

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

DECISION

PROMULGATING THE ACT ON CONSTRUCTION PRODUCTS

I hereby promulgate the Act on Construction Products, passed by the Croatian Parliament at its session on 15 July 2008.

Class: 011-01/08-01/97

Reg. No: 71-05-03/1-08-2

Zagreb, 17 July 2008

The President of the Republic of Croatia

Stjepan Mesić, m. p.

THE ACT ON CONSTRUCTION PRODUCTS

I. GENERAL PROVISIONS

Subject-matter of the Act

Article 1

This Act regulates the technical characteristics, conformity assessment and proving of the fitness for use of construction products as conditions for their placement on the market, distribution and use to the extent necessary to satisfy the essential requirements applicable to building works set out in special regulations, the conduct of administrative and other procedures and the related rights and obligations of the state administration bodies, legal and natural persons.

Special regulations

Article 2

Procedural issues in procedures under this Act which are not regulated by this Act shall be governed by the provisions of the General Administrative Procedure Act. Issues concerning the placement on the market and distribution of construction products which are not regulated by this Act shall be governed by the provisions of a special act which regulates the general safety of products and the general technical requirements for products.

Article 3

Special regulations may not restrict the placement on the market, distribution and use of construction products which meet the requirements laid down in this Act and regulations adopted pursuant to this Act.

The subordinate legislation, the adoption of which is laid down in special regulations, and which may affect the technical and other characteristics of construction products and other matters regulated in this Act and regulations adopted pursuant to this Act, shall be adopted subject to the approval of the Minister.

Definitions

Article 4

The following terms used in this Act have the following meanings:

- construction product means any item which, regardless of the manner of its production and degree of processing, is produced for incorporation in a permanent manner in the building works,
- technical specification means a harmonised European specification or a national technical specification,
- harmonised European specification means harmonised European standard, recognised national standard or the European technical approval,
- national technical specification means the standard referred to in a technical regulation, a technical regulation or the Croatian technical approval,
- national technical specification means the national standard or the national technical approval of a Member State of the European Union,
- recognised national standard means the standard of a Member State of the European Union approved for use as a harmonised European standard in line with the provisions of Directive 89/106/EEC,
- harmonised European standard means a European standard drawn up on mandates given by the European Commission whose title, referential mark, the date of commencement of application and the date of termination of simultaneous application of the contrary national technical specification are published in the Official Journal of the European Union,
- Croatian technical approval means a favourable technical assessment of the fitness for use of a construction product for an intended use, based on fulfilment of the essential requirements for building works for which the product is used,
- European technical approval means a technical approval issued by an authorised legal person or another authorised person who is a member of the European Organisation for Technical Approvals (EOTA),
- guidelines for the European technical approval means documents published on the official website of the Ministry which state a list of the relevant interpretative documents, specific technical characteristics and requirements for a particular construction product or a group of construction products, testing methods, the method of assessing and judging the results of such testing, the method of supervising factory production control and the period of validity of the European technical approval,
- interpretative documents means the documents published in the Official Journal of the European Union which serve to create the necessary links between the essential requirements for building works and the European standardisation mandates, mandates for guidelines for the European technical approval or the recognition of national standards with respect to which there is the legal precondition that the construction product for which it is adopted will have the technical characteristics which within the meaning of Article 6, paragraph 1 of this Act ensure that the building works into which they are incorporated meet the essential requirements for building works,
- placing on the market of a construction product means the moment when the product for the first time moves from production or import to distribution, either for consideration or free of

charge,

- distribution of a construction product means its movement on the market in the territory of the Republic of Croatia from the placing on the market to its use,
- use of a construction product means its keeping on the construction site, its installation and use after installation into building works,
- factory means any production facility in which the construction product is produced,
- manufacturer means the natural or legal person who develops and/or produces a construction product or a person who, by marking the product with its name or mark, presents himself as the manufacturer,
- distributor means the natural or legal person in the chain of supply who makes the construction product available on the market,
- importer means any natural or legal person who places a construction product from other states on the market in the territory of the Republic of Croatia,
- authorised representative means any natural or legal person registered in the Republic of Croatia authorised by the manufacturer in writing to act on its behalf with respect to special tasks within the meaning of this Act,
- the Committee means a body of the European Commission consisting of representatives of the Member States of the European Union, responsible for issues connected with construction products being placed on the market within the European Economic Area,
- the Ministry means the ministry competent for the activities of construction,
- the Minister means the minister competent for the activities of construction,
- the authorised legal person is the person authorised to adopt the European technical approval, the Croatian technical approval, to implement the activities of conformity assessment, the issuance of a certificate on factory production control and/or certificate of conformity.

The terms: essential requirements for building works, technical regulation, building works, construction site, construction, incorporation, contractor, main design, workshop drawings and recognised technical rules shall have the meanings assigned to them in the legislation that governs the field of building.

Article 5

Expressions used in this Act to refer to persons in the masculine gender shall be neutral and shall refer to both male and female persons.

The technical characteristics of a construction product

Article 6

The technical characteristics of a construction product must be such that along with the required incorporation in line with the purpose of the building works and with the maintenance prescribed and foreseen in the design, they must endure the impact of regular use and environmental conditions, so that the building works into which the product is incorporated meet the essential requirements for such building works throughout the designed period of use.

Construction products must also meet the requirements of the special regulation transposing the directive of the European Union relating to issues which are not regulated in this Act.

Article 7

The technical characteristics of a construction product shall be laid down in a technical regulation adopted pursuant to a special act which regulates the field of construction. The technical characteristics of a construction product may not be classified in a technical regulation outside the scope of the class of the technical characteristics for such product regulated in a harmonised European standard.

Paragraph 2 of this Article does not refer to the classification of technical characteristics in case where the harmonised European standard has not been adopted and will not be adopted.

Article 8

The title and the referential mark of the Croatian standard by which a harmonised European standard is accepted shall be published in an appropriate technical regulation. A construction product confirmed to be in conformity with the harmonised European standard referred to in paragraph 1 of this Article or another appropriate technical specification is considered to have the technical characteristics stipulated in Article 6, paragraph 1 of this Act.

Article 9

Regulations which regulate the issues of protection at work may not stipulate measures connected with the protection of employees in handling or using construction products which would affect the technical characteristics which a construction product must have.

Placing on the market, distribution and use of construction products

Article 10

A construction product may be placed on the market, distributed and used only if its fitness for use is demonstrated and if it is marked and accompanied by technical instructions in line with this Act and the regulations adopted pursuant to this Act.

It is prohibited to issue documents connected with placing on the market, distribution and use of a construction products which by their name, appearance, content or in some other way may be misleading in terms of the documents used to determine the technical characteristics of the construction product, to confirm its conformity or to demonstrate its fitness for use.

Article 11

The manufacturer, importer, authorised representative and distributor must take all appropriate measures to ensure that the technical characteristics of a construction product during its distribution remain unchanged.

The contractor and any other person who takes over a construction product for construction purposes shall take appropriate measures to ensure that the technical characteristics of the construction product remain unchanged from its takeover to its incorporation.

Fitness for use of a construction product

Article 12

Construction products are fit for use if their technical characteristics are in conformity with their technical specifications.

Fitness for use of a construction product is demonstrated, depending on its purpose and technical specifications, in the document of conformity which is issued after implementation or ensuring of implementation of the procedure of assessing the conformity of the technical characteristics of the construction product with the technical specifications and the conformity mark, as laid down in this Act.

By way of derogation from paragraph 1 of this Article, fitness for use of a construction product manufactured or made at the construction site for the needs of the construction site shall be demonstrated in accordance with the main design or workshop drawings, this Act and regulations adopted pursuant to this Act or a technical regulation.

II. TECHNICAL APPROVALS

The European technical approval

Article 13

The European technical approval may be adopted for a construction product for which there is no harmonised European standard nor recognised national standard and for which there is no mandate to draw up a harmonised European standard, and with respect to which product the European Commission, after consultations with the Committee, deems that the standard cannot or cannot yet be drawn up, i.e. with respect to a construction product which deviates significantly from the harmonised European standard, i.e. recognised national standard.

By way of derogation from paragraph 1 of this Article, the European technical approval may be adopted for a construction product with respect to which there is no mandate for drawing up a harmonised European standard if there are guidelines for the product for such technical approval or with respect to which there is a mandate to draw up a harmonised European standard, i.e. with respect to which it is established that the standard may be drawn up, if there is a special approval of the European Commission in place issued after consultations with the Committee.

Article 14

The European technical approval shall establish the technical characteristics of a construction product and the way of demonstrating its fitness for use, activities conducted in the procedure of conformity assessment of its technical characteristics and the documents of conformity of the construction product demonstrating its fitness for use.

Article 15

At the proposal of the manufacturer, authorised representative or importer of the construction product, the European technical approval shall be issued by the authorised legal person after testing and assessment of its technical characteristics conducted based on the guidelines for the technical approval relating to such product or to an appropriate group of products. If such guidelines do not exist, the European technical approval shall be adopted according to the

interpretative documents taking into account the relevant essential requirements for the building works if the manner of assessing the product is consensually agreed by the bodies authorised to issue European technical approvals joined in the European Organisation for Technical Approvals (EOTA).

The European technical approval is not an administrative act.

Article 16

The costs arising from the European technical approval procedure shall be paid by the applicant.

Article 17

The European technical approval shall be valid until the adoption of the corresponding harmonised European standard, i.e. until the end of its term of validity, and at most for a period of five years as of the date of adoption.

At the proposal of the manufacturer, authorised representative or importer of a construction product, the validity of the European technical approval may be extended once for a maximum period of five years.

Article 18

The Ministry shall notify the European Commission of the European technical approval if it establishes that the construction product with respect to which the approval was adopted does not have the technical characteristics which ensure, under the conditions referred to in Article 6 of this Act, that the building works into which it is incorporated meet the essential requirements for such building works.

The Croatian technical approval

Article 19

The Croatian technical approval may be adopted for a construction product with respect to which a harmonised European specification, technical regulation or a standard referred to in the technical regulation do not exist, i.e. with respect to a construction product the technical characteristics of which deviate significantly from the characteristics laid down in a technical regulation or in a standard referred to in said regulation.

Article 20

The technical approval establishes the technical characteristics of a construction product and lays down the manner of demonstrating its fitness for use, activities conducted in the procedure of conformity assessment of its technical characteristics and the document of conformity of the construction product by which its fitness for use is demonstrated. The Croatian technical approval, at the proposal of the manufacturer, authorised representative or importer of the construction product, shall be adopted by the authorised legal person after testing and assessing the technical characteristics of the construction product which are conducted by initial type-testing of the product and by determining its fitness for use.

The decision on the adoption of a Croatian technical approval shall be published on the

website of the Ministry.

The Croatian technical approval is not an administrative act.

The Ministry shall keep a record of the adopted Croatian technical approvals.

Article 21

The costs arising from the Croatian technical approval procedure shall be paid by the applicant.

Article 22

The Croatian technical approval shall be valid until the adoption of the corresponding harmonised European specification, technical regulation, or standard referred to in the technical regulation, i.e. until the end of its term of validity, and at most for a period of five years as of the date of publication on the website of the Ministry.

At the proposal of the manufacturer, authorised representative or importer of a construction product, the validity of the Croatian technical approval may be extended once for a maximum period of five years.

Article 23

The Croatian technical approval may be placed out of force if established that the construction product concerned does not have the technical characteristics which under the conditions referred to in Article 6 of this Act ensure that the building works into which it is incorporated meet the essential requirements for such building works.

The decision placing the Croatian technical approval out of force shall be adopted by the Minister.

The decision placing the Croatian technical approval out of force shall be published on the website of the Ministry.

Responsibility of the authorised legal person

Article 24

Any legal person authorised to adopt the European technical approval, i.e. the Croatian technical approval shall be responsible for the implementation of activities which precede the adoption of the approval, i.e. for the adoption of the approval in line with the valid regulations and the rules of the profession and for permanent fulfilment of the requirements laid down for issuing the authorisation.

The person authorised to adopt the European technical approval, i.e. the Croatian technical approval shall notify the Ministry of any change concerning the conditions for the issuance and revocation of the authorisation at the latest within 14 days of the date of the change.

Authorisation to adopt technical approvals

Article 25

The authorisation to adopt the European technical approval and the Croatian technical approval shall be issued and recalled by the Minister in line with this Act and regulations adopted pursuant to this Act.

The Ministry shall notify the European Commission of the issuance and recall of the authorisation to adopt the European technical approval.

The ordinance

Article 26

In an ordinance, the Minister shall prescribe the following:

- conditions for issuing, extending and recalling the authorisation to adopt the European technical approval and the Croatian technical approval regarding persons, the level of technical equipment, the method and complexity of performing the tasks, responsibility for the results of the procedure and activities connected with the adoption of technical approvals, independence, especially in terms of the manufacturer, authorised representative and importer of the construction product and means by which the legal persons demonstrate the fulfilment of the requirements,
- the methods of assessing the results and other requirements connected with the testing of the technical characteristics of a construction product in the technical approval procedure,
- the form and content of the European technical approval and the Croatian technical approval,
- the manner of notifying the European Commission and the Member States of the European Union of issued authorisations to perform the activities of the issuance of European technical approvals, and
- the manner of recording the adopted European technical approvals and the content and the manner of keeping the record of technical approvals.

III. CONFORMITY ASSESSMENT

The activities of conformity assessment

Article 27

Conformity of a construction product with the technical specification shall be established in the conformity assessment procedure through one or more of the following activities:

- initial type-testing of the construction product produced by the manufacturer or initial type-testing of the construction product by a legal person authorised to perform conformity assessment,
- testing of production samples based on the established plan of testing by the manufacturer or the legal person authorised to perform conformity assessment,
- testing of random samples taken from the production line from a group of products prepared for delivery, i.e. on the market or at the construction site from a delivered group by the legal person authorised to perform conformity assessment,
- continuous factory production control performed by the manufacturer,
- initial inspection of the factory and initial inspection of factory production control performed by the legal person authorised to perform conformity assessment, and
- continuous surveillance, assessment and approval of factory production control performed by the legal person authorised to perform conformity assessment.

Attestation of conformity

Article 28

The legal person authorised to conduct the activities of conformity assessment and the manufacturer shall issue a document concerning each and every activity conducted or being conducted referred to in Article 27 of this Act and send it to the legal person authorised to issue the certificate of conformity of a construction product, manufacturer, authorised representative or importer, who shall keep it indefinitely.

Conformity of a construction product with the technical specification shall be confirmed on the basis of the affirmative documents referred to in paragraph 1 of this Article, and if necessary by valuation and/or final assessment of the results of the activities of conformity assessment.

Certificate of factory production control

Article 29

Based on the affirmative documents referred to in Article 28 of this Act on the implementation of the activities referred to in Article 27, subparagraphs 5 and/or 6 of this Act, the authorised person shall issue a certificate of factory production control.

Responsibility of the authorised legal person

Article 30

The legal person authorised to perform the activities of conformity assessment, i.e. to issue the certificates of factory production control shall be responsible for the implementation of such activities, i.e. for the issuance of the certificates in line with the valid regulations and the rules of the profession and for permanent fulfilment of the requirements laid down for issuing the authorisation.

The legal person authorised to perform the activities of conformity assessment, i.e. to issue the certificates of factory production control shall notify the Ministry of any change concerning the conditions for the issuance and revocation of the authorisation at the latest within 14 days of the date of the change.

Authorisation for the implementation of the procedure of conformity assessment and the issuance of the certificate of factory production control

Article 31

Authorisations for the implementation of the procedure of conformity assessment, i.e. for the implementation of specific activity conducted in the said procedure for specific types of construction products and for the issuance of factory production control certificates, shall be issued, extended and recalled by the Minister.

The ordinance

Article 32

In an ordinance, the Minister shall prescribe the following:

- conditions for issuing, extending and recalling the authorisation for the implementation of the procedure of conformity assessment, i.e. the implementation of specific activities in the said procedure and for the issuance of factory production control certificates regarding persons, the level of technical equipment, the method and complexity of performing the tasks, responsibility for the results of the procedure, independence, especially in terms of the manufacturer, authorised representative and importer of the construction product and the person issuing the document of conformity and the means used by the legal person to demonstrate the fulfilment of the requirements, and
- the methods of assessing the results and other requirements connected with procedures, documents and activities related to conformity assessment.

IV. DOCUMENTS OF CONFORMITY

Article 33

Documents of conformity of a construction product are the following:

- certificate of conformity,
- declaration of conformity.

Persons issuing documents of conformity

Article 34

Certificates of conformity shall be issued by the authorised legal person at the request of the manufacturer, authorised representative or importer of a construction product who bears the costs of its issuance.

Declarations of conformity shall be issued by the manufacturer, authorised representative or importer of a construction product.

The person who issued the certificate of conformity, i.e. the declaration of conformity for a construction product being placed on the market in the territory of the Republic of Croatia shall forward the certificate or the declaration to the Ministry within 10 days of the date of its issuance.

The Ministry shall keep a record of issued documents of conformity.

Subject-matter of attestation

Article 35

Certificates of conformity and/or declarations of conformity are used to confirm that the prescribed activities in the procedure of conformity assessment have been or that they are being conducted, that in the procedure the conformity of the construction product with the technical specification was confirmed and that the product may be placed on the market and used for construction.

Activities preceding the issuance of the documents of conformity

Article 36

Certificates of conformity and declarations of conformity may be issued only if the manufacturer and the legal person authorised to assess conformity conducted and/or are conducting activities referred to in Article 27 of this Act according to the system of conformity assessment for the construction product concerned laid down in the ordinance referred to in Article 39 of this Act.

In cases laid down in the ordinance referred to in Article 39 of this Act, declarations of conformity may be issued after the implementation of the prescribed activities and if a certificate of conformity was issued previously.

Responsibility of the authorised legal person

Article 37

The legal person authorised to issue certificates of conformity shall be responsible for the issuance of the certificate in line with the valid regulations and the rules of the profession and for permanent fulfilment of the requirements laid down for issuing the authorisation.

The person authorised to issue certificates of conformity shall notify the Ministry of any change concerning the conditions for the issuance and revocation of the authorisation at the latest within 14 days of the date of the change.

Authorisation to issue certificates of conformity

Article 38

Authorisations for the issuance of certificates of conformity shall be issued, extended and recalled by the Minister.

The ordinance

Article 39

In an ordinance, the Minister shall prescribe the following:

- conditions for issuing, extending and recalling the authorisation for the issuance of the certificates of conformity regarding persons, the level of technical equipment, the method and complexity of performing the tasks, responsibility for the issuance of the certificate of conformity, independence, especially in terms of the manufacturer, authorised representative and importer of the construction product and the person conducting the procedures and activities of conformity assessment, and the means used by the legal person to demonstrate the fulfilment of the requirements,
- systems for assessing the conformity of construction products,
- detailed conditions for the issuance of the documents of conformity,
- the content of the documents of conformity,
- the manner of maintenance and the content of the records of issued documents of conformity.

V. TECHNICAL INSTRUCTIONS AND CONFORMITY MARK

The obligation to draw up technical instructions and to mark products

Article 40

The manufacturer, authorised representative or importer of a construction product must draw up technical instructions and affix the conformity mark on the product before placing the product on the market, i.e. before using the construction product.

Construction products may not be placed on the market or distributed without technical instructions and the conformity mark.

Technical instructions must accompany each construction product being delivered. When two or more identical construction products are being delivered together, technical instructions must accompany each individual package. In the case of consignments of bulk construction products, technical instructions must accompany each individual consignment.

Implementation of paragraph 3 of this Article must be ensured by the distributor.

Article 41

By affixing the conformity mark on a particular construction product, the manufacturer, authorised representative or importer of the construction product assumes the responsibility that the marked product has the technical characteristics laid down in the relevant technical specification, that it meets all other prescribed conditions and that this is established in the manner laid down in this Act.

Technical instructions

Article 42

Technical instructions must include a transcript of the declaration of conformity, data relevant for safe-keeping, transport and use of the construction product, and they must be written in Latin script and in the Croatian language, so that the distributor and the contractor can understand them.

Technical instructions must state the deadline by which the construction product may be incorporated or state that there is no time limit.

Along with the written text of the technical instructions, for easier understanding, they may also include drawings and illustrations.

The conformity mark

Article 43

The conformity mark may be used to mark only such construction products with respect to which a declaration of conformity was issued.

Construction products the conformity of which with the relevant harmonised European specification is confirmed in the declaration of conformity concerned shall be marked with the conformity mark: "CE".

Construction products the conformity of which with the relevant national technical specification is confirmed in the declaration of conformity concerned shall be marked with the conformity mark: "C".

Article 44

By way of derogation from Articles 40 and 43 of this Act, a construction product which the European Commission placed on a list of products which play a minor part with respect to health and safety may not be marked with the conformity mark "CE" or "C".

The product referred to in paragraph 1 of this Article may be placed on the market if it has a declaration of compliance with the acknowledged level of development of technique and technology.

Article 45

A construction product may not be marked in a way that is likely to be confusing as to the characteristics of the product connected with the form and meaning of the conformity mark: "CE" or "C".

Other marks affixed to a construction product may not obstruct the visibility and legibility of the conformity mark: "CE" or "C".

The ordinance

Article 46

The manner of marking construction products and the form and content of the conformity mark shall be laid down by the Minister in an ordinance.

VI. VALIDITY OF DOCUMENTS AND MARKS ISSUED UNDER FOREIGN REGULATIONS

Technical approvals

Article 47

The European technical approval adopted by an authorised person in a Member State of the European Union shall have equal legal force and effect as the European technical approval adopted in accordance with this Act.

Construction products of a Member State of the European Union

Article 48

Construction products manufactured in accordance with the national technical specification with respect to which there is no harmonised European specification shall be considered to be in line with the national technical specification if that is established by the authorised person of the Member State of the European Union in which the product was manufactured through the activities of conformity assessment set out in the national technical specification performed at an individual request of the manufacturer, authorised representative or importer. At a query of the Member State of the European Union in which a product was manufactured, the Ministry shall notify the relevant body of that state of the activities of conformity assessment set out in the national technical specification and provide other information necessary to establish the conformity of the product with the prescribed requirements in the Republic of Croatia.

A Member State of the European Union in which a product was manufactured shall notify the Ministry of the person it intends to authorise to implement the activities of conformity assessment referred to in paragraph 1 of this Article, and along with the said notice it shall submit the data necessary to evaluate the capacity of the person to implement such activities and other data which may affect the fulfilment of the requirements laid down for the product in the Republic of Croatia, as requested by the Ministry.

If the Ministry evaluates that the person referred to in paragraph 3 of this Article or other circumstances do not ensure the fulfilment of the requirements laid down for the product in the Republic of Croatia, it shall notify the Member State of the European Union in which the product was manufactured and the European Commission accordingly, with an explanation.

Article 49

The Ministry shall notify the Member State of the European Union that authorised the person to implement the activities of conformity assessment referred to in Article 48, paragraph 1 of this Act of the established irregularities in the work of the person with a view to taking the appropriate measures to remedy the irregularities.

In case where the measures taken by the Member State of the European Union are not appropriate, the procedure of prohibiting the placing on the market, distribution and/or use of the construction product shall be conducted, and if necessary the return of the unincorporated construction product.

Article 50

Articles 48 and 49 shall apply accordingly to a construction product manufactured in the Republic of Croatia in accordance with the national technical specification which is not an acknowledged harmonised European standard and which is being placed on the market of a Member State of the European Union.

The document on the activity of conformity assessment and the document of conformity

Article 51

A document on the activity of conformity assessment issued by a person who after implementing the procedure referred to in Article 48 of this Act is authorised to implement the assessment shall have equal legal force and effect as the corresponding document issued by a person authorised to implement the activity under this Act.

The document referred to in paragraph 1 of this Article must be translated into the Croatian language.

Article 52

A document on the activity of conformity assessment issued by the person authorised to implement the assessment under the regulations of a state which is not a Member State of the European Union shall be acknowledged in the Republic of Croatia if between the foreign person that issued the document and the legal person authorised to implement the activity of conformity assessment under this Act an agreement on mutual recognition of the document was concluded and, under the conditions set out in the agreement, if the Ministry issued a consent to such agreement.

A document on the activity of conformity assessment issued by the manufacturer under the regulations of a state which is not a Member State of the European Union shall be recognised in the Republic of Croatia if the legal person authorised to implement the activity of conformity assessment, i.e. to issue the certificate of conformity of the construction product under this Act confirms that it was issued in accordance with the corresponding technical specification.

The translation to the Croatian language of the documents being confirmed shall form part of the certificate referred to in paragraphs 1 and 2 of this Article.

Article 53

A document on the activity of conformity assessment or a document of conformity issued in accordance with the regulations of a Member State of the European Union for a construction product which is in line with the harmonised European specification shall have equal legal force and effect as the document on the activity of conformity assessment or a document of conformity issued in accordance with this Act.

A document on the activity of conformity assessment or a document of conformity issued in accordance with the regulations of a state which is not a Member State of the European Union shall be valid in the Republic of Croatia if that is laid down in an international treaty binding on the Republic of Croatia.

The documents referred to in paragraphs 1 and 2 of this Article shall be translated into the Croatian language.

Approving the application of national standards as harmonised European standards

Article 54

The Ministry may register a Croatian standard with the European Commission with a view to implementing the procedure of approving its application as a harmonised European standard if it finds that the product manufactured according to that standard meets the conditions laid down in Directive 89/106/EEC on the placing of such product on the market of the European Economic Area.

VII. SUPERVISION

Administrative supervision

Article 55

The Ministry shall conduct administrative supervision of the implementation of this Act and the regulations adopted pursuant to this Act and of the lawfulness of work and activities of persons vested with public powers obtained under this Act.

Administrative supervision shall be conducted by the officer of the Ministry authorised by the Minister.

Competence to conduct inspectional supervision

Article 56

Inspectional supervision relating to the implementation of this Act and the regulations adopted pursuant to this Act in connection with the production, placing on the market and distribution of construction products shall be conducted by economic inspectors of the State Inspectorate.

Inspectional supervision relating to the implementation of this Act and the regulations adopted pursuant to this Act in connection with the use of construction products in accordance with this Act and special regulations which regulate the field of construction shall be conducted by construction inspectors of the Ministry.

Duties of authorised legal persons, the manufacturer, authorised representative, importer and distributor

Article 57

Authorised legal persons, the manufacturer, authorised representative, importer, distributor and other persons shall enable the Ministry and persons authorised to supervise the implementation of this Act to examine the premises and all activities and/or documents connected with conformity assessment, proving of fitness for use, placing on the market and distribution of construction products.

Remedying irregularities

Article 58

In the implementation of inspectional supervision, the economic inspector of the State Inspectorate is entitled and obligated to order to the manufacturer, authorised representative, importer, distributor of a construction product and other person in a decision to remedy irregularities concerning production, placing on the market and distribution of the construction product.

Prohibition of placing on the market and distributing a construction product

Article 59

The economic inspector of the State Inspectorate is entitled and obligated to prohibit in a decision the placing on the market and distribution of a construction product if he establishes that the product:

- does not have the document of conformity,
- does not have technical instructions or that it has got improper technical instructions,
- does not have the conformity mark,
- is improperly marked, or
- that it is not ensured that the technical characteristics or fitness for use of the construction product during its distribution remain unchanged.

Article 60

An appeal issued against the decision of the economic inspector of the State Inspectorate shall not postpone the enforcement of the decision.

Prohibition of placing on the market, distribution and/or incorporation of a construction product

Article 61

If in the course of administrative supervision, supervision by an economic inspector of the State Inspectorate or supervision by a construction inspector of the Ministry it is established that a construction product does not meet the requirements laid down in this Act, the regulations adopted pursuant to this Act or a special regulation, the person authorised to implement the procedure is entitled and obligated to issue a decision prohibiting its placing on the market, distribution and/or incorporation, even where the prescribed activities of conformity assessment for the product were conducted or are being conducted, i.e. the document of conformity was issued.

The decision referred to in paragraph 1 of this Article shall also order the return of an unincorporated construction product if the non-conformity of the product is such that it jeopardises or might jeopardise the life of people and/or the environment.

The decision referred to in paragraph 1 of this Article issued for a construction product for which the prescribed activities of conformity assessment with a harmonised European specification were conducted or are being conducted and a notification on the initiation of the prescribed procedures against persons responsible for the issuance of the document of conformity shall be delivered to the European Commission.

If it is established in the course of supervision in paragraph 1 of this Article that a construction product does not meet the prescribed requirements, the costs of such procedure shall be borne by the manufacturer, authorised representative, importer or distributor of the construction product or other person. If it is established that a construction product meets the prescribed requirements, the costs of such procedure shall be borne by the person the notification of whom served to conduct the investigation.

Withdrawing a harmonised European specification

Article 62

If it is established that a harmonised European specification does not ensure the achievement of the technical characteristics which a particular construction product must have, the Ministry shall notify the European Commission accordingly, stating its reasons, so that the procedure stipulated in Directive 89/106/EEC in line with Directive 98/34/EC, as amended by Directive 98/48/EC could be conducted.

The ordinance

Article 63

In an ordinance, the Minister shall regulate in more detail:

– the way in which supervision of production, placing on the market and distribution of construction products is conducted,

- the way in which supervision of the incorporation of construction products is conducted,
- the way in which placing on the market, distribution and/or incorporation of construction products is prohibited,
- the method and the person obligated to return an unincorporated construction product, and
- the way of co-operating and notifying the bodies in charge of supervising the production, placing on the market, distribution and incorporation of construction products and the way of co-operating and notifying other bodies the scope of work of which may be connected therewith.

VIII. PENAL PROVISIONS

Misdemeanours by authorised legal and other persons

Article 64

Any authorised legal person shall be fined for a misdemeanour in the amount of HRK 300,000 if it fails to notify the Ministry within the prescribed time limit about a change concerning the conditions for issuing or revoking the authorisation for:

- adopting the European technical approval (Article 24, paragraph 2),
- adopting the Croatian technical approval (Article 24, paragraph 2),
- implementing the procedure of conformity assessment (Article 30, paragraph 2),
- issuing the certificate of factory production control (Article 30, paragraph 2), or
- issuing the certificate of conformity (Article 37, paragraph 2).

The responsible person in the legal person shall also be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 30,000.

Article 65

Any authorised legal person shall be fined for a misdemeanour in the amount of HRK 1,000,000 if it does not meet one of the conditions for issuing the authorisations, and it:

- adopts the European technical approval (Article 24, paragraph 1),
- adopts the Croatian technical approval (Article 24, paragraph 1),
- issues a document on the performance of an activity of conformity assessment for a construction product (Article 30, paragraph 1),
- issues a certificate of factory production control (Article 30, paragraph 1), or
- issues a certificate of conformity (Article 37, paragraph 1).

The responsible person in the legal person shall also be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 100,000.

Article 66

Any legal person shall be fined for a misdemeanour in the amount of HRK 1,000,000 if, without an authorisation, it issues a document entitled:

- European technical approval (Article 15, paragraph 1),
- Croatian technical approval (Article 20, paragraph 2),
- a document on the performance of an activity of conformity assessment for a construction product (Article 27, paragraph 1),
- a certificate of factory production control (Article 28), or
- a certificate of conformity (Article 33, paragraph 1).

A natural person or a natural person trader/craftsman shall be fined for the misdemeanour

referred to in paragraph 1 of this Article in the amount of HRK 500,000.
The responsible person in the legal person shall also be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 100,000.

Article 67

Any authorised legal person shall be fined for a misdemeanour in the amount of HRK 1,000,000 if, contrary to the valid regulations or the rules of the profession, it:

- adopts the European technical approval (Article 24, paragraph 1),
- adopts the Croatian technical approval (Article 24, paragraph 1),
- issues a document on the performance of an activity of conformity assessment for a construction product (Article 30, paragraph 1),
- issues a certificate of factory production control (Article 30, paragraph 1), or
- issues a certificate of conformity (Article 37, paragraph 1).

The responsible person in the legal person shall also be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 100,000.

Article 68

Any authorised legal person shall be fined for a misdemeanour in the amount of HRK 500,000 if during construction damage results from its failure in the procedure of:

- adopting the European technical approval (Article 24, paragraph 1),
- adopting the Croatian technical approval (Article 24, paragraph 1),
- assessing the conformity of a construction product (Article 30, paragraph 1),
- issuing the certificate of factory production control (Article 30, paragraph 1), or
- issuing the certificate of conformity (Article 37, paragraph 1).

The responsible person in the legal person shall also be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 50,000.

Article 69

A legal person shall be fined for a misdemeanour in the amount of HRK 500,000 if it issues a document connected with the placing on the market, distribution or use of a construction product which, by name, appearance, content or in some other way, may be misleading as to the documents used to establish the technical characteristics of the construction product, confirm its conformity or demonstrate its fitness for use (Article 10, paragraph 2).

A natural person or a natural person trader/craftsman shall be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 250,000.

The responsible person in the legal person shall also be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 50,000.

Article 70

A legal person shall be fined for a misdemeanour in the amount of HRK 300,000 if it fails to enable the Ministry or persons authorised to supervise the implementation of this Act to inspect the premises or to examine an activity and/or document connected with conformity assessment, i.e. the proving of conformity of the construction product (Article 57) within the prescribed time limit.

The responsible person in the legal person shall also be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 30,000.

Misdemeanours by the manufacturer, authorised representative, importer and distributor of a construction product

Article 71

A legal person in the capacity of the manufacturer, authorised representative, importer or distributor shall be fined for a misdemeanour in the amount of HRK 500,000 if during construction damage results from changes to the technical characteristics of the construction product which occurred during its distribution in view of the legal person's failure to take adequate measures (Article 11, paragraph 1).

A natural person or a natural person trader/craftsman shall be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 250,000.

The responsible person in the legal person shall also be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 50,000.

Article 72

A legal person in the capacity of the manufacturer, authorised representative, importer or distributor shall be fined for a misdemeanour in the amount of HRK 1,000,000 if it issues a declaration of conformity for a construction product with respect to which the prescribed activities of conformity assessment were not performed or are not being performed (Article 36, paragraph 2).

A natural person or a natural person trader/craftsman shall be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 500,000.

The responsible person in the legal person shall also be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 100,000.

Article 73

Any legal person in the capacity of the manufacturer, authorised representative, importer or distributor shall be fined for a misdemeanour in the amount of HRK 500,000 if it:

- places on the market a construction product the fitness for use of which is not proven (Article 10),
- places on the market a construction product not marked with conformity mark or which does not have technical instructions (Article 40, paragraph 2),
- draws up technical instructions contrary to this Act or a regulation adopted pursuant to this Act (Article 42),
- places the conformity mark on a construction product with respect to which no document of conformity was issued (Article 43, paragraph 1), or
- places the conformity mark on a construction product in a way that is contrary to this Act or a regulation adopted pursuant to this Act (Article 42, paragraphs 2 and 3, Article 44, and Article 45).

A natural person or a natural person trader/craftsman shall be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 250,000.

The responsible person in the legal person shall also be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 50,000.

Article 74

A legal person in the capacity of the distributor shall be fined for a misdemeanour in the amount of HRK 500,000 if it distributes a construction product for which no document of conformity was issued and which is not marked with the conformity mark or which does not have technical instructions (Article 10).

A natural person or a natural person trader/craftsman shall be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 250,000.

The responsible person in the legal person shall also be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 50,000.

Article 75

A legal person in the capacity of the distributor shall be fined for a misdemeanour in the amount of HRK 500,000 if it fails to ensure that in the distribution of the construction product the technical instructions are followed (Article 40, paragraph 4).

A natural person or a natural person trader/craftsman shall be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 250,000.

The responsible person in the legal person shall also be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 50,000.

Article 76

A legal person in the capacity of the manufacturer, authorised representative, importer or distributor shall be fined for a misdemeanour in the amount of HRK 300,000 if it fails to enable the Ministry or persons authorised to supervise the implementation of this Act to examine the premises or an activity and/or document connected with conformity assessment, proving of fitness for use, placing on the market or distribution of the construction product (Article 57) within the prescribed time limit.

A natural person or a natural person trader/craftsman shall be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 150,000.

The responsible person in the legal person shall also be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 30,000.

Misdemeanours by contractors and other persons

Article 77

A legal person in the capacity of the contractor who took over a construction product for construction purposes or another legal person who did so shall be fined for a misdemeanour in the amount of HRK 500,000, if during construction damage results from changes to the technical characteristics of the construction product occurring from the moment of its takeover to incorporation or handover to the contractor or owner of the construction product in view of the legal person's failure to take adequate measures (Article 11, paragraph 2).

A natural person or a natural person trader/craftsman shall be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 250,000.

The responsible person in the legal person shall also be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 50,000.

IX. TRANSITIONAL AND FINAL PROVISIONS

Procedures already initiated

Article 78

Procedures initiated before the entry into force of this Act under the provisions of Articles 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 187, 188, 215, 216 and 217 of the Building Act (OG 175/03 and 100/04) shall be concluded according to the provisions of that Act and regulations adopted pursuant to that Act.

Acts

Article 79

Technical approvals, decisions on the takeover of foreign technical approvals, documents on activities performed in the procedure of conformity assessment and documents of conformity adopted or issued under the Building Act (OG 175/03 and 100/04) shall have equal status as the corresponding acts adopted pursuant to this Act and shall be valid, i.e. remain in force, until the date by which they were adopted or issued.

Technical instructions and conformity marks issued or placed on construction products in accordance with the Building Act (OG 175/03 and 100/04) shall be considered to be technical instructions and marks within the meaning of this Act.

Article 80

Until the date of accession of the Republic of Croatia to the European Union, the European technical approval shall be considered to be the national technical specification if a decision on its takeover was adopted.

Decisions on the takeover of the European technical approval, at the proposal of the manufacturer or importer of the construction product concerned, shall be adopted by the Minister on prior opinion of the legal person authorised to adopt the Croatian technical approval.

The provisions of this Act regulating the issue of adoption, validity, costs and placing out of force of the Croatian technical approval shall apply accordingly to the adoption of the decision referred to in paragraph 2 of this Article, i.e. to the European technical approval that was taken over.

The decision referred to in paragraph 1 of this Article is not an administrative act.

Article 81

Until the date of accession of the Republic of Croatia to the European Union, Article 52 of this Act shall apply to the document on the activities of conformity assessment issued by the person authorised to implement such assessment under the regulations of the Member State of the European Union.

Until the date of accession of the Republic of Croatia to the European Union, Article 52, paragraphs 2 and 3 of this Act, shall also apply to the document on the activities of conformity assessment and the document of conformity, issued in accordance with the regulations of the Member State of the European Union.

Performance of activities

Article 82

Persons authorised to adopt the technical approval, to implement the procedure of conformity assessment and to issue the certificate of conformity based on the regulations valid before the entry into force of this Act shall continue to perform the activities within their authorisation until the period of validity of the authorisation expires.

The ordinance

Article 83

Until the entry into force of the ordinances adopted on the basis of the powers referred to in this Act, the Ordinance on conformity assessment, documents of conformity and the marking of construction products (OG 1/05) shall remain in force.

Conformity mark

Article 84

Until the date of accession of the Republic of Croatia to the European Union, any construction product the characteristics of which are in accordance with the Croatian standard accepting a harmonised European standard and to which a technical regulation refers, shall be marked with the mark laid down in the ordinance referred to in Article 46 of this Act, instead of the mark: "CE".

Until the date of entry into force of the ordinance referred to in Article 46 of this Act, the construction products referred to in paragraph 1 of this Article shall be marked as designated in Annex 5 of the Ordinance on conformity assessment, documents of conformity and the marking of construction products (OG 1/05).

Recognised technical rules

Article 85

Fitness for use of construction products for which no technical regulation was adopted shall be demonstrated according to the recognised technical rules.

As of the date of accession of the Republic of Croatia to the European Union, for proving the fitness for use of construction products for which a harmonised European specification exists, the recognised technical rules contained in the following acts shall cease to apply:

- Ordinance on the mandatory attesting of the elements of standardised building structures for fire resistance and on the conditions that the organisations of associated labour authorised for attesting have to fulfil (Official Journal of the SFRY 24/90 and OG 47/97),
- Ordinance on the mandatory attesting of clay tiles and on the conditions that the organisations of associated labour authorised for attesting have to fulfil (Official Journal of the SFRY 24/90),
- Order on the mandatory attesting of hydro-insulation materials impregnated with bitumen and bitumen strips (Official Journal of the SFRY 46/87),
- Order on the mandatory attesting of general purpose steel ropes (Official Journal of the SFRY 61/83 and 17/88 and OG 1/01),

- Order on mandatory attesting of general purpose chipboards in the construction industry (Official Journal of the SFRY 61/83),
- Order on the mandatory attesting of fractioned stone aggregate for concrete and asphalt (Official Journal of the SFRY 41/87),
- Order on the mandatory attesting of nuts, bolts and washers for the joints of load carrying steel constructions (Official Journal of the SFRY 61/85), and
- Order on the mandatory attesting of precast elements made of cell concrete (Official Journal of the SFRY 34/85).

Procedures for issuing the certificates of the testing of construction products referred to in paragraph 1 of this Article initiated before the date of accession of the Republic of Croatia to the European Union according to the recognised technical rules, shall be completed according to the said technical rules.

The certificates of the testing of construction products issued according to the recognised technical rules shall be recognised as proof of the fitness for use of the construction products until the date of validity stated therein, but not for a period over two years as of the date of accession of the Republic of Croatia to the European Union.

Article 86

As of the date of accession of the Republic of Croatia to the European Union, the recognised technical rules included in the acts stated below shall cease to apply in the part in which they stipulate the use of a construction product manufactured according to a Croatian standard that was taken over:

- Ordinance on technical standards for design and carrying out of final construction work in the construction industry (Official Journal of the SFRY 21/90),
- Ordinance on technical standards for the construction of high-rise buildings in seismically active areas (Official Journal of the SFRY 31/81, 49/82, 29/83, 20/88 and 52/89),
- Ordinance on technical measures and conditions for hydrocarbon hydro-insulation of roofs and terraces (Official Journal of the SFRY 26/69),
- Ordinance on minimal technical conditions for constructing apartments (Official Journal of the SFRY 45/67),
- Ordinance on technical standards for ventilation and air-conditioning systems (Official Journal of the SFRY 38/89 and OG 69/97),
- Ordinance on technical standards for design, manufacturing and carrying out of construction work with precast elements made of nonreinforced and reinforced cell concrete (Official Journal of the SFRY 14/89),
- Ordinance on technical standards for low-voltage electrical installations (Official Journal of the SFRY 53/88 and OG 5/02),
- Ordinance on technical standards for load carrying steel constructions (Official Journal of the SFRY 61/86),
- Ordinance on technical measures and conditions for the protection of steel construction from corrosion (Official Journal of the SFRY 32/70),
- Ordinance on technical measures and conditions for the assembly of steel constructions (Official Journal of the SFRY 29/70),
- Ordinance on Technical regulations for light steel buildings using load carrying steel constructions (Official Journal of the SFRY 6/65),
- Ordinance on Technical regulations for simple constructions of buildings with load carrying steel constructions (Official Journal of the SFRY 6/65),
- Ordinance on Technical regulations on the quality of welded joints of load carrying steel constructions (Official Journal of the SFRY 41/64), and

– Ordinance on temporary Technical regulations for construction in seismically active areas (Official Journal of the SFRY 39/64).

Termination of validity of the regulations

Article 87

On the date of entry into force of this Act, the provisions of Articles 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 187, 188, 215, 216 and 217 of the Building Act (OG 175/03 and 100/04) shall cease to be in effect.

Entry into force of the Act

Article 88

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette, other than Article 7, paragraphs 2 and 3, Article 8, paragraph 2 in the part relating to the harmonised European specification not referred to in a technical regulation, Article 12 in the part relating to the harmonised European specification, Articles 13, 14, 15, 16, 17, 18, Article 19 in the part relating to the harmonised European specification, Article 22, paragraph 1 in the part relating to the harmonised European specification, Article 24 in the part relating to the adoption of the European technical approval, Article 25 in the part relating to the adoption of the European technical approval, Article 27 in the part relating to the harmonised European specification, Article 43, paragraph 2, Articles 44, 47, 48, 49, 50, 51, Article 53, paragraph 1 and paragraph 3 in the part relating to paragraph 1, Article 54, Article 61, paragraph 3, Article 62, Article 64, paragraph 1, subparagraph 1, Article 65, paragraph 1, subparagraph 1, Article 66, paragraph 1, subparagraph 1, Article 67, paragraph 1, subparagraph 1, and Article 68, paragraph 1, subparagraph 1 which shall enter into force on the date of accession of the Republic of Croatia to the European Union.

Class: 360-33/08-01/01
Zagreb, 15 July 2008

THE CROATIAN PARLIAMENT
The President of the Croatian Parliament
Luka Bebić, m.p.