four years work experience in management may be appointed a permanent member of the Committee, while a person with a master of science degree or a specialist in the field of natural sciences, biotechnology or biomedicine or a person with a university degree in those fields completed in line with the regulations that were in force prior to the entry into force of the Act on Scientific Activity and Higher Education, with at least four years work experience in nature protection inspectional tasks may be appointed an alternate member.

(4) The Committee shall adopt its Rules of Procedure.

(5) The appeal against the decision referred to in paragraph 1 of this Article shall not postpone its execution.

XIV. MISDEMEANOUR PROVISIONS

Article 226

(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 that fails to implement compensation conditions in accordance with the decision referred to in Article 38, paragraph 2 of his Act prior to commencement of works (Article 39, paragraph 1).

(2) A fine in the amount of HRK 50,000.00 to 100,000.00 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 227

(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 that:

– in the procedure of development of plans for the management of natural resources fails to obtain the nature protection requirements from the Ministry (Article 20, paragraph 2),

– carries out a project without submitting an application for Prior assessment (Article 30, paragraph 1),

– carries out a project for which Main assessment is mandatory without submitting an application for Main assessment for the project (Article 31, paragraph 1),

– carries out a project in contravention of the decision referred to in Article 33, paragraph 1 of this Act (Article 33),

– fails to implement mitigation measures set by the decision referred to in Article 33, paragraph 2 of this Act (Article 33),

– illegally uses devices for capturing and/or killing animal species listed in the decision referred to in Article 62, paragraph 1 of this Act and animal species listed in the Ordinance referred to in Article 151, paragraph 2 of this Act, and all bird species naturally occurring in the territory of the Republic of Croatia, which are not listed in the decision or the Ordinance, that may cause

local disappearance or severe disturbance of populations of such species (Article 66, paragraph 1),

– as the owner of the bred specimen of a wild species fails to prevent escape or introduction into the wild of that specimen or its part (Article 86, paragraph 2),

– proceeds contrary to measures for protection, conservation, improvement and use of the strict reserve, national park, special reserve and nature park prescribed by the ordinance on protection and conservation (Article 142, paragraph 2),

– fails to undertake protective measures for a protected area or a speleological formation in the manner and under the conditions established in the concession contract and this Act and regulations adopted pursuant to this Act (Article 184),

– fails to undertake all the actions and measures ordered to it by the Ministry or administrative body with the aim of preventing the resulting changes or damage (Article 185, paragraph 1).

(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 228

(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 that:

– fails to comply with the issued nature protection requirements (Article 20),

– reduces the population size of a native wild species, reduces or destroys its habitat or aggravates its living conditions to an extent in which the population would become endangered (Article 59, paragraph 2),

– imports, places on the market in the Republic of Croatia or introduces alien species into nature in the territory of the Republic of Croatia and into ecosystems which they do not populate naturally without a permit or in contravention of the permit referred to in Article 69, paragraph 1 of this Act, and thereby does not cause significant or permanent damage to nature (Article 68, paragraph 1),

– reintroduces into nature in the territory of the Republic of Croatia a native wild species that has disappeared without a permit or in contravention of the permit referred to in Article 74, paragraph 1 of this Act, and thereby does not cause significant or permanent damage to nature (Article 74, paragraph 1),

– breeds an alien wild species without a permit or in contravention of the permit referred to in Article 78, paragraph 1 of this Act (Article 78, paragraph 1),

– breeds a strictly protected native species without a permit or in contravention of the permit referred to in Article 82, paragraph 1 of this Act (Article 82, paragraph 1),

- accesses and utilises genetic material of native wild species in the wild (*in situ*) without a permit or in contravention of the permit referred to in Article 89, paragraph 2 of this Act (Article 89, paragraph 2),
- fails to meet the requirements for access and/or utilisation of genetic material of native wild species prescribed by the regulation referred to in Article 98 of this Act (Article 89, paragraph 2),
- fails to obtain the permit referred to in Article 89, paragraph 2 of this Act if while conducting research on the genetic material of native wild species that is not strictly protected pursuant to this Act on a non-commercial basis identifies the possibility of commercial utilisation of genetic material (Article 89, paragraph 4),
- accesses or utilises genetic material of native wild species from *ex situ* sources without a permit or in contravention of the permit referred to in Article 96, paragraph 1 of this Act (Article 96, paragraph 1),
- damages, destroys or removes speleothems and living organisms from speleological formations, as well as fossil, archaeological and other findings, or disposes waste or discharges waste matter into speleological formations, or carries out other projects and activities by which habitat conditions are altered within the speleological formation or in its above-ground area, when the speleological formation is not a protected part of nature (Article 104),
- damages, destroys or removes speleothems and living organisms from speleological formations, as well as fossil, archaeological and other findings, or disposes waste or discharges waste matter into speleological formations, or carries out other projects and activities by which habitat conditions are altered within the speleological formation or in its above-ground area to the extent that has a negligible impact, when the speleological formation is a protected part of nature (Article 104),
- carries out a project, performs activities or exploration in the speleological formation which have an impact on the main features, conditions and the living organisms in the speleological formation without a permit or in contravention of the permit referred to in Article 105, paragraph 1 of this Act (Article 105, paragraph 1),
- carries out a project or activity at the finding site of any mineral or fossil exceptional owing to its rarity, size, appearance or educational and scientific significance, that could lead to the destruction or damage to the findings (Article 109, paragraph 5),
- extracts minerals or fossils from nature for the purpose of placing them on the market without a permit or in contravention of the permit referred to in Article 110, paragraph 1 of this Act (Article 110, paragraph 1),
- carries out economic and other activities in the strict reserve (Article 112, paragraph 2),
- carries out a project or activity endangering the authenticity of nature in a national park (Article 113, paragraph 3),
- carries out a prohibited economic use of natural resources in a national park (Article 113, paragraph 4),

- carries out a project or activity which could impair the features for which a special reserve was designated as such (Article 114, paragraph 2),
- carries out a project or activity which poses a threat to the essential features and role of a nature park (Article 115, paragraph 3),
- carries out a project or activity which poses a threat to the essential features and role of a regional park (Article 116, paragraph 2),
- carries out a project or activity which poses a threat to the features and values of a nature monument (Article 117, paragraph 2),
- carries out a project or activity which impairs the features for which the significant landscape was designated as such (Article 118, paragraph 2),
- carries out a project or activity which impairs the features for which the park forest was designated as such (Article 119, paragraph 2),
- carries out a project or activity which could change or impair the values for which the park architecture monument was designated as such (Article 120, paragraph 2),
- carries out a project or activity referred to in Article 113, paragraphs 3 and 5, Article 114, paragraph 3 and Article 115, paragraph 3 of this Act and fails to obtain or to meet the requirements prescribed by Articles 143, 144, 180 or 188 of this Act (Article 121, paragraph 1),
- carries out a project or activity referred to in Article 116, paragraph 2, Article 117, paragraph 2, Article 118, paragraph 2, Article 119, paragraph 2 and Article 120, paragraph 2 of this Act and fails to meet the meet requirements prescribed by Articles 143, 144 or 188 of this Act (Article 121, paragraph 2),
- carries out an activity in a protected area without adhering to the management plan (Article 138, paragraph 5),
- picks, cuts, fells, uproots, collects or destroys specimens of strictly protected plants, fungi, moss and algae as well as their evolution forms in the wild in their natural range, in negligible quantities or to the extent that has a negligible impact on the conservation status of that species, except in the case of performance of regular activities determined by plans for the management of natural resources referred to in Article 155, paragraph 1 of this Act (Article 153, paragraphs 1 and 4),
- deliberately captures or kills, deliberately disturbs, particularly during the period of breeding, rearing, hibernation and migration, deliberately destroys or takes eggs, deliberately destroys or damages or removes the evolution forms, nests or broods, damages or destroys breeding sites or resting places of strictly protected species as well as their evolution forms in the wild in their natural range in negligible quantities or to the extent that has a negligible impact on the conservation status of that species, except in the case of performance of regular activities determined by plans for the management of natural resources referred to in Article 155, paragraph 1 of this Act (Article 153, paragraphs 2 and 4.),

- keeps, transports, sells, exchanges, and offers for sale or exchange live or dead specimens taken from the wild of the strictly protected species referred to in Article 153, paragraphs 1 and 2 of this Act as well as their evolution forms in negligible quantities or to the extent that has a negligible impact on the conservation status of that species (Article 153, paragraphs 3 and 4),
- carries out activities and actions with strictly protected species without a permit or in contravention of the permit referred to in Article 155, paragraph 2 of this Act (Article 155, paragraphs 1 and 2),
- destroys protected minerals and fossils and/or carries out projects and/or activities that may cause damage to protected minerals and fossils and their finding sites to the extent that has a negligible impact (Article 161, paragraph 1),
- takes from nature and/or exports protected minerals and fossils without a permit or in contravention of the permit referred to in Article 162, paragraph 1 of this Act to the extent that has a negligible impact (Article 161, paragraph 2 and Article 162, paragraph 1),
- fails to deliver an offer for the sale of property in accordance with the right of first refusal in the manner prescribed by the Act and/or sells the property situated in a national park, strict or special reserve to another person for the price that is lower than the price quoted in the offer provided to the persons authorised for right of first refusal (Article 165, paragraph 1 and Article 166, paragraph 1),
- fails to implement nature protection requirements set by the decision on the selection of the most favourable bidder (Article 181, paragraph 1, subparagraph 3),
- carries out an activity in the protected area without having obtained a concession approval or in contravention of the provisions of the decision or the contract on concession approval (Article 188, paragraph 1 and Article 191),
- upon request by the inspector fails to ensure the conditions for unimpeded carrying out of inspectional supervision (Article 216, paragraph 1 and Article 222, paragraph 3),
- fails to execute the decision referred to in Article 216, paragraph 2 of this Act (Article 216, paragraph 2).

(2) A fine in the amount of HRK 7,000.00 to 30,000.00 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 229

(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 that:

- carries out activities that may result in a significant reduction in the number of specimens within a specific population of a native wild species which is not a species referred to in Article 59, paragraphs 3 and 4 of this Act, without a permit or in contravention of the permit referred to in Article 59, paragraph 5 of this Act (Article 59, paragraph 5),

- uses wild species the utilisation of which is prescribed by the ordinance referred to in Article 62, paragraph 7 of this Act without a permit or in contravention of the permit referred to in Article 60, paragraph 1 of this Act (Article 64, paragraph 1),
- as a breeder or owner of the parental specimen or bred specimen of strictly protected animal from the vertebrate group fails to ensure the marking of that specimen in the manner prescribed by this Act (Article 84, paragraph 1),
- during execution of construction or other works carried out on the surface or under the surface of the soil, on land, under water or sea, after the discovery of a speleological formation fails to cease with all activities at the discovery site and immediately notify in writing the Ministry and the Institute of the findings (Article 101, paragraph 1),
- fails to carry out measures for securing and protecting the speleological formation set by the decision referred to in Article 101, paragraph 4 of this Act (Article 101, paragraph 4),
- fails to cease works in accordance with the provisional decision referred to in Article 101, paragraph 4 or the decision referred to in Article 102, paragraph 2 of this Act (Article 101, paragraph 4 and Article 102, paragraph 2),
- fails to undertake necessary protection measures in order to prevent destruction of or damage to the speleological formation, living organisms and fossil, archaeological or other findings located within the speleological formation until the adoption of the decision referred to in Article 101, paragraph 4 of this Act (Article 103),
- fails to notify the Ministry of the discovery of any mineral or fossil exceptional owing to its rarity, size, appearance or educational and scientific significance within 8 days from the date of discovery (Article 109, paragraph 1),
- carries out exploration of the finding site without having obtained a decision or in contravention of the decision referred to in Article 109, paragraph 3 of this Act (Article 109, paragraph 3),
- as owner of or holder of the right on land at which the minerals and fossils were discovered fails to render possible exploration of the finding site in accordance with the decision referred to in Article 109, paragraph 3 of this Act (Article 109, paragraph 6),
- carries out a project in a protected area, for which it is not necessary to obtain an act permitting building in accordance with a special regulation governing construction without a permit or in contravention of the permit referred to in Article 144, paragraph 1 of this Act (Article 144, paragraph 1).

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

(3) A fine in the amount of HRK 5,000.00 to 20,000.00 for the misdemeanour referred to in paragraph 1, subparagraphs 3, 5, 6, 7 and 8 of this Article shall be imposed on a natural person, as well as in the following cases:

- if he fails to notify the Ministry and the Institute of the discovery of a speleological formation within the prescribed deadline (Article 100, paragraph 1),
- if he fails to undertake necessary protection measures in order to prevent destruction of or damage to the speleological formation, living organisms and fossil, archaeological or other findings located within the speleological formation until the adoption of the decision referred to in Article 100 of this Act (Article 103).

Article 230

(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 that:

- as owner of or holder of the right on land at which a speleological formation is located shall render possible access to that formation and the carrying out of a project or performance of activities and/or exploration for which the permit referred to in Article 105, paragraph 1 of this Act was obtained (Article 108, paragraph 1),
- fails to comply with nature protection requirements set by the permit referred to in Article 144, paragraph 1 of this Act (Article 144),
- carries out scientific and/or expert exploration in the protected area without a permit or in contravention of the permit referred to in Article 145, paragraph 1 of this Act (Article 145),
- as owner of or holder of the right to a protected area fails to render possible visiting (Article 147, paragraph 1),
- fails to comply with conditions under which protected minerals and fossils are deposited for protection and care (Article 163, paragraph 3).

(2) A fine in the amount of HRK 3,000.00 to 7,000.00 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 231

(1) A fine in the amount of HRK 2,000.00 to 7,000.00 for a misdemeanour shall be imposed on a legal person that:

- damages and/or destroys a sign and/or information panel (Article 139, paragraph 1, subparagraph 4),
- builds a fire outside settlements and/or areas specially marked and intended for that purpose (Article 139, paragraph 1, subparagraph 5),
- puts up an information panel, advertising and/or any other panel without permission (Article 139, paragraph 1, subparagraph 6).

(2) A fine in the amount of HRK 500.00 to 1,000.00 for the misdemeanour referred to in paragraph 1 of this Article shall be imposed on a responsible person within a legal person.

(3) A fine in the amount of HRK 500.00 to 1,000.00 for the misdemeanour referred to in paragraph 1, subparagraphs 1, 2 and 3 of this Article shall be imposed on a natural person.

Article 232

A fine in the amount of HRK 1,000.00 to 2,000.00 for a misdemeanour shall be imposed on a natural person that:

– deposits waste outside the provided and marked area (Article 139, paragraph 1, subparagraph 9).

Article 233

A fine in the amount of HRK 100.00 to 500.00 for a misdemeanour shall be imposed on a natural person that:

– drives and/or parks vehicles outside areas intended for driving or parking, except for authorised persons referred to in Article 139, paragraph 2 of this Act (Article 139, paragraph 1, subparagraph 3.),

– camps outside areas marked and intended for that purpose (Article 139, paragraph 1, subparagraph 7),

– visits without a purchased ticket or vignette when a ticket or vignette is mandatory (Article 139, paragraph 1, subparagraph 8),

– bathes in places designated by the competent public institution as area where bathing is prohibited (Article 139, paragraph 1, subparagraph 10).

XV. TRANSITIONAL AND FINAL PROVISIONS

Article 234

(1) Natural values designated as protected by the Nature Protection Act (Official Gazette 70/05, 139/08 and 57/11) shall be deemed as protected parts of nature within the meaning of this Act.

(2) Parts of nature protected prior to the entry into force of this Act shall remain protected, while the owners and holders of rights over such protected parts of nature shall have the rights and liabilities laid down in this Act.

(3) Protection of areas protected by the decision on preventive protection adopted prior to the entry into force of this Act shall cease upon expiration of the time limit indicated in the decision.

Article 235

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

Article 236

Legal and natural persons managing and/or administering natural resources shall align plans for the management of natural resources with the provisions of this Act when updating them or amending them for the first time.

Article 237

Public institutions and competent bodies which have conferred the care of protected parts of nature on legal and natural persons by virtue of a contract prior to the entry into force of this Act shall align such contracts with the provisions of this Act within six months from the date of the entry into force of this Act.

Article 238

(1) The Institute shall align its general acts with the provisions of this Act within 90 days from the date of entry into force of this Act.

(2) The term of office of the Director and Head of the Expertise Division of the Institute, and the chair and members of the Steering Committee shall last until the expiration of the time period for which they were appointed.

Article 239

The transfer into digital format of the cartographic representation with the drawn in borders of protected areas referred to in Article 127, paragraph 2 of this Act, the act on designation of which was adopted prior to the entry into force of this Act, shall be carried out by the Institute within a year from the date of entry into force of this Act.

Article 240

(1) Public institutions managing protected areas shall proceed with operations in accordance with this Act from the date of entry into force of this Act.

(2) Public institutions shall align their organisation, activities and general acts with the provisions of this Act within 120 days from the date of entry into force of this Act.

(3) The term of office of the directors and heads of expertise divisions of public institutions managing protected areas and the chairs and members of the management boards shall last until the expiration of the time period for which they were appointed, except in the case when they are relieved of their duties earlier in accordance with the provisions of this Act, act on the establishment, statute and special regulations.

(4) Any regional self-government unit which has not established a public institution for the management of protected parts of nature in its territory pursuant to Article 72, paragraph 3 of the Nature Protection Act (Official Gazette 70/05, 139/08 and 57/11), shall establish it within a year from the date of entry into force of this Act.

Article 241

(1) The public institution managing protected areas shall develop a forest protection programme for protected areas referred to in Article 140, paragraph 1 of this Act within three years from the date of entry into force of this Act.

(2) For protected areas referred to in Article 140, paragraph 3 of this Act for which the programme was developed, the said programme shall apply until it is updated and/or amended or until a new programme is adopted.

Article 242

Contracts on concession approval concluded in accordance with the provisions of the Nature Protection Act (Official Gazette 70/05, 139/08 and 57/11), shall remain in force until the expiration of the time period for which they were concluded.

Article 243

(1) Head supervisors that were in place on the tasks of head supervisor in public institutions managing protected areas shall continue working as head rangers.

(2) Supervisors that were in place on the tasks of supervisor in public institutions managing protected areas shall continue working as rangers.

(3) Head rangers and rangers shall pass the professional examination within a year from the date of assuming their duties.

(4) Employment of the head ranger and ranger who fails to pass the professional examination within the prescribed time limit shall be terminated.

Article 244

(1) For areas of the ecological network significant for the conservation of natural habitat types and wild species, except for areas significant for conservation of wild birds, it shall not be possible to initiate the proceeding referred to in Article 34, paragraph 1 of this Act until they are confirmed by the European Commission.

(2) Provisions of Article 68, paragraph 1 and Article 78, paragraph 1 of this Act shall not apply to forest species covered by the list of forest species in accordance with a special regulation in the field of forestry, until the date of entry into force of the ordinance referred to in Article 68, paragraph 4 of this Act.

Article 245

The Government shall appoint the Committee referred to in Article 225, paragraph 1 of this Act within 60 from the date of entry into force of this Act.

Article 246

(1) The Government shall submit the proposal of the Strategy referred to in Article 10 of this Act to the Croatian Parliament by 31 December 2014.

(2) The Government shall align the Ordinance on the establishment of the State Institute for Nature Protection (Official Gazette 126/02) with the provisions of this Act within 60 from the date of entry into force of this Act.

(3) The Government shall adopt the regulation referred to in Article 54, paragraph 2 of this Act by the date of accession of the Republic of Croatia to the European Union.

(4) The Government shall adopt the regulations referred to in Article 68, paragraph 3, Article 98 and Article 130, paragraph 2 of this Act within a year from the date of entry into force of this Act.

(5) The Minister shall adopt the regulations referred to in Article 24, paragraph 5, Article 52, paragraph 5, Article 55, paragraph 3, Article 55, paragraph 4, Article 62, paragraph 7, Article 67, paragraph 4, Article 68, paragraph 4, Article 95, paragraph 3, Article 132, paragraph 3, Article 138, paragraph 4, Article 142, paragraph 1, Article 151, paragraph 2, Article 172, paragraph 7, Article 174, paragraph 5, Article 188, paragraph 5, Article 202, paragraph 2, Article 203, paragraph 3, Article 208, paragraph 5, Article 209, paragraph 3 and Article 213, paragraph 3 of this Act within a year from the date of entry into force of this Act.

Article 247

(1) Pending the entry into force of the Strategy, the National Strategy and Action Plan for the Protection of Biological and Landscape Diversity (Official Gazette 143/08.) shall apply.

(2) Pending the entry into force of regulations referred to in Article 246, paragraphs 3, 4 and 5 of this Act in the part in which their provisions are not in contravention of the provisions of this Act, the Regulation on the proclamation of the ecological network (Official Gazette 109/07), Ordinance on internal organisation of the Plitvice Lakes National Park (Official Gazette 38/96), Ordinance on internal organisation of the Telašćica Nature Park (Official Gazette 38/96), Ordinance on the amount of compensation for damage caused by illegal action on protected animal species (Official Gazette 84/96 and 79/02), Ordinance on the protection of terrestrial snails (Gastropoda terrestria) (Official Gazette 29/99), Ordinance on the protection of amphibians (Amphibia) (Official Gazette 80/99), Ordinance on internal organisation of the Brijuni National Park (Official Gazette 75/00), Ordinance on internal organisation of the Risnjak National Park (Official Gazette 75/00), Ordinance on internal organisation of the Sjeverni Velebit National Park (Official Gazette 75/00), Ordinance on internal organisation of the Mljet National Park (Official Gazette 76/00), Ordinance on internal organisation of the Paklenica National Park (Official Gazette 76/00), Ordinance on internal organisation of the Kopački rit Nature Park (Official Gazette 77/00), Ordinance on internal organisation of the Biokovo Nature Park (Official Gazette 66/01), Ordinance on internal organisation of the Vransko jezero Nature Park (Official Gazette 66/01), Ordinance on internal organisation of the Medvednica Nature Park (Official Gazette 3/02), Ordinance on internal organisation of the Velebit Nature Park (Official Gazette 12/02), Ordinance on the protection of fungi (Fungi) (Official Gazette 34/02), Ordinance on internal organisation of the Papuk Nature Park (Official Gazette 98/03), Ordinance on the nature protection label (Official Gazette 178/03), Ordinance on habitat types, habitat map, threatened and rare habitat types and measures for the conservation of habitat types (Official Gazette 7/06 and 119/09), Ordinance on wild animal crossings (Official Gazette 5/07), Ordinance on the content, form and manner of issuing the official identification card of the head supervisor and supervisor (Official Gazette 11/07), Ordinance on the design of the uniform of the head supervisor and supervisor (Official Gazette

11/07), Ordinance on the manner of development and implementation of the risk assessment study for the introduction, reintroduction and breeding of wild taxa (Official Gazette 35/08), Ordinance on the collection of protected wild growing plants for the purpose of processing, trade and other purposes (Official Gazette 154/08), Ordinance on the conditions for holding, methods of marking and keeping records on protected animals in captivity (Official Gazette 70/09), Ordinance on proclaiming wild taxa protected and strictly protected (Official Gazette 99/09), Ordinance on the assessment of acceptability of a plan, programme and project for the ecological network (Official Gazette 118/09), Ordinance on internal organisation of the Lastovsko otočje Nature Park (Official Gazette 154/09), Ordinance on the prevention and indemnity for the damage inflicted by animals of strictly protected wild taxa (Official Gazette 158/09), Ordinance on internal organisation of the Kornati National Park (Official Gazette 141/10 and 53/11), Ordinance on the content and examination method for the professional examination of supervisors (Official Gazette 6/11), Ordinance on internal organisation of the Krka National Park (Official Gazette 119/11), Ordinance on the official identification card and badge of the nature protection inspector (Official Gazette 45/12).

(3) Pending the entry into force of the ordinance referred to in Article 142, paragraph 1 of this Act, the ordinances on internal organisation of special reserves shall apply.

(4) Until the date of accession of the Republic of Croatia to the European Union the Ordinance on the transboundary movement and trade in protected species (Official Gazette 72/09, 143/10 and 87/12) shall apply.

Article 248

(1) The procedures initiated pursuant to the provisions of the Nature Protection Act (Official Gazette 70/05, 139/08 and 57/11) shall be completed pursuant to the provisions of that Act.

(2) Misdemeanour proceedings initiated pursuant to provisions of the Nature Protection Act (Official Gazette 70/05, 139/08 and 57/11) prior to the date of entry into force of this Act shall continue before the competent court in accordance with that Act.

Article 249

(1) On the day of entry into force of this Act, the Nature Protection Act (Official Gazette 70/05, 139/08 and 57/11) shall cease to be valid, except for provisions of Articles 101, 102, 103, 107, 108a, Article 183, subparagraph 10, Article 195, paragraph 1, subparagraphs 47 to 56 and paragraph 2, Article 197, paragraph 1, subparagraphs 6 and 8 and paragraph 2 of that Act which shall remain in force until the date of accession of the Republic of Croatia to the European Union.

(2) On the day of entry into force of this Act the following shall cease to be valid:

– Ordinance on the procedure of public insight when designating a protected area (Official Gazette 44/05),

– Ordinance on the content and manner of keeping the Register of protected natural values (Official Gazette 130/06),

– ordinances on internal organisation of regional parks, significant landscapes, nature monuments, park forests and park architecture monuments.

Article 250

This Act shall enter into force on the eighth day from the day of its publication in the Official Gazette, except for provisions of Article 37, paragraph 4, Article 38, paragraph 5, Article 54, paragraph 4, subparagraph 1 and paragraph 5, Article 70, paragraph 5, Article 71, paragraph 2 and Article 197 of this Act which shall enter into force on the date of accession of the Republic of Croatia to the European Union.

Class: 022-03/13-01/38

Zagreb on 21 June 2013

CROATIAN PARLIAMENT

President
of the Croatian
Parliament

Josip Leko, m. p.