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LEGAL FRAMEWORK AND ADMINISTRATIVE PROCEDURE FOR RENEWABLE ENERGY SOURCES AND COGENERATION IN THE REPUBLIC OF CROATIA

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1. INTRODUCTION

The process of preparing and construction of facilities using the renewable energy sources and cogeneration in the Republic of Croatia is a complex organizational process (hereinafter: Process), determined by social, economic, legal, environmental, technical and technological and other factors.

The whole Process can be divided in various phases, each phase comprising the basic legal acts resulting from activities carried out in a particular phase. These phases can be marked as:

0. Preparation phase – collecting and studying of input information and preparing of preliminary documents for facility construction,
 1. Procuring decision on energy activity registration,
 2. Procuring preliminary energy approval for construction of energy facility,
 3. Procuring decision on facility environmental acceptability and/or decision on integrated environmental requirements
 4. Procuring planning permission and/or preliminary energy approval and/or concluding grid interconnection agreement
 5. Procuring energy approval for facility construction,
 6. Procuring concession granting decision and/or concluding concession agreement
 7. Procuring authorization of compulsory purchase and/or decision on entry into the land registry
 8. Procuring building permit,
 9. Procuring decision on preliminary eligible producer status authorization
 10. Concluding power purchase agreement (conditional),
 11. Procuring connection approval,
 12. Concluding power grid use agreement,
 13. Procuring operating licence,
 14. Procuring water permit,
 15. Procuring energy licence,
 16. Procuring decision on eligible producer status authorization,
 17. Procuring decision on domestic preference determination for the project,
 18. Procuring decision on building entry into the cadastral register,
 19. Procuring decision on building entry into land registry.

In preparing of this text the relevant legal sources have been used, the list of which is enclosed at the end in item 3.

Apart from the term **facility** the term **power plant** is used in the text, to be found in particular regulations, whereby each power plant shall be construed as facility, but not vice versa. In introduction the basic legal terms comprised in relevant regulations shall be defined.

Pursuant to the *Act on Ownership Rights and Other Property Rights* (OG 91/96, 68/98, 73/00, 114/01, 79/06 and 141/06; hereinafter: *AOROPR*) *properties* are a matter of ownership and other

property rights and they are classified as movables and real estate. *The movables* mean property which can be moved from one place to another without changing its substance. *The real estate* means land parcels, encompassing land along with anything permanently affixed to the land, or under the ground.

Pursuant to the *Physical Planning and Building Act* (OG 76/07; hereinafter: *PPBA*) *the building land* means the land within and outside the building area, which has been built-up or for which the spatial plan envisages the construction of buildings and the development of public areas. *The building plot* means a plot of land with access to an open area, which has been built or will be built and developed in conformity with physical planning requirements, in the form and area to be defined, covering the surface of one or more plots of land or parts thereof. *The construction* within the meaning of PPBA means designing, construction, use and demolition of buildings which is carried out pursuant to the provisions of PPBA and regulations adopted pursuant to this act, as well as pursuant to provisions of special acts and regulations adopted on the basis of such acts, Croatian standards and the rules of profession. *The building* means the result of construction which is fixed to the ground and consisting of a construction assembly functionally built from construction products with joint installations and equipment, or of a construction assembly and incorporated facility or equipment which together form a technical and technological unit, as well as self-contained facilities fixed to the ground, as well as assemblies fixed to the ground which did not result from construction in the case that they alter the manner of utilization of space. *Building with environmental impact* means any building for which regulations on environmental protection prescribe an the environmental impact assessment procedure as mandatory. *Facility* means a set of functionally connected equipment for the performance of a technological or some other process for which the building is intended. *The client* is legal or physical person on behalf of which the building is constructed.

Pursuant to the *Environmental Protection Act*; hereinafter *EPA*) *the facility* is technical, organizational unit used by the company for its activities, managed or supervised by the operator, including the instruments, equipment, structures, pipes, machines, tools and other parts used for the work. The facility may comprise several independent units on the same site, i.e. plants.

Plant is one or several separately located working units, comprising devices, in which one of the company' activities or a part of activities is performed. *Operator* is the management of the company (physical person, authority or legal person) who, in line with special regulations, manages or supervises the company. *Device* is equipment or part of equipment of the plant, implying machines, tools, electric conductors, power transmission lines, railway lines and commercial docks within the plant, including the warehouses, dams and similar, necessary for carrying out the activities of the company. *The company* is legal or physical person who, in line with special act, carries out economic activity by using the plant. The company is managed or supervised by the company operator.

The Energy Act (OG 68/01, 177/04 and 76/07; hereinafter: *EA*) defines *energy generation/production* as physical or chemical process of transformation of fuel or renewable energy sources in electricity, thermal energy or other forms of energy. *The energy* is electricity, thermal energy, gas, biofuel, oil and oil products. *Cogeneration* is combined heat and power generation in an integrated process. *Renewable energy sources* are energy sources conserved in the nature and partially or wholly renewable, in particularly the water energy, wind energy, non-accumulated solar energy, biofuel, biomass, biogas, geothermal energy, wave energy, landfill gas and energy generated from water treatment plants. *The energy entity* is legal or physical person carrying out one or several energy activities and has the license for carrying out energy activities.

The eligible producer is energy entity or other legal or physical person producing in a particular production facility simultaneously the high efficiency electricity and thermal energy, using waste or renewable energy sources in economically adequate way, harmonized with environmental protection.

Pursuant to the *Electricity Market Act* (OG 177/04 and 76/07; hereinafter: *EMA*), *the production facilities* are facilities for production of electricity. *High efficiency cogeneration* is cogeneration based on consumption of useful heat and primary energy savings.

2. DESCRIPTION OF LEGAL FRAMEWORK AND ADMINISTRATIVE PROCEDURE

2.0. Preparation phase – collecting and studying of input information and preparing preliminary documents for facility construction

The Process starts with activities of collecting and studying the input information and drafting of preliminary documents required for starting of the Process. This phase could be conditionally called the Zero Phase.

The input documents for this phase comprise all regulations listed in the legal framework, in particularly the Physical Planning Strategy of the Republic of Croatia, Physical Planning Programme of the Republic of Croatia, Energy Strategy, Programme of Energy Strategy Implementation of the Republic of Croatia, other documents of economic, energy and physical development of the Republic of Croatia and local and regional self-government units, as well as the individual plans of the energy entity. Details are comprised in the following provisions.

- *Energy Act* (OG 68/01, 177/04, 76/07 and 152/08; hereinafter: *EA*),
- *Electricity Market Act* (OG 177/04 and 76/07, 152/08; hereinafter: *EMA*),
- *Physical Planning and Building Act* (OG 76/07; hereinafter: *PPBA*),
- *Environmental Protection Act* (OG 110/07; hereinafter: *EPA*),
- *Regulation on Incentive Fees for Promoting Electricity Production from Renewable Energy Sources and Cogeneration* (OG 33/97 and 133/07),
- *Regulations on the Minimum Share of Electricity Produced from Renewable Energy Sources and Cogeneration whose Production is Incentivized* (OG 33/97),
- *Ordinance on the Use of Renewable Energy Sources and Cogeneration* (OG 67/07; hereinafter: *ORESC*),
- *Ordinance on Eligible Producer Status Authorization* (OG 67/07; hereinafter: *OEPSA*),
- *Tariff System for Production of Electricity from Renewable Energy Sources and Cogeneration* (OG 33/97; hereinafter: *Tariff System*).

Pursuant to EA the construction of energy facilities, their maintenance and use, as well as carrying out of energy activity is of interest to the Republic of Croatia (Article 4). Apart from it, pursuant to this Act, the **use of renewable energy sources and cogeneration** is in interest of the Republic of Croatia (Article 14).

Pursuant to EMA the facilities for production of electricity (hereinafter: production facilities) can be built by legal or physical persons, provided the production facilities to be built meet the criteria defined in the procedure of issuing the energy approval for construction of production facilities, defined by this Act. The procedure of issuing the energy approval for construction of production facilities is based on the principles of objectivity, transparency and impartiality with a view of providing for the following:

- Reliability and security of electric power system,
- Protection of public health and security,
- Criteria of environmental protection and providing permanent control of environmental impact,
- Use of the land and site,
- Use of public land,
- Energy efficiency,
- Types of primary energy,
- Technical, economic and financial capacities of applicant.

The methods of implementation of principles and criteria referred to in paragraphs 1 and 2 of this Article shall be set forth by the Government of the Republic of Croatia on proposal of the Ministry, upon procuring the prior opinion of HERA. (Article 9, paragraphs 1-3. of EMA). **The said regulation has not been passed yet.**

The production facilities using renewable energy sources and high-efficiency cogeneration have to meet, apart from the principles and criteria referred to in paragraphs 1 and 2 of Article 9 of EMA, the special principles and criteria defined by the ORESC. The party to which the construction of production facilities was not approved is entitled to lodge appeal with the Ministry. The decision of the Ministry shall be final (Article 9, paragraph 7 EMA).

The activities of preparing the facility construction shall, as a rule, be carried out as **free initiative** and activity of economic operator, however the presumed **decision on invitation for tenders** for construction of the facility for production of electricity can be used as input document for starting the process, provided it is in interest of supply security, environmental protection or promotion of energy efficiency. Due to above the following text provides the summary of relevant legal provisions.

Pursuant to Article 10, paragraph 1 of EMA, for production facilities up to **50 MW** the decision on invitation for tenders and selection of the best bidder shall be passed by the Croatian Energy Regulatory Agency (hereinafter: **HERA**), acting in line with the *Act on Regulation of Energy Activities* (OG 177/04 and 76/07) as the authority competent for regulation of energy activities. For construction of production facilities with **capacity 50 MW** and above, the decision on invitation for tenders and the selection of the best bidder shall be passed by the Government of the Republic of Croatia, on proposal of HERA. The **invitation for tenders** shall comprise:

- Site on which the facility will be built,
- Type of primary energy,
- Method and conditions of production and taking over of electricity,
- Conditions referring to termination of operation of the facility,
- Conditions referring to environmental protection and protection of public health,
- Required energy efficiency,
- Incentive measures, i.e. subsidies for particular production facilities, whereby the incentives and subsidies shall not refer to hydro power plants exceeding 10 MW.
- Criteria referred to in Article 9, paragraph 1 of EMA,
- Conditions for use of general and public goods.

The method of invitation for tenders, conditions of tender for construction of facilities referred to in paragraph 1 of Article 10, detailed description of provisions of the contract, as well as procedure criteria which have to be met by all tender participants and the list of criteria for selection of the best bidder shall be defined by minister's ordinance. **The said ordinance has not been passed yet.**

Consequently, the input document for starting of the Process may also be the publicly announced invitation for tenders, as well as all relevant documents prepared by HERA and possibly made

available to the economic entity for the purpose of preparing the tender. The output document is the specific bid, prepared in line with the tendering conditions for the purpose of concluding the construction contract. Within this group of activities the survey of fitting of the announced project in construction plan of the economic entity and technical and economic analysis shall be carried out, aimed at preparing specific tender elements with a view to providing for competitiveness of the tender to the other possible bidders.

It should be pointed out that the **individual plans of economic entity and provisions of the ORESC are particularly significant** for preparing the facility construction, since the state invitation for tenders can be expected only as an exception.

This Ordinance defines the renewable energy sources and cogeneration plants used for production of energy, conditions and possibilities of use of renewable energy sources and cogeneration plants and regulates other issues significant for the use of renewable energy sources and cogeneration. Additionally, this Ordinance provides for the form, contents and the method of keeping the Registry of Projects and Facilities for Use of Renewable Energy Sources and Cogeneration and of Eligible Producers (Article 1 of the ORESC). For construction of RESC facilities the ministry in charge of energy, i.e. the Ministry of the Economy, Labour and Entrepreneurship (hereinafter: MELE), shall issue the energy approval upon request of the authorized physical or legal person (Article 8 of the ORESC).

For the purpose of entering of the project in the RESC Registry, investigating the potentials of renewable energy sources and regulating of the property law relations on the land owned by the Republic of Croatia, the **preliminary energy approval** shall be procured with the MELE for facility construction (hereinafter preliminary approval). The preliminary approval is temporary (Article 9 of the ORESC).

Exceptionally, for facilities referred to in Article 4 and 5 of the ORESC, for the installed power **up to and including 30 kW no requirement is stipulated** for procuring the preliminary approval. The entry of the subject facilities in the RESC Registry shall be performed pursuant to the approval. For facilities not connected to the grid, referred to in Article 6 and the facilities for production of thermal energy, referred to in Article 7 of the Ordinance, no requirement of procuring the preliminary approval or approval shall be required (Article 15 of the ORESC).

The applicant's request for issuing the preliminary approval shall be, among other documents, accompanied by the **preliminary feasibility study of facility construction and its connection to the power grid** with technical, economic and physical planning data. The contents of the preliminary analysis is not stipulated, however is defined by the title of the document, that is indirectly. This implies that the analysis has to be carried out by qualified and professional persons in order to be considered as the base for preparing the future technical documents for procuring the planning permission in cases when the procuring of the planning permission is required for the facility and/or proceeding with the activities referring to issuing the connection approval.

In follow up activities the preliminary study for facility construction can be prepared. The preliminary study implies the graphical presentation of spatial, functional, design and, if appropriate, technical and technological characteristics of the project. The preparing of the preliminary study means the selection of the best available solution and comprises the basic principles of the solution for the particular engineering disciplines, as additionally provided by the **Ordinance on Prices of the Croatian Chamber of Architects and Engineers in Construction**. On the basis of preliminary study and other documents the conceptual design and prefeasibility study or feasibility study of facility construction can be prepared, which provides for the costs-benefit

analysis of the construction. The elements of the study are integral part of the subsequent environmental impact study.

The client, aiming to proceed with the activities referring to facility construction shall be mostly, due to various reasons, required to formalize his intention of construction. **The legal acts on the intent to construct may** have various contents, legal form and purpose. Apart from the previously mentioned example, when preparing the tender, this may be an internal decision of the client on facility construction plans. Further, the client may decide to establish a separate company in his ownership for the purpose of project realization (the so called **project company**). Or, if he intends to establish cooperation with another business partner, this may be the letter of intent, addressed to such business partner or to the third party for the purpose of joint investment in facility construction. The basis of investment may be a partnership contract, in line to the provisions of the **General Obligation Act** (OG 35/05; hereinafter: **GOA**) or articles of association in line with the **Companies Act** (OG 111/93, 34/99, 52/00, 118/03 and 107/07; hereinafter: **CA**).

2.1. Procuring the decision on registration of energy activity

The procuring of the **decision on registration of energy activity** in the Court Register or the Crafts Register is considered as the Phase One of the Process.

If the client has decided to establish a separate project company for the purpose of realization of the project in his sole or joint ownership with another entity, he has to submit the acts provided by the CA and the **Court Register Act** (OG 1/95, 57/96, 1/98, 30/99, 45/99, 54/05 and 40/07; hereinafter: **CRA**), which set forth the procedure of company establishing and registration.

The company is legal person carrying out independently the economic activities for the purpose of generating profit by means of production, marketing of goods or providing services on the market. The status of legal person the company acquires by entering into the Court Register. The scope of operations of a company comprises each legally permissible activity. The scope of activity of the company shall be entered into the Court Register, indicating the activities to be carried out.

Energy activities and conditions for carrying out energy activities are regulated by the EA and special energy laws. Pursuant to EA the legal and physical persons may commence with carrying out of energy activities provided they have obtained the decision of HERA, approving the carrying out of this activities (hereinafter: license; Article 16, paragraphs 1 and 2 of the EA)

The license **shall not be required** for performance of the following energy activities:

1. Production of electricity produced exclusively for one's own use or produced in facilities not exceeding 1 MW,
2. Production of biofuel produced exclusively for one's own use or production of energy up to 1 TJ annually.
3. Production of thermal energy produced exclusively for one's own use or produced in production facilities up to 0.5 MW. (Article 16, paragraph 16 of EA)

Pursuant to the **Ordinance on Licenses for Carrying out Energy Activities** (OG 118/07), HERA may issue the license for performance of energy activities to the legal or physical person, registered for carrying out of energy activities in the Republic of Croatia. Correspondingly, the procuring of the **Decision of the Commercial Court**, competent in the registered office of the applicant, **on registration of the energy activity**, is obligatory condition for issuing of the license.

If the client is a physical person, planning the facility construction in his ownership and if he plans to use it for performance of activity in the status of a craftsman, the **registration** of energy activity shall be carried out in the **Crafts Register**, in line with the provisions of the **Crafts Act** (OG 77/93, 90/96, 64/01, 71/01, 68/07 and 79/07). The procedure of procuring the license by HERA is described in detail in further text.

The physical persons, who are permanently employed or pensioners, planning construction of low power facility, installed on personal real estate of such citizens (as for instance solar energy collectors on the roof of family house), for the purpose of selling the electricity produced in such facilities as eligible producers, shall be liable to the **Profit Tax Act** (OG 177/04). Pursuant to the said Act, the persons performing in particularly the non listed economic activities for the purpose of generating profit, in relation to the activities provided by the Crafts Act, shall be liable to the income tax, independently of approval or not approval of the activity by the competent authority. Pursuant to Article 62 of the Profit Tax Act and Article 91 of the Ordinance on Profit Tax (OG 95/05, 96/06 and 68/07), the physical persons shall register in the **Register of Income Tax** within eight days from commencing carrying out of independent activity.

2.2. Procuring the preliminary energy approval for construction of energy facility

Procuring the **preliminary energy approval** is the Phase Two of the Process.

The request for issuing the preliminary approval shall be submitted by the applicant and the future client to the MELE; the request shall be accompanied by:

1. Excerpt from the cadastral plan for cadastral plot on which the installation for investigating the potential of renewable energy sources is to be placed or constructed and/or the facility construction is planned,
2. Excerpt from the Court Register, i.e. for physical person excerpt from the Crafts Register in the Republic of Croatia or certificate of residence in the Republic of Croatia,
3. Certificate of tax administration confirming that all due tax liabilities and liabilities referring to pension and health insurance and other public contributions have been paid,
4. Verified certificate of no criminal record of the legal person and the physical person with respect to participating in criminal organization, corruption, fraud or money laundering, to be provided by the physical person for himself and/or as the responsible person of the applicant,
5. Preliminary feasibility study for facility construction and its connection to the power grid with technical, economic and physical planning data.

For the **hydro power plant and geothermal plant**, the applicant shall submit, apart from the above mentioned documents, the graphical presentation comprising the scheme of erection or construction of installation on the site for investigating the potentials of renewable energy sources with the data (including the graphical enclosure on topographic chart in the scale 1: 25000) of the investigation area.

For **wind park** the applicant shall, apart from the above mentioned documents, submit the following:

- Graphical enclosure in scale 1:25000 in which the applicant has defined the narrower and greater area of the wind park in line with the provisions of the Ordinance. The spatial data to be submitted by the applicant shall be inserted in the topographic map in scale 1:25000. The area of interest for performing the investigation shall be defined by benchmarks (Gauss-Krüger projection). The point position is defined by the denomination of the point, x coordinate (northwards) and y coordinate (eastwards) and the not obligatory z coordinate (height above sea level)),

- Consent for performance of investigation by the state authority in charge of air traffic, if the site on which the installation for investigating the wind potential is to be placed or constructed is located near the airport,
- Decision of the competent authority on standard design in line with the provisions of the Physical Planning and Building Act for the measuring pole, issued to such legal person, or contract with the legal person to whom the decision on standard design was issued for the use of the standard design, if the wind potential measuring device is to be constructed.

For wind parks the investigating area shall meet the following conditions:

- Security distance of the measuring pole to the power line not less than 50 m,
- The investigation area comprises the ground level atmosphere 200 m above the ground within the limits determined by the coordinates of benchmarks, which were entered in the topographic map in scale 1:25000 by the applicant,
- Each project can be assigned to only one continuous investigation area,
- The investigation area comprises the minimum required space for planning of wind park, i.e. integral space unit appropriate for construction of wind park in line with the conditions provided in Annex 5 of the Ordinance, being its integral part. (Article 11. of the ORESC).

Depending on the type and the requirements of a particular facility the preliminary approval provides for acquiring of the following **rights**:

- Entry of the project in the RESC Registry, acquiring thus the status of the project developer
- Investigation of potential of renewable energy sources within the investigation area,
- Regulation of property law relations on the land in ownership of the Republic of Croatia (Article 10, paragraph 1 of the RESC).

Based on the preliminary approval, depending on the type and the requirements of a particular facility the project developer **shall**:

- Commence with investigation of the potential of renewable energy sources not later than 6 months from the finality of the preliminary approval and provide corresponding evidence to the Ministry,
- Not later than 36 months from finality of the preliminary approval submit the request for issuing of planning permission, provided the procuring of planning permission is required for the said plant, and provide corresponding evidence to the Ministry (Article 10, paragraph 2 of the ORESC).

The preliminary approval is **temporary** and shall be issued for the following validity term:

- 18 months from the finality of preliminary approval for facilities for which the procuring of planning permission is not required,
- 48 months from finality of the preliminary approval for facilities for which the procuring of planning permission is required (Article 16, paragraph 1 of the ORESC).

The preliminary approval shall be suspended and the project developer shall be removed from the RESC Registry if the project developer:

- Fails to commence with investigation of potentials of renewable energy sources within the term of six months from finality of preliminary approval,
- Fails to submit request for issuing the planning permission within 36 months from finality of preliminary approval, for facilities for which the procuring of planning permission is required (Article 16, paragraph 2 of the ORESC).

Within this phase of the Process the planned measuring is performed and the study on performed measuring prepared, and the corresponding data will be used later for preparing the feasibility study and environmental impact study.

2.3. Procuring the decision on environmental acceptability and/or decision on integrated environmental requirements

The environment impact assessment is carried out in line with the provisions of the EPA within the preparation of the planned project, prior to issuing of planning permission for project operation or other approval for project for which the issuing of planning permission is not required. If the project, for which the environmental impact assessment is carried out, refers to the facility intended for activity which may result in emissions polluting the soil, air, water and sea, in line with Article 82, paragraph 2 of the EPA and Regulation referred to in Article 71, paragraph 2 of the EPA, the integrated environmental requirements shall be defined; the decision on the requirement for project the environmental impact assessment and the request for defining the integrated environmental requirements shall be rendered in a single procedure. ***The Regulation on Defining the Integrated Environmental Requirements*** (OG 114/08; hereinafter: ***RDIER***) sets forth the activities which may result in emissions, as well as the procedure for defining the integrated environmental protection requirements.

The Regulation on the Environmental Impact Assessment (OG 64/08; hereinafter: ***REIA***) sets forth the projects for which the environmental impact assessment is carried out; the projects which are subject to the environmental impact assessment screening; methods of implementation of the environmental impact assessment; methods and obligatory contents of the opinion to be provided by the Committee; aspects of participation of the authorized person; methods of implementation of the procedure of the environmental impact assessment, methods of the procedure of providing instruction on contents of the study upon request of the project developer; methods of public information and participation in the procedures; criteria and methods of particular investigations, on basis of which the decision is rendered on the environmental impact assessment screening and projects which fall within the scope of responsibility of the Ministry or competent authority in the county, or the City of Zagreb.

The environmental impact assessment is carried out for projects planned by the corresponding physical planning documents and defined in the list of projects, which are integral part of the Regulation on the Environmental Impact Assessment (REIA). The projects for which the environmental impact assessment is obligatory are defined in Annex I, and the projects for which the environmental impact assessment screening is carried out are listed in Annexes II and III of the REIA. The power plants and power facilities **exceeding 30 MW_{el}**, as well as the extraction of mineral raw materials, i.e. mineral and geothermal water which accumulated heat can be used for energy production purposes, are considered as projects for which the environmental impact assessment is obligatory; the competent authority for assessment is the Ministry of Environmental Protection, Physical Planning and Construction. The following obligatory contents of the study is listed in Annex IV of the REIA:

1. Description of project;
2. Alternative project concepts;
3. Data and description of the project site and environmental data;
4. Description of the environmental impact during the construction and/or project operation;
5. Proposal of environmental protection measures and environment monitoring programmes, during the construction and/or project operation;
6. Study summary;
7. Indication of any difficulties;
8. References;
9. List of regulations;
10. Other data and information.

The environmental impact assessment is the assessment of possible significant environmental impacts of the project defined by Environment Protection Act (EPA) and the REIA. In the environmental impact assessment the impact of the project on the environment is recognized, described and assessed in an appropriate manner, defining the possible direct and indirect impact of the project on the soil, water, sea, air, forest, climate, people, plants and animals, landscape, tangible assets, cultural heritage, taking in account their interactions (Article 69, paragraph 2 of the EPA).

If the environmental impact assessment comprises the assessment of environmental acceptability of project, in line with the special environmental protection regulation no separate procedure shall be carried out in line with the **Environment Protection Act** (OG 110/07; hereinafter: *EPA*). In such case in the procedure of the environmental impact assessment of the project the compensation conditions for endangering protected plant and animal species and habitats, protected by a special regulation, shall be defined in line with the opinion of the authority competent for environment protection (Article 69, paragraph 3 of the EPA).

The environmental impact study shall have, in line with the REIA the following obligatory contents:

1. Description of project;
2. Alternative project concepts;
3. Data and description of the project site and environmental data;
4. Description of the environmental impact during the construction and/or project operation;
5. Proposal of environmental protection measures and environment monitoring programmes during the construction and/or project operation;
6. Study summary;
7. Indication of any difficulties;
8. References;
9. List of regulations;
10. Other data and information.

The procedure for performance of the environmental impact assessment and the procedure for the environmental impact assessment screening shall be carried out upon written request of the project developer. The request for the environmental impact assessment shall comprise the environmental impact study and other stipulated documents in line with the REIA. (Article 73 of EPA)

The request for evaluation of the environmental impact assessment shall be submitted in the way provided by the REIA.

The competent authority for rendering decision upon request for the environmental impact assessment and the request for the environmental impact assessment screening shall be the MELE or the competent authority of the county or the City of Zagreb, depending on the projects falling within their scope of competences by the REIA. The competent authority for rendering decision upon request for providing instruction on the content of the environmental impact study, prior to its drafting, shall be MELE or the competent authority in the county or the City of Zagreb, depending on the projects falling within their scope of competences by the REIA. The projects which fall within the scope of competence of MELE, i.e. the competent authority in the county or the City of Zagreb shall be provided by the REIA.

The environmental impact study is a professional background document comprising all required data, documents, argumentations and descriptions in textual and graphical form, proposal of acceptability assessment of a project and the environment protection measures with respect to the project and, if appropriate, the environment monitoring programme. The environmental impact study shall be prepared on the basis of the recent, reliable and available data. The project developer shall be responsible for preparing the environmental impact study and all the costs, referring to the procedure of the environmental impact assessment shall be borne by project developer. The authorized person, preparing the environmental impact study shall be responsible for authenticity, accuracy and professional foundation, as well as complying with the required regulations with respect to the drafting and contents of the study (Article 75 of the EPA).

The project developer may, prior to preparing the environmental impact study, submit the written request to the Ministry of Environmental Protection, Physical Planning and Construction (MEPPPC), i.e. competent authority in the county or the City of Zagreb, requesting **instructions on the contents of the study** with respect to the planned project, which is not an administrative act (Article 75 of EPA). The request for providing instructions on contents of the environmental impact study shall be submitted in a manner provided by the REIA.

In the procedure of **the environmental impact assessment**, including the **defining of integrated environmental protection requirements**, in cases when it is carried out in an **integrated procedure**, the opinion of the professional counselling committee (hereinafter: committee) shall be requested, to be appointed for each particular project by the Minister of the MEPPPC, i.e. the head of the competent authority in the county or the City of Zagreb. In the integrated procedure referred to in Article 70, paragraph 1 of the EPA the committee assesses the possible environmental impact of the technology and technical equipment proposed for the facility and proposes to the MEPPPC the integral environment protection measures with respect to the facility (Article 77, paragraphs 1-2 of the EPA).

The procedure of the environmental impact assessment shall be carried out not later than four months from the receipt of the proper request of the project developer. Exceptionally, the term for performance of the environmental impact assessment procedure can be extended for two months, if it was assessed as necessary for additional activities during the procedure. **The environmental impact assessment procedure** shall be performed not later than three months from receipt of proper request by project developer. The instruction on contents of the environmental impact study shall be issued within the term not longer than three months from receipt of the proper request for issuing instruction. Exceptionally, when the environmental impact assessment procedure is performed as integrated procedure within the meaning of Article 70, paragraph 1 of the EPA, the procedure shall be accomplished within the term of six months from receipt of the latter proper request in this procedure in line with the EPA (Article 78 of the EPA).

When deciding on the request for the environmental impact assessment the **decision on the environmental acceptability of the planned project** shall be issued, if the decision is not rendered in an integrated procedure within the meaning of Article 70, paragraph 1 of the EPA. By decision on environmental acceptability of the project, the acceptability of the planned project for the environment is determined provided the environment protection measures are applied pursuant to the act, other regulations, standards and measures contributing to reducing the environmental pollution, and, if appropriate, the environmental status monitoring programme shall be defined. If the conditions provided by the EPA are not complied with, the decision shall stipulate that the project is not environmentally acceptable. The decision on the environmental impact assessment screening shall stipulate whether the environmental impact assessment is required or not (Article 79, paragraphs 1-2 of EPA).

The Decision on integrated environmental protection requirements, deciding in integrated procedure within the meaning of Article 70, paragraph 1 of the EPA and the decision referred to in paragraphs 1 and 2 of this Article may be issued to the project developer, i.e. the company which submitted proper request(s), upon accomplishing the procedure in line with the provisions of the EPA and regulations adopted pursuant to EPA. Prior to rendering decision on environmental acceptability and the decision on integrated environmental requirements the outcomes of the environmental impact study for the said project shall be taken in account, as well as the opinions of the bodies and/or persons stipulated by special regulation; the comments, proposals and opinions of the public and of the stakeholders, together with the outcomes of any trans-boundary consultations if they are required in line with the EPA. (Article 89 of EPA, paragraphs 3-4).

The decision on environmental acceptability and the decision on integrated environmental requirements shall expire if the project developer fails to submit the request for issuing the planning permission, or other act in line with the special act not later than two years from the date of finality of the decision. The validity of the decision environmental acceptability may, upon request of the project developer, be extended once for the period of further two years, provided the conditions pursuant with the EPA and other conditions, pursuant to which the decision was issued, remain unchanged. The decision upon request for extension of the decision on environmental acceptability shall be rendered in a form of decision.

For each amendment referring to the planned project with respect to the status of the facility, i.e. plant, defined by the decision on environmental acceptability, i.e. technical and technological decision as integral part of the decision on integral environment protection conditions, the project developer and the company shall, prior to submitting the request for issuing the planning permission or other act pursuant to special act, procure special decision on the environmental impact assessment screening with respect to the emerging changes, i.e. the decision on the evaluation of the need for defining the new integrated environmental protection requirements (Article 80 of the EPA).

Before commencement of facility construction and putting it in operation, as well as before any significant change in operation or reconstruction of the facility planned for performance of activities which may result in emission polluting the soil, air, water and sea, the company shall procure **the integrated environmental requirements** in line with this Act and the REIA. The integrated environmental requirements are defined with a view to providing for integrated environmental protection by preventing, reducing and eliminating to the maximum possible extent the pollution, in particularly at the source and providing for reasonable natural resources management through pollution monitoring, as well as introducing of sustainable balance between the human interventions and socio-economic development on the one hand, and on the other, of the natural resources and regeneration capacity of the nature.

The activities which may result in emissions are provided for by the REIA. The REIA. (Article 82 of the EPA) sets forth in detail the method of submitting the request for identification and identification method of the integrated environmental requirements for the new (before construction and reconstruction and putting in regular operation) and for the current facilities, in which activities are being carried out, the obligatory contents of the technical and technological solutions for the facility, referring to integrated environmental protection requirements, costs and methods of cost coverage with respect to such procedures, obligatory contents of the decision stipulating the integrated environmental protection requirements, the method of trial operation of the facility with respect to the stipulated measures and integrated environmental protection requirements, method of submitting data on monitoring the emission in the soil, air, water and sea and the other environmental elements, conditions requiring for procuring of the new integrated environmental

protection requirements, i.e. decision on amendments of the stipulated integrated environmental protection requirements, procedures of the competent bodies in cases in which the emission from the facility are likely to result in excessive impact on the health of people and environment of other states, obligatory contents of the status analysis in the existing facility and obligatory contents of the study on methods of harmonizing with the EPA, and the obligatory contents of the opinion of the MEPPPC on analysis and study of the company, as well as the methods of its issuing and other measures and conditions in line with internationally recognized standards and regulations.

The competent authority for rendering decision on determining the integral environment protection conditions for the facility is the MEPPPC. The integrated environmental requirements for the facility shall be defined in the procedure referred to in Article 70, paragraph 1 of the EPA prior to issuing the planning permission. The integrated environmental requirements shall comprise the conditions for protection of the soil, air, water and sea, provided it is required by the site of the facility and other environmental elements, as well as safety at work conditions. All above mentioned environment protection conditions shall result from the characteristics of technological processes indicated in technical and technological solution of the plant, selected on the principle of best available techniques applicable to the facility. The integrated environmental protection requirements, defined by decision referred to in Article 70, paragraph 3 of the EPA **shall be integral parts of the planning permission** (Article 84 of EPA).

The request for defining the integrated environmental requirements for the facility may refer to one or more parts of the facility located on the same site, in which the activity is planned or being carried out and/or used by the same company. The request for defining the integrated environmental requirements for the facility shall be submitted simultaneously with the request for the environmental impact assessment, referring to that plant. The request shall comprise the technical and technological solution for the facility with respect to integrated environmental requirements as well as the following:

- Description of the facility and activities planned or carried out in the facility by the company;
- Inventory of raw materials, ancillary materials and other substances, as well as the data on the energy to be used or produced in the facility;
- Description of the emission from the facility;
- Description of features and quantity of anticipated emission from the facility to each of the media, as well as identification of significant environmental emission impacts;
- Description of the anticipated technology and other techniques for prevention or, if not applicable, reduction of emission from the facility;
- If applicable, description of measures for prevention and use of the waste produced in the facility;
- Description of other measures planned with a view to complying with the general principles of basic obligations of the company pursuant to Article 83 of the EPA;
- Description of the measures planned for environmental emission monitoring, and
- Summary of all above mentioned data;

Provided for the performance i.e. operation of the facility, stipulated by EPA, i.e. special act, apart from the obligatory the environmental impact assessment screening, that is, obligatory the environmental impact assessment, the liability preparing the of the Safety report is provided, that is, the liability of procuring the permit for greenhouse gas emission, the request for defining the integrated environmental requirements for the facility shall comprise the adequate acts and/or data on procedures referring to such liabilities.

The **technical and technological solution for the facility** referring to integrated environmental requirements shall be provided by the project developer, i.e. the company and the costs of the procedure of defining the integrated environmental requirements shall be borne by the company. The technical and technological solution for the facility referring to integrated environmental requirements shall be prepared on the basis of the recent, reliable and available data. The authorized person preparing the technical and technological solution for the facility referring to integrated environmental requirements shall be responsible for authenticity, accuracy, and professional foundation, as well as for compliance with the stipulated requirements referring to preparing and contents of such decision. (Article 85 of EPA).

The procedure of defining the integrated environmental requirements shall be carried out in line with the EPA and special act. With respect to the term for the procedure of defining the integrated environmental requirements for the facilities the provisions of Article 78, paragraph 6 of EPA shall apply and in case of issuing the operating license pursuant to the special act the term defined by this act shall apply. (Article 87 of EPA).

The decision on integrated environmental requirements shall comprise all requirements pursuant to Article 84, paragraph 2 of the EPA, which the facility has to comply with pursuant to EPA and special regulations, as well as the method of checking the compliance with the integrated environmental requirements during the trial operation of the facility pursuant to the special act. The technical and technological solution for the facility referring to the stipulated integrated environmental requirements shall be an integral part of such decision.

If a particular site requires more rigorous environment quality requirements from requirements provided for by limit values pursuant to special regulations, the additional measures referred to in paragraph 1 of this Article shall provide for the admissible emission limit values provided by environment quality requirements applicable to this site.

The integrated environmental requirements in line with the EPA for the facility, to which special regulations on greenhouse gas emission trading shall apply, do not comprise special conditions referring to efficient energy use in stokes or other units emitting carbon dioxide (CO₂) (Article 88 of the EPA).

The decision on integrated environmental requirements shall accompany the conceptual design to be prepared pursuant to the special act and which is integral part of the request for issuing the planning permission pursuant to this Act. The request for issuing the building permit pursuant to special act shall be accompanied by written report of the authorized design reviewer pursuant to the EPA, confirming that the technical solution evidences the compliance with the integrated environmental protection requirements, as provided by planning permission, i.e. the said decision (Article 89 of the EPA)

2.4. Procuring the planning permission and/or preliminary energy approval and/or concluding grid interconnection agreement

Procuring the planning permission and/or preliminary energy approval and/or concluding grid interconnection agreement is a group of activities to be carried out in a sequence, however can be considered as one unit, i.e. as the Phase Four of the Process.

The Ordinance on Simple Buildings and Works (hereinafter: **OSBW**; OG 101/07) sets forth the buildings and works the construction of which can commence without the decision on building

conditions and which require no planning permission. (Article 1 of the OSBW. For the following facilities no **acts referring to construction approval** are required:

- Solar collector,
- Connection providing for the existing facility tie-in on the infrastructure installation (low voltage power grid...),
- Temporary buildings for the purpose of investigation measuring based on the decision of the authority in charge of such measuring, which are built pursuant to standard design for which decision pursuant to Article 196 of the PPBA was issued and provided the period of use of the building is not longer than three years (Article 2 of the OSBW),
- Works on an existing building having no impact either on the compliance with the location conditions, in line with which the building was built, or on compliance with the basic conditions (Article 3 of the OSBW).

For facilities set forth by the Ordinance RESC the **planning permission is required in each case**, as well as the certificate of the basic design or building permit for power facilities with capacity **20 MW or more**. Upon completion of such facilities the procuring of the operating licence is required.

The exception from the above rule are the facilities incorporated in buildings used for other purposes having **the energy generation function in such buildings**, in which case the decision on such facility shall be rendered within the rules applicable to the whole building an integral part of which they are:

- If the facility is an integral part of a building which has the building (gross) area **less than or equal to 400 m²** (that is, buildings intended exclusively for agricultural production having the building (gross) area **less than or equal to 600 m²**, for their construction the issuing of the **decision on building conditions** shall be required, and for the use of the building the client's submission of the **final report of the supervising engineer** to the competent authority shall be required;
- If the facility is an integral part of the building with building (gross) area **exceeding 400 m²** (i.e. buildings intended exclusively for agricultural production with building (gross) area **exceeding 600 m²**, the **basic design approval** shall be required for construction and for the **use the operating licence**;
- If the facility is an integral part of a building for which MEPPPC is in charge of issuing the planning permission and building permit, the building permit shall be issued (upon issuing the planning permission) and for the use the operating licence shall be issued.

Each project shall be performed in line with the physical planning documents, special regulations and the planning permission, unless otherwise provided by the MEPPPC. **The planning permission** is an administrative act to be issued based on the PPBA, regulations adopted pursuant to this Act and in line with the physical planning documents and special regulations (Article 103, paragraphs 1 and 2 of PPBA).

For the purpose of protection and economically efficient use the PPBA sets forth the **protected coastal sea area** (hereinafter: **PCA**) comprising all islands and the 1,000 m of terrestrial area, running from the coastal line and the 300 m of sea area, running from the coastal line. The PCA limits are indicated in the Croatian basic map, supplemented by ortophotomaps (Article 49 of PPBA).

Within the PCA, among others, **the planning or issuing of planning permission** or decision on building conditions is **not permitted** for buildings intended for the following purposes:

- Exploration and extraction of mineral raw materials,
- Exploitation of wind power for production of electricity.

The above mentioned restrictions shall not apply to exploration and extraction of energy mineral raw materials (oil and natural gas), mineral and geothermal waters (Article 51 of PPBA).

In case of mutual non-compliance of particular physical planning documents of the narrower and greater area, the planning permission shall be issued on the basis of physical planning documentation for the greater area. In the procedure of issuing the **concession granting decision** pursuant to the special act, on the basis of which the project is to be performed, the procuring of planning permission shall be required. (Article 103, paragraphs 1 and 2 of PPBA)

The planning permission shall be issued for all buildings, except for the buildings with building (gross) area **not exceeding 400 m**, buildings intended exclusively for agricultural activities with building (gross) area **not exceeding 600 m** and **small buildings** and works. (Article 104 of PPBA).

The planning permission shall be issued by the competent authority:

- Of the county on which territory the project is planned if it is located outside the area of cities and if the project is planned in the area covering two or several local self government units,
- Of the City of Zagreb for project planned on its territory,
- Of the city on which territory the project is planned.
- MEPPPC shall issue the planning permission for projects, set forth by the Government by *Regulation Setting Forth the Projects and Buildings for which the Ministry of Environmental Protection, Physical Planning and Construction Issues the Planning Permission or Building Permit* (OG 116/07), as well as the project planned on the territory of two or several counties, i.e. the City of Zagreb (Article 105 of PPBA).

Pursuant to the above mentioned Regulation the MEPPPC shall issue the planning permission and building permit for specifically determined buildings. Such buildings comprise among others:

- Power facilities with installed power 20 MW or above with the pertinent facilities,
- Power-transmission line 220 kV and above with substation and switchgear on that power-transmission line,
- International and main pipeline for transport of oil, gas, petroleum products, including the terminal, dispatch and measuring-regulation (reduction) station technologically connected with such pipeline,
- Dams with reservoir or retention basin with the pertinent facilities meeting the criteria of large dams (Article 2 of Regulation).

Apart from the above mentioned projects and buildings the Ministry is in charge of issuing the planning permission and building permit **for projects and buildings** as well, **for which the determining of integrated environmental requirements is required** (Article 4 of Regulation. Article 82 of EPA comprises the obligation of the company of procuring the **integrated environmental requirements** in line with EPA and special regulation to be adopted by the Government, before commencing the construction of the building and its putting in operation, or any significant change in operation or reconstruction of the facility intended for carrying out activities which may result in emission polluting the soil, air, water and sea.

The **planning permission**, depending on the type of project, shall set forth the following:

- Form and size of the building plot, i.e. scope of project indicated in appropriate special land surveying map,
- Purpose, size and building (gross) area of the building with the number of functional units,
- Location of one or several buildings on the building plot, i.e. within the scope of project indicated on appropriate special land surveying map,
- Building design conditions,

- Conditions for unrestricted access, movement, stay and work of disabled persons,
- Conditions for building plot planning, in particularly of the green and parking areas,
- Methods and conditions for connecting the building plot, i.e. the building to the traffic area, municipal and other infrastructure,
- Environmental protection measures, i.e. the nature protection conditions set forth by the environmental impact assessment, i.e. assessment of environmental acceptability and the documents provided for by special regulations, i.e. the methods of preventing adverse environmental impact,
- Special conditions of bodies and persons provided for by special regulations,
- Other conditions provided for by physical planning documents significant for project,
- Conditions significant for the project implementation (obligation of demolition of the existing facilities, building plot ground improvement, construction of particular units of project in phases, obligation of soil investigation etc.),
- Conditions for construction of temporary structure in function of building site organization (asphalt mixing plant, aggregate screening, concrete mixing plant, power transmission line and substation for electricity supply of the building site and the facility for storing of explosive substances, apart from the aboveground and underground LNG/oil storage with capacity up to 5 m³) and the term for demolition of the structure after completing the project for which the planning permission is issued (Article 106 of PPBA).

The integral part of the planning permission shall be a conceptual design, prepared in line with the physical planning documentation, on the basis of which the permit is issued, as well as the above mentioned special conditions of the competent state bodies and legal person with public authorities.

The request for issuing planning permission shall be accompanied by following documents:

- Excerpt from cadastral plan, i.e. its copy,
- Three copies of the conceptual design with situation indicated in special land surveying map,
- Statement of the design engineer confirming that the conceptual design is in line with the physical planning document, on the basis of which the planning permission is issued,
- Written report and conceptual design compliance assessment certificate in case the design was developed in line with foreign regulations,
- Evidence on legal interest of the applicant for issuing the planning permission (Article 107 of PPBA).

Conceptual design, in line with which the decision on building conditions is issued shall be an integral part of the planning permission, in line with which the confirmation of the basic design is issued; the above is a package of mutually harmonized plans and documents providing for basic design, functional and technical solutions of the building (conceptual technical solution), as well as location of the building on the building plot in the appropriate separate land surveying map. The conceptual design, which is integral part of planning permission, in line with which the building permit is issued, comprises, apart from the contents referred to in paragraph 1 of this Article and, depending on the complexity and technical structure of the building, it comprises the **conceptual technical and technological solution** as well, in line with integrated environmental requirements and other plans and documents, provided they are significant for drafting of the basic design. The client, i.e. his legal successor is liable to keep permanently the conceptual design, together with planning permission or decision on building conditions. The conceptual design, in line with which the decision on building conditions is issued, shall comprise the data required for determination of municipal services taxes and water taxes provided for by special regulations (Article 191 of PPBA)

The following shall be determined in the procedure of planning permission issuing:

- The conceptual design is drafted in line with physical plan and special conditions pursuant to Article 109 of PPBA, in line with which the planning permission is issued,

- The request for issuing of planning permission is accompanied by documents pursuant to Article 107 of PPBA,
- Access from the traffic area to the building plot is provided and
- The building plot is organized within the meaning of Article 125, paragraph 2, i.e. Article 126, paragraph 1 of PPBA).

The MEPPPC, that is the competent authority shall invite bodies and/or persons set forth by special regulations not later than 15 days from receipt of proper request for issuing of planning permission pursuant to Article 107 of PPBA to review the conceptual design for the purpose of acquiring special conditions referred to in Article 106 paragraph 1, subparagraphs 7, 8 and 9 of PPBA. For the purpose of providing argumentation the applicant and the design engineer shall be present during the review of review of the conceptual design. **The special conditions** referred to in Article 106, subparagraphs 7, 8 and 9 of PPBA shall be considered issued, provided the said authority and/or person on the occasion of review of conceptual design confirms that the conceptual design has been prepared in line with special regulations, or determines that no special conditions are required or submits the special conditions subsequently in writing within the stipulated term. If the authority and/or person, provided for by special regulations, on the occasion of review of conceptual design, or subsequently within the term not exceeding 15 days from the date of review of the conceptual design, determines that the conceptual design is not in compliance with the provisions of special regulations, the Ministry, i.e. the competent authority, shall determine by conclusion the adequate term for its compliance by the applicant. If the applicant fails to act accordingly, the Ministry, i.e. the competent authority shall refuse the request for issuing the planning permission.

The applicant shall have the right of appeal against the decision of the said bodies or persons, that is, the right to institute administrative proceeding, which shall be dealt with by the competent government authority, i.e. the Constitutional Court of the Republic of Croatia under the accelerated procedure. Pending the ruling upon the appeal, or the administrative dispute of the applicant by the competent government authority, or the court, the Ministry, i.e. the competent authority shall suspend the procedure of issuing the planning permission (Article 109 of PPBA).

Pursuant to Article 4 of PPBA the buildings, which will be used for production, transmission and distribution of electricity, can be built by legal or physical persons in line with the conditions provided by the Building Act (today PPBA), Energy Act, special technical and security requirements and special regulations referring to environmental protection.

Pursuant to **General Conditions for Electricity Supply** (OG 14/06; hereinafter: **General conditions**), adopted by the Government with a view of considering the connection possibilities, defining technical, economic and other conditions for grid interconnection of the building and construction of the building, as well as conditions of grid use, the **preliminary connection approval** shall be issued. The preliminary connection approval shall be issued by transmission system operator or distribution system operator (Article 3, paragraphs 1 and 2 of General conditions).

Pursuant to **Grid Code** (OG 36/2006), adopted by the minister in charge of energy, the Chapter 5.3.5.1. "Categories of Production Units", the production units, i.e. power plants to be connected to distribution grid within the meaning of Grid Code shall be classified in the following categories:

- Based on the connection rating:
 - Connected to the low voltage grid,
 - Connected to the medium voltage grid,
- Based on the power plant rating:
 - Power plants exceeding 5 MW,

- Power plants less than or equal to 5 MW,
- Micro power plants,
- Based on the primary energy form:
 - Hydro power plants,
 - Solar plants,
 - Biomass plants,
 - Waste-to-energy plants,
 - Wind parks,
 - Other power plants and combined heat and power (cogeneration) plants.

The power plants **up to and including 500 kW** shall be connected to **low voltage grid**. The connection may be realized to the low voltage line or low voltage substations bus bar 10(20)/0, 4 kV. The power plants up to and including 100 kW may be connected to low voltage lines.

The power plants exceeding 500 kW up to and including 10 MW may be connected to **medium voltage grid** (10, 20, 30 and 35 kV); however the power plants with lower capacities may be connected as well.

Due to above the power plants **exceeding 10 MW** shall be connected to **high voltage grid** and shall regulate their relations with the transmission system operator, whereas the lower capacity power plants shall regulate their relations with the distribution system operator.

The preliminary connection approval shall be issued within the **procedure of issuing planning permission** upon request of the authority competent for issuing such permits. Based on the preliminary connection approval the building can neither be connected nor the connection power increased (Article 3, paragraphs 3 and 7 of General conditions)

Pursuant to General conditions, for the building which has to be connected to the grid, as well as for issuing the preliminary approval the conceptual design is required, what is in line with the former Building Act. **The conceptual design** shall comprise the following data, required for issuing of preliminary connection approval:

- Connecting power (capacity);
- Consumption i.e. production category and the tariff model;
- Connection deadline;
- Nominal power and characteristics of significant loads, i.e. facilities for electricity production;
- Method of power and energy use;
- Anticipated annual consumption, i.e. production of electricity;
- Other data (as for instance: technical data on service power supply source, data on the existing billing metering point etc).

In cases when no planning permission is issued, the customer or producer shall within the procedure of issuing preliminary connection approval, submit the following data and documents to the distribution system operator:

- Data on client/owner of the building;
- Title, type, address and number of cadastral plot which is connected to the grid;
- Connecting power;
- Consumption or production category and tariff model;
- Connection deadline;
- Nominal power and characteristics of significant loads, i.e. facilities for electricity production;
- Method of power and energy use;
- Anticipated annual consumption, i.e. production of electricity;

- Other data (as for instance: technical data on service power supply source, data on the existing billing point etc.);
- Excerpt from cadastral plan with integrated building; and
- Description and preliminary study of project or conceptual design of project (Article 6 of General conditions).

In cases when the request for issuing of preliminary connection approval does not comprise all statutory data, the transmission system operator or distribution system operator shall send a written request to the applicant not later than eight days from the date of request receipt, requiring him to amend the connection approval application not later than 30 days from the properly submitted request. The transmission system operator or distribution system operator may **refuse the request** for issuing preliminary connection approval in case of limited technical or operational capacities of the grid. In case of refusal of the request for issuing preliminary connection approval, the transmission system operator or distribution system operator shall inform the applicant accordingly, indicating the argumentation for refusal (Article 8 of General conditions).

The validity of the preliminary connection approval shall be **two years** from the date of issuing. The preliminary connection approval shall expire two years after its date of issuing, provided the grid interconnection agreement is not concluded within this term, the obligations from the grid interconnection agreement are not met and the request for issuing the connection approval and for connection is not submitted. Upon request for extending the validity of preliminary connection approval, submitted before expiry of the validity term, the validity term of the preliminary connection approval may be extended for another two years (Article 9 of General conditions).

The preliminary connection approval shall comprise:

- Data on client/owner of the building;
- Title, type, address and the number of cadastral plot which is connected to the grid;
- Point of connection of the building to the grid;
- Connection power;
- Type and method of connection;
- Consumption or production category and tariff model;
- Technical conditions of the billing metering point;
- Connection deadline;
- Economic conditions;
- Conditions significant for location of the building with respect to the location of the existing and in line with the actual physical plan anticipated energy facilities;
- Nominal power on the billing metering point;
- Permissible power factor ($\cos \phi$);
- Conditions for grid use,
- Other data (as for instance: the technical data on service power supply source, data on the existing billing metering point etc.);
- Validity term of the preliminary connection approval;
- Conditions for expiry;
- Instructions on the right to appeal (Article 12. of General conditions).

Based on the preliminary connection approval the **grid interconnection agreement** shall be concluded. The transmission system operator and distribution system operator shall inform each customer and producer prior to concluding the grid interconnection agreement on their rights and obligations pursuant to provisions of General conditions referring to connecting of the building to grid (Article 6 of General conditions).

Grid interconnection agreement shall be concluded between the transmission system operator or distribution system operator and the customer or producer within the procedure of connecting to grid or increase of connection power. The said contract regulates the conditions of connection to transmission or distribution grid, as well as all the details referring to construction of connection, which fall within the scope of General conditions, and defines the connection fee. The above contract shall **comprise**:

- Data on contractual parties;
- Scope of the agreement;
- Number of preliminary connection approval and its issuing date;
- Grid connection fee;
- Term and payment schedule of connection fee;
- Term of completing the works within the scope of the agreement;
- Connection deadline;
- Conditions for executing the connection;
- Method and persons responsible for regulating the property law relations;
- Conditions for putting the connection in operation;
- Responsibility for damage and the amount of penalty in case of failure to execute the agreement or improper execution of the agreement;
- Agreement validity term;
- Reasons for agreement termination;
- Other conditions;
- Methods of settling the disputes.

On the basis of the preliminary connection approval the contractual parties may conclude a preliminary agreement regulating the mutual relations referring to preparing the grid conditions and connection for the building tie-in, up to and including the building permit.

The Ordinance on Fees for Connecting to the Power Grid (hereinafter: **Ordinance on Fees**; OG 68/01 and 177/04), adopted by HERA, provides for methodology of determining fee for connecting of the producer's or customer's building to the transmission or distribution grid, as well as for increase of connection power (hereinafter: connection fee). The connection fee is the amount to be paid by the producer or the customer to the transmission system operator or distribution system operator for connection to the grid or increase of connection power (Article 1 of the Ordinance on Fees).

The customer with his own power plant with capacity **up to and including 30 kW**, anticipated for parallel operation with the grid, intended primarily for his own use, **shall not be considered producer** within the meaning of the Ordinance on Fees). In case of customer with his own power facility?? with capacity exceeding **30 kW** the grid connection fee shall be billed in line with the methodology for connecting the customer to the grid and in line with the **methodology of connecting** the producer to the grid and the customer shall pay only one, that is higher fee for connection (Article 3 of the Ordinance on Fees).

The connection fee is intended for financing of execution of the connection and establishing particular technical conditions in the grid. The construction of the customer's or producer's building connection and establishing of technical conditions in the grid is based on application of standard equipment and standard technical solutions and falls within the scope of competence of the transmission system operator or distribution system operator. For calculation of the actual costs of connection the unit prices of goods, works and services shall be used, determined on the basis of public invitation for tenders and standard general rules for works, which shall be **disclosed to the**

public by the transmission system operator and distribution system operator. The costs incurred in the procedure of acquiring the building right and right-of-way, connected with construction of connection of the customer's or producer's building to the grid and establishing technical conditions in the grid, are not integral part of the connection fee pursuant to this Ordinance and shall be paid by the customer or the producer. The transmission system operator and/or distribution system operator shall conduct the procedure of acquiring the building right and right-of-way in the interest of the customer or producer and the costs shall be indicated transparently. (Article 6 of the Ordinance on Fees)

Establishing the technical conditions in the grid comprises the construction of the new sections of grid and/or reconstruction of the existing grid sections for the purpose of using the grid within the approved connection power; it shall be partially financed from the connection fee and partially from the fee for power grid use. Establishing of technical conditions of the grid shall be provided by investments in the grid of the same voltage level and/or the first superordinate voltage level category above the connection voltage (Article 7 of the Ordinance on Fees)

Establishing technical conditions in the grid comprises:

- a) Preparing study on optimal technical connection solution, except for connecting to the low voltage grid,
- b) Preparing of required investment technical documents,
- c) Acquiring the building right and right-of-way for use of the energy facilities,
- d) Procuring required permits for construction,
- e) Carrying out of construction works with the required material and equipment,
- f) Carrying out of electrical installation works with required material and equipment and
- g) Required testing and putting in operation.

Execution of connection shall comprise:

- a) Preparing study on optimal technical connection solution, except for connecting to the low voltage grid,
- b) Preparing the required investment technical documents,
- c) Acquiring the building right and right-of-way for use of the energy facilities,
- d) Procuring required permits for execution of connection,
- e) Carrying out of construction works with the required material and equipment,
- f) Carrying out of electrical assembly works with required material and equipment; and
- g) Installation of the metering equipment in the billing metering point (except for the producer),
- h) Required testing and
- i) Connection to the grid (Article 8 of the Ordinance on Fees).

The fees for connection of the producer's building comprises:

- Actual costs of the grid connection execution and
- Actual costs of establishing the technical grid conditions for taking over of the produced electricity, including the costs of installation of security equipment protecting the grid from impact.

In case of connecting to the **low voltage and medium voltage grid** the costs of establishing technical grid conditions shall be entirely borne by the producer, however in the case of connecting to the **high voltage grid** the producer's share in financing the establishing of grid conditions referred to in Article 7, paragraph 5 of this Ordinance on Fees shall be determined in line with the **following principles:**

- In case of construction or reconstruction of 110 kV line, in line with the proportion between producer's connection power and thermal transmission power of the newly constructed or reconstructed line, taking in account the criterion (n-1) and

– In case of upgrading the new transformation 400(220)/110 kV in the existing substation or construction of a new substation 400(220)/110 kV for the purpose of installation of the new transformer, in line with the proportion between the producer's connection power and the nominal power of the new transformer, taking in account the criterion (n-1).

The technical conditions and the connection costs of producer's building to the medium voltage or high voltage grid shall be determined by the distribution system operator or transmission system operator based on the survey of optimal technical connection solution. **The survey of optimal technical connection solution** for connection to high voltage grid shall comprise the calculation of power flows in the part of the high voltage grid to which the producer is to be connected, which calculation shall be made for the year of the producer's planned connection to the grid, taking in account the production of hydro power plants in average hydrological conditions, average loads in high voltage grid nodes and meeting the criterion (n-1). Preparing of a study shall be within the competence of the distribution system operator or transmission system operator. The costs of preparing the study shall be borne by the producer and in the case of connecting the producer's building to the grid the costs of preparing the study shall be compensated by the connection fee.

All procedures required for acquiring the building right and right-of-way for the purpose of connecting the producer's building on the grid, referring to execution of connection or establishing technical conditions in the grid shall be carried out by the distribution system operator or transmission system operator, and the costs shall be entirely borne by the producer. Exceptionally, in case of connecting the producer's building to the high voltage grid, the costs incurred in the procedure of acquiring the building right and right-of-way for the purpose of connecting, referring to establishing technical conditions in the grid, shall be paid by the producer in proportion to his share in their financing, upon the above mentioned principles (Article 26 of the Ordinance on Fees).

By Decision on Fee for Connecting to Power Grid and Increase of Connection Power (OG 68/2001 and 177/2004), adopted by the Government of the Republic of Croatia, the unit price was determined without value added tax (VAT), for calculation of the fee for connecting to power grid.

The unit price without VAT for calculation of the fee for connecting to the power grid and increase of connection power on the entire territory of the Republic of Croatia, excluding the area of the City of Zagreb, shall be the following:

1. Connecting to low voltage grid	
1.1. Connection power up to and including 30 kW	$C_{OG1} = 1,350.00 \text{ HRK/kW}$
1.2. Connection power exceeding 30 kW	$C_{OG2} = 1,350.00 \text{ HRK/kW}$
2. Connection to the medium voltage grid	$C_{SN} = 1,350.00 \text{ HRK/kW}$
3. Connection to high voltage grid	$C_{VN} = 1,350.00 \text{ HRK/kW}$

The unit price without VAT for calculation of the fee for grid interconnection and increase of connection power in the area of the City of Zagreb shall be the following:

1. Connecting to low voltage grid	
1.1. Connection power up to and including 30 kW	$C_{OG1} = 1,700.00 \text{ HRK/kW}$
1.2. Connection power exceeding 30 kW	$C_{OG2} = 1,700.00 \text{ HRK/kW}$
2. Connection to medium voltage grid	$C_{SN} = 1,700.00 \text{ HRK/kW}$
3. Connection to high voltage grid	$C_{VN} = 1,700.00 \text{ HRK/kW}$

The customer or producer intending to connect to the low voltage grid shall grant the right-of-way to the transmission system operator or distribution system operator over a part of real property in his

ownership and provide for undisturbed **construction and maintenance of connection**. The transmission system operator or distribution system operator shall:

- Prepare and procure the required connection documents;
- Establish the technical conditions in the low voltage grid;
- Execute the connection;
- Equip the customer's metering point,
- Carry out the required testing,
- Carry out connecting to the low voltage grid;
- Maintain the connection at his expense;
- Where necessary, replace the connection at his own expense, except in case when the replacing is required by the customer or the producer (Article 15 of General Conditions)

Prior to issuing the planning permission MEPPPC, i.e. the competent authority shall provide review to the party in the conceptual design for the purpose of his corresponding comment (hereinafter: review). The **party** within the meaning of paragraph 1 of this Article shall be applicant, owner of the real estate, for which the planning permission is to be issued and the holder of other property rights over such real property, owner and holder of other property rights over the real estate adjacent to the real estate for which the planning permission is to be issued, public institution for national parks and nature parks management and the local self government unit, on which territory the project is planned. By way of derogation from above mentioned, the parties in the procedure of issuing planning permissions for projects, for which the competent authority for issuing of planning permission is the Ministry, or which have been defined by the Government's decision as projects of interest for the Republic of Croatia, shall be the applicant, owner of the real estate for which the planning permission is to be issued and holder of other property rights over such real estate, the public institution for national parks and natural parks management and local self government units on which territory the project is planned (Article 110 of PPBA).

In cases when the Ministry, i.e. the other competent authority, determines that the statutory requirements for issuing of planning permission are not met, it shall issue the conclusion, not later than thirty days from receipt of the request, scheduling to the client the appropriate term for compliance with the said conditions within the term not longer than thirty days. The competent authority shall refuse the request for issuing planning permission by decision provided it determines that:

- The conceptual design has not been prepared by the authorized person,
- The conceptual design has not been prepared in line with the physical planning document on the basis of which the planning permission is to be issued, in line with the provisions of PPBA and special regulations,
- The conceptual design does not comprise the solution for connection the building plot, i.e. building, to the traffic area and municipal infrastructure,
- Required site installations have not been provided on the building plot and
- The client has failed to comply with the conditions defined by conclusion of the competent authority (Article 113 of PPBA).

The planning permission, i.e. decision on refusing the request for issuing of planning permission shall be submitted to the following:

- Applicant, with the conceptual design,
- Parties who responded to the invitation to review of the competent authority, without the conceptual design,

- Parties who have not responded to invitation to review, by means of posting on the bulletin board of the Ministry, i.e. the competent authority within the term of eight days,
- Urban development planning inspection, without the conceptual design (Article 114 of PPBA).

The Ministry shall render decision with respect to the request for issuing planning permission within the term of sixty days and the competent authority within the term of thirty days from the properly submitted request referred to in Article 107 of PPBA and provided acts referred to in Article 109 of the Act. (Article 116 of PPBA).

The appeal may be lodged with the MEPPPC against the planning permission issued by the competent authority. Against the planning permission issued by the Ministry the appeal is not permitted, however the administrative dispute may be instituted (Article 117 PPBA).

The planning permission shall expire if the request for issuing of basic design confirmation, i.e. building permit is not submitted to the competent authority, i.e. the Ministry within the term of **two years** from the date of planning permission finality. The validity of planning permission shall be extended once upon request of the applicant for the further two years, provided the conditions determined in line with the provision of this Act and other conditions, pursuant to which the planning permission has been issued, have not been changed (Article 118 of PPBA).

Pursuant to PPBA the **land parcelling** within the limits of the building area and the land parcelling of building land outside such area can be performed only in line with the decision on building conditions, planning permission, decision on defining the building plot and detailed development plan (Article 119 of PPBA).

The cadastral register or real estate register shall deal with the act on land parcelling within and outside the building area based on land parcelling survey for which the competent authority referred to in Article 105 of PPBA is in charge of, i.e. for which the MEPPPC has issued the confirmation on its conformity with the decision on building conditions, planning permission, decision on determining the building plot or detailed development plan (Article 120 of PPBA).

The establishing of the new cadastral plots (parcelling) shall be performed in detailed cadastral study of real estate (land for the time being) in the administrative procedure, in line with the provisions of the *Act on State Survey and Real Estate Cadastre* (OG 16/07; hereinafter: *ASSREC*). The cadastral register shall deal with the land parcelling and other land surveys for which performance the preparing of title deeds for entering in the land registry is required, upon preparing of such documents, i.e. their entering in the land registry.

2.5. Procuring the energy approval for facility construction

For construction of the facility using renewable energy sources and high efficiency cogeneration the **energy approval**, issued by MELE upon request of the authorized physical or legal person, shall be required. This group of activities is considered as Phase Five of the Process.

The project developer, who failed to submit the request for issuing the approval within the validity term of the preliminary approval, shall forfeit the rights acquired pursuant to preliminary approval and shall be removed from the RESC Registry (Article 20, paragraph 1 of ORESC).

The applicant requesting the issuing of approval shall enclose the following documents:

1. Excerpt from the cadastral plan for cadastral plot on which the construction of the facility is planned,
2. Excerpt from the Court Register, i.e. for physical person excerpt from the Crafts Register in the Republic of Croatia or certificate of residence in the Republic of Croatia,
3. Certificate of tax administration, confirming that all due tax liabilities and liabilities referring to pension and health insurance and other public contributions have been paid,
4. Verified certificate of no criminal record of the legal person and the physical person with respect to participating in criminal organization, corruption, fraud or money laundering, to be provided by the physical person for himself and/or as the responsible person of the applicant,
5. Feasibility study of facility construction and its connection to the power grid with technical, economic and physical planning data.
6. Planning permission if the procuring of planning permission is required for the facility (Article 17, paragraph 1 of the ORESC).

For wind parks referred to in Article 4 of the ORESC the request for issuing approval shall be accompanied by graphic enclosure in scale 1:25000, in which the greater and narrower area of wind park pursuant to provisions of this Ordinance have been defined by the project developer. The spatial data to be enclosed by the applicant shall be entered in topographical map at the scale 1:25000. The area of interest for construction of the energy production facility shall be defined by benchmarks (Gauss-Krüger projection). The point position shall be determined by the denomination of the point, x coordinate (northwards) and y coordinate (eastwards) and the not obligatory z coordinate (height above sea level) (Article 18 of the ORESC).

In the process of deciding upon the request for issuing the approval MELE shall check in the RESC Registry whether the requested greater area of the wind park extends to the already approved greater area of another wind park, i.e. the investigation area of another project developer. In case the wind park extends to the already approved greater area of another wind park or investigation area of another project developer, this area may be approved if the consent of the other project developer is provided (Article 19 of the ORESC).

The project developer shall procure the building permit for the facility and submit it to the Ministry not later than 12 months from the approval finality date. Upon expiry of the term for procuring the building permit the project developer shall forfeit the rights pursuant to the approval and shall be removed from the RESC Registry (Article 20, paragraph 2 of the ORESC).

2.6. Procuring the concession granting decision and/or concluding concession agreement

The group of activities referring to procuring the concession granting decision and/or concluding concession agreement is considered as Phase Six of the Process.

The general concession regime is provided by the *Concession Act* (hereinafter: *CA*; OG 125/08). This Act sets forth the procedures of granting concession, concession expiry, and legal protection in procedures of granting and expiry of concession, as well as other concessions related issues.

The concession can be granted for various areas and various activities and in particular for the following:

1. For extraction of mineral raw materials,
2. For the use of waters and public water estate,
3. For the right to hunting on the state hunting ground and game breeding sites,
4. For the maritime domain,
5. For agricultural land,

6. For particular activities within the protected nature areas and for the use of other protected natural assets and speleological features,
7. For games of chance,
8. In energy sector,
9. For performance of regular liner services, coastal maritime and river transport,
10. For ports,
11. For public transport communications,
12. For public transportation,
13. For airports,
14. For sports sector,
15. For cultural facilities,
16. For utility services,
17. In railways sector,
18. For economic utilization of cable railway,
19. For waste management activity and
20. In tourist sector.

The conditions, procedure, methods and other issues significant for granting concessions over certain areas or activities referred to in paragraph 1 of this Article shall be regulated by special act.

The granting of concession requires preparing of request and/or proposal/tender for granting concession, if the concession is subject to invitation for tenders. The procedure of granting concession differs depending on the scope of concession. The input documents for this group of activities are physical planning documents and planning permission, feasibility study referring to the scope of concession, decision on initiating the procedure for granting concession with conditions for granting concession, i.e. bidding documents.

The concession act shall be considered as legal act with dual character, that is, having both the normative and contractual character. The authorities shall rule upon the concession by normative act and the concession agreement shall be the agreement between the Republic of Croatia or local self government units or statutory authorized legal persons as conessor and the concessionaire.

Pursuant to the *Water Act* (OG 53/90, 107/95 and 150/05; hereinafter: *WA*) by the concession the concessionaire shall acquire the right to use the waters and public water estate, i. e. the right to carry out economic and other activities on the waters and public estate (Article 142 of WA). The WA does not refer to mineral and geothermal waters, which can be used for extraction of mineral raw materials or for use of the accumulated heat for energy purposes to which the Mining Act applies. (Revised text OG 190/03; hereinafter: MA).

Pursuant to WA the concession over the waters and public water estate shall be required for the following:

- For use of water power for the purpose of electricity production,
- For use of water power for facility operation (except for electricity production),
- For water abstraction for the purpose of its use in the production,
- For extraction of mineral and thermal waters,
- For construction of permanent buildings and/or installation of facilities on public water estate etc. (Article 143).

The concession shall be granted by means of **invitation for tenders** for:

- For use of water power for electricity production,
- For extraction of mineral and thermal waters,
- For construction of permanent buildings and/or installation of facilities on public water estate etc.

Concessions for other purposes shall be granted by means of tendering procedures or direct request, unless the authority competent for deciding on concession decides that the invitation for tenders shall be required for granting the concession. By way of derogation from the rule invitation for tenders, the concession may be granted for the said purposes by means of direct request, if the only possible concessionaire is the owner or other legal holder of the real estate (Article 144 of WA).

The concession granting decision shall specify in particular: the scope of concession, anticipated scope of the use of water, i.e. water estate, concessionaires, purpose for which the concession is granted, duration of concession, fee or basis for determining the fees.

The **concession granting decision** shall be rendered by :

1. Croatian Parliament – for electricity production facilities with capacity 20 MW and above,
2. The Government of the Republic of Croatia – for electricity production facilities with capacity from 5 to 20 MW, for water abstraction for the purpose of public water supply, capacity exceeding 100 l/sec, for extraction of mineral and thermal water and abstraction of drinking, mineral and thermal water for the purpose of sales (in original or processed form, or in a form of other beverages) on the market in bottles and other packing,
3. The ministry in charge of water management - for all other purposes referred to in Article 143, paragraph 1 of WA,
4. The authority or person in charge of port management – for installation of floating or navigating facilities on waters for the purpose of carrying out of catering or other market activity in the port area (Article 145 of WA).

The concession granting decision shall be rendered upon previously issued water use conditions by the company Hrvatske Vode (Croatian Waters) The **water use conditions** shall be issued upon request of the authority, which is pursuant to physical planning regulations, in charge of issuing the planning permission (hereinafter water use conditions for the purpose of planning permission issuing), i.e. upon request of the party, irrespective of the planning permission issuing procedure (Article 145 a) of WA)

Pursuant to **Regulation on Conditions and Procedure of Granting Water and Water Estate Concession** (OG 99/96 and 11/98), the concessionaire of the concession granted on the basis of direct contracting shall previously perform all investigation works or commit to bear the costs of its performance. In case when the concession is granted by means of invitation for tenders or tendering procedure the costs of the previous investigation works, covered by the conessor, shall be borne to the concessionaire in amount and in the way agreed under the concession agreement.

The conclusion on initiating the concession granting procedure, for which the decision of the Croatian Parliament or the Government of the Republic of Croatia is required, shall be issued by the Government of the Republic of Croatia on proposal of the Water Management Directorate. The decision on initiating the concession granting procedure, for which the decision of the Water Management Directorate is required, shall be rendered by the director of such authority. The decision on initiating the concession granting procedure, for which the decision of the county government is required, shall be rendered by such county government in technical cooperation with the water management office of the Croatian Waters (Article 18 of the Regulation).

If special technical knowledge is required for performance of particular tasks with respect to granting concession (investment assessment, purpose efficiency assessment, determining of the value of preliminary investigation works, determining of works required for eliminating of deteriorated living and working conditions of citizens and other possible adverse impacts referred to in Article 15 of Regulation and similar) special expert groups may be established or such tasks may be assigned to professionally qualified persons by the Director of the Water Management Directorate in case of concessions within the scope of competence of the state level bodies, or by the county mayor for concessions within the scope of competence of the county government. (Article 19 of the Regulation).

Unless the granting of concession on the basis of invitation for tenders is provided by the Water Act or unless the competent authority, in other cases, decides to carry out the invitation of tenders (Article 144, paragraphs 1 and 2 of WA), it shall be determined by conclusion referred to in Article 17, paragraph 1 of the Regulation whether the concession will be granted on the basis of tendering procedure or direct request, taking in account the anticipated number of interested concessionaires and the special purpose for which the concession is to be granted.

The concession shall, as a rule, be granted upon **direct request** of the interested person:

1. On account of new investments referring to modernization or increased scope of activities of the concessionaire to whom the concession has already been granted,
2. On account of investments of local self government units for the purpose of utility services or municipal infrastructure (water supply, wastewater drainage and treatment, local traffic communications, parks etc.),
3. For use of waters and public water estate, being of direct importance for defence and public security purposes (Article 20 of Regulation).

In case of expiry of concession due to the expiry of the term for which it has been granted, except for the concession for sand and pebbles quarrying, the concessor may decide to grant the concession by direct contracting to the former concessionaire without tendering procedure, under the condition that such concession provides for follow up of the earmarked concession and is not against the public interest (Article 21 of Regulation).

With a view to granting concession the preliminary defining of conditions for granting concession shall be required, comprising in particularly:

1. The purpose for which the concession is granted,
2. Precise indication of the concession location,
3. Data on the scope of water, i.e. water estate use for which the concession is granted,
4. Period for which the concession is granted,
5. Amount of compensation or initial compensation,
6. Special conditions or liabilities of the concessionaire (works for eliminating the consequences referred to in Article 14, paragraph 1 of Regulation, investigation works, scope of investment, liabilities referring to delivery of products etc.),
7. Time limits for completion of works required for commencement of concession,
8. Documents and other evidences to be enclosed to the request.

The authority carrying out the procedure of granting concession shall inform the interested persons on the venue and the time scheduled for procuring more details on the conditions for granting concession and shall provide review of the necessary documents (Article 22 of Regulation).

The tendering committee shall be established for performance of tasks referring to tendering procedure in the authority in charge of such procedure. Several tendering committees may be

established if required, according to the purposes for which the concessions are granted (Article 23 of Regulation).

The maximal validity of concession shall be the following:

1. for water abstraction for the purpose of water supply
 - a) for regional water supply systems, water supply systems of towns and other bigger settlements or groups of settlements – up to 60 years,
 - b) For other water supply systems with devices for conditioning and metering of water supplied – up to 30 years,
 - c) For other smaller water supply systems and rural water supply systems without water conditioning devices – up to 10 years,
2. For abstraction and pumping of water for technological and similar purposes in industry and other activities (water as raw material, cooling, rinsing and similar purposes) – up to 60 years,
3. For extraction of mineral and thermal waters:
 - a) For the purpose of health therapy and recreation (thermal baths and similar) – up to 60 years,
 - b) For table mineral water – up to 40 years;
4. For water abstraction for the purpose of land improvement irrigation:
 - a) For land improvement systems comprising the area of one or several cadastral municipalities with built reservoirs and devices for distribution and metering of supplied water quantity – up to 60 years,
 - b) For smaller land improvement systems with devices for metering of supplied water – up to 30 years,
 - c) For all other purposes of water use for the purpose of land improvement – up to 10 years,
5. For water power utilization:
 - a) For electricity production facilities exceeding 20 MW – up to 99 years,
 - b) For electricity production facilities exceeding 5 to 20 MW – up to 60 years,
 - c) For electricity production facilities up to 5 MW – up to 30 years,
 - d) For other facility operation purposes – up to 40 years;
6. For design of waterways on rivers and lakes, construction of channels and other navigation structures – up to 99 years;
7. For construction of river ports and port facilities – up to 99 years;
8. For fish farming:
 - a) In standing waters – up to 40 years,
 - b) For economic purposes in open waters– up to 20 years;
9. For economic and other utilization of public estate, comprising the establishing of permanent buildings, i.e. installation of facilities – up to 30 years;
10. For utilization of public water estate for sports and recreation, comprising the establishing of permanent facilities (basins, stands, business and other buildings) up to 40 years,
11. For sand and pebbles quarrying – the concession shall be granted for a specific quantity of substances. Apart from determining the substance quantity the concession may be timely restricted, however the time limit may not exceed five years (Article 6 of Regulation).

Based on the concession decision the **concession agreement** shall be concluded. By the concession agreement the following shall be provided, in line with the concession decision: detailed purpose for which the concession is granted, special conditions with which the concessionaire shall comply during the concession, amount of concession compensation, conditions and method of compensation payment, guarantees of the concessionaire, other rights and obligations of concessionaire and concessor, method of regulation of relations in case of concession cessation before the scheduled term for which the concession has been granted. The water use conditions referred to in Article 145, paragraph 1 of WA shall be integral part of concession agreement. The concessionaire's failure to comply with the conditions shall be the reason for unilateral termination

of concession agreement. The concession agreement for purposes referred to in Article 145, paragraph 2, items 1, 2 and 3 of WA shall be concluded between the ministry in charge of water management on behalf of the Republic of Croatia and the concessionaire. The concession agreement for the purposes referred to in Article 145, paragraph 1, item 4 of this Act shall be concluded by the authority or legal person in charge of port management on behalf of the Republic of Croatia and the concessionaire (Article 146 of WA).

The Maritime Domain and Sea Ports Act (OG 158/03 and 141/06; hereinafter: MDSPA) provides for the legal status of maritime domain, defining of its boundaries, maritime domain management and protection, purpose and use, classification of sea ports, port area, establishing of port authorities, port activities and carrying out of such activities, construction and use of port superstructure and substructure, as well as main issues on sea ports order. The water regulations and environmental regulations shall apply to protection of the coast and the sea from pollution, except for pollution from navigating and floating facilities (Article 1 of MDSPA).

The maritime domain is public estate of interest to the Republic of Croatia and has its special protection. It is used in line with conditions and methods provided by this Act. The maritime domain comprises littoral sea waters and territorial sea, its seabed and underground, as well as the part of land earmarked upon its nature for general use or declared as such, including the area permanently connected with it on the surface or beneath it. The following shall be considered as the part of the land: coast, ports, dams, sandbanks, rocks, crags, beaches, estuaries, channels connected with the sea, as well the living or inanimate natural resources (Article 3 of MDSPA).

Buildings and other facilities within the maritime domain, permanently connected with the maritime domain shall be considered as integral parts of maritime domain. Acquiring the ownership or other property rights on any legal grounds shall be not permitted within the maritime domain (Article 5 of MDSPA).

Pursuant to MDSPA **the concession** is the right to earmarked use or economic use of the overall or part of the maritime domain, granted to legal and physical persons, registered for carrying out of crafts activities, excluding thus this area from general use. The rights and liabilities based on the concession shall enter into force by concluding the concession agreement. The scope and conditions of earmarked use shall be regulated pursuant to the concession decision and contract and in line with provisions of MDSPA and regulations adopted pursuant to MDSPA (Article 16 of MDSPA).

The concession for economic use of maritime domain shall be granted on the basis of invitation for tenders. The concession for earmarked use of maritime domain shall be granted upon request for granting concession for economic use of maritime domain referred to in paragraph 1 of this Article to legal or physical person complying with the following **conditions**:

1. Registration for carrying out economic activity, for which the concession is requested,
 2. Having adequate technical, professional and organizational skills for carrying out of concession activity,
 3. Providing guarantee for accomplishing the concession plan and programme,
 4. Meeting all liabilities pursuant to former concessions,
 5. No previous record of concession withdrawal referred to in Article 30 of MDSPA.
- Compliance with the conditions referred to in items 2 and 3 shall be evidenced by the feasibility study, comprising the investment amount and amortization method (Article 17 of MDSPA),

The decision on invitation for tenders shall be rendered by the concessor. The decision on invitation for tenders shall comprise:

1. Type and scope of economic use of maritime domain for which the concession is granted,
2. Details to be indicated in the feasibility study of maritime domain use for which the concession is granted,
3. Initial amount of the concession compensation,
4. Concession validity term,
5. Deadline of invitation for tenders,
6. Information on public opening of tenders,
7. Other necessary data evidencing compliance with the conditions for granting concession,
8. Excerpt from the detailed development plan or planning permission.

The concessionaire's concession bid shall be accompanied by the following documents:

1. Proposal of the type and scope of economic use of the maritime domain,
2. Evidence on compliance with the conditions for granting concession referred to in Article 17, paragraph 3 of this Act.
3. Preliminary study pursuant to detailed plan and feasibility study (Article 18 of MDSPA)

The concession for economic use of maritime domain in national park and special nature reserves shall be granted exclusively by the Government of the Republic of Croatia and for the other protected natural areas by the competent authority referred to in Article 20 of MDSPA, with prior consent of the ministry in charge of nature protection. The special purpose use of the maritime domain may be granted to national park managers (Article 19 of MDSPA).

The concession shall be granted for the period from 5 to 99 years. The concession for economic use of maritime domain and for the use or construction of buildings of importance to the county shall be granted by county administration for the period not exceeding 20 years, and the preliminary procedure shall be performed by the competent authority of the county. The concession for economic use of the maritime domain, comprising the use or construction of buildings of interest to the Republic of Croatia shall be granted by the Government of the Republic of Croatia for a term not exceeding 50 years and the preliminary procedure shall be carried out by the ministry in charge of maritime affairs. The concession comprising construction of new buildings of importance to the Republic of Croatia, requiring significant investment, where the overall economic impacts can not be achieved within a 50 years term, shall be granted by the Government of the Republic of Croatia for the period exceeding 50 years subject to consent of the Croatian Parliament. **The buildings of importance to the Republic of Croatia** are provided by physical planning regulations and the buildings of importance to the counties shall be considered as all other buildings.

When determining the concession term the following shall be taken in account: the purpose, scope and amount of required investments and overall economic impacts to be achieved by concession. Exceptionally, in case the particular project is of interest to the Republic of Croatia or if the Government assesses it as justified, the Government may decide on invitation for tenders and granting the concession for maritime domain (Article 20 of MDSPA).

Pursuant to provisions of the **Mining Act** (Revised text OG 190/03; hereinafter: *MA*), the mineral resources are the **estate of interest to the Republic of Croatia**, have special protection and are used in line with conditions and methods provided by this Act. The mineral resources are in ownership of the Republic of Croatia. Pursuant to this Act **the mineral resources** are all organic and inorganic mineral resources in solid, liquid or gaseous form in their initial deposits, drifts, tips, smelting slag or natural solutions (hereinafter: mineral raw materials)

Pursuant to this Act the **mineral raw materials** are the following:

1. Energy mineral raw materials – all types of fossil coal, carbon dioxide in solid, liquid or gaseous form, all types of bituminous and oil rocks, other gases available in the ground and radioactive mineral raw materials,
2. Mineral raw materials suitable for production of metals and their compounds,
3. Non- metal mineral raw materials – graphite sulphur, magnesite, fluorite, barite, asbestos, mica, phosphate, plaster, calcite, bentonite clay, quartz, quartz sand, caoline, ceramic and fire proof clay, feldspate, talc, tuff, raw materials for production of cement and lime and carbonate and silicate raw materials for industrial processing.
4. Architectural building stone,
5. All types of salts and salt waters,
6. **Mineral and geothermal waters suitable for extraction of mineral raw materials or use as accumulated heat for energy purposes**, except for the mineral and thermal waters used for therapeutic, balneologic or recreation purposes or as drinking water,
7. Technical building stone, building sand and pebbles and brick clay.

The mining works are works performed for the purpose of **exploration and extraction of mineral raw materials**. Pursuant to this Act, exploration means the works and exploration aimed at defining the existence, location and the form of mineral raw materials depots, their quality and quantity, as well as extraction conditions. Pursuant to this Act the extraction means the extraction from mineral raw materials depots and refining.

The approval for exploration of mineral raw materials or mining concession for extraction of mineral raw materials may be granted to the legal person established in the Republic of Croatia and registered for carrying out of this activity (hereinafter: company) and physical person with registered crafts business in the Republic of Croatia for carrying out the activity of exploration or extraction of mineral raw materials.

The approval for exploration and mining concession of oil and natural gas shall be issued, i.e. granted, upon request and in line with the provisions of this Act by the Government of the Republic of Croatia.

The approval for exploration and mining concession for exploitation of all other mineral raw materials shall be issued, i.e. granted, upon request and in line with the provisions of this Act, by the Ministry of the Economy, i.e. the state administration office in self government units, competent for mining affairs.

2.7. Procuring authorization of compulsory purchase and/or decision on entry into the land registry

The group of activities referring to procuring the authorization of compulsory purchase and/or decision on entry into the land registry shall be considered as **Phase Seven** of the Process.

Prior to submitting the request the client should **finally regulate the property rights** over the land. The regulated property-rights relations are one of the main conditions for undisturbed performance of the Process. The AOROPR and the **Land Registry Act** shall primarily apply to such relations (OG 91/96, 68/98, 114/01, 100/04, 107/07; hereinafter: **LRA**), but also the other regulations regulating the property rights relations. The relations of the former owner, who has transferred the land to the fiduciary owner for the purpose of providing the claim, and the fiduciary owner shall be regulated by the **Enforcement Act**. The provisions of the General Obligation Act (hereinafter **GOA**) shall apply to the relations stipulated by partnership contract. The concessions are regulated by

Concession Act, as well as special acts referred to in Section 2.6 Procuring the concession granting decision and/or concluding concession agreement.

The regulation of property rights implies the registration of ownership and other property rights, since in case the client is unregistered holder of ownership or other property rights he shall perform the entering of such rights in the land registry, since they expire by entering in the register. The property rights over the land shall be entered in the register.

In case the client has not yet become either the owner or authorized person of other property rights over the real estate, he shall purchase the land, i.e. acquire the ownership right or building right or right-of-way from the owner of real estate.

One of the methods of acquiring the ownership right over the real estate is acquiring by compulsory purchase pursuant to *Compulsory Purchase Act* (OG 9/94, 35/94, 112/00, 114/01, 79/06; hereinafter: *CPA*). By compulsory purchase the compulsory purchase beneficiary acquires the right to use the real estate for the purpose for which the compulsory purchase was carried out. By compulsory purchase the real estate becomes ownership of the compulsory purchase beneficiary (full compulsory purchase). By partial compulsory purchase the ownership right over the real estate shall be restricted (servitude and lease). By partial compulsory purchase the servitude over the land or building may be established. (Article 2-4 CPA).

The future client is, pursuant to CPA, the compulsory purchase beneficiary. Even before initiating the compulsory purchase procedure he may request to perform necessary preparatory works on the particular real estate, such as research of the land, measuring etc. This request may be submitted even in the investment study phase. The state administration office, in charge of property-rights relations in the county and the City of Zagreb shall render decision on the proposal for approval of preparatory works (Article 12 CPA).

The real estate may be subject to compulsory purchase for the purpose of carrying out works or construction of facilities of interest to the Republic of Croatia. The interest of the Republic of Croatia shall be considered determined provided the construction of particular facilities or carrying out of works is of interest to the Republic of Croatia (Article 9 of CPA). **The interest of the Republic of Croatia** in construction of energy facilities is provided by the CPA as special act, whereby the main precondition for submitting the compulsory purchase proposal is complied with.

The compulsory purchase proposal shall be accompanied by evidence, confirming that the compulsory purchase beneficiary has attempted to reach agreement with the owner of the real estate, evidence from land registry and ownership status of the real estate, evidence on provided funds for payment of compensation for the real estate and final planning permission, i.e. excerpt from the detailed development plan and confirmed land parcelling survey (Article 20 of CPA).

During the procedure the beneficiary and the owner of the real estate may reach agreement, having the power of enforcement document. The settlement shall comprise in particularly: the form and amount of compensation and the deadline for meeting the compensation liability by the compulsory purchase beneficiary (Article 23 of CPA).

If the compulsory purchase preconditions are complied with, the competent office for property right relations shall accept the proposal and render the compulsory purchase decision. The appeal against such decision with the Ministry of Justice, Administration and Local Self-Government is permitted. The court's protection against the second instance compulsory purchase decision is provided by the procedure before the competent county court (Articles 25-26 and 42a of CPA).

Upon the finality of compulsory purchase decision, the beneficiary shall acquire the right to ownership over the compulsory purchased real estate, provided he has paid the compensation for the real estate to the owner, i. e. surrendered the other adequate replacement real estate in possession (Article 28 of CPA).

The registration of ownership and other property rights over the compulsory purchased real estate, as well as the over the real estate surrendered to the former owner on behalf of compensation, shall be carried out on the basis of final compulsory purchase authorization and evidence on paid compensation, if the monetary compensation is provided by such decision, i.e. evidence on acquiring the ownership right of the former owner over another adequate real estate, upon request of the compulsory purchase beneficiary or former owner of the compulsory purchased real estate (Article 42 of CPA).

The registration in land registry shall be carried out by the territorially competent land tribunal by means of decision. The land tribunal shall proceed upon the rules of extra-judiciary procedure and subsidiary, the rules of judiciary procedure, unless otherwise provided by the act. The land tribunal shall institute the procedure only on proposal of the parties or the competent authority, except as otherwise provided by the act (Articles 90-93 of LRA).

The proposal for registration shall comprise the reference number of the land tribunal before which the proposal is submitted, the name and address of the applicant and the person to be notified of the decision, number of land registry record and the designation of the parcels entered into land registry record in which it is to be entered. The proposal for registration shall indicate the right to be acquired, restricted, burdened or abandoned by such registration, and if the entry of the note is proposed, personal relation or legal fact (Article 99 LRA). The documents which should be the base for approval of entry shall be submitted to the land tribunal in original and the copy of proposal may be enclosed to the proposal. The copy of the documents which contents is statutory verified shall be equal to the original (Article 201 of LRA).

The land registration shall be performed on the basis of **decision of the land tribunal**, ordering the entry in the land registry (decision on land registration). The decision on entry in land registry shall be rendered by the land tribunal even in case the entry in land registry was ordered by another court or other authority within its competence. The court shall by its decision with respect to the proposal for entry in the land registry comply with the proposal or refuse it. In the decision ordering the entry the land registry record shall be determined in which the entry is to be registered, and if required, the land registry parcel as well, the authorized person of land book registration and his address, type of entry (entry, caution, note), object of entry, documents which are the base of registration, the right to be entered with its main contents, as well as the court's order for registration of the specific contents. If the proposal can not be fully complied with, but only partially, the court shall order registration in the part in which the registration is permitted and refuse the part of the proposal for which the registration is not permitted. If the court refuses the proposal in entirety or partially, it shall indicate in the decision the reasons for refusal (Article 106-109 of the LRA). The improper proposal and proposal not accompanied with the required enclosures, necessary for rendering decision on merits of proposal, shall be dismissed by the court. The appeal against the land registry procedure is permitted (Article 123 of the LRA).

2.8. Procuring building permit

The group of activities referring to procuring the building permit is considered as Phase Eight of the Process. The conditions and the procedure for procuring building permit are provided by the PPBA.

The construction of building having building (gross) area **not exceeding 400 m** and the building for exclusive performance of **agricultural activities** having building (gross) area **not exceeding 600 m**, may be commenced based on the final **decision on building conditions**. The construction of buildings provided by Regulation on Determining Projects and Buildings for which the Ministry of Environmental Protection, Physical Planning and Construction Issues the Planning Permission or Building Permit (OG 116/07), may be commenced based on the final **building permit** (Article 209, paragraphs 1 and 2 of PPBA).

Pursuant to the said Regulation the MEPPPC shall issue the planning permission and building permit for specifically determined buildings. Such buildings comprise among others:

- Power plants with capacity 20 MW and above with the pertinent facilities,
- Power transmission line 220 kV and above with substation and switchgear on that power-transmission line
- International and main pipeline for transport of oil, gas, petroleum products, including the terminal, dispatch and measuring-regulation (reduction) station technologically connected with such pipeline,
- Dams with reservoir or retention basin with the pertinent facilities meeting the criteria of large dams (Article 2 of Regulation).

Apart from the above mentioned projects and buildings the Ministry is in charge of issuing the planning permission and building permit **for projects and buildings** as well, **for which the defining of integrated environmental requirements is required** (Article 4 of Regulation. Article 82 of EPA sets forth the obligation of the company to procure the **integrated environmental requirements** in line with EPA and special Regulation, to be adopted by the Government, before commencing the construction and putting in operation, or any significant change in operation or reconstruction of the plan intended for carrying out activities which may result in emission polluting the soil, air, water and sea.

The decision on building conditions and building permit are administrative acts. The construction of other building may be commenced based on the confirmed basic design. (Article 209, paragraphs 3 and 4 of PPBA). The simple buildings and works, construction of which may commence without the act approving construction, is provided for by the ***Ordinance on Simple Buildings and Works*** (OG 101/07).

The decision on building conditions shall be issued for construction of the whole building. The building permit and the confirmation of the basic design shall be issued for construction of one or several integral buildings defined by planning permission for composite building (Article 211, paragraphs 1 and 2 of PPBA).

The competent authority of the county shall issue the decision on building conditions and the confirmation of the basic design for buildings outside the area of cities and for building located in the territory of two or several self government units, and the competent authority of the City of Zagreb or cities for buildings on their territories. The MEPPPC shall issue the building permit for buildings referred to in Regulation on Determining Project and Buildings for which the MEPPPC is in Charge of Issuing Planning Permission or Building Permit. Against the building permit issued by MEPPPC no appeal shall be permitted, however an administrative dispute may be instituted (Article 212 of PPBA).

The request for issuing **decision on building conditions** in written form shall be submitted by the client. The request for issuing the decision on building conditions shall be accompanied by:

- Three copies of the conceptual design with situation indicated in special land surveying map,
- Special conditions of the state authority in charge of cultural assets for building located in the settlement or part of the settlement, entered in the Cultural Asset Register of the Republic of Croatia as cultural and historic entity, or the building has been entered in the register as cultural asset,
- Written report and conceptual design compliance assessment certificate if the design has been drafted in line with foreign regulations,
- The evidence of the building right on the land in which the building parcel will be shaped, i.e. on the existing building (Article 213 of PPBA).

The following documents shall be in particularly considered as evidence of the client's building right within the meaning of PPBA:

- Excerpt from the land registry confirming that the client is owner or holder of building right on the building parcel or building on which the construction is planned,
- Contract or decision of the competent state authority pursuant to which the client has acquired the ownership right, building right or right-of-way,
- Partnership contract concluded with the owner of the real estate, concluded for the purpose of joint construction or reconstruction,
- Concession agreement pursuant to which the building right has been acquired,
- Written consent of the owner of the existing building in case of reconstruction of such building, unless otherwise provided by special act,
- Written consent of the fiduciary owner given to the former owner of real estate, who is the client (Article 214 of PPBA).

In the procedure of issuing decision on building conditions the following shall be determined:

- That the conceptual design is prepared in line with the physical planning documentation,
- That the conceptual design is prepared in line with the provisions of PPBA, regulations adopted pursuant to PPBA and special regulations,
- That the building plot is developed within the meaning of Article 125, paragraph 2, i. e. Article 126, paragraph 2 of PPBA,
- Place and method of connecting to traffic and municipal infrastructure as well as the other infrastructure,
- That the request for issuing the decision is accompanied by documents referred to in Article 213 of PPBA.

For the purpose of ascertaining the fact that the building plot is developed, the competent authority shall, prior to issuing the decision on building conditions, carry out on the spot investigation on the building parcel. The competent authority shall, not later than eight days from receipt of proper request for issuing the decision on building conditions referred to in Article 213 of this Act, invite the authority and/or persons provided for by special regulations to review of conceptual design for the purpose of acquiring special conditions and confirmations pursuant to special regulations. The applicant and the design engineer shall participate in review of conceptual design. The provisions of Article 109 of PPBA shall correspondingly apply to the procedure of issuing the decision on building conditions. The conceptual design is enclosure and integral part of the decision on building conditions, what shall be indicated in the design and verified by signature of the officer and the seal of the competent authority issuing the decision. (Article 215 of PPBA).

Prior to issuing the decision on building conditions the competent authority shall provide the review of the conceptual design to the party for the purpose of corresponding comment (hereinafter: review). The party within the meaning of paragraph 1 of this Article is the client, owner of real estate, for which the decision on building conditions is issued and holder of other property rights

overt such real estate, owner and holder of other property rights over the real estate adjacent to the real estate for which the decision is issued and public institutions for national park and nature park and the local self government unit on which territory the real estate is located (Article 216 of PPBA).

In cases when **more than ten parties** participate in the procedure of issuing decision on building conditions, who are owners or holders of other property rights over the same real estate, however have no joint representatives or authorized person, the competent authority may issue conclusion inviting one of the parties to designate their representative or authorized person within a ten days term. If the parties fail to proceed in line with the conclusion, the joint representative shall be appointed by the competent authority. In cases when the decision on building conditions is issued for the building adjacent to more than ten real estates the competent authority may invite the parties for the purpose of review by means of public invitation as well, to be published in daily newspaper and/or by means of locally usual public communication method and by posting on the bulletin board and the competent authority posts the invitation on the building plot or building which is subject to project. The public invitation:

- Shall comprise the title of the competent authority, title, i. e. client's company, title, type and location of the building, place and time when the review may be provided to the party for the purpose of corresponding comment, as well as the information that the party has not to respond to invitation in person but through its authorized person and that the decision on building conditions shall not be issued unless the party responds to invitation.
- Shall be posted, i.e. published not later than eight days before the date of in such invitation scheduled review,
- Shall be posted on the land which the building parcel is part of, i. e. on a visible and available place of the building in a way providing for protection from weather conditions, whereof the official notice will be made in the subject file by the officer of the competent authority,
- Shall be considered delivered on the date of its publication in daily newspaper and/or other locally usual method of public communication, and the obligation of the competent authority referred to in Article 216, paragraph 1 of this Act shall be considered met (Article 217 of PPBA).

The person who responds to the invitation to review of the competent authority shall provide evidence of its capacity as party. The competent authority may schedule a term to the party for providing comment on conceptual design not exceeding eight days. If the party fails to provide comment on the conceptual design within the scheduled term, the party's review shall be considered provided. If the party can not respond to invitation to review due to justified reasons, the review may be provided subsequently, however not later than eight days from the latest day scheduled by invitation to review, in which case the party shall provide evidence on justified reasons for not responding to invitation. The competent authority shall deny the possibility of review to the person who fails to provide evidence on its capacity as party and issue the corresponding conclusion (Article 218 of PPBA).

If the conditions provided by this Act have been complied with and if the client has submitted the evidence on paid municipal service tax and water taxes, as well as building fee pursuant to the special act, the competent authority shall issue the decision on building conditions not later than thirty days from the date of receipt of proper request (Article 219 of PPBA).

If the competent authority determines that the statutory conditions for issuing the decision on building conditions have not been complied with, it shall issue the conclusion not later than thirty days from receipt of the request, scheduling the adequate term for compliance with the said conditions to the client, which shall not be longer than thirty days. The competent authority shall

deny the request for issuing the decision on building conditions if the client fails to comply with the statutory conditions within the term specified in the conclusion (Article 220 of PPBA).

The decision on building conditions, i.e. decision on denial of the request for its issuing shall be delivered to:

- Client, accompanied with the conceptual design,
- Party who responded to the invitation of the competent authority to review, without the conceptual design,
- Party who failed to respond to the invitation of the authority to review by posting on the bulletin board of the competent authority within the eight days term,
- Building inspection, without the conceptual design.

The person who failed to respond to the invitation to review shall not be entitled to request reopening of the proceeding (Article 221 of PPBA).

The decision on building conditions expires if the client fails to commence the construction within the term of **two years** from the date of final decision. The validity of the decision on building conditions shall be extended upon request of the client for one two years period if the conditions determined in line with the provisions of this Act and other conditions pursuant to which the decision was issued, have not changed. The competent authority shall keep the conceptual design and decision on building conditions (Article 221 of PPBA).

The request for issuing **the confirmation of the basic design** in written form shall be submitted by the client. The client shall accompany the request for issuing the confirmation of the basic design by the following documents:

- Three copies of the basic design with the bound copy of the text of the final planning permission,
- Written report on control of the basic design, if the design control is required,
- Written report and basic design compliance assessment certificate if the design was prepared in line with foreign regulations,
- Study on geotechnical and other investigations, as well as technological, traffic and other surveys, if the data referred in such studies were used for drafting of the basic design,
- Parcelling survey, verified by the authority in charge of state survey and real estate cadastre and confirmation of the competent authority which issued the planning permission on conformity with the location conditions for the form and the size of building parcel,
- Evidence of the building right on the building parcel, i.e. in scope of the building project, i.e. on the existing building (Article 223 of PPBA).

The basic design is a set of mutually aligned designs, providing for technical solution of the building and proving the compliance with the main requirements for the building, as well as with the other requirements pursuant to this Act and special regulations and technical specifications. The basic design shall not contradict to the conceptual design. If the basic design has not been developed by the design engineer of the conceptual design, the client shall prior to submitting the request for confirmation of the basic design, i.e. building permit, submit the basic design or its part to the design engineer of the conceptual design for the purpose of granting opinion on aligning of the basic design with the conceptual design. The client, i.e. his legal successor shall permanently keep the basic design, together with the building permit, i.e. confirmation of the basic design (Article 192 of PPBA).

Depending on the type of the building, i.e. works the basic design shall comprise:

- Architectural design,
- Construction design,
- Electrical design,

- Mechanical design,
- Costs schedule of designed works.

The basic design for buildings subject to determining the integrated environmental requirements pursuant to special regulations, shall comprise **the technical and technological solution** as well. Depending on the type of the building the basic design shall comprise the other design types as well (land surveying design, foundation design, landscape design etc.). The designs referred to in paragraph 1 of this Article shall comprise the data from the studies which have been used as basis for its drafting, as well as projected lifespan of the building and the maintenance conditions. The building design shall comprise the geotechnical design as well for the buildings for which the evidence of mechanical strength and stability is required in the part referring to mutual influence of the building and the foundation ground and the rock for which the statutory audit of the authorized design reviewer is required. The above mentioned surveys shall be drafted in line with PPBA and special regulations (Article 193 of PPBA).

In the procedure of issuing the confirmation of the basic design the following shall be determined:

- That the basic design is drafted in line with the planning permission,
- That the basic design is drafted in line with the provisions of the PPBA, regulations adopted pursuant to PPBA and other regulations,
- That the building plot is developed within the meaning of Article 125, paragraph 2, i.e. Article 126, paragraph 1 of PPBA,
- That the request for issuing the confirmation is accompanied with the documents referred to in Article 223 of PPBA (Article 225 of PPBA).

If the conditions provided by PPBA have been complied with and if the client has submitted the evidence on paid municipal utility and water charges, as well as building fee provided for by special act, the competent authority shall issue the confirmation of the basic design within the term not longer than thirty days from receipt of proper request. If the competent authority determines that the statutory conditions for issuing the confirmation of the basic design have not been complied with, it will issue the conclusion to the client, not later than thirty days from receipt of the request, scheduling the appropriate term for compliance with that conditions, within the term not longer than thirty days. The competent authority shall issue the decision denying the request for issuing the confirmation of the basic design if the client fails to comply with the statutory conditions within the term set forth by conclusion referred to paragraph 2 of this Article. Against the decision referred to in Article 3 of this Act, issued by the competent authority, the appeal with the MEPPPC is permitted. The confirmation of the basic design is **not an administrative act**. The confirmation of the basic design, i.e. decision on denying the issuing of the confirmation of the basic design shall be delivered to the client and to the building inspection (Article 226 of PPBA).

The confirmation of the basic design expires if the client fails to commence with construction within the period of **two years** from the date of issuing such confirmation. The validity of the confirmation of the basic design shall, upon request of the client, be extended for one two years period, provided the conditions determined in line with the provisions of this Act and other conditions pursuant to which the confirmation has been issue, have not been changed. The competent authority shall permanently keep the basic design and the confirmation of the basic design. (Article 227 of PPBA).

The request for issuing the **building permit** in written form shall be submitted by the client, who is party in the procedure of issuing the building permit. The client's request on issuing the building permit shall be accompanied by the following documents:

- Three copies of the basic design with the bound copy of the text of the final planning permission and special conditions which are integral part of the planning permission,
- Written report on inspection of the basic design,
- Written report and basic design compliance assessment certificate if the design was developed in line with foreign regulations,
- Survey on geotechnical and other investigations, as well as technological, traffic and other surveys, if the data referred in such surveys were used for drafting of the basic design,
- Parcelling survey, verified from the authority in charge of state survey and real estate cadastre and confirmation of the MEPPPC, which has issued the planning permission, on conformity with the location conditions for the form and the size of the building parcel,
- Evidence of the building right on the building parcel, i. e. within the scope of the building project, i.e. on the existing building (Article 228 of PPBA).

The following documents shall be in **particularly considered as evidence** of the client's building right within the meaning of Article 214 of PPBA:

- Excerpt from the land registry confirming that the client is owner or holder of building right on the building parcel or building on which the construction is planned,
- Contract or decision of the competent state authority pursuant to which the client has acquired the ownership right, building right or right-of-way,
- Partnership contract concluded with the owner of the real estate, concluded for the purpose of joint construction or reconstruction,
- Concession agreement pursuant to which the building right has been acquired,
- Written consent of the owner of the existing building in case of reconstruction of such building unless otherwise provided by special act,
- Written consent of the fiduciary owner given to the former owner of real estate, who is the client.

As evidence of the client's building right shall be considered the decision of the Government on determining the interest of the Republic of Croatia as well, or the reference on the provision of the Act providing for the particular interest of the Republic of Croatia in construction of the building for which the building permit is requested (Article 229 of PPBA).

The MEPPPC shall, not later than thirty days from the receipt of the proper request for issuing the building permit, invite the bodies and/or the persons provided for by special regulation, who participated in issuing of planning permission for that building to provide the confirmation referred to in Article 208, paragraph 3 of PPBA on conformity of the basic design with the special regulations. The client and the design engineer shall participate in the review of the basic design for the purpose of providing argumentation. The above confirmation shall be considered issued if the competent authority and/or the person on occasion of review of the basic design provide oral statement or subsequent written statement within the statutory term, confirming that the basic design has been drafted in line with special regulations. If the authority and/or person provided for by special regulations on occasion of the review of the basic design or subsequently, within the term not exceeding fifteen days from the date of review of the basic design, determine that the basic design is not in conformity with the provisions of special regulations, the Ministry shall issue the conclusion to the client, scheduling an appropriate term for its compliance with the provision. If the client fails to proceed pursuant to such conclusion, the Ministry shall deny the request for issuing the building permit.

The above confirmation shall be considered issued, i.e. the basic design aligned with the provisions of special regulations even in case the above authority and/or the person fails to respond to the invitation to review of the basic design, or if he fails to provide statement on occasion of review of

the basic design, or in subsequently scheduled term, or if the MEPPPC within the term scheduled fails to deliver decision that the basic design is not harmonized with the provisions of special regulations. The client has the right of appeal against the decision of the competent authority or person, i. e. the right to institute administrative dispute, which shall be dealt with by the competent state authority, i.e. the Administrative Court of the Republic of Croatia under the **accelerated procedure**. The MEPPPC shall discontinue the procedure for issuing the building permit pending the decision of the state authority, i.e. court's ruling on appeal, i.e. administrative dispute of the client (Article 231 PPBA).

Following shall be determined in the procedure of issuing the building permit:

- That the basic design is drafted in line with the planning permission,
- That the basic design is drafted in line with the provisions of the PPBA, regulations adopted pursuant to PPBA and other regulations,
- That the building plot is developed within the meaning of Article 125, paragraph 2, i.e. Article 126, paragraph 1 of PPBA,
- That the confirmations of the bodies and/or persons provided for by special regulations referred to in Article 208, paragraph 3 of PPBA have been procured,
- That the request for issuing the confirmation is accompanied by the documents referred to in Article 223 of PPBA (Article 225 of PPBA).

If the conditions provided by PPBA have been complied with and if the client has submitted the evidence on paid municipal service tax, water taxes and construction fee, provided for by special act, the MEPPPC shall issue the decision on building conditions not later than sixty days from the date of receipt of proper request. If the MEPPPC determines that the statutory conditions for issuing of building permit have not been complied with, it will issue the conclusion to the client, scheduling the adequate term for compliance with such conditions, which shall not be longer than thirty days. The MEPPPC shall deny the request for issuing the building permit if the client fails to comply with the statutory conditions within the term scheduled by the conclusion. The building permit, i.e. the decision on denial of the request for issuing the building permit shall be delivered to the client together with the basic design and to the building inspection without the basic design.

The building permit expires if the client fails to commence the construction within the term of **two years** from the finality of that permit. The validity of building permit shall be extended on client's request for one two years period provided the conditions set forth pursuant to PPBA and other conditions pursuant to which the building permit was issued, have not been changed (Article 232 of PPBA).

2.9. Procuring decision on preliminary eligible producer status authorization

The client, i.e. the project developer, planning the construction of a facility using the renewable energy sources or high-efficiency cogeneration and desiring to acquire the status of eligible electricity producer has to procure the preliminary decision on eligible producer status authorization, issued by HERA pursuant to the ***Ordinance on Eligible Producer Status Authorization*** (hereinafter: **OEPSA**). This set of activities is considered as **Phase Nine** of the Process.

The request for issuing the preliminary decision shall be submitted to HERA in written form and shall comprise the following data on the applicant, i. e. the facility:

- Company or name, registered office and residence, responsible person of the legal person, telephone, fax and e-mail address of the applicant,
- Title and the group of facilities for which the application is submitted,
- Registry No. pursuant to RESC Registry,
- Project location,
- Planned capacity of the facility indicated in MW,
- Planned annual production of electricity indicated in GWh, i.e. thermal energy production indicated in MJ.

The applicant's request for issuing the preliminary decision shall be accompanied by:

- Energy approval issued by the MELE for construction of the facility,
- Building permit, if the procuring of building permit is required,
- Technical description of the designed facility with description of technological process and facility operating conditions (Article 7 of the Ordinance ASEEP).

The preliminary decision shall be issued with the **two years** validity period. Within the two years period from the finality of preliminary decision the project developer shall construct the facility for electricity production and submit request for issuing the decision. Upon request of the project developer the two years validity period may be extended for the following 12 months. If the project developer fails to submit either the request for issuing decision or the request for validity extension of the preliminary decision, the preliminary decision shall expire with expiry of the term for which it was issued. HERA shall submit the preliminary decision to MELE, to market operator, to transmission system operator and to distribution system operator not later than 8 days from finality of the preliminary decision (Article 8 of the OEPSA).

2.10. Concluding power purchase agreement (conditional)

The client, i.e. project developer, intending to exercise his right to incentive price referred to in Article 4 of the *Tariff System for the Production of Electricity from Renewable Energy Sources and Cogeneration* (hereinafter: *Tariff System*) shall conclude the agreement with the HROTE - Croatian Energy Market Operator on purchase of electricity pursuant to Article 30, paragraph 1, subparagraph 9 of EMA. This group of activities is considered as Phase Ten of the Process.

The Tariff System sets forth the right of eligible electricity producers to incentive electricity price, which shall be paid by HROTE for the delivered electricity produced in facilities using the renewable energy sources and cogeneration in line with Article 26, paragraph 5 of EA.

For the purpose of concluding the power purchase agreement the client, i.e. project developer shall submit to HROTE the written request for concluding the power purchase agreement. **The power purchase agreement** shall be concluded not later than 60 days from the receipt of the completed request. The power purchase agreement shall apply as of the date of finality of the decision on eligible producer status authorization and has correspondingly deferred legal effect, since it is conditioned by procuring the decision on eligible producer status authorization.

The request for concluding the agreement shall be accompanied by:

- Preliminary agreement or grid interconnection agreement,
- Preliminary decision on eligible producer status authorization (Article 9 of the Tariff System).

The power purchase agreement for electricity produced from facilities using renewable energy sources and cogeneration shall be concluded for a limited 12 years period (Article 10 of the Tariff System).

2.11. Procuring connection approval

The connection approval is a document by which the transmission system operator or distribution system operator determines the technical parameters of grid connection and use and is based on the preliminary connection approval (Article 2, item 2 of General Conditions).

The precondition for issuing the connection approval is previous accomplishing of a number of activities which follow the issuing of building permit or other adequate act, permitting the construction of the facility. These activities comprise **drafting of detailed design, construction, production and installation of equipment and facility construction supervision**. Upon completing the facility construction the request shall be submitted to the operator for issuing the connection approval. This group of activities is considered as Phase Eleven of the Process.

The building shall be built on the basis of the detailed design. **The detailed design** elaborates the technical solution provided by the basic design. The detailed design shall be drafted in line with the basic design. The detailed design shall not be obligatory for construction of building with building (gross) area not exceeding 400 m, building for exclusive performance of agricultural activities with building (gross) area not exceeding 600 m and simple buildings, set forth by the Ordinance on Simple Buildings and Works. The detailed design of the building with all integrated amendments in line with the actually performed works (**as-built documentation**) shall be kept by the client, i.e. his legal successor for the time of the existence of the building (Article 198 of PPBA)

The client shall notify the MEPPPC, i.e. the competent authority, building inspection and the labour inspection, not later than eight days before commencing the construction, of resuming of construction works after suspension of such works for a period longer than three months.

The client planning the construction of the building provided for by the Regulation on Determining the Project and the Building for which the MEPPPC issues the Planning Permission and/or Building Permit, shall not later than as of the commencement of works, have the final building permit and the **stakeout survey**, prepared in line with the PPBA and special regulations. The client, planning construction of other buildings, except for simple buildings, shall not later than as of the commencement of works, have the confirmation of the basic design and stakeout survey. The stakeout survey shall be prepared by the person authorized for carrying out the activities of state survey and real estate cadastre pursuant to the special act and in line with the conceptual, i.e. basic design, which is integral part of the decision on building conditions, that is, confirmation of the basic design and the building permit. The stakeout of the building shall be carried out by person authorized for carrying out the activities of state survey and real estate cadastre pursuant to ASSREC (Article 249-250 of PPBA).

The contractor shall keep the following documents on the site:

- Decision on entry in the court register, i.e. trade license,
- Consent for performing of construction activity and the contract on partnership between the contractors pursuant to special act,
- Act on appointing the site engineer, i.e. project manager,
- Act on appointing the supervising engineer, i.e. supervisor,
- Decision on building conditions, confirmation of the basic design, i.e. building permit with conceptual, i.e. basic design,

- Detailed designs with the opinion of the basic design designer, certified by design reviewer, which required the verification in basic design report, for the as built status of the building and construction works in the process with all the amendments,
- Reports of design reviewer on performed inspection of the detailed design if required,
- Construction log book,
- Conformity assessment for the installed construction products, conformity assessment for the installed equipment pursuant to special act, conformity assessment documents for the particular part of building with the main requirements pursuant to special act and quality assessment for which, pursuant to PPBA, special regulation or the design, the quality assessment is required during the performance of construction and other works, as well as the inspection procedures for as built status of the building and construction and other works being in process,
- Building stakeout survey,
- Other contractor's documents, permits and approvals provided for by special regulations as documents which shall be available on the site before the commencement of construction (Article 254 of PPBA).

Connection of the site shall be, as a rule, executed as the part of the building connection, in which case the customer shall, apart from the connection fee, pay all additional costs referring to site connection. If the site connection is not executed as a part of building connection, the actual costs of connection construction shall be borne by the applicant submitting the request for construction of site connection, who is at the same time the owner of the connection. The owner of the site connection shall remove it at his expenses not later than seven days from the permanent connection of the building. The site connection shall be temporary, with duration not longer than three years. Exceptionally, the term may be extended on special request of the owner of the site connection for one year's period, however not more that twice. The transmission system operator or distribution system operator shall not connect the site of the building for which the building permit or other appropriate act has not been issued, providing for commencement of construction (Article 18 of General Conditions).

Upon completing construction the client, i.e. producer shall submit the request for issuing **connection approval**. The client's i.e. producer's request, submitted to the transmission system operator or distribution system operator, shall be accompanied by the following documents:

- Information on the owner of the building;
- Address of the building;
- No. of the preliminary connection approval and its issuing date;
- No. of grid interconnection agreement and the date of its concluding;
- Consumption, i.e. production category and the tariff model;
- Building permit or other adequate act, permitting the construction of the building;
- Part of the basic design or detailed design referring to energy facilities and installation of the customer or producer;
- Confirmation of the contractor that the energy facilities and customer's or producer's installations have been performed and inspected in line with the preliminary connection approval, project documents and technical regulations and standards, together with the explicit statement of the contractor that such facilities may be connected to the grid, as well as the statutory quality assessment and
- Evidence on payment of the fee for issuing connection approval (Article 6, paragraph 3 of General Conditions).

The customer or producer shall submit the request for issuing connection approval for connection not later than 10 days before expiry of the contracted connection deadline (Article 8, paragraph 5 of General Conditions).

The connection approval shall be issued to the building owner, i.e. legal or physical person having property or other right over the building, for each billing point. In case the building has several billing points, the preliminary connection approval for the building shall be issued to the client, specifying the particular billing metering points and on occasion of connecting the particular billing metering points the connection approval for the pertaining part of the building shall be granted to each owner. Only one customer may be connected to one billing metering point, as the owner of the building or its part, except for the cases of joint consumption in residential and/or commercial buildings. The costs of issuing the connection approval shall be borne by the applicant (Article 4 of General Conditions).

The connection approval shall comprise:

- Information on the client/owner of the building;
- Number, type and address and number of building cadastral plot;
- Number of building permit and the date of its issuing;
- Connection power (capacity);
- Consumption, i. e. production category and the tariff model;
- Location of building grid interconnection;
- Type and method of connection;
- Technical data on the billing metering point;
- Nominal voltage on the billing metering point;
- Permitted power factor ($\cos \phi$);
- Method of power and energy use;
- Conditions of grid use;
- Other data (as for instance on service power supply source, data on the existing billing metering point etc.);
- Conditions of expiry and
- Instructions on the right to appeal (Article 12, paragraph 2 of General Conditions).

The connection approval shall expire as of the day of termination of the power grid use agreement. The connection approval shall expire when the customer's or producer's connection is disconnected from the grid for a period longer than three years (Article 9 of General Conditions).

The connection power in the preliminary connection approval or connection approval shall be approved by the transmission system operator or distribution system operator based upon request of the customer or producer and technical, i. e. operational conditions in the grid; the use is conditioned by installation of the device for measuring the power for connection power exceeding 30 kW or installation of load limiter for connection power up to and including 30 kW (Article 13 of General Conditions),

The approved connection power shall be valid only for the billing metering point set forth by the corresponding connection approval and shall not be transferable to the other location (Article 13 of General Conditions).

2.12. Concluding power grid use agreement

Upon procuring the connection approval, the power grid use agreement shall be concluded between the producer and the transmission system operator or distribution system operator, for an unlimited period in line with the provisions of the General Conditions. **This group of activities is considered as Phase Twelve of the Process.**

The producer's power grid use agreement shall comprise:

- Information on contractual parties;
- Scope of agreement;
- Address for invoice dispatch;
- No. of connection approval and issuing date;
- Data on connection power and other energy parameters;
- Electricity quality level;
- Level of permitted impact on the grid;
- Cases in which the contracted quality level of electricity supply may be changed;
- Conditions on access to the billing metering and energy reading;
- Conditions on use and balancing energy billing;
- Methods of collection, transfer and checking of billing metering data;
- Calculation of metering services fee;
- Calculation of deviations from the contracted energy parameters;
- Conditions for producer's restriction of supply of the contracted electricity and power;
- Description and type of business information which are subject to confidentiality of information;
- Reporting and information exchange;
- Method of damage determining and calculation in case of failure to execute the agreement or not proper execution of the agreement;
- Other mutual relations;
- Data on validity and termination of the agreement and notice of withdrawal period;
- Method of dispute settlement.

By signing of the above agreement the contractual parties commit to fully accept the provisions of the current General Conditions, Grid Conditions, Tariff System for Electricity Transmission, Tariff System for Electricity Distribution and the Rules of Electricity Market Operations during the validity period of the agreement. Upon payment of the overall amount of financial liabilities as well as meeting the overall contractual liabilities on connection, issued connection approval and concluded power grid use agreement, the transmission system operator or distribution system operator shall put the connection in operation in line with the deadline provided for by the grid interconnection agreement (Article 33 of General Conditions).

Pursuant to Grid Code, Chapter 4.3.4.1. , for connection of production units to transmission grid the general conditions referred to in 4.3.2 and 4.3.3. shall apply. The special conditions apply to all production units directly connected to transmission grid, as well as all other production units, determined by transmission system operator as of special interest for energy system. The special conditions for production facilities shall be regulated by the **grid interconnection agreement** on supply grid and **contract on supplementary services** between the transmission system operator and the producer.

2.13. Procuring operating licence

Procuring the operating licence is a group of activities considered as Phase Thirteen of the Process.

The use of completed building with building (gross) area **not exceeding 400 m²** and building for exclusive performance of agricultural activities with building (gross) area **not exceeding 600 m²** may commence, i.e. may be put in operation and the decision for performance of activities pursuant to special act may be issued, upon client's submitting to the competent authority of **the final report of supervising engineer on the building construction completion.**

The use of the building set forth by Regulation on Determining the Project and the Building for which the MEPPPC Issues Planning Permission and/or Building Permit may commence, i. e. may be put in operation upon issuing of the **operating licence** for such building by the MEPPPC. The use of the other buildings, except for the small buildings may commence, i. e. may be put in operation and the decision on performance of activities pursuant to special act may be issued, upon issuing of the **operating licence** for this building by the competent authority, which issued the confirmation of the basic design (Article 256 of PPBA).

Prior to issuing the operating licence, as a rule, the trial operation and technical inspection of the facility shall be carried out. In case of the need for inspection of compliance with the main requirements for the building by trial operation the client shall send notice on **trial operation** to MEPPPC, i. e. the competent authorities and/or persons provided for by special regulations, who have issued the confirmations referred to in Article 208, paragraph 3 of PPBA. In such case the client shall entrust the person, meeting the conditions for performance of such activities pursuant to special act, with such investigation.

The notice on trial operation shall be accompanied with:

- Plan and programme of inspection of the main requirements for the building during the trial operation,
- Comparison values of parameters to be inspected during the trial operation and the tolerance values,
- Anticipated completion of trial operation.

The trial operation, the main requirements which are subject to inspection, duration of trial operation and security measures during the trial operation shall be planned and argued by the basic design (Article 263 of PPBA).

Pursuant to EPA in all facilities for which the obligatory procuring of the decision on integrated environmental requirements is provided by this Act and the Regulation referred to in Article 82, paragraph 4 of EPA, the **compliance with the set forth integrated environmental requirements shall** be inspected. The facility may be put in regular operation if the trial operation revealed that all parameters provided for by environmental protection measures and integrated environmental protection requirements, as well as the conditions provided for by the issued operating licence have been complied with (Article 91 of EPA).

Pursuant to the **Grid Code** (OG 36/2006), Chapter 5.3.5.3. "Connecting and Operation of Production Unit", the client shall submit written request to the distribution system operator for the **first connection** of the facility in parallel grid operation for the purpose of its testing in actual operating conditions.

The client shall accompany the request submitted to distribution system operator with the reports on executed functional testing and evidence on proper operation of all operational functions and protection measures of the facility, as well as the previously agreed upon trial operation testing.

During the trial operation of the facility the following testing shall be carried out:

- Testing connection to distribution grid parallel operation,
- Testing disconnection from parallel operation mode and transfer to island operation mode (if provided for),
- Testing protection functioning in case of deviation from the parallel operation conditions,
- Testing facility operation at marginal operation conditions,
- Testing the active and reactive power flow (production and facility exchange with the grid),
- Testing the contracted nominal facility net generation, in particularly of the active and reactive power,
- Testing facility operation with respect to compliance with the limited impact conditions,
- Testing compensation facilities and grid impact (if available) on parallel operation and limited impact,
- Testing the operating and billing metering, status supervision, signalling, local and remote (if available) control and regulation,
- Other tests specified by equipment supplier or testing programme.

Upon performed testing in trial operation the report shall be made on testing, specifying the identified deficiencies or restrictions in operation, as well as the obligation of their removal. In final report on parallel operation functional testing, the capacity of the permanent operation of the facility shall be clearly evidenced.

The Grid Code set forth the additional technical conditions for connection of the power facility up to 5 MW (Chapter 5.3.6.1), power plants exceeding 5 MW (Chapter 5.3.6.2), wind parks with capacity up to 5 MW and micro power plants (Chapter 5.3.6.4).

The operating licence shall be issued by the MEPPPC for the building for which it has issued the building permit and the competent authority for the building for which it has issued the approval of the basic design. The operating licence shall be issued by MEPPPC, i. e. the competent authority upon determining during the technical inspection that the building has been built in line with the building permit, i. e. approved basic design, and in particularly in compliance with the main requirements for the building. The operating licence for the building for which the integrated environmental requirements are determined pursuant to special regulations, expires, in the part referring to such conditions, in the term and under conditions provided for by such regulation (Article 257 of PPBA).

The request for issuing of the operating licence shall be submitted by the client, i. e. owner of the building. The client's i. e. owner's request for issuing the operating licence shall be accompanied by:

- Copy of the final building permit, i.e. approval of the basic design,
- Information on construction partners,
- Written statement of the contractor on executed works and building maintenance conditions,
- Final report of the supervising engineer on building construction completion (Article 258 of PPBA).

The MEPPPC, i.e. the competent authority shall, not later than sixty, i.e. thirty days from receipt of proper request for issuing the operating licence perform technical inspection of the building **The technical inspection** shall be performed by the committee, established by MEPPPC or the competent authority. The president and the committee members shall be professionals and representatives of bodies and persons provided for by special regulations, which have issued the confirmation on conformity of the basic design with the special regulations, representatives of other

state administration bodies and legal persons with public authorities and independent experts appointed by the person establishing the committee (Article 259 of PPBA).

The MEPPPC, i.e. the competent authority shall invite to technical inspection the construction participants (partners), whose participation is obligatory for performance of the technical inspection. The invited construction participants shall respond to the invitation and participate in activities of the committee. The MEPPPC, i.e. the competent authority, shall notify the client on the place, date and hour of performance of final investigation. The client shall make necessary provisions for the construction participants to appear at the final investigation. The president of the committee shall prepare a protocol comprising the opinion of the committee on operability of the constructed building, the identified deficiencies to be removed, or the denial of operating licence. If the representative of the authority or person, provided for by special regulations, either failed to participate in technical inspection or failed to submit to the competent authority its opinion not later than eight days from the date scheduled for technical inspection, the opinion of such authority or person shall be considered given, correspondingly, the building shall be declared as suitable for use and the issuing of operating licence shall be permitted (Article 260 of PPBA).

The client shall, not later than on the day of technical inspection, submit to the technical inspection committee the following documents:

- Documents which the contractor has to keep available on the site,
- Geodetic situation draft of actual status (situation) for the constructed building in line with the issued act, which was as a part of geodetic survey, verified by the cadastral office,
- Conformity assessment documents, i. e. quality assessment documents, issued by the authorized authority, for the part of the building in case when the obligation of final conformity assessment, i.e. quality assurance is provided for by this Act, special regulation or design. (Article 261 of PPBA).

The verification of compliance with the integrated environmental requirements for the facility for which the integrated environmental requirements shall be ascertained pursuant to EPA, shall be performed during the technical inspection procedure within the procedure of issuing the operating licence, which shall be performed pursuant to provisions of PPBA, except for the part referring to environmental protection, which shall be performed in line with EPA (Article 89, paragraph 3 of EPA).

Pursuant to EPA, not precluding the contents and the purpose of this act provided by PPBA, the operating licence shall be issued for operation of the part or for the whole facility, specifying that the facility complies with the integrated environmental protection requirements, as well as the decision on integrated environmental protection requirements. The operating licence confirms that the facility complies with the stipulated operating conditions and/or conditions for carrying out the activity (Article 88, paragraph 3 of EPA).

The integrated environmental requirements referred to in the operating licence shall be determined with **five years** validity period from the day of issuing the operating licence. Upon expiry of the period referred to in paragraph 1 of this Article the operating licence shall expire in the part referring to integrated environmental protection requirements, without prejudice to the other conditions provided for by such permit in line with the special act, unless in the meantime, pursuant to EPA, the request for extension of such term has been submitted. The validity term of integrated environmental requirements shall, upon request of the company, be extended, provided the facility complies with the conditions, pursuant to which, in line with the regulations valid at the time of submitting the request, the same integral conditions can be ascertained. Special decision shall be rendered with respect to the request of the company (Article 90 of EPA).

The MEPPPC, i. e. the competent authority shall issue the operating licence for the constructed building not later than thirty days from performed technical inspection, if the technical inspection committee issued the opinion that the building can be used. The request for issuing of the operating licence shall be refused by decision:

- If the building has been constructed without the building permit, i. e. approved basic design,
- If the building has been built contrary to the building permit, i.e. approved basic design,
- If the deficiencies, affecting the compliance with the main requirement for the building pursuant to PPBA are not removed within the term of ninety days from completion of the technical inspection,
- If the conclusion was issued permitting the reopening of the procedure of issuing the building permit,
- If the procedure of annulling the building permit, i. e. amendment of the basic design approval by right of supervision is in the process,
- If the building inspection procedure is in process, referring to construction suspension or demolition of the building,
- If the building is not connected to the traffic area and other buildings and municipal infrastructure provided for by site conditions,
- If the temporary buildings constructed within the preliminary works, installations on the site, the not used building and other materials, waste etc., have not been removed and if the original state of the land on the site as well as the access to the site has not been recovered. (Article 262 of PPBA).

2.14. Procuring water permit

The water permit shall be required for discharge of waters, for release of chemical substances and preparations, which can be discharged in waters upon use, as well as for each water utilization exceeding the scope of general water utilization, except for those forms of water utilization, for which the concession is required. This group of activities should be considered as Phase Fourteen of the Process.

For each water utilization type exceeding the scope of general utilization the concession agreement of water permit shall be required, unless no water permit is required for water utilization pursuant to this Act or other regulations pursuant to WA (Article 26 of WA).

The water permit for water utilization sets forth the purpose, location, method, conditions and the scope of water utilization of the beneficiary, as well as other conditions comprised in the *Ordinance on Issuing Water Rights Acts* (hereinafter: OIWRA; OG 28/96). The water permit shall be issued by Croatian Waters /Hrvatske Vode (Article 129 of WA).

The water permit shall be required for each discharge of treated or untreated wastewaters (water permit for **water discharge**) as follows:

- Discharge of wastewater (sanitary, municipal, technological, leachate and cooling water) in natural recipients, and
- Discharge of process wastewaters in drainage systems or sumps.

The process wastewaters shall be considered equal to the discharge waters, which are not process waters, discharged by persons carrying out economic activity in daily quantities exceeding 30 m³. Pursuant to water permit referred to in paragraph 1 of this Article the beneficiary shall be entitled to discharge wastewaters up to the maximum permitted quantities and limit values of pollution indicators, as well as other discharge conditions, provided for by the Ordinance on Issuing Water Rights Acts. The water permit for water discharge shall be issued by Croatian Waters (Article 130 of WA).

The water permit for water discharge and for release of chemical substances and preparations shall be issued for a defined period, not exceeding 15 years. The water permit for water utilization shall be issued for a defined period, not exceeding 5 years (Article 133 of WA).

The **request for issuing water permit**, except for the request for issuing water permit for production and release of chemical substances and preparations, which by its use may be discharged in waters, shall be accompanied by:

- Data on the title and registered office of the water permit holder,
- Basic data on activity of the beneficiary,
- General layout of the greater area with indication of the facility,
- Planning permission, building permit and operating licence, water use conditions and water consent, technical inspection protocol made by the representatives of the authority in charge of water management.
- Concession agreement for cases provided for by Article 143 of WA and
- Evidence on paid administrative fee (Article 14 of OIWRA).

The request for issuing of water permit, depending on the type of the facility or works for which it is issued, shall, apart from the above documents, be accompanied by the following documents:

a) For water utilization for power plants and other operational purposes (hydro power plants, mills, saw-mills etc.):

- Hydrological study with water balance in the utilization profile,
- Technical data on dams or river closure section and the reservoir (capacity curve, high waters capacity, expected water level fluctuations etc.)
- Data or design excerpts on capacity, method of water utilization, providing for the environmental flow, etc.
- Data on average annual electricity production,
- Operating manual,
- Project of dam and pertinent facilities technical monitoring,
- Study on dam demolition and water wave discharge,
- Ordinance on technical service activities for the dam and alert devices management,

b) For water utilization for process and other economic purposes (irrigation, fish-ponds, screening, etc.):

- Data or design excerpts on water quantity and quality, periods of water utilization, constructed capacities and planned development requirements,

- Impact of project on the catchment,
- Technical data on project in dependence of hydrological status,
- Hydrological study with water balance in utilization profile, providing for environmental flow in project downstream area,
- Hydrogeological investigations for groundwater intake structures,
- Operating manual for various hydrological statuses and periods,
- Process water utilization process with basic indicators of physico–chemical and qualitative fluctuations of the water in the utilization process,
- Documents referred to in item a) in case of water utilization from reservoir with large dam.

c) For discharge of treated and untreated wastewaters:

- General layout with wastewater treatment and discharge facilities,
- Description of technological process by technological units and special reference to the water balance in the procedures, as well as wastewater products which may have impact to the water quality,
- Data on maximum daily and annual quantities and concentrations by typical parameters,
- Data or design excerpts for public drainage system facilities with indication of separate and combined drainage system,
- Data on water-tightness of drainage systems and pertinent structures,
- Discharge solution in natural recipient,
- County and/or municipal drainage regulations and decisions based on the act,
- Analytical results of the existing tests,
- Processed data pursuant to special regulation for keeping register referred to in Article 80 of the Water Act,
- Filled in form for establishing the water pollutants cadastre,
- Basic data on recipient,
- Data on disposal of all waste types derived from technological process,
- Ordinance on management of all types of waste from technological process and sludge from wastewater treatment process,
- Ordinance on operation and maintenance of drainage facilities and wastewater treatment facilities,

- Operational plan on emergency measures in pollution emergency cases,
- Programme of water pollution protection measures with implementation measures for legal and physical persons having no protection, and
- Opinion of the ministry in charge of traffic for performance of service activities in maritime and river traffic (ports and river quays) (Article 15 of the OIWRA).

2.15. Procuring energy licence

Pursuant to provision of EA the legal and physical persons may commence energy activity only based on the decision permitting carrying out of such activity (hereinafter: licence). The licence shall be issued by HERA. This group of activities is considered as Phase Fifteen of the Process.

The licence shall not be required for carrying out the following energy activities:

1. Production of electricity used exclusively for one's own use or electricity produced in production facilities with capacity up to **do 1 MW**,
2. Production of biofuel produced exclusively for one's own use or energy produced from biofuel not exceeding 1 TJ annually,
3. Production of thermal energy produced exclusively for one's own purposes or produced in production facilities with capacity up to **do 0.5 MW** (Article 16 of EA).

The licence may be issued to legal or physical persons:

1. Registered for carrying out of energy activity,
2. Possessing technical qualifications for carrying out of such activity,
3. Who employs the required number of technically skilled workers for carrying out of such activity,
4. Who has provided financial funds or proves that such funds can be provided, required for carrying out of such activity,
5. Whose energy licence has not been withdrawn during the period of ten years preceding the year of submitting the request, for which he requires the licence.
6. Whose management board members, i. e. their subordinate employees in legal persons have not been sentenced for commercial crime (Article 17 of EA).

The conditions for issuing, extension, transfer and expiry of energy licence, as well as its form, contents and method of keeping register of issued and deprived licenses is provided by the ***Ordinance on Licenses for Carrying out Energy Activity*** (OG 118/07; hereinafter **OLCEA**).

Pursuant to OLCEA the person having technical qualifications for carrying out energy activity shall be legal or physical person having pursuant to PPBA the required building and/or equipment, as well the required documents pursuant to PPBA and pursuant to special regulations providing for use, putting in operation of the building and/or equipment, i.e. pursuant to which the energy activity may be carried out and/or has information, telecommunication and other equipment for carrying out energy activity. The legal or physical person may be the owner of the above mentioned building and/or equipment or may use it on the basis of lease contract or other contract concluded with the owner. The legal or physical person shall accompany the request for issuing energy licence, submitted to HERA, by all valid contracts with other legal entities, who have impact to technical qualifications of the legal or physical person, if such contracts have been concluded (Article 5 of the OLCEA).

Technically qualified person for carrying out energy activity shall be the legal or physical person employing sufficient number of technically qualified workers for carrying out energy activity. Technically qualified persons, referred to in paragraph 1 of this Article, shall be persons who have concluded the employment contract with the legal or physical person, who submitted the request for issuing energy licence. The legal or physical person shall accompany the request for issuing energy licence, submitted to HERA, with all valid contracts with other legal entities having impact to technical qualifications of the legal or physical person for carrying out the energy activity, provided such contracts have been concluded (Article 6 of the OLCEA).

Financially qualified person for carrying out energy activity shall be legal or physical person having available financial funds (cash on account of commercial bank of legal or physical person) provided by the Annex II. of the OLCEA (Article 7 of the OLCEA).

The legal or physical person shall **accompany the request for issuing energy licence to the Agency** by the following documents:

- Evidence on registration for carrying out energy activity, if the Agency can not identify by review of the corresponding public register whether the legal or physical person is registered for carrying out of energy activity,
- Evidence on technical qualifications for carrying out energy activities,
- Evidence of financial qualifications for carrying out energy activities,
- Statement of the responsible person that the management board members, i.e. the other subordinated persons have in the last five years not been finally sentenced for commercial crime, verified by the notary public, i. e. statement of the physical person evidencing that he has not been finally sentenced for commercial crime in the last three years, verified by the notary public,
- Evidence on payment of the fee for issuing the licence, provide for by the Decision on Fees for Carrying out Energy Activities.

The list of documents and evidences for issuing of licence upon energy activities is provided in Annex I of the OLCEA and shall be considered as its integral part (Article 9 of the OLCEA).

The decision on issuing energy licence comprises, apart from the obligatory integral parts of the decision, the title of energy activity as well, and the validity of energy licence. The appeal to the Ministry is permitted against the decision of HERA on denial of issuing energy licence (Article 11 of the OLCEA).

HERA shall render the decision upon request for issuing energy licence not later than 30 days from submitting the properly filled out request to HERA, together with all required documents, i. e. not later than 60 days from submitting to HERA the properly filled out request and all required documents if the verification of data is required or building and/or equipment inspection is required, or inspection of road vehicles, rolling stock or vessels, in line with the provision of Article 20 of the Ordinance (Article 11 of the OLCEA).

The energy undertaking to which energy licence has been issued, shall permanently maintain the required level of technical qualifications, skills and financial qualifications, as well as other conditions based on which energy licence has been issued. HERA shall have the authority of supervision and inspection of the conditions referred to in paragraph 1 of this Article during the validity term of energy licence (Article 15 of the OLCEA).

Energy licence shall be issued, depending on the types and capacity of energy activity, for the period provide for by the Government's ***Regulation on the Validity Period of the License for Carrying out the Energy Activity (OG 116/02 and 71/05)***. Pursuant to the said Regulation energy

licence shall be issued for the period not less than five and not longer than 40 years, and for the production of thermal energy for the period not less than five and not longer than 25 years.

Appeal to the Ministry is permitted against the decision denying energy licence.

2.16. Procuring decision on eligible producer status authorization

Procuring the decision on eligible producer status authorization is considered as Phase Sixteen of the Process.

The status of eligible electricity producer shall be acquired on the basis of the decision on eligible producer status authorization, to be rendered by HERA pursuant to OEPSA upon request of the project developer or producer. The records of eligible producers shall be kept by MELE pursuant to the ORESC in the Registry of Projects and Facilities for Use of Renewable Energy Sources and Cogeneration and Eligible Producers (Article 6 of ORESC).

The project developer who has constructed the facility or the producer shall submit to HERA the request for issuing the decision under the conditions referred to in Articles 4 and 5 of the Ordinance (Article 9, paragraph 1 of the ORESC).

The project developer or producer may acquire the eligible producer status if he is connected to the transmission or distribution power grid and if he, taking in account all natural and spatial restrictions and conditions, as well as nature and environmental protection measures, produces electricity in:

- (a) Facilities using renewable energy sources referred to in Article 4, Group 1 of the ORESC,
- (b) Facilities using renewable energy sources referred to in Article 4, Group 2 of the ORESC,
- (c) Small and micro-cogeneration plants referred to in Article 5, Group 3 of the ORESC, achieving primary energy savings ($PES > 0$),
- (d) Cogeneration plants referred to in Article 5, Group 4 of the ORESC, achieving primary energy savings not less than 10% ($PES \geq 0.10$) (Article 4 of OEPSA).

In case the project developer or the producer uses separately or within the complex energy facilities referred to in Articles 4 and 5 of the ORESC, the other facilities, the eligible producer status and the rights deriving from such status shall refer only to production of electricity in facilities referred to in Article 4 and 5 of the ORESC. Each facility, in which the project developer or the producer applies the technological processes referred to in Articles 4 and 5 of the ORESC, shall have its own metering point, separated from metering points referring to electricity production by application of other technological processes. Depending on the type of technological process referred to in Articles 4 and 5 of the ORESC, on each metering point the metering shall be performed of total produced electricity in the facility (E_t), total produced thermal energy (H_t), heat produced outside the cogeneration (H_b), heat recovery (H_r) and the consumption of primary energy for facility operation (Q_f). For cogeneration plants the primary energy saving (PES) shall be calculated on the basis of fuel consumption and useful heat and electricity production, measured during one calendar year of facility operation. (Article 5 of the OEPSA).

The decision validity shall be 12 years. The request for issuing the decision shall be submitted to HERA in written form and shall comprise the following data on the applicant, i.e. the facility:

- Company or the name, registered office or residence, responsible person of the legal person, telephone, fax and e-mail address of the applicant,
- Title and group of the facility, for which the request is submitted,
- Register number pursuant to RESC Registry,
- Facility site,
- Installed capacity of the facility in MW,
- Planned annual production of electricity in GWh, i. e. thermal energy production in MJ.

The applicant’s request for issuing the decision shall be accompanied by:

- License for carrying out energy activities if procuring of licence is required,
- Final operating licence if procuring of operating licence is required,
- Power grid use agreement,
- Technical description of constructed facility with description of technological process and facility operating conditions,
- Survey on installed metering devices with the scheme of metering points and metering method, as well as confirmation of proper operation of metering devices,
- Monthly and annual electricity production plans at the average meteorological conditions, anticipated monthly electricity production,
- Characteristics of production process in cogeneration plant with monthly and annual electricity and useful thermal energy production plans and anticipated monthly production variations for facilities referred to in Article 4, items (c) and (d) of the Ordinance (Article 9, paragraphs 2-4 of the OEPSA).

The decision shall comprise the data on eligible producer and the facility, comprising the data on location and the facility type, technical description of constructed facility with description of technological process and facility operation conditions, as well as the date of starting the regular operation and delivery of electricity in power grid. HERA shall submit the decision to the Ministry in charge of energy, to the market operator (HROTE), the transmission system operator and distribution system operator not later than 8 days from finality (Article 10 of ASEP).

The eligible producer status expires by expiry or withdrawal of the decision. HERA shall withdraw the decision if:

1. The decision has been rendered based on inaccurate data on project developer or the facility,
2. The eligible producer fails to permanently maintain the technical and technological characteristics and/or facility operating conditions for which eligible producer status was procured,
3. The eligible producer fails to submit to HERA the reports and other documents provided by the OASEP,
4. The license for carrying out energy activities expires, if the procuring of license is required (Article 11 of ASEP).

2.17. Procuring decision on domestic preference determination for the project

Procuring decision on determining the domestic preference for the project is considered as Phase Seventeen of the Process. The said phase has still not been implemented due to the incomplete legislation.

Pursuant to provisions of the Tariff System, the power purchase agreement shall be applied as of the date of finality of the decision on eligible producer status authorization (Article 9, paragraph 4 of the Tariff System). Since the agreement is concluded upon procuring the preliminary decision on eligible producer status authorization, that is, prior to the facility construction, the domestic preference margin in the project is currently not known.

The client, i. e. the project developer, who has concluded the energy purchase agreement with HROTE, shall have the right to disbursement of incentive price of electricity for delivered electricity produced in facilities using renewable energy sources and cogeneration plants as of the date of entering into force of the said agreement. **The incentive price** is provided for by the Tariff System. The Tariff System sets forth the tariff items and the amounts of tariff items for electricity produced in facilities using renewable energy sources and cogeneration, depending on the type of the source, power and other elements of the delivered electricity, as well as the method and the conditions of their application.

Pursuant to Article 4 of the Tariff System the right to the full amount of incentive price, set forth in line with the tariff items and amounts of tariff items C, expressed in HRK/kWh for electricity, shall be exercised by project developers having the domestic preference margin in the project equal to 60% or over. The domestic preference margin in the project shall be determined by MELE. The criteria and benchmarks for domestic preference determination for the project shall be provided by the minister, however, this regulation **has not been passed yet**. Upon providing for the procedure for determining the domestic preference, the project developer desiring to exercise the right to full amount of incentive price, i.e. without the application of corrective factor, shall require that the domestic preference margin be determined by the Ministry.

The amount of tariff items (C) of the Tariff System shall be multiplied by the corrective factor k_o , determined in the table:

Domestic preference margin in the project, p (%)	Corrective factor, k_o
60 and more	1.00
45 – 60	$\frac{7}{1500} \cdot p + 0,72$
45 and less	0.93

- (i) k_o is corrective factor for the domestic preference margin between 45% and 60%, rounded to two decimals,
- (ii) p-determined percentage the domestic preference margin.

The provisions on corrective factor shall not apply to the developer of the already launched projects with contractually regulated purchase and/or delivery of electricity as of the date of entering into force of the Tariff System, as well as to particular projects for which the domestic preference margin of not less than 45% can not be determined. It is not yet clear how it will be determined that one has failed to achieve the domestic preference margin of not less than 45%. The domestic preference margin in the projects of the eligible producer shall comprise the equipment of domestic manufacturers, classified in the same tariff item upon which the eligible producer exercised his right to the incentive price, which has been exported abroad, however the method of determining is not yet agreed upon.

Should the project developer desire to exercise the right to full amount of incentive price, that is, without application of the corrective factor for domestic preference, he shall require determining of the domestic preference margin by MELE and shall subsequently submit to HERA the data referring to domestic preference.

2.18. Procuring decision on building entry into the cadastral register

Procuring the decision on entering the building in cadastral register is considered as Phase Eighteen of the Process.

Pursuant to PPBA the cadastral office **shall register the building** in cadastral register if for such building the operating licence has been issued, if the issuing of building permit is required, that is, the confirmation of the basic design, final report of the supervising engineer for building for which issuing of building conditions is required, decision on executed status, that is, the confirmation of the competent authority that the building requires neither issuing of the operating licence nor issuing of other acts, unless otherwise provided by this Act. The building permit shall be registered in the cadastral register if it comprises the established building (cadastral) plot for the building which is to be registered (Article 268 of the PPBA).

The buildings and other **structures** shall be, within the meaning of the **Act on State Survey and Real Estate Cadastre** (hereinafter: **ASSREC**), the facilities established by construction, the registration of which in real estate cadastre is required pursuant to ASSREC or regulations adopted pursuant to this Act.

Buildings and other structures may be registered within the cadastral plot or within the building right. Buildings and other structures may be registered and presented as individual if they comprise a separate technical and technological, i.e. use unit. In case of dispute whether one or several buildings are implied, crucial is the building documentation. The buildings may be registered and presented if they are of permanent character and if their layout area exceeds 10m². The buildings which registering is of special significance (as for instance the substations), as well as the residential buildings, may be registered and presented if their layout area is less than 10m² (Article 38 of ASSREC).

Pursuant to ASSREC the holders of the right over the land shall within the term of not less than 30 days from occurrence of any change report such change referring to the land, which has impact to the data registered in the land cadastre, to the competent regional cadastral office, i.e. to the cadastral office of the City of Zagreb. The physical or legal person, holder of the right over real estate shall accompany the report referred to in paragraph 1 of this Act by corresponding **survey**, which is the **technical basis** for amendments in the cadastral register of the land cadastre (Article 57 of ASSREC).

The provision of ASSREC on parcelling and other geodetic surveys, used for the keeping of real estate cadastre shall correspondingly apply to drafting, review and confirmation of the said survey.

The changes on the land shall be entered in the land cadastre based on the parcelling or other geodetic survey and final decision of the regional cadastral office or cadastral office of the City of Zagreb, rendered in an administrative procedure. The area of cadastral plots shall be calculated in the level from the initial data (coordinates) received on the basis of ground measuring. The ground measuring has to be performed with accuracy not less than the accuracy applied in measuring on the basis of which the cadastral register has been drafted. The parcelling and other geodetic surveys which require preliminary drafting of **title deed** appropriate for land registry, shall be entered in the land cadastre upon drafting of such documents, i. e. upon their entering in the land registry (Article 64 of ASSREC).

The parcelling and geodetic survey shall comprise the name of the person who has drafted it, the date of its drafting, the name and signature and the stamp of the authorized geodetic expert, as well

as the list of associates participating in drafting of survey. For the purpose of implementation of parcelling and geodetic survey the competent regional cadastral office, i. e. cadastral office of the City of Zagreb shall confirm that it has been drafted in line with geodetic and cadastral regulations, that it serves the purpose for which it has been drafted and that it can be implemented for the purposes of real estate cadastre. The parcelling and geodetic surveys for the purpose of amendment of the data in cadastral register of real estate cadastre shall be prepared with accuracy not less than the accuracy applied in performance of cadastral measuring or technical reambulation. (Article 59-60 of ASSREC).

The cadastral register of real estate cadastre shall comprise the data on cadastral plots, buildings and other structures, areas of particular land use, areas of special legal ground regimes and data on holders of rights over the real estate. The data on holders of the rights over the real estate are not original cadastral data, but land registry data which are transposed in cadastral register of real estate cadastre (Article 49 of ASSREC).

Geodetic technical part of cadastral register of real estate operate comprises:

- Cadastral plan,
- Land surveying base map,
- Digital ortophotoplan and digital ground model,
- Register of parcelling and other geodetic surveys.

The regulations and registry part of cadastral register of real estate cadastre shall comprise:

- regulations (referring to cadastral plots, buildings and other structures, particular use areas, areas of special legal regimes and cadastral plots addresses),
- Cadastre registration (deed of title),
- Ancillary regulations (list of house numbers, list of persons entered in cadastral register and the list of amendments),
- Register of documents.

The cadastral plan of real estate cadastre shall be maintained in electronic form. The written cadastral data which provide the base for establishing, updating, keeping and maintenance of the land registry shall be maintained as supplements of cadastral plan maintained in electronic form.

The written cadastral data, which are the base for establishing, updating, keeping and maintenance of land registry shall comprise the following data:

- Number of cadastral plot,
- Address of cadastral plot,
- Purpose of use of cadastral plot and its parts,
- Data on buildings and other structures,
- Area of cadastral plot and area of parts of cadastral plot used for another purpose (Article 50 of ASSREC).

The land cadastre, established pursuant to former regulations, shall remain in force and shall be maintained in the current contents until replaced by real estate cadastre for a particular cadastral municipality, unless otherwise provided by this Act and regulations adopted pursuant to this act.

The cadastral register of land registry comprises:

- Cadastral plan,
- List of cadastral parcels,
- Cadastre registration,

- Ancillary regulations,
- Register of parcelling and other geodetic surveys.

The ancillary lists of land cadastre comprise:

- List of persons entered in cadastral register,
- List of amendments.

The register of parcelling and other geodetic surveys comprises the geodetic surveys and other documents based on which the amendments in cadastral register have been performed. (Article 62 of ASSREC).

2. 19. Procuring decision on building entry into land registry

Obtaining the decision on the building entry into land registry is considered as Phase Nineteen of the Process.

Pursuant to the provisions of the Land Registry Act (LRA) on legal status of real estate in the territory of the RoC which is relevant for legal transactions, the land registry is kept. The land is a part of the land area marked with a special number and the name of cadastral municipality in which it is located (cadastral plot). In the legal sense everything which is linked with the land permanently, on the surface or below it, represents an integral part of that land and shares its legal status. On **any change of cadastral number, shape, surface or development of cadastral plot** the authority authorized for the implementation of those changes in the land cadastre shall notify without delay **the land tribunal**. The changes of data on cadastral number, location, shape, surface or the development of cadastral plots shall be submitted to land tribunal in application form together with the copies of cadastral plan and valid decision issued in administrative dispute, issued by regional cadastral office or the cadastral office of the City of Zagreb. Application form and a copy of cadastral plan which is integral part of parcelling and other geodetic surveys for which implementation preliminary drafting of title deed appropriate for entering into land registry is required, shall be submitted to land tribunal by the parties. Application form and copy referred to in paragraphs 1, 2 and 3 of this Article, shall be confirmed by the authority authorized for cadastral activities (Art. 66 of ASSREC).

Entering into land registry shall be established and executed by the decision of the tribunal having corresponding territorial jurisdiction. The land tribunal shall initiate the procedure only on the proposal of the parties or competent authority, unless otherwise provided for by the law. The person whose land registry rights would be in this way acquired, changed or lost shall be authorized to submit the proposal for registering which shall have the power of registration of title deeds or pre-registration.

Pursuant to LRA the court which has issued final decision ruling on the rights referring to real estate in connection with the change of cadastral number, shape, surface or the development of the land shall submit without delay to the authority competent for cadastre a copy of that decision as well as the report about the occurred change.

LIST OF ABBREVIATIONS

- **ADA - Administrative Dispute Act** (ZUS - Zakon o upravnim sporovima)
- **ALA - Agricultural Land Act** (ZPZ - Zakon o poljoprivrednom zemljištu)
- **ALRSG - Act on Local and Regional Self-Government** (ZLPS - Zakon o lokalnoj i područnoj (regionalnoj) samoupravi)
- **AOROPR - Act on Ownership Rights and Other Property Rights** (ZVSP - Zakon o vlasništvu i drugim stvarnim pravima)
- **APA - Air Protection Act** (ZZZ - Zakon o zaštiti zraka)
- **APDSTE - Act on Production, Distribution and Supply of Thermal Energy** (ZPDOTE - Zakon o proizvodnji, distribuciji i opskrbi toplinskom energijom)
- **AREA - Act on Regulation of Energy Activities** (ZRED - Zakon o regulaciji energetske djelatnosti)
- **ASSREC - Act on State Survey and Real Estate Cadastre** (ZDIKN - Zakon o državnoj izmjeri i katastru nekretnina)
- **CA - Companies Act** (ZTD - Zakon o trgovačkim društvima)
- **CPA - Compulsory Purchase Act** (ZI- Zakon o izvlaštenju)
- **CRA - Court Register Act** (ZSR - Zakon o sudskom registru)
- **Decision on Fee - Decision on Fee for Connection to Grid and Increase of Connection Power** (Odluka o naknadi - Odluka o iznosu naknade za priključenje na elektroenergetsku mrežu i za povećanje priključne snage)
- **EA - Energy Act** (ZE - Zakon o energiji)
- **EMA - Electricity Market Act** (ZTEE - Zakon o tržištu električne energije)
- **EPA - Environmental Protection Act** (ZZP - Zakon o zaštiti prirode)
- **EPEEFA - Environmental Protection and Energy Efficiency Fund Act** (ZFZZOEU - Zakon o fondu za zaštitu okoliša i energetske učinkovitost)
- **FA - Forests Act** (ZŠ - Zakon o šumama)
- **GAPA - General Administrative Procedure Act** (ZUP - Zakon o općem upravnom postupku)
- **GCES - General Conditions for Electricity Supply** (OUOEE - Opći uvjeti za opskrbu električnom energijom)
- **HERA – Croatian Energy Regulatory Agency** (Hrvatska energetska regulatorna agencija)
- **LRA - Land Registry Act** (ZZK - Zakon o zemljišnim knjigama)
- **NPA - Noise Protection Act** (ZZB - Zakon o zaštiti od buke)
- **OEPSA - Ordinance on Eligible Producer Status Authorization** (Pravilnik SSPP - Pravilnik o stjecanju statusa povlaštenog proizvođača električne energije)
- **OLCEA - Ordinance on Licences for Carrying out Energy Activities** (PDOED - Pravilnik o dozvolama za obavljanje energetske djelatnosti)
- **ORESC - Ordinance on the Use of Renewable Energy Sources and Cogeneration** (Pravilnik OIEK - Pravilnik o korištenju obnovljivih izvora energije i kogeneracije)
- **OSBW - Ordinance on Simple Buildings and Works** (PJG - Pravilnik o jednostavnim građevinama i radovima)
- **PCA - Protected Coastal Area** (ZOP – zaštićeno obalno područje)
- **PPBA - Physical Planning and Building Act** (ZPUG - Zakon o prostornom uređenju i gradnji)
- **REIA - Regulation on the Environmental Impact Assessment** (UPUZO - Uredba o procjeni utjecaja zahvata na okoliš)
- **RoC - Republic of Croatia** (RH - Republika Hrvatska)
- **SASA - State Administration System Act** (ZSDU - Zakon o sustavu državne uprave)
- **Tariff System – Tariff System for Electricity Generation from Renewable Energy Sources and Cogeneration** (Tarifni sustav - Tarifni sustav za proizvodnju električne energije iz obnovljivih izvora energije i kogeneracije)
- **WA - Water Act** (ZV - Zakon o vodama)

3.0. LEGAL SOURCES

3.1. CONSTITUTION

- Constitution of the Republic of Croatia (OG 41/01, 55/01)

3.2. LEGISLATIVE AND EXECUTIVE REGULATIONS

3.2.1. ENERGY AND MINING

- Energy Act (Official Gazette No. 68/01, 177/04 and 76/07)
- Act on Regulation of Energy Activities (Official Gazette, No. 177/04 and 76/07)
- Electricity Market Act (Official Gazette, No. 177/04 and 76/07)
- Energy Industry Act (Official Gazette, No. 31/90, 47/90, 61/91 – see Act on Amendments to the Act Establishing Public Companies, Official Gazette 26/93 – see Amendments to the Act on Penalties for Economic Offences and Misdemeanour)
- Act on Production, Distribution and Supply of Thermal Energy (Official Gazette, No. 42/05)
- Gas Market Act (Official Gazette, No. 40/07)
- Mining Act (Revised text OG 190/03)
- Regulation on Incentive Fees for Promoting Electricity Production from Renewable Energy Sources and Cogeneration (Official Gazette, No. 33/07 and 133/07)
- Regulation on the Period for which the License for Energy Business Performance is Granted (Official Gazette No. 116/02 and 71/05)
- Decision on Fee for Electricity Market Organization (Official Gazette, No. 94/07)
- Ordinance on the Use of Renewable Energy Sources and Cogeneration (Official Gazette, No. 67/07)
- Ordinance on Eligible Producer Status Authorization (Official Gazette, No. 67/07)
- Decision on Fees for Performance of Energy Activities Regulation (Official Gazette, No. 73/05)
- Decision on Granting Preliminary Consent on the Statute of the Croatian Energy Regulatory Agency (OG, No. 97/07)
- Ordinance on Licenses for Carrying our Energy Activities (OG, No. 118/07)
- Ordinance on Energy Balance (OG, No. 33/03)
- Ordinance on Energy Efficiency Labelling of Household Appliances (OG, No. 133/05)
- Energy Strategy of the RoC (OG, No. 38/02)
- Statute of the Croatian Energy Regulatory Agency (OG, No. 99/07)
- Tariff System for the Production of Electricity from Renewable Energy Sources and Cogeneration (OG, No. 33/07)
- Ordinance on Method and Criteria for Determination of the Amount of Fee for Use of Transmission and Distribution Grid (OG, No. 109/03)
- Ordinance on a Fee for the Connection to the Power grid and for Increase of the Connecting Power (OG No. 28/06)
- Electric Power System Grid Regulations (OG No. 36/06)
- Regulation on the Minimum Share of Electricity Produced from Renewable Energy Sources and Cogeneration whose Production is Incentivized (OG, No. 33/07)
- Decision on Determining Facilities, Facilities and Devices for which Electricity Supply can not be Interrupted (OG, No. 38/84)
- Decision on the Amount of Fee for Premises Used by Electricity Production Facilities (OG, No. 24/95, 28/95, 26/96, 58/97, 132/97, 24/98, 74/98, 140/99, 102/00 and 80/01)
- Decision on the Amount of the Fee for Connecting to Electric Power Grid and for Increase of Connection Power (OG, No. 52/06)

- Decision on Determination of the Amount of Fee for the Use of Service of Electricity Transmission by Transmission Grid (OG, No. 40/07)
- Ordinance on Types of Breakdowns on Electric Power Facilities and Facilities on which the Organizations of Associated Labour shall inform the Electric Energy Inspection (OG , No. 2/88)
- Ordinance on Standardized Voltages for Low Voltage Power Distribution Grid and Electric Equipment (OG, No. 28/00)
- Rules on Electricity Market Activities (OG, No. 193/03i 198/03)
- Rules of Balancing of Electric Energy System (OG, No. 133/06)
- Conclusion on the Establishing of Criteria for thermal Power plants and Nuclear Facilities Siting (OG, No. 78/92)
- General Conditions For Electricity Supply (OG, No. 14/06)
- Tariff System for Electric Power Activities Services Performed as Public Services (OG, No. 101/02, 120/02, 129/02, 98/05 and 143/06)
- Tariff System for Services of Electricity Production, Distribution and Supply of Thermal Energy, without the Amounts of Tariff Items (OG, No. 57/06, 116/06 and 55/07)
- Methodology for Providing Services of Balancing Energy in the Electric Power System (OG, No. 133/06)
- Tariff System for Electricity Production, with the Exception of Eligible Customers, without the Amounts of Tariff Items (OG, No. 143/06)
- Tariff System for Electricity Transmission, Without the Amounts of Tariff Items (OG, No. 143/06)
- Tariff System for Electricity Distribution, without the Amounts of Tariff Items (OG, No. 143/06)
- Tariff System for Electricity Supply, with the exception of Eligible Customers, without the Amounts of Tariff Items (OG, No. 143/06)
- General Conditions for Thermal Energy Supply (OG, No. 129/06)
- Tariff System for Services of Electricity Generation, Distribution and Supply of Thermal Energy, without the Amounts of Tariff Items (OG, No. 65/07-revised text)
- Decision on the Amounts of Tariff Items in Tariff System for Services of Electricity Generation, Distribution and Supply of Thermal Energy (OG, No. 115/07 and 127/07)
- Decision on the Amounts of Tariff Items in Tariff System for Distribution of Natural Gas, Without the Amounts of Tariff Items and Tariff System for Distribution of Natural Gas, with the Exception of Eligible Customers, without the Amounts of Tariff Items (OG, No. 116/07)
- Ordinance on Acquiring the Status of Eligible Customers for Gas (OG, No. 101/04)
- Decision on the Gas Supply Price Paid to Gas Suppliers for Supply of the Tariff Customers (OG, No. 77/07)
- Ordinance on Gas Distribution (OG, No. 104/02, 97/03 and 87/05)
- Ordinance on Stations for the Fuel Supply of Transportation Means (OG, No. 93/98 and 116/07)
- Ordinance on Liquefied Petroleum Gas (OG, No. 117/07)
- Tariff System for Natural Gas Supply for Tariff Customers (OG, No. 99/02)
- Tariff System for Transport of Gas for Providers of Gas and Eligible Gas Customers (OG, No. 99/02 and 135/03)
- Tariff System for Natural Gas Transport, without the Amounts of Tariff Items (OG No. 32/06 and 3/07)
- Grid Code for Access to Gas Pipeline Transmission System (OG, No. 126/03)
- Tariff System for Distribution of Natural Gas, without the Amounts of Tariff Items (OG, No. 34/07 and 37/07)
- Tariff System for Natural Gas Supply, with the Exception of Eligible Customers, without the Amounts of Tariff Items (OG, No. 34/07 and 37/07)
- Ordinance on Research of Mineral Raw Materials (OG, No. 125/98)

- Ordinance on Exploitation of Mineral Raw Materials (OG, No. 125/98)
- Ordinance on Content of Long-Term Program and Content of Mining Projects (OG, No. 196/03 and 6/04).

3.2.2. ORGANIZATION OF ENERGY SUBJECTS

- Companies Act (OG 111/93, 34/99, 121/99, 52/00, 24/03, 118/03, 107/07)
- Court Register Act (OG, No. 1/95, 57/96, 1/98, 30/99, 45/99, 54/05 and 40/07)
- Crafts Act (OG, No. 77/93, 90/96, 64/01, 71/01, 68/07 and 79/07)
- The Statute of the Croatian Chamber of Trades and Crafts (OG, No. 116/02, revised text, 158/02, 187/04, 12/06)
- Ordinance on the Form and Method of Keeping Register of Benefits (OG, No. 101/95)
- Ordinance on the Form and Method of Keeping Register of Crafts (OG, No. 86/01)

3.2.3. PHYSICAL PLANNING AND BUILDING

- Act on Physical Planning and Building (OG, No. 76/07);
- Building Act (OG, No. 175/03, 100/04, 76/07);
- Ordinance on Simple Buildings and Works (OG, No. 101/07)
- Regulation on the Determination of Project and Buildings for which the Ministry of Environment Protection, Physical Planning and Construction issues Planning Permission and/or Building Permit (OG, No. 116/07);
- Ordinance on Program and Method of Passing Professional Exams for the Performance of Certain Activities related to Construction of Facilities (OG, No. 23/89 and OG, No. 77/92-Building Act and 52/99-Act on Building);
- Ordinance on Control of Projects (OG, No. 89/00);
- Ordinance on the Manner of Closure and Marking of Closed Construction Site i.e. Building (OG, No. 49/95 and 52/99 - Construction Act);
- Ordinance on Design Compliance Assessment (OG, No. 98/99 and 29/03);
- Ordinance on Content of the Statement of Project Designer on the Compliance of Main i.e. Conceptual Design with the Provisions of Special Laws and Other Regulations (OG, No. 98/99);
- Ordinance on the Conditions and Standards for Granting Permission for the Control of Projects (OG, No. 2/00 and 89/00);
- Ordinance on the Conditions and Method of Keeping the Construction Diary (OG, No. 6/00);
- Ordinance on Technical Inspection of the Building (OG, No. 108/04);
- Ordinance on the Conformity Assessment, Documents on Conformity and Labelling of Construction Products (OG, No. 1/05);
- Ordinance on the Method of Closure and Marking of Closed Construction Sites (OG, No. 2/05);
- Ordinance on the Conditions and Standards for Granting Approval for the Commencement of Construction Activities (OG, No. 89/06 and 139/06);
- Ordinance on Professional Exam and Improvement and Development of Knowledge of Persons Performing Construction Activities (OG, No. 82/05);
- Special Terms and Conditions on Construction (OG No. 18/77 and OG No. 53/91- Act on Adoption of the Obligatory Relations Act);

3.2.4. NATURE AND ENVIRONMENT PROTECTION

- Act on Environment Protection and Energy Efficiency Fund (OG, No. 107/03)
- Environmental Protection Act (OG, No. 110/07)
- Nature Protection Act (OG, No. 70/05)
- Maritime Act (OG No: 17/94, 74/94, 43/96, 181/2004, 76/07)
- Maritime Domain and Sea Ports Act (OG No.: 158/03, 141/06)
- Sea Ports Act (OG No.: 108/95, 6/96, 137/99, 97/00)
- Act on Inland Ports (OG No.: 142/98, 65/02)
- Water Act (OG No. 53/90, 107/95 and 150/05)
- Act on Financing of Water Management (OG No. 107/95, 19/96, 88/98 and 150/05)
- Agricultural Land Act (OG No.: 66/01, 87/02, 48/05, 90/05,)
- Forests Act (OG, No. 140/05 and 82/06)
- Air Protection Act (OG No. 48/95)
- Noise Protection Act (OG No. 20/03)
- Regulation on Strategic Evaluation of the Environmental Impact of Plan and Program (OG, No. 64/08)
- Regulation on the Procedure of Establishment of Integrated environmental requirements (OG, No. 114/08)
- Regulation on Conditions for Issuance of Approval for the Performance of Professional Environmental Protection Activities (OG, No. 7/97)
- Regulation on Evaluation of the Environmental Impact of Project (OG No. 68/08)
- Regulation on Environmental Protection Information System (OG, No. 74/99 and 79/99)
- Regulation on Unit Fees, Corrective Coefficients and Approximate Criteria and Standards for the Establishment of Fees for Burdening Environment with Waste (OG, No. 71/04)
- Regulation on Unit Fees, Corrective Coefficients and Approximate Criteria and Standards for the Establishment of a Fee for Emissions of Sulphur Oxide expressed as Sulphur Dioxide and Nitrogen Oxide expressed as Nitrogen Dioxide into Environment (OG, No. 71/04)
- Regulation on Unit Fees, Corrective Coefficients and Approximate Criteria and Standards for the Establishment of a Fee for Emission of Carbon Dioxide into Environment (OG, No. 73/07)
- Ordinance on Cadastre of Emissions into Environment (OG, No. 36/96)
- Ordinance on the Environmental Protection Sign (OG, No. 70/08)
- Ordinance on the Methods and Deadlines of Calculating and Payment of Fees for Burdening the Environment with Waste (OG, No. 95/04)
- Ordinance on the Methods and Deadlines of Calculating and Payment of Fees for Emissions into Environment of Sulphur Oxide expressed as Sulphur Dioxide and Nitrogen Oxide expressed as Nitrogen Dioxide (OG, No. 95/04)
- Ordinance on the Form, Content and the Method of Keeping Record of Persons Obligated to Pay a Fee on the Emissions into Environment of Nitrogen Oxide expressed as Nitrogen Dioxide (OG, No. 120/04)
- Ordinance on the Form, Content and the Method of Keeping Record of Persons Liable to Payment of the Fee on the Emission into Environment of Sulphur Oxide expressed as Sulphur Dioxide (OG, No. 120/04)
- Ordinance on the Form, Content and the Method of Keeping Register Persons Obligated to Pay a Fee on Burdening the Environment with Waste (OG, No. 120/04)
- Ordinance on the Method of Monitoring Authorized Use of Funds of the Environment Protection and Energy Efficiency Fund and Contracted Rights and Obligations (OG, No. 183/04)
- Ordinance on the Procedure of Publishing Tender and on Decision on the Selection of the Users of Funds of the Environment Protection and Energy Efficiency Fund (OG, No. 183/04)

- Ordinance on Conditions to be Met by the Users of Funds of the Environment Protection and Energy Efficiency Fund (OG, No. 183/04)
- Ordinance on Conditions and the Method of Allocation of Funds of Environment Protection and Energy Efficiency Fund and Criteria and Standards for Evaluation of the Request for Allocation of Funds of the Fund (OG, No. 183/04)
- Ordinance on the Method and Deadlines for Calculation and Payment of a Fee on the Emission or Carbon Dioxide into Environment (OG, No. 77/07)
- Declaration on the Environment Protection of the RoC (OG, No. 34/92)
- Strategy and Action Plan for the Protection of Biological and Landscape Diversity (OG, No. 81/99)
- List of Legal Persons Authorized for the Carrying out of Professional Environmental Protection Activities (OG, No. 71/05, 34/07)
- Plan of Environment Protection Projects (OG, No. 82/99, 86/99 and 12/01)
- National Environmental Action Plan (OG, No. 46/02)
- National Strategy of Environmental Protection (OG, No. 46/02)
- Regulation on Classification of Water Currents (OG, No. 15/81)
- Regulation on Conditions and Procedure for Granting Concession on Waters and Public Water Estate (OG, No. 99/96 and 11/98)
- Regulation on Water Classification (OG, No. 77/98)
- Regulation on Hazardous Substances in Water (OG No. 77/88 and OG No. 53/91)
- Regulation on the Amount of Water Charges (OG No. 14/06, 35/06 and 39/06)
- Regulation on the Amount of a Fee for Water Planning (OG No. 14/06 and 20/07)
- Decision on the Establishment of Boundaries of Water Areas (OG, No. 20/96, 98/98 and 5/99)
- Decision on List of Water and Order (OG, No. 97/07)
- Decision on the Establishment of Basin Areas (OG, No. 20/96, 98/98 and 5/99)
- Decision on Minimal Rates and Amounts of Basin Water Fee (OG No. 8/97)
- Decision on the Amount of a Water Protection Fee (OG, No. 58/00)
- Decision on the Amount of a Water Use Fee (OG, No. 94/07)
- Ordinance on the Calculation and Payment of Water Contribution-(OG , No. 30/06 and 142/06)
- Ordinance on the Issuance of Water Acts (OG, No. 28/96)
- Ordinance on the Record of Abstracted and Pumped Quantities of Water (OG, No. 57/96)
- Ordinance on Keeping Record of Quantity and Quality of Extracted Substances (OG, No. 78/97)
- Ordinance on Indicators Limit Values of Hazardous and Other Substances in Wastewater (Editorial revised text, OG, No. 40/99, 6/01 and 14/01)
- Ordinance on Calculation and Payment of a Water Use Fee (OG, No. 97/07)
- Ordinance on the Establishment of Sanitary Protection Zone of Sources (OG, No. 55/02)
- Ordinance on the Preparing the Water Management Basis for the RoC (OG, No. 120/03)
- Ordinance on Water Documents (OG, No. 13/06)
- Agreement on the Establishment of Boundaries Between Inland Waters and the Sea Water (OG, No. 104/00)
- State Plan of Flood Protection (OG No. 8/97, 32/97, 43/98- Decision on the Change and Amendments of Disposition of Established Units of the Croatian Water and Other Legal and Physical Persons which Carrying out the Activities of Flood Protection, (OG No. 93/99, 14/03, 188/03, 2/05, 152/05 and 28/06)
- Intervention Plan in Cases of Emergency Pollution of the Sea in the RoC (OG, No. 8/97)
- State Water Protection Plan (OG, No. 8/99)

3.2.5. PROPERTY-RIGHTS RELATIONS AND CADASTRE

- Act on Ownership Rights and Other Property Rights (OG Nos. 91/96, 68/98, 73/00, 114/01, 79/06, 141/06 and 146/08)
- Land Registry Act (OG Nos. 91/96, 68/98, 114/01, 100/04, 107/07 and 152/08)
- Act on the Ban on Disposal and Utilization Rights Transfer for Certain Real Estate in Public Ownership to Other Users, i.e. into Ownership of Physical and Legal Persons (OG 53/90, 61/91, 25/93, 70/93)
- Act on Cessation of Validity of the Act on the Regulation of Property Rights Derived from Arbitrary Possession of Land in Public Ownership (OG 58/93)
- Act on the Ban of the Disposal and Acquisition Rights for Assets of Certain Legal Persons in the Territory of the RoC (OG 29/94, 35/94)
- Compulsory Purchase Act (OG 9/94, 35/94, 112/00, 114/01, 79/06)
- Concession Act (OG, 18/90, 61/91, 89/92)
- Act on State Survey and Real Estate Cadastre (OG 16/07)
- Act on Utility Cadastre (OG 50/88)
- General Obligation Act (OG 35/05 and 41/08)
- Enforcement Act (revised text OG Nos. 57/96, 29/99, 42/00, Decision of Constitutional Court of the RoC, 173/03, 194/03, 151/04 and 88/05)
- Ordinance on Ban of Disposal of Real Estate in the Territory of RoC (OG 36/91, MU 9/99 and 15/99)
- Decision on Submission of Data on Real Estate in the Ownership of RoC (OG 104/95)
- Decision on Exemption of Legal Persons with the Registered office in the Republic Slovenia and Republic Bosnia and Herzegovina from the Ban of Disposal of Real Estate in the Territory of RoC (OG 46/00)
- Ordinance on Record of Property in the Ownership of the RoC (OG 30/01)
- Ordinance on Internal Organization, Keeping of Land Books and Carrying out of other activities in Land Registry Departments of the Courts (Land Registry Rules of Procedure) (OG 81/97, 109/02, 123/02, 153/02,14/05)
- Regulation on the Manner of Keeping and Using Geodetic Survey and Land Cadastre Data (OG 27/76)
- Decision on Establishing and Keeping of Cadastral register(OG 13/78)
- Ordinance on Providing Public Review of Data Established By Cadastral Survey and Cadastral Classification of Land (OG 41/78)
- Regulation on Defining Cadastral Municipalities Boundaries. (OG 12/80)
- Regulation on Cadastral Classification of Land (OG 16/81)
- Regulation on Land Reclamation (OG 47/82, 50/82)
- Regulation on Utilities Cadastre (OG 52/89)
- Regulation on Content and the Method of Keeping Record of State Border (OG 26/00)
- Regulation on Land Cadastre (OG 28/00,68/03)
- Regulation on the Method of Keeping and Using of Documents and Data of State survey and Real Estate Cadastre (OG 55/01)
- Ordinance Regulation on Conditions and the Method of Use of Funds Realized from Sale, Lease and Concession of Agricultural Land in the State Ownership (OG 102/02)

3.2.6. STATE ADMINISTRATION, ADMINISTRATIVE PROCEDURE AND ADMINISTRATIVE DISPUTE

- State Administration System Act (OG Nos. 190/03 , 199/03 and 79/07)
- Act on Organization and Scope of Work of Central State Administration Bodies (OG, Nos. 199/03, 30/04, 136/04, 22/05 , 44/06, 5/08 and 27/08)
- Act on Local and Regional Self-Government (OG 33/01, 60/01, 129/05 and 109/07)
- General Administrative Procedure Act (OG, No. 47/86, OG, Nos. 53/91 and 103/96)
- Administrative Dispute Act (OG, No. 4/77 and OG, Nos. 53/91, 9/92 and 77/92 ;)
- Regulation on Principles of Internal Organization of State Administration Bodies (OG, Nos. 43/01 and 8/04)
- Regulation on Internal Organization of State Administration Office in Counties (OG, Nos. 21/02 , 78/03, 131/06 and 91/07)
- Regulation on Internal Organization of Central State Administration Office (OG, Nos. 11/04, 106/04, 21/05, 144/05, 131/06 and 30/08)
- Regulation on Internal Organization of Central State Administration Office for State Property Management (OG, Nos. 11/04, 121/04 and 27/08)
- Regulation on Internal Organization of Central State Administration Office for Developmental Strategy and Coordination of EU Funds (OG, No. 59/06)
- Regulation on Internal Organization of the Ministry of Culture (OG, Nos. 81/06, 98/06, 142/06, 59/07 and 89/07)
- Regulation on Internal Organization of the Ministry of the Economy, Labour and Entrepreneurship (,OG, Nos. 24/04, 55/04 and 167/04-
- Regulation on Internal Organization of the Ministry of Justice(OG, Nos. 35/04, 92/04, 187/04, 65/05, 46/06 and 72/07)
- Regulation on Internal Organization of the Ministry of Agriculture, Forestry and Water Management (OG, Nos. 51/06 and 127/07)
- Regulation on Internal Organization of the Ministry of Regional Development, Forestry and Water Management (OG, No. 34/08)
- Regulation on Internal Organization of the Ministry of Agriculture, Fishery and Rural Development (OG, No. 35/08)
- Regulation on Internal Organization of the State Hydro-meteorological Institute (OG, Nos. 57/04 and 154/04)
- Regulation on Internal Organization of the State Geodetic Directorate (OG, Nos. 114/04, 167/02, 96/06 and 27/08)
- Regulation on Internal Organization of the State Administration for the Protection and Rescue (OG, No. 20/05)
- Regulation on Internal Organization of the Ministry for Environmental Protection, Physical Planning and Construction (OG, Nos. 30/05 and 24/07)
- Regulation on Internal Organization of the Ministry of Finance (OG Nos. 43/05, 114/05, 14/06, 138/06, 127/07, 14/08 and 27/08)
- Ordinance on Internal Organization of the Ministry of the Economy, Labour and Entrepreneurship (OG, No. 41/08)
- Regulation on Internal Organization of the State survey Institute (OG, No. 110/04)
- Regulation on Office Activities (OG No. 38/87 and OG No. 42/88)
- Regulation on Internal Organization of State Institute for Protection against Radiation (OG, No. 110/04)
- Decision on Catalogue of Records Kept by the State Administration Bodies (OG No. 157/98)
- Ordinance on Uniform Classifications and Numbers of Act Founders and Recipients (OG No. 38/88)
- Guidelines for the Execution of Ordinance on Office Activities (OG No. 49/87 and OG No. 38/88)