

# ACT ON THE CHAMBER OF ARCHITECTS AND CHAMBERS OF ENGINEERS IN CONSTRUCTION AND PHYSICAL PLANNING

## I. GENERAL PROVISIONS

### Article 1

(1) This Act regulates the basic structure, area of competence, public authorities and membership in the Croatian Chamber of Architects, the Croatian Chamber of Civil Engineers, the Croatian Chamber of Mechanical Engineers and the Croatian Chamber of Electrical Engineers (hereinafter: Chamber).

(2) This Act regulates the publicness of the work of the Chamber, the bodies of the Chamber, general acts adopted by the Chamber, registration in the registers kept by the Chamber, suspension and termination of membership in the Chamber, the quality of services provided in the fields of physical planning, design and/or professional construction supervision and construction management, professional supervision, disciplinary liability of certified architects, certified architects – urban planners, certified engineers, certified construction managers and certified works managers when acting in the capacity of a responsible person, professional insurance and liability insurance, penal provisions and supervision of the implementation of the Act.

### Article 2

(1) The Chamber is an independent professional organisation that preserves the reputation, honour and rights of certified architects, certified architects – urban planners, certified engineers, certified construction managers and certified works managers, promotes, represents and coordinates their common interests before state and other authorities in the country and abroad, and ensures that certified architects, certified architects – urban planners, certified engineers, certified construction managers and certified works managers carry out their tasks conscientiously and in accordance with the law and public interest, thereby protecting and improving the Croatian built heritage and the quality of the built environment in accordance with special regulations.

(2) Certified architects, certified architects – urban planners, certified engineers, certified construction managers and certified works managers who, acting in the capacity of an authorised person, carry out professional physical planning tasks, design and/or construction supervision tasks and construction management tasks shall be required to be members of the Chamber for the purpose of representing and coordinating their joint interests, safeguarding the public interest and protecting the interests of third persons.

(3) The persons referred to in paragraph 2 of this Article shall perform activities of the regulated profession in accordance with special regulations and shall act independently and responsibly.

### Article 3

(1) Members of the Chamber shall exercise their interests in the Chamber directly in branch associations and indirectly through their elected representatives in the

Chamber bodies and other organised forms of work provided for in the Articles of Association of the Chamber.

(2) The Chamber shall cooperate with other chambers and corresponding associations in the country and abroad.

(3) The Chamber shall cooperate with state administration bodies, particularly in drafting regulations in the field of construction and physical planning, by:

– participating in the work of working groups in charge of the drafting of laws and subordinate legislation;

– giving opinions, proposals and comments on proposals for laws and subordinate legislation, and submitting initiatives for the adoption of new laws and regulations that are of interest to its members.

#### Article 4

(1) The Chamber shall be a legal person with its registered office in Zagreb.

(2) The Chamber shall be entered in the court register and shall have its own symbol, stamp and seal.

(3) The mutual relationships among professional chambers may be regulated by the articles of association of professional chambers or by agreements.

#### Article 5

(1) The Chamber shall exercise the public authority powers provided for in this Act and other special laws.

(2) The provisions of the General Administrative Procedure Act shall apply in proceedings conducted pursuant to this Act, with the exception of proceedings conducted before the Disciplinary Tribunal and the Higher Disciplinary Tribunal of the Chamber.

#### Article 6

The terms used in this Act shall have the meanings determined by special laws governing the performance of activities in the administrative field of physical planning and building.

#### Article 7

The terms used in this Act in a gender-specific form are neutral and refer to persons of male and female gender alike.

## II. PUBLICNESS

#### Article 8

(1) The work of the Chamber shall be public.

(2) The Chamber shall provide access to information about its work to the public and interested persons in accordance with the provisions of special regulations governing the right of access to information, and through publications on the Chamber's website.

### III. BODIES OF THE CHAMBER

#### Article 9

(1) The Chamber shall have the following bodies: the Assembly, the Management Board, the Supervisory Board, the President and other bodies provided for in this Act and in the Articles of Association of the Chamber.

(2) The bodies of the Chamber shall be independent and autonomous in carrying out the tasks falling within the scope of their competence.

(3) The organisation, competence, composition, election procedure, term of office and the rights and duties of the bodies of the Chamber shall be determined by the Articles of Association and other general by-laws of the Chamber.

#### *The Assembly of the Chamber*

#### Article 10

(1) The Assembly of the Chamber shall be the Chamber's highest body that makes decisions in accordance with the powers conferred on it by this Act and the Articles of Association of the Chamber.

(2) The Assembly of the Chamber shall be composed of representatives elected in accordance with a general by-law of the Chamber.

#### Article 11

(1) Meetings of the Assembly may be regular or special.

(2) A regular meeting of the Assembly of the Chamber shall be convened by the President of the Chamber at least once a year.

(3) The President of the Chamber may convene a special meeting of the Chamber's Assembly at any time to address specific issues, if requested in writing by the Management Board of the Chamber or by at least one third of the members of the Chamber, stating the issues to be discussed.

(4) In the case referred to in paragraph 2 of this Article, the President of the Chamber shall, not later than 21 days after receiving the request to convene a meeting of the Assembly of the Chamber, convene a special meeting of the Assembly of the Chamber and propose the agenda that must be sent together with the invitation.

#### Article 12

(1) The Assembly of the Chamber shall adopt:

– the Articles of Association of the Chamber and other general by-laws determined by this Act and the Articles of Association of the Chamber;

– the work programme of the Chamber, and shall approve a report on the execution of this programme;

– the annual income and expenses budget of the Chamber and shall approve a report on the implementation of such budget;

– rules of procedure of the Assembly of the Chamber and other bodies of the Chamber;

– an ordinance on the conditions and procedures for the provision of services on a temporary or occasional basis and for the recognition of foreign professional qualifications;

- other by-laws provided for in this Act or in the Articles of Association of the Chamber;
  - strategic decisions important for the work of the Chamber, etc.
- (2) The Assembly of the Chamber shall decide on:
- the level of the registration and membership fees and fees for services provided by the Chamber;
  - calls for elections and shall make appointments and dismissals in accordance with this Act, the Articles of Association of the Chamber and other general by-laws of the Chamber;
  - relations and cooperation with other chambers and associations for the purpose of implementing programmes of common interest, and
  - other matters provided for in this Act or in the Articles of Association of the Chamber.
- (3) The Assembly of the Chamber shall also carry out other tasks provided for in this Act and in the Articles of Association of the Chamber.

### ***The Management Board of the Chamber***

#### Article 13

- (1) The Management Board of the Chamber shall be the executive body responsible for managing the operations of the Chamber and for the execution of the Chamber's work programme and of the decisions taken.
- (2) Members of the Management Board of the Chamber shall be proposed to the Assembly by the President of the Chamber, who shall select them from among the members of the Assembly.
- (3) The President of the Chamber shall chair the meetings, and manage the work, of the Management Board.
- (4) The Management Board of the Chamber shall have the following duties:
- to implement decisions and conclusions of the Assembly of the Chamber;
  - to prepare proposals for the Articles of Association of the Chamber and for general by-laws to be adopted by the Assembly of the Chamber;
  - to propose decisions, conclusions and positions and provide opinions on matters discussed by the Assembly of the Chamber;
  - to determine and coordinate the interests of the Chamber members when designing economic policy measures and drafting laws and subordinate legislation;
  - to assess the impact of the applicable legislation and to propose to state administration bodies new measures for strengthening the construction and physical planning sector;
  - to establish, and appoint members of, working groups, commissions, expert councils, expert working groups for specific areas providing binding expert opinions;
  - to resolve all matters which are not within the scope of work of any other body of the Chamber.
- (5) The Management Board shall also carry out other tasks provided for in this Act and in the Articles of Association of the Chamber.

(6) The Management Board of the Chamber shall be accountable to the Assembly of the Chamber for its work.

### ***The Supervisory Board of the Chamber***

#### Article 14

- (1) The Supervisory Board of the Chamber shall supervise:
- the implementation of the Articles of Association and other general by-laws of the Chamber, and the exercise of the rights and fulfilment of the obligations of the members of the Chamber;
  - material and financial transactions of the Chamber and the use of the funds of the Chamber;
  - work of the Secretary's Office of the Chamber.
- (2) Members of the Supervisory Board shall be proposed to the Assembly by the President of the Chamber.
- (3) The Assembly of the Chamber may authorise the Supervisory Board of the Chamber to carry out other tasks.
- (4) Members of the Supervisory Board of the Chamber may not be members of other bodies of the Chamber.
- (5) The Supervisory Board of the Chamber shall be accountable to the Assembly of the Chamber for its work.

### ***The President of the Chamber***

#### Article 15

- (1) The Assembly of the Chamber shall elect the President of the Chamber from among its members.
- (2) The President of the Chamber shall be elected for a term of office of four years and may be re-elected for one further term of office.
- (3) The President of the Chamber shall represent the Chamber and shall be responsible for the legality of its work and shall carry out other tasks as provided for in this Act and in the Articles of Association of the Chamber.
- (4) The President of the Chamber may independently decide on the conclusion of legal transactions the value of which does not exceed the amount determined by the Articles of Association of the Chamber.
- (5) The President of the Chamber shall decide on the conclusion of employment contracts and on the rights and obligations ensuing from employment, if not otherwise provided for in the Articles of Association of the Chamber.
- (6) The President of the Chamber shall perform its function on the basis of an employment contract or without taking up employment with the Chamber.
- (7) The President of the Chamber shall be accountable to the Assembly of the Chamber for its work.

### ***The Chamber Secretary's Office***

#### Article 16

(1) The Chamber Secretary's Office shall carry out technical, administrative and legal tasks and shall manage regular and current operations of the Chamber.

(2) The Secretary's Office shall comprise the Secretary General and the necessary number of full-time employed professional and administrative staff.

(3) The Secretary General of the Chamber shall manage the work of the Secretary's Office.

(4) The Secretary General of the Chamber shall be appointed through an open competition and may only be a person who has completed graduate university studies or specialist professional graduate studies and has at least five years of work experience.

(5) Matters related to the work of the Secretary's Office shall be regulated in more detail by the Articles of Association of the Chamber and the Rules of Procedures adopted by the Assembly of the Chamber.

### ***Disciplinary Tribunal and the Higher Disciplinary Tribunal***

#### Article 17

(1) Disciplinary cases against members of the Chamber shall be decided in the first instance by the Disciplinary Tribunal of the Chamber, and in the second instance by the Higher Disciplinary Tribunal of the Chamber.

(2) The judges in the Disciplinary Tribunal and Higher Disciplinary Tribunal and the disciplinary prosecutor and their deputies (hereinafter: disciplinary bodies) shall be appointed by the Assembly of the Chamber at the proposal of the Management Board of the Chamber. Persons appointed to perform the functions of disciplinary bodies may not perform other functions in the bodies of the Chamber.

(3) Disciplinary offences, the initiation of disciplinary proceedings, the proceedings before the disciplinary tribunal, liability requirements, disciplinary measures and other matters related to the work of disciplinary bodies shall be regulated by the Articles of Association of the Chamber and an ordinance to be adopted by the Assembly of the Chamber.

(4) The disciplinary bodies shall be independent in carrying out their work and autonomous in making their decisions.

#### Article 18

(1) The Disciplinary Tribunal shall make decisions through a panel of three judges, and the Higher Disciplinary Tribunal through a panel of five judges.

(2) The chairman of the panel of the Disciplinary Tribunal and Higher Disciplinary Tribunal must come from among the judges of regular courts, appointed to a list of judges of the Disciplinary Tribunal and Higher Disciplinary Tribunal of the Chamber.

### ***Mediation Centre***

#### Article 19

(1) The Mediation Centre shall be established at the Chamber.

(2) The Mediation Centre shall provide services of resolving disputes by a mediation procedure in which one or more mediators assist parties in dispute – domestic and

foreign legal and natural persons to reach an agreement in civil, commercial, labour and other property law disputes regarding the rights that parties are free to dispose of.

(3) The organisation of the Centre, its competences, its procedure, the decision-making method, the performance of administrative and technical tasks, financing and other matters related to the work of the Mediation Centre shall be regulated by the Articles of Association and a general by-law of the Chamber.

(4) A list of mediators shall be established by the Assembly of the Chamber and shall be published in the Official Gazette.

#### **IV. GENERAL BY-LAWS OF THE CHAMBER**

##### Article 20

General by-laws of the Chamber, i.e. the Articles of Association, the professional code of ethics, the rules of procedures and other general by-laws shall be adopted by the bodies of the Chamber within the scope of their competences.

##### *Articles of Association of the Chamber*

##### Article 21

(1) The Articles of Association of the Chamber shall regulate the following in detail:

- the organisational structure of the Chamber and of the bodies of the Chamber;
- the procedure for the election and dismissal of members of the bodies of the Chamber;
- forms of association of certified architects, certified architects – urban planners, certified engineers for the area of one or several units of regional self-government;
- the procedure for the registration in, and maintenance of, directories, registers and records of the Chamber;
- areas of expertise within the professions of certified architects, certified architects – urban planners, certified engineers, certified construction managers or certified works managers and the tasks within these areas of expertise;
- the rights and obligations of certified architects, certified architects – urban planners, certified engineers, certified construction managers or certified works managers;
- disciplinary offences, bodies responsible for initiating and conducting disciplinary proceedings, disciplinary proceedings for violations of duties and reputation of certified architects, certified architects – urban planners, certified engineers, certified construction managers or certified works managers, disciplinary measures;
- the organisational structure and tasks of the Chamber Secretary's Office and tasks of the Secretary General of the Chamber;
- other matters provided for in this Act and matters of importance for the work of certified architects, certified architects – urban planners, certified engineers, certified construction managers or certified works managers and the Chamber.

(2) The Articles of Association of the Chamber shall be adopted by the Assembly of the Chamber subject to the prior approval of the ministry competent for construction and physical planning (hereinafter: Ministry).

(3) If the Ministry does not issue the approval referred to in paragraph 2 of this Article within 30 days of the date of receiving the draft articles of association, the approval shall be deemed to be granted.

(4) The Articles of Association of the Chamber shall be published in the Official Gazette.

### ***Professional code of ethics***

#### Article 22

(1) The professional code of ethics shall lay down a set of ethical principles and rules that the Chamber members shall abide by when carrying out their activities.

(2) The professional code of ethics shall be adopted by the Assembly of the Chamber.

(3) The professional code of ethics shall be published in the Official Gazette.

## **V. PUBLIC POWERS**

#### Article 23

(1) In accordance with this Act, the Chamber shall have the following public powers:

– to keep a directory of certified architects, a directory of certified architects – urban planners, a directory of certified engineers, a directory of certified construction managers and a directory of certified works managers who are its members, in which is indicated the profession and area of expertise of a certified architect, certified architect – urban planner, certified engineer, certified construction manager or certified works manager;

– to keep a directory of foreign certified persons who are its members, with indicated profession and area of expertise of a certified architect, certified architect – urban planner, certified engineer, certified construction manager or certified works manager;

– to keep a register of sole-practice offices carrying out design and/or construction supervision activities;

– to keep a register of joint-practice offices;

– to keep records of work permits issued to foreign architects or engineers;

– to keep records of foreign certified persons to whom it has issued approvals for occasional or temporary performance of design and/or professional construction supervision tasks, construction management tasks carried out in the capacity of a responsible person, building project management tasks, testing and preliminary studies tasks;

– to keep records of persons to whom it has granted recognition of their foreign professional qualifications;

– to keep records of EU attestations issued, to process/create IMI files in the Internal Market Information System and to issue the European Professional Card;

– to keep records of building project managers;



- to keep records of works managers who have completed secondary school programme for technicians in a relevant profession;
- to issue certificates of the facts of which the Chamber keeps official records;
- to issue to, and revoke from, a certified architect, certified architect – urban planner, certified engineer, certified construction manager and certified works manager the seal and card of a certified architect, certified architect – urban planner, certified engineer, certified construction manager or certified works manager;
- to establish, organise and conduct professional development activities;
- to conduct professional supervision of the work of its members.

(2) In addition to the public powers referred to in paragraph 1 of this Article, the Croatian Chamber of Architects also has the following public powers:

- to establish and keep a register of sole-practice offices carrying out professional physical planning tasks;
- to establish and keep a register of joint-practice offices carrying out professional physical planning tasks; and
- to establish and keep records of foreign certified persons to whom it has issued approvals for occasional or temporary performance of physical planning tasks in the capacity of a responsible person.

#### Article 24

The Chamber shall be required to make an entry in the directory, register or records referred to in Article 23, paragraphs 1 and 2 of this Act within eight days of receiving a valid entry application.

#### Article 25

(1) The documents on the basis of which registration or changes in the directory, register or records kept by the Chamber are carried out, and the excerpts and certificates issued on the basis of data contained in such directory, register or records, shall be public documents.

(2) In public documents which it issues in exercising its public powers, the Chamber shall use a seal with the coat of arms of the Republic of Croatia in accordance with a special authorisation.

## **VI. REGISTRATION IN CHAMBER DIRECTORIES, SUSPENSION AND TERMINATION OF MEMBERSHIP IN THE CHAMBER**

### *Professional title*

#### Article 26

(1) Membership in the Chamber and the right to use a professional title shall be acquired on the basis of a decision on the registration in the appropriate directory of members of the relevant Chamber.

(2) By registering in the directory of architects and engineers, a person shall acquire the professional title of "certified architect", "certified architect – urban planner", "certified civil engineer", "certified mechanical engineer", or "certified electrical engineer".

(3) By registering in the directory of certified construction managers, a person shall acquire the professional title of "certified construction manager belonging to the architectural profession", "certified construction manager belonging to the civil engineering profession", "certified construction manager belonging to the mechanical engineering profession", or "certified construction manager belonging to the electrical engineering profession".

(4) By registering in the directory of certified works managers, a person shall acquire the professional title of "certified works manager belonging to the architectural profession", "certified works manager belonging to the civil engineering profession", "certified works manager belonging to the mechanical engineering profession", or "certified works manager belonging to the electrical engineering profession".

(5) A decision on the registration in the appropriate directory of the relevant chamber shall be issued by the Chamber, and persons referred to in paragraphs 2, 3 and 4 of this Article shall be issued the seal and card.

(6) The Chamber may have honorary members in accordance with the conditions provided for in the Articles of Association of the Chamber.

***Conditions for registration in the directories of certified architects, certified architects – urban planners or certified engineers***

Article 27

A natural person shall have the right to be registered in the Chamber's directories of certified architects, certified architects – urban planners or certified engineers if he/she cumulatively fulfils the following conditions:

1. he/she has completed the appropriate undergraduate and graduate university study programme or integrated undergraduate and graduate university study programme and was awarded the academic title of Master of Engineering, or has completed the appropriate specialist graduate professional study programme and was awarded the professional title of professional specialist engineer provided that during his/her entire studies he/she earned at least 300 ECTS credits, or has achieved, in another manner provided for in a special regulation, the appropriate level of education in the relevant profession;

2. upon completion of the appropriate graduate university study programme or the appropriate specialist graduate professional study programme, he/she has worked on appropriate tasks in the profession for at least two years or, upon completion of the appropriate graduate university study programme or the appropriate specialist graduate professional study programme, he/she has worked on appropriate tasks in the profession for at least one year provided that, in addition to this experience, he/she has at least three years of relevant experience in the profession acquired upon completion of the appropriate undergraduate university studies or undergraduate specialist professional studies or, he/she has been employed, for at least ten years, on professional tasks in the field of construction and/or physical planning in state administration bodies or local and regional self-government units or an institute for physical planning of a county or the City of Zagreb;

3. he/she fulfils the conditions pursuant to special regulations that prescribe taking a professional examination.

***Conditions for registration in the directory of certified construction managers***

Article 28

(1) A natural person shall have the right to be registered in the Chamber's directory of certified construction managers if he/she cumulatively fulfils the following conditions:

1. he/she has completed the appropriate undergraduate and graduate university study programme or integrated undergraduate and graduate university study programme and was awarded the academic title of Master of Engineering, or has completed the appropriate specialist graduate professional study programme and was awarded the professional title of professional specialist engineer provided that during his/her entire studies he/she earned at least 300 ECTS credits, or has achieved, in another manner provided for in a special regulation, the appropriate level of education in the relevant profession, and has at least three years of experience in the profession;

or

he/she has completed a study programme and was awarded the professional title of Professional Baccalaureus Engineer or the academic title of University Baccalaureus Engineer in the relevant profession, or has achieved, in another manner provided for in a special regulation, the appropriate level of education in the relevant profession, and has at least four years of experience in the profession;

or

he/she has completed a study programme and was awarded the professional title of Baccalaureus Engineer in the relevant profession, or has achieved, in another manner provided for in a special regulation, the appropriate level of education in the relevant profession, and has at least five years of experience in the profession;

2. he/she fulfils the conditions pursuant to special regulations that prescribe taking a professional examination.

(2) By registering in the directory of certified construction managers, a person shall automatically acquire the right to carry out the tasks of a certified works manager.

***Conditions for registration in the directory of certified works managers***

Article 29

A natural person shall have the right to be registered in the Chamber's directory of certified works managers if he/she cumulatively fulfils the following conditions:

1. he/she has completed the appropriate undergraduate and graduate university study programme or integrated undergraduate and graduate university study programme and was awarded the academic title of Master of Engineering, or has completed the appropriate specialist graduate professional study programme and was awarded the professional title of professional specialist engineer provided that during his/her entire studies he/she earned at least 300 ECTS credits, or has achieved, in another manner provided for in a special regulation, the appropriate level of education in the relevant profession, and has at least two years of experience in the profession;

or

he/she has completed a study programme and was awarded the professional title of Professional Baccalaureus Engineer or the academic title of University Baccalaureus Engineer in the relevant profession, or has achieved, in another manner provided for in a special

regulation, the appropriate level of education in the relevant profession, and has at least three years of experience in the profession;

or

he/she has completed a study programme and was awarded the professional title of Baccalaureus Engineer in the relevant profession, or has achieved, in another manner provided for in a special regulation, the appropriate level of education in the relevant profession, and has at least four years of experience in the profession;

2. he/she fulfils the conditions pursuant to special regulations that prescribe taking a professional examination.

### ***Records of project managers***

#### Article 30

(1) The Chambers shall establish and keep records of project managers.

(2) Project managers who carry out these tasks in accordance with a special regulation governing physical planning and construction tasks and activities shall be entitled to be registered in the records referred to in paragraph 1 of this Article.

### ***Records of works managers – technicians belonging to the relevant professions***

#### Article 31

(1) The Chambers shall establish and keep records of works managers – technicians belonging to the relevant professions.

(2) Works managers – technicians belonging to the relevant professions who carry out these tasks in accordance with a special regulation governing physical planning and construction tasks and activities shall be entitled to be registered in the records referred to in paragraph 1 of this Article.

### ***Suspension of membership in the Chamber***

#### Article 32

Membership in the Chamber shall be suspended for a certified architect, certified architect – urban planner, certified engineer, certified construction manager or certified works manager:

– if he is in detention;

– if a disciplinary measure has been imposed on him prohibiting him from carrying out his tasks;

– if he has been elected or appointed to a paid public duty or to the post of the president of the Chamber on the basis of an employment contract;

– if he starts employment with a state administration body or with a local or regional self-government body;

– if he requests it himself.

### Article 33

(1) A decision on suspension shall be issued by the competent body of the Chamber, *ex officio* or at the request of the certified architect, certified architect – urban planner, certified engineer, certified construction manager or certified works manager concerned.

(2) For the duration of suspension, all the rights and obligations of the certified architect, certified architect – urban planner, certified engineer, certified construction manager or certified works manager ensuing from membership in the Chamber shall be suspended.

(3) After the grounds for suspension cease to exist, the decision referred to in paragraph 1 of this Article shall be revoked *ex officio* or at the request of the party concerned.

### *Termination of membership in the Chamber*

### Article 34

(1) Membership in the Chamber shall terminate for a certified architect, certified architect – urban planner, certified engineer, certified construction manager or certified works manager:

- if he has been deprived of legal capacity;
- if he becomes permanently medically unfit to perform his activities;
- if he submits a request for termination of membership in the Chamber;
- if he has been sentenced to a prison term of more than six months;
- if a supervision measure has been imposed on him prohibiting him from performing the duty or activity;
- if he has been punished by a disciplinary measure involving termination of membership in the Chamber;
- upon retirement, if he requests so in writing;
- upon death.

(2) In the event of termination of membership in the Chamber, the competent body of the Chamber shall issue a decision removing the member from the directory of certified architects, certified architects – urban planners, the directory of certified engineers, the directory of certified construction managers, or the directory of certified works managers.

### Article 35

(1) Upon the termination of membership in the Chamber, the right to use the professional title of certified architect, certified architect – urban planner, certified engineer, certified construction manager or certified works manager and the right to carry out the activities that are carried out by persons holding such title shall be lost.

(2) In the case referred to in Article 34, paragraph 1, sub-paragraphs 1, 5 and 6 of this Act, the right to carry out the activities of a certified architect, certified architect – urban planner, certified engineer, certified construction manager or certified works manager shall cease on the date of enforceability of a decision on deprivation of legal capacity, a decision imposing a supervision measure prohibiting the performance of the duty or activity, or a decision imposing a disciplinary measure involving termination of membership in the Chamber.

(3) In the case referred to in Article 34, paragraph 1, sub-paragraphs 2, 3, 4 and 7 of this Act, the right to carry out the activities of a certified architect, certified architect – urban planner, certified engineer, certified construction manager or certified works manager shall cease on the date of enforceability of a decision removing the member from the directory

of certified architects, certified architects – urban planners or certified engineers, the directory of certified construction managers or the directory of certified works managers.

### ***Re-registration in the directory***

#### Article 36

(1) A person whose membership in the Chamber has been terminated may not be re-registered in the directory of the Chamber:

–if a supervision measure has been imposed on the person prohibiting him or her from performing the duty or activity, before this measure expires or is suspended;

–if the person has submitted a request for termination of membership in the Chamber, before six months have elapsed from the date of enforceability of a decision removing that person from the directory of the Chamber.

(2) In other cases, a person whose membership in the Chamber has been terminated may request re-registration in the directory of the Chamber when the reasons due to which his membership was terminated cease to exist.

### ***Appeal***

#### Article 37

A decision on the registration in the directory of the Chamber, on refusing registration in the directory, on suspending membership in the Chamber or on removing a member from the directory of the Chamber may be appealed against and an appeal shall be lodged with the Ministry.

## **VII. QUALITY OF SERVICES PROVIDED IN TASKS OF PHYSICAL PLANNING, DESIGN AND/OR PROFESSIONAL CONSTRUCTION SUPERVISION AND CONSTRUCTION MANAGEMENT**

### ***Quality assurance for services provided***

#### Article 38

The quality of services that certified architects, certified architects – urban planners, certified engineers and certified construction managers or certified works managers provide when performing tasks of physical planning, designing and/or professional construction supervision and construction management shall be assured through the enhancement and improvement of knowledge, the professional supervision of the work of these persons and the cooperation between the Chamber and the Ministry.

### ***Professional development***

#### Article 39

(1) Certified architects, certified architects – urban planners, certified engineers, certified construction managers and certified works managers shall continue to enhance and

improve their knowledge by continuously keeping abreast of the latest developments in the building profession and by acquiring new knowledge and skills.

(2) Professional development shall be conducted according to the following principles:

- access to training for all, which means that all interested parties are to be included in training programmes;
- professionally based training, with sharing of own experiences and achievements and those attained in the world;
- freedom of choice, which means that each certified architect, certified architect – urban planner, certified engineer, certified construction manager and certified works manager has the right to choose the content and form of professional development that suit him;
- continuous evaluation of training providers, which means that all training providers shall be evaluated by trainees.

#### Article 40

(1) Within the framework of continuous professional development, the Chambers shall organise basic and advanced training in tasks in professional fields for which they are established.

(2) The basic training programme referred to in paragraph 1 of this Article shall cover interdisciplinary and other knowledge and skills necessary for the successful performance of professional tasks and activities by persons carrying out the tasks falling within the scope of competence of the Chamber.

(3) The advanced training programme referred to in paragraph 1 of this Article shall cover advanced and/or specialised knowledge and skills for the performance of professional tasks by persons carrying out the tasks falling within the scope of competence of the Chamber.

(4) The Chamber shall issue an appropriate certificate to a person who duly completes the basic or advanced training programme referred to in paragraphs 2 and 3 of this Article.

### **VIII. PROFESSIONAL SUPERVISION**

#### ***Professional supervision of the work of members of the Chamber***

#### Article 41

(1) The Chamber shall carry out professional supervision of the work of certified architects, certified architects – urban planners, certified engineers, certified construction managers or certified works managers on the basis of the public powers conferred on it by this Act and by a special general by-law adopted by the Assembly of the Chamber, which lays down the manner in which professional supervision is to be organised and conducted.

(2) In conducting supervision of the work of its members in accordance with this Act, the Chamber shall have the following powers:

- to inspect documents providing evidence of activities performed by the inspected party, for the purpose of professional supervision;

– to take statements from responsible persons and other persons in order to obtain evidence of facts which cannot be directly determined;

– to request, in writing, accurate and complete data and documents needed for supervision purposes;

– to carry out other tasks for the purpose of conducting professional supervision.

(3) In conducting professional supervision, the Chamber shall treat information protected by the relevant degree of confidentiality in accordance with special regulations.

#### Article 42

(1) If, when carrying out professional supervision of the work of its members, the Chamber discovers irregularities, it shall:

– give instructions for the removal of the irregularities discovered;

– inform the competent authority if, in supervising the work of a member of the Chamber, it observes irregularities in respect of which it is not authorised to act;

– undertake other necessary actions and procedures in accordance with this Act and other general by-laws of the Chamber.

(2) Members of the Chamber whose work is subjected to professional supervision shall, within the specified time limit, enable the Chamber to carry out professional supervision and shall provide the conditions for its unhindered work within the powers specified in Article 41 of this Act.

#### ***Cooperation between the Chamber and the ministry competent for construction and physical planning***

#### Article 43

(1) In conducting the professional supervision referred to in Article 41 of this Act, the Chamber shall cooperate with the Ministry.

(2) If professional supervision reveals that regulations in the area of construction and physical planning have been violated, the Chamber shall inform thereof the competent inspection service of the Ministry without delay and no later than within 15 days of the day of becoming aware of the violation.

#### Article 44

The Chambers shall submit to the Ministry an annual report on supervision of the work of members of the Chamber, which shall contain information about the implementation of an annual plan of supervision of the work of members of the Chamber, information about the measures taken for the purpose of implementing the regulations, information about the disciplinary measures imposed and proposals for the improvement of professional supervision.



**IX. DISCIPLINARY LIABILITY OF CERTIFIED ARCHITECTS, CERTIFIED ARCHITECTS – URBAN PLANNERS, CERTIFIED ENGINEERS, CERTIFIED CONSTRUCTION MANAGERS, CERTIFIED WORKS MANAGERS AND FOREIGN CERTIFIED PERSONS**

*Disciplinary acts*

Article 45

(1) Certified architects, certified architects – urban planners, certified engineers, certified construction managers, certified works managers and a foreign person registered in the Chamber's directory of foreign certified persons shall be liable for serious and minor violations of the duty and reputation of architects or engineers before the disciplinary bodies of the Chamber.

(2) A serious violation is any violation of the duty and reputation of architects or engineers and any violation of the principles and rules laid down in the Articles of Association and the professional code of ethics which has a particular impact because of the importance of the endangered goods, the nature of the violated duty, the level of the material damage or other consequences, as well as the circumstances under which the act was done or omitted to be done.

(3) A minor violation is a violation of the duty, reputation and the professional code of ethics which is of a lesser importance.

*Disciplinary measures*

Article 46

(1) For serious violations of the duty and reputation of a certified architect, certified architect – urban planner, certified engineer, certified construction manager and certified works manager and foreign certified person, the Articles of Association of the Chamber may provide for the following disciplinary measures:

- a reprimand;
- a pecuniary penalty ranging from HRK 5 000.00 to HRK 50 000.00;
- prohibition on carrying out tasks for a period of one month to three years;
- termination of membership in the Chamber;
- removal from the list of foreign certified persons.

(2) For minor violations of the duty and reputation of an architect or engineer referred to in paragraph 1 of this Article, the Articles of Association of the Chamber may provide for the following disciplinary measures:

- a warning, and
- a pecuniary penalty ranging from HRK 500.00 to HRK 5 000.00.

(3) If a disciplinary measure prohibiting the carrying out of tasks has been imposed, the competent body of the Chamber shall, *ex officio*, record this disciplinary measure in the directory of certified architects, the directory of certified architects – urban planners, the directory of certified engineers, the directory of certified construction managers, the directory of certified works managers or the directory of foreign certified persons, as appropriate.

(4) Certified architects, certified architects – urban planners, certified engineers, certified construction managers, certified works managers and foreign certified persons on

whom a disciplinary measure prohibiting the carrying out of tasks has been imposed shall, within eight days of the day of enforceability of the decision imposing such measure, return the seal and card of a certified architect, certified architect – urban planner, certified engineer, certified construction manager, certified works manager or foreign certified person.

#### Article 47

The amount of the pecuniary penalty and the amount of the costs of disciplinary proceedings shall be paid into the budget of the Chamber.

#### ***Initiation of disciplinary proceedings***

#### Article 48

(1) The disciplinary body determined by the Articles of Association of the Chamber shall initiate disciplinary proceedings *ex officio*.

(2) By way of derogation from paragraph 1 of this Article, if a charge is filed by the Ministry or an administrative body competent for construction or physical planning tasks of a large city, the City of Zagreb or a county, disciplinary proceedings shall be initiated without prior proceedings before the disciplinary prosecutor.

#### ***Right to appeal***

#### Article 49

(1) The party on which a disciplinary measure has been imposed and the disciplinary prosecutor shall have the right to appeal in disciplinary proceedings for serious violations of the duty and reputation of a certified architect, certified architect – urban planner, certified engineer, certified construction manager, certified works manager or foreign certified person.

(2) An appeal shall be lodged with the Disciplinary Tribunal or the Higher Disciplinary Tribunal of the Chamber and shall be decided by the Higher Disciplinary Tribunal.

#### ***Application of laws***

#### Article 50

In disciplinary proceedings against a certified architect, certified architect – urban planner, certified engineer, certified construction manager, certified works manager or foreign certified person, the provisions of criminal, substantive and procedural legislation shall apply to substantive and procedural matters that are not governed by this Act, the Articles of Association of the Chamber and an ordinance.

#### ***Enforceability of pecuniary penalties***

#### Article 51

A final decision of a disciplinary body of the Chamber imposing a pecuniary penalty and/or requiring the party to the proceedings to bear the costs of the disciplinary proceedings shall be an enforceable document on the basis of which the Chamber may seek forced execution.

### ***Initiation of an administrative dispute***

#### Article 52

An administrative dispute may be initiated against a decision of the Higher Disciplinary Tribunal of the Chamber.

### ***Statute of limitations***

#### Article 53

(1) The right to initiate disciplinary proceedings for a serious violation of the duty and reputation of a certified architect, certified architect – urban planner, certified engineer, certified construction manager, certified works manager or foreign certified person shall be subject to a statute of limitations of four years, and for minor violations to a statute of limitations of two years, after the date the violation is committed.

(2) The enforcement of a disciplinary measure shall be barred by a limitations period of three years from the moment the decision imposing the disciplinary measure becomes final or from the date of expiry of the period by which the enforcement or execution of the disciplinary measure is postponed.

## **X. PROFESSIONAL INSURANCE AND LIABILITY INSURANCE**

### ***Obligation to take out insurance***

#### Article 54

(1) Certified architects, certified architects – urban planners, certified engineers, certified construction managers, certified works managers and foreign certified persons shall be required to take out professional liability insurance, which is appropriate to the nature and the extent of the risk, covering for damage that they may incur to the investor or other persons while performing their tasks or activities, in which case the insured sum shall not be less than HRK 1 000 000.00.

(2) Professional liability insurance of a certified architect, certified architect – urban planner, certified engineer, certified construction manager or certified works manager who is listed in the directory of foreign certified persons and is established in the territory of the Republic of Croatia shall be recognised if it has been taken out in a member state of the European Economic Area in which he/she is already established and if he/she is covered by a guarantee which is equivalent, or essentially comparable as regards its purpose and the cover it provides, in which case the insured sum shall not be less than HRK 1 000 000.00. Where equivalence is only partial, the insured person must take out a supplementary insurance to cover the aspects not already covered: the insured risk, the insured ceiling for the guarantee and possible exclusions from the cover.

#### Article 55

(1) The Chamber shall provide basic professional liability insurance for certified architects, certified architects – urban planners, certified engineers, certified construction

managers, certified works managers and foreign certified persons who are its members, and the members of the Chamber shall pay to the Chamber a fee for professional insurance.

(2) The breach of the obligation to take out professional insurance, or failure to pay a professional insurance fee to the Chamber, shall constitute a serious violation of the duty of a certified architect, certified architect – urban planner, certified engineer, certified construction manager, certified works manager and foreign certified person.

(3) Professional insurance of a certified architect, certified architect – urban planner, certified engineer, certified construction manager, certified works manager or foreign certified person obtained through the Chamber shall not exclude the possibility of their additional, individual insurance against liability for damage which they could incur to an investor or other persons when carrying out their tasks or activities.

### *Insurance terms and conditions*

#### Article 56

The terms and conditions of professional insurance for certified architects, certified architects – urban planners, certified engineers, certified construction managers, certified works managers and foreign certified persons shall be jointly determined by the insurers in consultation with the Chambers.

#### Article 57

(1) Certified architects, certified architects – urban planners or certified engineers from a joint-practice office shall be jointly liable for the obligations of certified architects, certified architects – urban planners or certified engineers resulting from the performance of the tasks of the joint-practice office.

(2) A legal person registered for carrying out physical planning activities or design and/or professional construction supervision activities or building project management activities shall be jointly liable for damages arising from the work that certified architects, certified architects – urban planners or certified engineers who are its employees have done in carrying out the physical planning, design and/or construction supervision tasks or building project management tasks.

(3) A legal person registered for carrying out the construction activity shall be jointly liable for damages arising from the work that certified construction managers and certified works managers who are its employees have done in carrying out construction tasks.

## **XI. FINANCIAL OPERATIONS AND ASSETS OF THE CHAMBER**

#### Article 58

(1) Financial operations of the Chamber shall be carried out in accordance with the annual income and expenses budget of the Chamber.

(2) The income of the Chamber shall be derived from registration fees, membership fees, Chamber's own resources, donations and other funds derived in accordance with the applicable legislation.

(3) The level of registration and membership fees and the level of fees for services provided by the Chamber shall be determined by the Assembly of the Chamber.

(4) The Chamber's accounting shall be performed in accordance with the legislation governing accounting for non-profit organisations.

#### Article 59

The budgetary funds shall be managed and dealt with by the Chamber's Management Board, unless otherwise determined in the Articles of Association.

#### Article 60

(1) The Chamber's assets shall comprise its real estate, moveable assets, cash funds and property rights.

(2) The Chamber shall be liable for its obligations with all its assets.

(3) Members of the Chamber shall not be liable for the obligations of the Chamber of which they are members.

(4) The bodies authorised for the acquisition, encumbering or disposition of assets shall be determined by the Articles of Association of the Chamber.

### **XII. SUPERVISION**

#### Article 61

(1) The Ministry shall monitor and supervise the legality of work undertaken by the Chamber in exercising the public powers conferred on it.

(2) When conducting supervision, the Ministry may request the Chamber to provide reports, data, materials and other information.

(3) If, during supervision, an official person from the Ministry finds irregularities in work undertaken by a body of the Chamber in exercising its public powers, it shall issue a decision ordering the elimination of these irregularities.

(4) A decision ordering the elimination of the irregularities found during supervision may not be appealed against, but an administrative dispute may be initiated.

#### Article 62

The Chamber or a person, Chamber member, carrying out the tasks or activities regulated by this Act and a special legislation regulating the tasks and activities in the field of physical planning and building shall submit to the Ministry, for the purpose of conducting supervision, all the requested data, documents and reports within the required time period.

### **XIII. TRANSITIONAL AND FINAL PROVISIONS**

#### Article 63

On the date of entry into force of this Act, the Croatian Chamber of Architects, the Croatian Chamber of Civil Engineers, the Croatian Chamber of Mechanical Engineers and the Croatian Chamber of Electrical Engineers, established pursuant to the Act on Architectural and Engineering Tasks and Activities in Physical Planning and Building (Official Gazette 152/08, 124/09, 49/11 and 25/13) shall continue their work and shall, within nine months from

the date of entry into force of this Act, bring their operations into compliance with the provisions of this Act.

#### Article 64

(1) Persons who, pursuant to the legislation applicable until the date of entry into force of this Act, satisfied the requirements for construction managers and work managers, shall have the right to be registered with the Chamber if, within nine months from the date of entry into force of this Act, they submit an application for registration in the Chamber's directory of certified construction managers or the directory of certified works managers. The competent Chamber shall register a certified construction manager and a certified works manager after the relevant directories of certified construction managers and certified works managers are established.

(2) Persons who, pursuant to the legislation applicable until the date of entry into force of this Act, satisfied the requirements for the performance of professional physical planning tasks shall continue their work and shall have the right to be registered with the Chamber if, within nine months from the date of entry into force of this Act, they submit an application for registration in the directory of certified architects – urban planners. The competent Chamber shall register a certified architect – urban planner after the relevant directory of certified architects – urban planners is established.

#### Article 65

Procedures for the registration in the directories and registers of the Chambers and disciplinary and misdemeanour proceedings initiated pursuant to the provisions of the Act on Architectural and Engineering Tasks and Activities in Physical Planning and Building (Official Gazette 152/08, 124/09, 49/11 and 25/13) prior to the entry into force of this Act shall be completed in accordance with the provisions of that Act and general by-laws adopted pursuant to that Act.

#### Article 66

(1) The Chambers shall have the obligation to establish the directories of certified architects – urban planners, certified construction managers and certified works managers within twelve months from the date of entry into force of this Act.

(2) The Chambers shall have the obligation to set up special records of project managers within twelve months from the date of entry into force of this Act.

(3) The Chambers shall have the obligation to set up, within twelve months from the date of entry into force of this Act, special records of works managers who have completed secondary school programme for technicians in a relevant profession (Level 4.2 of the Croatian Qualifications Framework), have at least ten years of work experience in the profession, have passed the professional examination, and perform the tasks of works managers.

(4) Persons who, on the date of entry into force of this Act, satisfy the requirements for works managers pursuant to the Act on Architectural and Engineering Tasks and Activities in Physical Planning and Building (Official Gazette 152/08, 124/09, 49/11 and 25/13) and who have completed secondary school programme for technicians in a relevant profession (Level 4.2 of the Croatian Qualifications Framework) and have at least ten years of work experience in the profession, shall continue to carry out these activities and are required to register in the records referred to in paragraph 3 of this Article.

Article 67

For persons who were included in the directory of trainees – candidates for registration with the Chamber pursuant to the legislation applicable until the date of entry into force of this Act, traineeship done until the date of entry into force of this Act shall be recognised as work on appropriate tasks in the profession.

Article 68

Within six months from the date of entry into force of this Act, the Chambers shall establish a list of mediators of the Mediation Centre and shall appoint judges of the Disciplinary Tribunal and Higher Disciplinary Tribunal, adopt general by-laws and undertake other measures necessary for the Mediation Centre and disciplinary bodies of the Chamber to start functioning in accordance with the provisions of this Act.

Article 69

Within nine months from the date of entry into force of this Act, the Chambers shall bring their organisation, articles of association and other general by-laws into compliance with the provisions of this Act.

Article 70

All records that are to be set up pursuant to this Act shall be in electronic form and in a format accessible for e-permit purposes.

Article 71

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

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Zagreb, 3 July 2015

THE CROATIAN PARLIAMENT

THE PRESIDENT OF THE  
CROATIAN PARLIAMENT

Josip Leko, m.p.