

ACT
ON PHYSICAL PLANNING AND BUILDING
TASKS AND ACTIVITIES

I. GENERAL PROVISIONS

Article 1

(1) This Act regulates the performance of professional tasks and activities in the fields of physical planning and building, design and/or professional construction supervision, building project management, testing and preliminary studies, and lays down the tasks of the profession, the professional examination and professional development and the conditions to be met by foreign persons performing tasks and activities in the fields of physical planning and building.

(2) The performance of the professional tasks of the geodetic profession as they relate to physical planning and building shall be regulated by a special law.

Article 2

This Act transposes the following into the legal order of the Republic of Croatia:

- Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market of 12 December 2006 (SL L 376, 27.12.2006)
- Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications of 7 September 2005 (SL L 255, 30.09.2005) as last amended by Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ("the IMI Regulation") (SL L 354 28.12.2013).

Article 3

(1) For the purposes of this Act, the performance of professional physical planning tasks shall mean the development of draft spatial plans and draft spatial status reports and the carrying out of tasks related to the preparation and adoption of spatial plans and spatial status reports.

(2) For the purposes of this Act, the performance of design tasks shall mean the carrying out of all tasks related to the development of conceptual, main, detailed and standard designs, determining the fulfilment of the basic requirements for a construction work, the development of removal designs and designs of the current state of construction works, as provided for in special laws governing the field of physical planning and the field of building and in regulations made under these laws.

(3) For the purposes of this Act, the performance of professional construction supervision tasks shall mean the carrying out of all tasks that, in accordance with a special law governing the field of building, are carried out by a supervising engineer.

(4) For the purposes of this Act, the performance of the construction activity shall mean the execution of construction and other works (preparatory works, earthworks, structural works, installation works, finishing works and the incorporation of construction products, facilities or equipment) whereby a new construction work is built or an existing construction work is reconstructed, removed or undergoes maintenance.

(5) For the purposes of this Act, the performance of the building project management activity shall mean the carrying out, on behalf and for the account of the investor, of the tasks of providing financial, legal and technical consulting in relation to the design, construction, use and removal of construction works and the carrying out of other tasks as provided for in this Act.

(6) For the purposes of this Act, the performance of testing activities shall mean carrying out tasks of testing of materials, specific parts of or an entire construction work for the purpose of verifying or attesting to the compliance with the basic requirements for a construction work and/or other requirements or conditions foreseen in the main design or a report on a performed design audit, and control testing of materials that is carried out on the basis of special regulations, the design of the construction work or a suspicion and is of importance for the design, construction and use of a specific construction work.

(7) For the purposes of this Act, the performance of preliminary study activities shall mean determining the conditions for construction and determining the state of materials, construction works, devices and installations in relation to the fulfilment of the basic requirements for a construction work.

(8) For the purposes of this Act, the relevant professions are the architectural, civil engineering, mechanical engineering and electrical engineering professions.

(9) For the purposes of this Act, the professional title of certified architect shall also mean the professional title of certified architect – urban planner for persons certified to carry out the tasks of a responsible development manager of spatial plan draft proposals and spatial status reports prior to 1 October 2005.

(10) For the purposes of this Act, the Ministry shall mean the ministry competent for construction and physical planning matters.

(11) The Minister shall mean the minister competent for construction and physical planning matters.

Article 4

The terms used in this Act shall have the meanings determined by laws governing the fields of physical planning, building and construction products, and by other special laws.

Article 5

A legal or natural person registered for carrying out the activities of physical planning, design and/or professional construction supervision, construction, building project management, testing and preliminary studies shall be accountable for the work performed to the investor and other persons in accordance with the provisions of this Act and special regulations.

Article 6

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

II. PERFORMANCE OF PROFESSIONAL TASKS AND ACTIVITIES IN THE FIELD OF PHYSICAL PLANNING

The responsible spatial plan development manager

Article 7

Professional physical planning tasks, carried out in the capacity of a responsible manager of the development of draft proposals of spatial plans and spatial status reports and the performance of other professional tasks in the field of physical planning, may be performed by a certified architect – urban planner in accordance with a special law regulating association in a chamber.

Organisational forms of the performance of tasks

Article 8

A certified architect – urban planner may carry out professional physical planning tasks in his own certified architect's sole-practice office, a joint-practice office and/or within a legal person registered for carrying out professional tasks in the field of physical planning, a physical planning institute in a county, the City of Zagreb or a large city, or the Croatian Institute for Spatial Development.

Approval for the performance of professional physical planning tasks

Article 9

(1) A legal person registered for the performance of professional physical planning tasks may commence the performance of professional physical planning tasks upon receiving the approval of the Ministry.

(2) The approval referred to in paragraph 1 of this Article shall be issued by the Ministry at the request of the party concerned, and shall be in the form of a decision and for an indefinite period.

(3) Approval to perform professional physical planning tasks shall be issued to a legal person registered for the performance of professional physical planning tasks that has a certified architect – urban planner in its employment.

(4) The Ministry shall keep a record of issued approvals to perform professional physical planning tasks.

(5) The manner of submitting an application and the documents to be submitted with the application, the documents to be submitted annually as proof of the fulfilment of the requirements of the issued approval, the content of an approval, and the content of the records of issued approvals to perform professional physical planning tasks shall be prescribed by the Minister by way of an ordinance.

Article 10

(1) The Ministry shall issue a decision revoking an approval to perform professional physical planning tasks if a legal person:

- ceases to fulfil the requirements stipulated for the issuance of an approval, the conditions that must be fulfilled during the development of spatial plans, or
- if it performs professional physical planning tasks in contravention of this Act and regulations made under this Act or in contravention of the legislation governing the field of physical planning.

(2) A legal person that has obtained an approval to perform professional physical planning tasks shall, once a year in the month in which the approval was issued, submit to the Ministry documents proving that the conditions for the performance of professional physical planning tasks have not ceased to exist.

Article 11

A decision granting approval for the performance of professional physical planning tasks or a decision revoking such decision may not be appealed, but an administrative dispute may be initiated. An administrative dispute initiated against these decisions shall be urgent.

Sole-practice office

Article 12

(1) A certified architect – urban planner may carry out professional tasks related to the development of draft urban development plans and tasks related to the preparation and adoption of urban development plans as a sole practitioner.

(2) A sole-practice office carrying out professional physical planning tasks shall be established by registering in the register of sole-practice offices carrying out professional physical planning tasks kept by the Croatian Chamber of Architects.

(3) A certified architect – urban planner may have a sole-practice office carrying out professional physical planning tasks in the Republic of Croatia in which he may also carry out design and/or professional construction supervision tasks as a sole practitioner, provided that he has passed the appropriate professional examination for the performance of tasks in the field of construction.

Joint-practice office

Article 13

(1) Several certified architects – urban planners may perform professional tasks related to the development of draft proposals of spatial plans and spatial status reports, and tasks related to the preparation and adoption of spatial plans and spatial status reports in a joint-practice office carrying out physical planning tasks (hereinafter: joint-practice office). In this case, the certified architects shall regulate their mutual rights by a written agreement.

(2) A joint-practice office carrying out physical planning tasks shall be established pursuant to the agreement referred to in paragraph 1 of this Article by entry into the register of joint-practice offices of the Croatian Chamber of Architects, at the request of the certified architects who concluded the agreement.

Legal person for the performance of professional physical planning tasks

Article 14

A legal person registered for carrying out professional physical planning tasks shall have, for the purpose of performing these tasks, a certified architect – urban planner in its employment, in accordance with a special law governing association in a chamber, who has passed the professional examination for the performance of professional physical planning tasks.

Conditions for the development of spatial plans

Article 15

(1) A certified architect – urban planner performing professional physical planning tasks as a sole practitioner, a joint-practice office or a legal person registered for

carrying out professional physical planning tasks shall, when necessary and depending on the level and content of a spatial plan they are producing in the development of a draft spatial plan, ensure the participation of:

- a certified civil engineer, a traffic engineer with a Master's degree, or a certified mechanical engineer, a certified electrical engineer, with at least two years of work experience in physical planning tasks;

- a person holding a Master's degree in geography or an engineer holding a Master's degree in biology, ecology, landscape architecture, forestry, agronomy or a similar profession with at least two years of work experience in physical planning tasks, and

- a person holding a Master's degree in economics, sociology, demography or a similar profession with at least two years of work experience in physical planning tasks.

(2) Exceptionally, if the producer of a plan referred to in paragraph 1 of this Article has a previously produced expert basis or if an expert basis is not stipulated in a decision on the development of a spatial plan, he shall not be required to ensure the participation of the professionals referred to in paragraph 1 of this Article.

Article 16

A certified architect – urban planner performing professional physical planning tasks as a sole practitioner, a joint-practice office or a legal person registered for carrying out professional physical planning tasks shall, in the performance of these tasks, comply with the provisions of this Act and special laws governing the field of physical planning, and shall ensure that the performance of physical planning tasks complies with the fundamental principles and rules that certified architects are required to comply with.

III. PERFORMANCE OF DESIGN AND/OR PROFESSIONAL CONSTRUCTION SUPERVISION TASKS AND ACTIVITIES

1. DESIGNER AND SUPERVISING ENGINEER

Article 17

A certified architect or a certified engineer may perform design tasks in the capacity of a responsible person (designer and/or chief/lead designer) within the framework of the tasks of his profession and in accordance with a special law regulating association in a chamber.

Article 18

A certified architect or a certified engineer may perform professional construction supervision tasks in the capacity of a responsible person (supervising engineer) within the framework of the tasks of his profession and in accordance with a special law regulating association in a chamber.

2. ORGANISATIONAL FORMS OF THE PERFORMANCE OF TASKS

Article 19

Certified architects and certified engineers may perform design and/or professional construction supervision tasks as sole practitioners, in a joint-practice office or in a legal person registered for this activity.

Sole-practice office

Article 20

(1) A sole-practice office carrying out design and/or professional construction supervision tasks shall be founded by entry into the register of sole-practice offices kept by the relevant chamber, in accordance with a special law regulating association in a chamber.

(2) A certified architect may have in the Republic of Croatia a sole-practice office carrying out design and/or professional construction supervision tasks, in which he may also carry out, as a sole practitioner, professional tasks related to the development of draft urban development plans if he has passed the appropriate professional examination for the performance of physical planning tasks.

Joint-practice office

Article 21

(1) Several certified architects and/or certified engineers may perform design and/or professional construction supervision tasks in a joint-practice office carrying out design and/or professional construction supervision tasks (hereinafter: joint-practice office). In this case, the certified architects and/or certified engineers shall regulate their mutual rights by a written agreement.

(2) A joint-practice office shall be founded on the basis of the agreement referred to in paragraph 1 of this Article by entry into the register of joint-practice offices of the relevant chamber at the request of the certified architects and/or certified engineers who concluded the agreement. A joint-practice office established by certified architects or certified engineers of the same profession shall be founded by entry into the register of joint-practice offices kept by the chamber in which their profession is associated. A joint-practice office established by a certified architect and a certified engineer or by certified engineers of different professions shall be founded by entry into the register of joint-practice offices kept by a chamber determined in the agreement referred to in paragraph 1 of this Article.

(3) A chamber that has entered into its register a joint-practice office of a certified architect and a certified engineer or of certified engineers of different professions shall notify, without delay, the other relevant chambers thereof.

Legal person registered for the design and/or professional construction supervision activity

Article 22

A legal person registered for carrying out design and/or professional construction supervision tasks must, in the performance of these tasks, have a certified architect or a certified engineer in its employment.

Article 23

A legal person registered for the design and/or professional construction supervision activity shall, in the performance of these tasks, comply with the provisions of this Act and special laws governing construction, and shall ensure that design and/or professional construction supervision tasks are carried out in accordance with the fundamental principles and rules that certified architects and certified engineers are required to comply with.

IV. PERFORMANCE OF CONSTRUCTION TASKS AND ACTIVITIES

Certified construction manager

Article 24

The tasks of a construction manager, in the capacity of a responsible person, may be performed by a certified construction manager, in accordance with a special law that regulates association in a chamber.

Certified works manager

Article 25

The tasks of a works manager, in the capacity of a responsible person, may be performed by a certified works manager, in accordance with a special law that regulates association in a chamber.

Article 26

(1) The contractor shall appoint the lead site engineer, site engineer and/or works manager as the responsible person in charge of construction management or works management.

(2) A natural person of the architectural, civil engineering, mechanical engineering or electrical engineering profession who fulfils the conditions stipulated by a special law regulating association in a chamber may be appointed as the lead site engineer, site engineer and/or works manager within the framework of the tasks of his profession.

(3) A natural person who has earned a Master's degree in engineering in a profession not specified in paragraph 2 of this Article may be appointed as a works manager provided that the curriculum based on which the person has graduated is appropriate for the performance of these works management tasks and provided that the person satisfies other conditions of a special law regulating association in a chamber.

Article 27

(1) A certified construction manager may, within the framework of the tasks of his profession, manage construction or the execution of construction and other works whereby a new construction work is built or an existing construction work is reconstructed, undergoes maintenance or is removed.

(2) A certified construction manager may, within the framework of the tasks of his profession, perform the tasks of a certified works manager.

Article 28

(1) A certified works manager may, within the framework of the tasks of his profession, manage the execution of construction and other works: preparatory works, earthworks, structural works, installation works, finishing works and the incorporation of construction products, equipment or facilities.

(2) A person who has completed a secondary school programme for technicians in a relevant profession (Level 4.2 of the Croatian Qualifications Framework), has at least ten years of work experience in the profession and has passed the professional examination may be appointed as a manager of less complex works.

Contractor

Article 29

A legal person or a natural person - craftsman, registered for carrying out of the construction activity or for the execution of individual works (hereinafter: the contractor) that fulfils the conditions stipulated by this Act and special regulations governing building may build and/or execute works on a construction work.

Article 30

(1) When carrying out the construction activity the contractor must have in its employment a certified construction manager and/or a certified works manager.

(2) The contractor shall, when carrying out the construction activity, comply with the provisions of this Act and special laws governing building, and shall ensure that construction tasks are carried out in accordance with the fundamental principles and rules that certified construction managers and certified works managers are required to comply with.

Article 31

The contractor may not be involved in the carrying out of professional construction supervision in respect of the same construction work.

Article 32

By way of derogation from the provision of Article 29 of this Act, a natural person - investor who has completed an undergraduate professional study programme or undergraduate university study programme in the architectural or civil engineering professions and has passed the professional examination for tasks in construction, may himself build a family house that is intended entirely for residential use or in which over 70 % of the gross construction area is intended for residential use and which consists of not more than two housing units, for his own personal use.

V. PERFORMANCE OF BUILDING PROJECT MANAGEMENT TASKS AND ACTIVITIES

Building project management activities

Article 33

The building project management activities include the following tasks:

- providing financial, legal and technical consulting pertaining to the design, construction, use and removal of construction works;
- financial, legal and technical preparations and the planning of tasks pertaining to building and the monitoring of the implementation of this plan;
- consulting, selecting and contracting tasks for designers, design auditors, supervising engineers, contractors, certified geodetic engineers and other persons performing tasks pertaining to the building of construction works and consulting in contracting tasks with these persons;
- linking and coordinating the work of designers, design auditors, supervising engineers, contractors, certified geodetic engineers and other persons participating in

building and the supervision of their work for the purpose of protecting the rights and interests of the investor;

- obtaining acts, analyses, studies, expert reports and other documents necessary for the development of conceptual, main and detailed designs and a design for the removal of a construction work;

- obtaining all documents and the conclusion of all legal transactions required for the issuance of administrative acts related to the implementation of physical planning and construction documents and the use and/or removal of construction works and the obtaining of these administrative acts;

- obtaining all documents and the conclusion of all legal transactions required for the construction of a construction work and the performance of actions that the investor is required to perform during the construction of a construction work.

Organisational form and requirements for the performance of the activity

Article 34

The building project management activities may be performed by a legal person or natural person – craftsman that is registered for carrying out the building project management activities and has a project manager in its employment.

Article 35

A legal person or natural person – craftsman performing the building project management activities shall ensure that individual tasks in building project management are performed by persons possessing the appropriate professional qualifications as referred to in Article 37 of this Act.

Article 36

(1) A legal person or natural person – craftsman performing the building project management activities in respect of a specific construction work may not perform the design and professional construction supervision tasks in respect of this construction work.

(2) The employee of a legal person or natural person – craftsman performing the building project management activities in respect of a specific construction work may not be the designer or supervising engineer for this construction work.

(3) The legal person or natural person – craftsman performing the building project management activities in respect of a specific construction work may not be the contractor for this construction work.

Project manager

Article 37

(1) A project manager may be a natural person who has at least eight years of work experience in carrying out the relevant tasks, with an education in the field of architecture, civil engineering, electrical engineering or mechanical engineering, and who has completed an undergraduate and graduate university study programme or an integrated undergraduate and graduate university study programme that awards the academic title of a Master's degree or a Master of Engineering degree, or who has successfully completed the corresponding specialist graduate professional study programme in the above fields that awards the professional title of professional specialist engineer provided that during his entire studies he earned at least 300 ECTS credits, or who has achieved, in another manner provided

for in a special regulation, the appropriate level of education and possesses the necessary knowledge in the field of project management.

(2) A project manager shall be deemed to possess the necessary knowledge in the field of project management if he has:

- an internationally recognised certificate of competency in project management, or
- education in the field of architecture, civil engineering, electrical engineering or mechanical engineering and has completed an educational programme that includes at least 30 ECTS credits in the fields relevant to the management of building projects.

(3) The internationally recognised systems of certification of competency in project management and the educational programmes referred to in paragraph 2 of this Article shall be determined by the Minister by way of an ordinance.

Obligation to appoint a project manager

Article 38

(1) A project manager shall be appointed by the investor for the purpose of optimising the expenditure of funds and time and for the lawful and quality execution of a construction work.

(2) Investors that, pursuant to the legislation governing public procurement, are deemed to be public clients, shall be required to appoint a project manager when:

1. investing funds in the construction of infrastructural and other construction works of a total investment value in excess of HRK 10,000,000.00 before VAT;
2. investing funds in the construction of buildings of a total investment value in excess of HRK 50,000,000.00 before VAT.

(3) The project manager shall be responsible to the investor for the lawful and proper performance of the tasks stipulated by this Act.

Article 39

The provisions of Title V of this Act shall not apply to private investors that appoint a project manager.

VI. PERFORMANCE OF THE TASKS AND ACTIVITIES OF TESTING AND PRELIMINARY STUDIES

The activity of testing

Article 40

(1) The activity of testing encompasses the following tasks:

- testing of materials, specific parts of or of an entire construction work for the purpose of verifying or proving the fulfilment of the basic requirements for a construction work and/or other requirements or conditions foreseen in the main design or a report on a performed design audit;

- control testing of materials carried out on the basis of special regulations, the design of the construction work or a suspicion.

(2) Testing may be carried out during the construction of a new construction work, or during the reconstruction or maintenance of an existing construction work.

(3) The testing of construction products carried out during the assessment and verification of constancy of performance of the construction products shall be governed by a special regulation.

The activity of preliminary studies

Article 41

- (1) The activity of preliminary studies encompasses the following tasks:
- determining the construction requirements (foundation soil, geological, hydrological, hydro-technical, seismic, traffic, environmental and other conditions)
 - determining the state of materials and of the construction work, devices and installations with respect to the fulfilment of the basic requirements for a construction work.
- (2) Preliminary studies shall be carried out prior to and during:
- the construction of a new construction work;
 - the reconstruction of a construction work;
 - the maintenance of a construction work.
- (3) Preliminary studies shall include testing and other control procedures, the assessment of the results of testing and other control procedures, determining construction requirements or determining the existing condition of a construction work, determining the fulfilment of the requirements of special regulations and/or of the design and proving the fulfilment of the basic requirements for a construction work.
- (4) Preliminary studies are of importance for the design, construction and use of a specific construction work.

Article 42

The activity of testing and/or conducting preliminary studies may be performed by a legal person or a natural person - craftsman that:

- is registered for the activity of technical testing and analysis;
- has an accreditation certificate issued by the national accreditation body for testing;
- provides a professional person for the performance of preliminary studies.

Article 43

- (1) A legal person or a natural person - craftsman performing the activity of testing and preliminary studies shall ensure that individual testing or preliminary study tasks are performed by a person possessing the appropriate professional qualifications.
- (2) A legal person or a natural person - craftsman referred to in paragraph 1 of this Article shall appoint a professional person for the performance of preliminary study tasks.
- (3) A legal person or a natural person - craftsman referred to in paragraph 1 of this Article shall ensure impartiality in performing testing and preliminary study tasks and the independence of the appointed professional person.

Article 44

A legal person or a natural person - craftsman shall prove their proficiency in testing by a certificate of accreditation in accordance with the HRN EN ISO/IEC 17025 standard that has been issued by the national accreditation body for a specific test method, thereby also proving the proficiency in using an equivalent test method for testing the same or a similar performance, as required by a testing plan or determined in the design of the construction work.

Article 45

(1) For the purpose of this Act, a professional person for performing the tasks of preliminary studies may be:

- an engineer certified for carrying out design and/or professional construction supervision tasks who has specific competences, knowledge and skills in the field of preliminary studies and has at least three years of professional experience in the field;

or

- a person who has completed an undergraduate and graduate university study programme or an integrated undergraduate and graduate university study programme and obtained the academic title of Master, Master of Engineering, or who has completed the corresponding specialist graduate professional study programme and obtained the professional title of professional specialist engineer provided that during his studies he has earned at least 300 ECTS credits, or who has achieved, in another manner provided for in a special regulation, the relevant level of education and has the necessary competences, knowledge and skills in the field of preliminary studies and has at least five years of professional experience in the field.

(2) The person referred to in paragraph 1, subparagraph 2 of this Article for which there is, in accordance with this Act, the possibility of taking a professional examination, must pass the professional examination for the performance of the construction tasks referred to in Article 56 of this Act.

(3) An appropriate profession for the performance of preliminary study tasks shall be any profession whose learning outcomes are such that they are applicable to conducting preliminary studies in accordance with this Act.

Article 46

A person conducting testing and preliminary studies is responsible for the lawful and proper performance of the tasks stipulated by this Act, special regulations, technical specifications and the rules of the profession and for the proper preparation of reports on testing or reports on preliminary studies.

VII. TASKS OF THE PROFESSIONS, PROFESSIONAL EXAMINATIONS AND PROFESSIONAL DEVELOPMENT

1. THE TASKS OF THE PROFESSIONS

Professional physical planning tasks

Article 47

The task of the architectural profession in performing professional physical planning tasks shall be to perform these tasks in the capacity of a manager responsible for the development of draft proposals of spatial plans and spatial status reports and to perform other professional physical planning tasks within the framework of the knowledge acquired through education and work experience.

Article 48

The task of the civil engineering, electrical engineering and mechanical engineering professions in performing professional physical planning tasks shall be to perform these tasks in the capacity of an associate for traffic, public utilities and other

infrastructure within the framework of the knowledge acquired through education and work experience.

Design and design auditing

Article 49

(1) The tasks of the architectural profession in performing design tasks shall be as follows:

- developing architectural designs for buildings and designs for water supply and sewage disposal installations in buildings;
- developing statements of the estimated costs of construction, within the framework of the tasks for which the architectural profession is authorised to design;
- developing landscape planning designs for all construction works, and landscape architecture designs;
- developing architectural designs of the current state of buildings and landscape architecture facilities;
- determining the fulfilment of the basic requirements for a construction work for buildings and landscape architecture facilities, and the development of proofs of the fulfilment of the basic requirements within the framework of the tasks for which the architectural profession is authorised to design;
- developing parts of removal design for all construction works, within the framework of the tasks for which the architectural profession is authorised to design;
- developing architectural designs of the current state of buildings and landscape architecture facilities;
- architectural design validation.

(2) The tasks of the profession that certified landscape architects are authorised to perform shall be regulated by the statutes of the chamber in which certified architects are associated.

Article 50

(1) The tasks of the civil engineering profession in performing design and design auditing tasks shall be as follows:

- developing construction designs for all construction works, including all water supply and sewage disposal installation designs;
- developing statements of the estimated costs of construction within the framework of the tasks for which the civil engineering profession is authorised to design;
- determining the fulfilment of the basic requirements for a construction work for all construction works, and the development of proofs of the fulfilment of the basic requirements, including the as-built design, within the framework of the tasks for which the civil engineering profession is authorised to design;
- developing parts of removal design for all construction works, within the framework of the tasks for which the civil engineering profession is authorised to design;
- developing civil engineering designs of the current state of all construction works;
- audit of the main design and removal design for all construction works with regard to mechanical resistance and stability;
- validation of civil engineering designs.

(2) The tasks of the profession that certified engineers of the geological engineering and geotechnical engineering professions are authorised to perform shall be

regulated by the statutes of the chamber in which certified engineers of the civil engineering profession are associated.

Article 51

The tasks of the mechanical engineering profession in performing design tasks shall be as follows:

- developing mechanical engineering designs for mechanical installations, equipment and facilities in all construction works, including the supporting systems, auxiliary devices, installations and the accompanying parts of load-bearing mechanical structures of mechanical equipment, and developing the water supply and sewage disposal system design;
- developing statements of the estimated costs of construction within the framework of the tasks for which the mechanical engineering profession is authorised to design;
- determining the fulfilment of the basic requirements for a construction work, and the development of proofs of the fulfilment of the basic requirements, including an as-built design of mechanical installations, equipment and facilities within the framework of the tasks for which the mechanical engineering profession is authorised to design;
- developing parts of removal design for all construction works within the framework of the tasks for which the mechanical engineering profession is authorised to design
- developing mechanical engineering designs of the current state for all construction works;
- validation of mechanical engineering designs.

Article 52

The tasks of the electrical engineering profession in performing design tasks shall be as follows:

- developing electrical engineering designs for electrical engineering installations, equipment and facilities in all construction works, including the supporting systems, auxiliary devices and installations;
- developing statements of the estimated costs of construction within the framework of the tasks for which the electrical engineering profession is authorised to design;
- determining the fulfilment of the basic requirements for a construction work, and the development of proofs of the fulfilment of the basic requirements, including an as-built design of electrical installations, equipment and facilities, within the framework of the tasks for which the electrical engineering profession is authorised to design;
- developing parts of removal design for all construction works within the framework of the tasks for which the electrical engineering profession is authorised to design;
- developing electrical engineering designs of the current state for all construction works;
- validation of electrical engineering designs.

Professional construction supervision

Article 53

(1) When carrying out professional construction supervision tasks, the architectural, civil engineering, mechanical engineering and electrical engineering professions shall supervise the execution of the works which they are authorised to design pursuant to this Act.

(2) The civil engineering profession may also perform tasks of professional supervision of the construction of construction works and the execution of works which the architectural profession is authorised to design pursuant to this Act.

(3) The architectural profession may also perform tasks of professional supervision of the execution of works on buildings which the civil engineering profession is authorised to design pursuant to this Act, and for which, pursuant to a special regulation, the main design audit is not required.

Construction management

Article 54

(1) When performing construction management tasks, the architectural, civil engineering, mechanical engineering and electrical engineering professions shall manage the construction of construction works and the execution of works which they are authorised to design pursuant to this Act.

(2) The civil engineering profession may also perform tasks of construction management of construction works and execution of works that the architectural profession is authorised to design pursuant to this Act.

(3) The architectural and civil engineering professions may also perform tasks of construction management of buildings and execution of works on buildings that the architectural and civil engineering professions are authorised to design pursuant to this Act.

Design supervision

Article 55

When performing design supervision tasks, the architectural, civil engineering, mechanical engineering and electrical engineering professions shall carry out the design supervision of the execution of the works they are authorised to design pursuant to this Act.

2. PROFESSIONAL EXAMINATION AND PROFESSIONAL DEVELOPMENT

Professional examination

Article 56

(1) Persons performing the professional physical planning tasks referred to in Article 7 of this Act shall be required to pass the professional examination for the performance of physical planning tasks or fulfil conditions pursuant to special regulations that prescribe taking a professional examination.

(2) Persons performing tasks of designing, design auditing, validation, professional construction supervision, construction manager tasks, works manager tasks, the tasks of testing and preliminary studies, or who are drafting expert reports for the needs of designs, and persons participating in the activities of assessing compliance and issuing certificates of compliance for construction products, shall be required to pass the professional examination for the performance of construction tasks, or fulfil conditions pursuant to special regulations that prescribe taking a professional examination.

(3) The professional examination shall be carried out by the Ministry.

(4) The list of examiners, consisting of nine persons from among experts in the specific areas of examination shall be appointed by the Minister by way of a decision.

(5) The professional examination shall be oral.

(6) Once the professional examination is passed, the Ministry shall issue a certificate thereof.

(7) The Ministry shall keep a register of the issued certificates confirming the successful passing of the professional examination.

Article 57

The minister shall issue an ordinance prescribing the programme of the professional examination, the conditions and method of conducting the professional examination referred to in Article 56, paragraphs 1 and 2 of this Act, the level of the professional examination fee, the content and form of forms for the conduct of the professional examination and the certificate confirming the successful passing of the professional examination.

Professional development

Article 58

(1) After passing the professional examination, the persons referred to in Article 56, paragraphs 1 and 2 of this Act shall continue their professional development, which shall take various forms of professional development in acquiring and improving their professional knowledge.

(2) Professional development shall be carried out by chambers, professional organisations, universities, polytechnics and other legal persons.

(3) Chambers shall keep records of the professional development of their members and shall issue certificates of completed professional development and training.

(4) Chambers shall prescribe by a general by-law, adopted with the prior approval of the Ministry, the programme, conditions and methods of carrying out and monitoring the professional development of their members.

VIII. FOREIGN PERSONS PERFORMING TASKS AND ACTIVITIES OF PHYSICAL PLANNING AND BUILDING

Physical planning, design and/or professional construction supervision tasks, construction management tasks, works manager tasks, project manager tasks, and testing and preliminary studies tasks

Article 59

(1) A natural person entitled to perform physical planning tasks in a foreign country in the capacity of a certified person shall be entitled, under the assumption of reciprocity, to permanently perform these tasks in the Republic of Croatia as a certified manager of physical planning activities, under the same conditions as a certified architect – urban planner, if he/she has the professional qualifications required for the performance of these tasks in accordance with a special law governing the recognition of foreign professional qualifications and other special regulations.

(2) A natural person entitled to perform design and/or professional construction supervision tasks, construction manager tasks, works manager tasks, project manager tasks, and testing and preliminary studies tasks in a foreign country shall be entitled, under the assumption of reciprocity, to permanently perform these tasks in the Republic of Croatia in the capacity of a certified person under the same conditions as a certified architect or certified engineer, certified construction manager or certified works manager, project

manager, person authorised for testing and preliminary studies, if he/she has the professional qualifications required for the performance of these tasks in accordance with a special law governing the recognition of foreign professional qualifications and other special regulations.

(3) The assumption of reciprocity referred to in paragraphs 1 and 2 of this Article shall not apply to nationals of the states that are contracting states of the European Economic Area (hereinafter: EEA) and of the member states of the World Trade Organisation.

Article 60

A certified natural person from an EEA contracting state shall be entitled to permanently perform physical planning, design and/or professional construction supervision tasks, construction manager tasks, works manager tasks, project manager tasks, and testing and preliminary studies tasks in the Republic of Croatia in the capacity of a certified person under the professional title that the persons certified to perform these tasks have in the Republic of Croatia, if he/she is entered in the register of foreign certified architects, or certified engineers, or certified construction managers, or certified works managers in the relevant chamber, in accordance with a special law governing association in chambers.

Article 61

Certified natural persons from an EEA contracting state shall be entitled to temporarily or occasionally perform physical planning, design and/or professional construction supervision tasks, construction manager tasks, works manager tasks, project manager tasks, and testing and preliminary studies tasks in the Republic of Croatia in the capacity of a responsible person under the professional title the persons certified to perform these tasks have in the Republic of Croatia, if prior to the commencement of the first activity they inform thereof the relevant chamber by submitting a statement to that effect in writing or electronic form, under the condition that:

- they have the professional qualifications required for performing physical planning, design and/or professional construction supervision tasks, construction manager tasks, works manager tasks, project manager tasks, and testing and preliminary studies tasks in accordance with a special law governing the recognition of foreign professional qualifications and other special regulations;
- they are insured against professional liability for damages they may incur to the investor or other persons while performing physical planning, design and/or professional construction supervision tasks, construction manager tasks, works manager tasks, project manager tasks, and testing and preliminary studies tasks in the capacity of a responsible person.

Article 62

(1) Together with the statement referred to in Article 61 of this Act, the applicant shall also be required to submit:

- proof of citizenship;
- a certificate confirming that, in the EEA contracting state, he performs physical planning, design and/or professional construction supervision tasks, or construction manager tasks, works manager tasks, project manager tasks, and testing and preliminary studies tasks in the capacity of a certified person;
- a certificate/evidence of no criminal convictions, or an attestation confirming the absence of temporary or final suspensions from exercising the profession, considering that this is a profession from the security sector;

- an authorisation for the performance of physical planning, design and/or professional construction supervision tasks, construction management tasks, works manager tasks, project manager tasks, and testing and preliminary studies tasks in the capacity of a responsible person in his home country;

- evidence of professional liability insurance, which is appropriate to the nature and the extent of the risk, covering for damage that he may incur to the investor or other persons while performing physical planning, design and/or construction supervision tasks, or construction management tasks, works manager tasks, project manager tasks and testing and preliminary studies tasks in the capacity of a responsible person.

(2) If, in the country from which a certified person comes, no specific certification is required for performing physical planning, design and/or professional construction supervision tasks, construction manager tasks, works manager tasks, project manager tasks and testing and preliminary studies tasks, the applicant shall submit, instead of the evidence referred to in paragraph 1, subparagraph 4 of this Article, evidence that he has performed physical planning, design and/or professional construction supervision tasks, construction manager tasks, works manager tasks, project manager tasks and testing and preliminary studies tasks in the capacity of a responsible person as a full time or part time job equivalent to the total duration of at least one year in the past ten years in the Member State in which that profession is not regulated.

Article 63

A foreign certified person's professional liability insurance taken out in another EEA contracting state in which the person is established shall be recognised, provided that the person 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, a foreign certified 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 64

(1) The statement referred to in Article 61 of this Act shall be submitted for each year in which the applicant intends to temporarily or occasionally provide services in the Republic of Croatia.

(2) The chamber shall assess, on a case-by-case basis, whether the activities are of a temporary nature within the meaning of Article 61 of this Act.

Article 65

(1) With regard to the statement referred to in Article 61 of this Act, the chamber shall verify, in accordance with the provisions of a special law governing the recognition of foreign professional qualifications and other special regulations, whether the applicant meets the prescribed conditions for the temporary or occasional performance of physical planning, design and/or professional construction supervision tasks, construction manager tasks, works manager tasks, project manager tasks and testing and preliminary studies tasks in the capacity of a responsible person, and shall issue a certificate thereof.

(2) Upon submission of the first statement referred to in Article 61 of this Act, the chamber shall check the foreign professional qualifications in accordance with the provisions of a special law governing the recognition of foreign professional qualifications and other special regulations, considering that these are professions that have an impact on security.

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

Article 66

(1) An application for the re-issuance of the certificate referred to in Article 65 of this Act shall be accompanied by proof that the applicant holds professional liability insurance against damages that he may incur to the investor or other persons when performing physical planning, design and/or professional construction supervision tasks, construction manager tasks, works manager tasks, project manager tasks or testing and preliminary studies tasks in the capacity of a responsible person. If there are significant changes in the circumstances established by previously submitted documents, the documents decisive for the assessment of such significant changes shall also be submitted.

(2) The document on the re-issuance of the certificate referred to in paragraph 1 of this Article, or the document rejecting an application of a foreign certified person authorised for the temporary or occasional performance of physical planning, design and/or professional construction supervision tasks, construction manager tasks, works manager tasks, project manager tasks or testing and preliminary studies tasks in the capacity of a responsible person shall be entered into the records of the appropriate chamber that is kept in accordance with a special regulation governing association in a chamber.

(3) Appeals shall be permitted against the documents referred to in paragraph 2 of this Article, and shall be lodged with the Ministry.

Design tasks – special cases

Article 67

(1) A natural person who is entitled to perform design tasks in the capacity of a certified person (hereinafter: foreign certified person) in a foreign country which is not a EEA contracting state, may perform design tasks in the Republic of Croatia in the capacity of a certified person if the person wins the right through a competition to execute the tender work, under the condition that he/she receives the approval of the appropriate chamber.

(2) The approval referred to in paragraph 1 of this Article may be given, under the assumption of reciprocity, to a foreign certified person if he/she has the professional qualifications required for the performance of these tasks in accordance with a special law governing the recognition of foreign professional qualifications and other special regulations.

(3) The assumption of reciprocity referred to in paragraph 2 of this Article shall not apply to a foreign certified person who is a national of a member state of the World Trade Organisation.

(4) An appeal may be lodged with the Ministry against a decision on an application for approval referred to in paragraph 1 of this Article.

Article 68

A foreign certified person who is invited by the Government of the Republic of Croatia to develop a project of special cultural significance shall be required to notify the appropriate chamber thereof for the purpose of registration.

Article 69

(1) A foreign legal person that is established in an EEA contracting state and performs physical planning, design and/or professional construction supervision activities, construction activities, building project management activities or activities of testing and

preliminary studies may perform in the Republic of Croatia, on a temporary or occasional basis, those activities which it is certified to perform pursuant to the legislation of the country in which it is established, after it submits a written statement to that effect to the Ministry.

(2) The statement referred to in paragraph 1 of this Article must be accompanied by documents proving:

- that the foreign person has the right to perform its activities in the country of its establishment;
- that it is insured against liability for damages it may incur to the investor or other persons while performing its activities.

Article 70

A foreign legal person that is established in an EEA contracting state and performs physical planning, design and/or professional construction supervision activities, construction activities, building project management activities or activities of testing and preliminary studies may perform the activities in the Republic of Croatia on a permanent basis under the same conditions as apply to a legal person established in the Republic of Croatia, in accordance with this Act and other special regulations.

Article 71

(1) A foreign legal person that is established in a third country and performs physical planning, design and/or professional construction supervision activities, construction activities, building project management activities or activities of testing and preliminary studies in the third country shall be entitled, under the assumption of reciprocity, to perform these activities in the Republic of Croatia on a temporary or occasional basis in accordance with this Act and other special regulations.

(2) The assumption of reciprocity referred to in paragraph 1 of this Article shall not apply to nationals of a member state of the World Trade Organisation.

Article 72

(1) A foreign certified person who performs, in the Republic of Croatia, physical planning, design and/or professional construction supervision tasks, construction management tasks in the capacity of a responsible person, project management tasks or testing and preliminary studies tasks, shall be liable for serious or minor violations of the duty and reputation of architects or engineers before disciplinary bodies of the appropriate chamber.

(2) When performing physical planning, design and/or professional construction supervision tasks or construction management tasks, project manager tasks or testing and preliminary studies tasks in the capacity of a responsible person in the Republic of Croatia, a foreign certified person shall apply the regulations of the Republic of Croatia and use the Croatian language and Latin script.

(3) A foreign certified person who uses translation services for the purpose of performing physical planning, design and/or professional construction supervision tasks, or construction management tasks, building project manager tasks or, testing and preliminary studies tasks in the capacity of a responsible person, shall do so at his own responsibility and expense.

Recognition of foreign professional qualifications

Article 73

(1) The procedure for the recognition of foreign professional qualifications for performing physical planning, design and/or professional construction supervision tasks,

construction manager tasks, works manager tasks, project manager tasks or testing and preliminary studies tasks in the capacity of a certified person, for persons of the architectural, civil engineering, mechanical engineering and electrical engineering professions, shall be conducted and a decision thereon made by the appropriate chamber in the manner prescribed by a special law governing the recognition of foreign professional qualifications and by other special regulations.

(2) The provisions relating to the automatic recognition of the qualifications shall apply to persons of the architectural profession – architects who wish to perform design and/or professional construction supervision tasks in the Republic of Croatia and hold evidence of formal qualifications listed in point 5.7.1 of Annex V and point 6 of Annex VI of Directive 2005/36/EC and Directive 2013/55/EU.

(3) The conditions and procedure for the provision of services on a temporary or occasional basis, and for the recognition of foreign professional qualifications for persons referred to in paragraph 1 of this Article, shall be laid down in a general act of the chamber.

EU attestation

Article 74

An attestation required for the free provision of services in the territory of an EEA contracting state (hereinafter: EU attestation) shall be issued by the relevant professional chamber, in accordance with a special regulation governing the issue of an EU attestation and the relevant general act of the chamber, to a legal or natural person established in the Republic of Croatia who intends to perform physical planning, design and/or professional construction supervision tasks, construction manager tasks, works manager tasks, project manager tasks or testing and preliminary studies tasks in the capacity of a responsible person on a temporary or occasional basis in the territory of an EEA contracting state.

European Professional Card and an IMI file

Article 75

In order to facilitate the exercise of the right to provide physical planning and building services, in the capacity of a certified person, in the territory of an EEA contracting state, the appropriate professional chamber, being the competent body for the issuance of the European Professional Card (hereinafter: EPC card), shall, in accordance with a special regulation governing the recognition of foreign professional qualifications and the relevant general act of the chamber, process/create an IMI file in the Internal Market Information System (hereinafter: IMI system) for a legal or natural person established in the Republic of Croatia who intends to perform these activities in an EEA contracting state either permanently or on a temporary or occasional basis.

IX. SUPERVISION

Article 76

(1) The Ministry shall supervise the application of this Act and regulations made under this Act.

(2) The Ministry shall supervise the legality of work and actions undertaken by the chambers in exercising the powers delegated under this Act.

(3) The supervision referred to in paragraphs 1 and 2 of this Article shall be carried out by an employee of the Ministry authorised for that purpose by the Minister.

Article 77

The chamber and natural or legal persons performing the tasks or activities regulated by this Act shall submit to the Ministry, for the purpose of conducting supervision, all the requested data, documents and reports within the required time period.

Article 78

(1) The official person of the Ministry shall issue a decision ordering the chamber or person performing the tasks or activities regulated by this Act to eliminate the illegalities found during supervision.

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

X. PENAL PROVISIONS

Article 79

(1) A legal person shall be guilty of a misdemeanour and shall be fined a sum between HRK 100 000.00 and HRK 200 000.00 if it carries out professional physical planning tasks without having obtained the approval referred to in Article 9, paragraph 1 of this Act.

(2) The responsible person of the legal person shall be fined from HRK 10 000.00 to HRK 20 000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

Article 80

(1) A legal person registered for carrying out professional physical planning tasks shall be guilty of a misdemeanour and shall be fined a sum between HRK 100 000.00 and HRK 200 000.00 if, in developing a draft spatial plan, it fails to ensure the participation of the persons specified in Article 15, paragraph 1 of this Act.

(2) A natural person who is a certified architect performing professional physical planning tasks as a sole practitioner shall be guilty of a misdemeanour and shall be fined a sum between HRK 25 000.00 and HRK 50 000.00 if, in developing a draft spatial plan, he fails to ensure the participation of the persons specified in Article 15, paragraph 1 of this Act.

(3) The responsible person of the legal person shall be fined from HRK 10 000.00 to HRK 20 000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

Article 81

(1) A legal person registered for carrying out professional physical planning tasks shall be guilty of a misdemeanour and shall be fined a sum between HRK 50 000.00 and HRK 100 000.00 if it fails to perform physical planning activity in accordance with the provision of Article 16 of this Act.

(2) The responsible person of the legal person shall be fined from HRK 5 000.00 to HRK 20 000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

Article 82

A natural person shall be guilty of a misdemeanour and shall be fined a sum between HRK 15 000.00 and HRK 30 000.00 if he:

- performs the tasks of a designer/chief lead designer without satisfying the requirements of Article 17 of this Act;
- performs the tasks of a supervising engineer without satisfying the requirements of Article 18 of this Act.

Article 83

(1) A legal person performing design and/or professional construction supervision tasks shall be guilty of a misdemeanour and shall be fined a sum between HRK 50 000.00 and HRK 75 000.00 if it:

- fails to employ a certified architect or a certified engineer (Article 22);
- performs these tasks contrary to the provision of Article 23 of this Act.

(2) The responsible person of the legal person shall be fined from HRK 5 000.00 to HRK 20 000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

Article 84

A natural person shall be guilty of a misdemeanour and shall be fined a sum between HRK 15 000.00 and HRK 30 000.00 if he:

- performs the tasks of a site engineer or lead site engineer without satisfying the requirements of Article 24 of this Act;
- performs the tasks of a works manager without satisfying the requirements of Article 25 of this Act.

Article 85

(1) A legal person carrying out construction or executing works shall be fined a sum between HRK 50 000.00 and HRK 100 000.00 for failing to appoint the lead site engineer, site engineer and/or works manager as provided for in Article 26, paragraph 1 of this Act.

(2) A natural person - craftsman carrying out construction or executing works shall be fined a sum between HRK 25 000.00 and HRK 50 000.00 for failing to appoint the lead site engineer, site engineer and/or works manager as provided for in Article 26, paragraph 1 of this Act.

(3) The responsible person of the legal person shall be fined from HRK 5 000.00 to HRK 20 000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

Article 86

(1) A legal person carrying out construction activities shall be fined a sum between HRK 50 000.00 and HRK 100 000.00 if:

- it carries out construction activities contrary to the provision of Article 29 of this Act;
- when carrying out these tasks, it does not have in its employment a certified construction manager and/or a certified works manager (Article 30, paragraph 1);
- it carries out construction activities contrary to the provision of Article 31 of this Act.

(2) A natural person - craftsman shall be fined from HRK 10 000.00 to HRK 25 000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

(3) The responsible person of the legal person shall be fined from HRK 5 000.00 to HRK 20 000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

Article 87

A natural person – contractor shall be fined from HRK 10 000.00 to HRK 15 000.00 for carrying out construction contrary to the provision of Article 32 of this Act.

Article 88

(1) A legal person shall be guilty of a misdemeanour and shall be fined a sum between HRK 100 000.00 and HRK 150 000.00 for failing to carry out building project management activities in accordance with the provision of Article 33 of this Act.

(2) The responsible person of the legal person shall be fined from HRK 10 000.00 to HRK 20 000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

Article 89

(1) A legal person carrying out building project management activities shall be guilty of a misdemeanour and shall be fined a sum between HRK 25 000.00 and HRK 50 000.00 if:

- it carries out building project management activities without satisfying the requirements laid down in Article 34 of this Act;
- it carries out building project management activities contrary to the provision of Article 36, paragraphs 1 and 2 of this Act;
- with respect to individual building project management tasks, it fails to appoint a project manager who has the appropriate professional qualifications as provided for in Article 37, paragraphs 1 and 2 of this Act.

(2) The responsible person of the legal person shall be fined from HRK 10 000.00 to HRK 15 000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

Article 90

A natural person shall be guilty of a misdemeanour and shall be fined a sum between HRK 25 000.00 and HRK 50 000.00 for carrying out the project manager tasks without having the required professional qualifications as provided for in Article 37, paragraphs 1 and 2 of this Act.

Article 91

(1) A legal person who is a public client shall be guilty of a misdemeanour and shall be fined a sum between HRK 35 000.00 and HRK 70 000.00 for failing to appoint a project manager in accordance with the provision of Article 38, paragraph 2 of this Act.

(2) The responsible person of the legal person shall be fined from HRK 10 000.00 to HRK 15 000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

Article 92

(1) A legal person shall be guilty of a misdemeanour and shall be fined a sum between HRK 25 000.00 and HRK 50 000.00 for carrying out the activities of testing and preliminary studies contrary to the provision of Article 42 of this Act.

(2) A natural person – craftsman shall be guilty of a misdemeanour and shall be fined a sum between HRK 12 000.00 and HRK 25 000.00 for carrying out the activities of testing and preliminary studies contrary to the provision of Article 42 of this Act.

(3) The responsible person of the legal person shall be fined from HRK 5 000.00 to HRK 10 000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

Article 93

(1) A legal person shall be guilty of a misdemeanour and shall be fined a sum between HRK 25 000.00 and HRK 50 000.00 for carrying out the activities of testing and preliminary studies without having appointed a professional person in accordance with the provision of Article 43, paragraph 1 of this Act.

(2) A natural person – craftsman shall be guilty of a misdemeanour and shall be fined a sum between HRK 10 000.00 and HRK 20 000.00 for carrying out the activities of testing and preliminary studies without having appointed a professional person in accordance with the provision of Article 43, paragraph 1 of this Act.

(3) The responsible person of the legal person shall be fined from HRK 5 000.00 to HRK 10 000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

Article 94

A certified natural person from an EEA contracting state shall be guilty of a misdemeanour and shall be fined a sum between HRK 35 000.00 and HRK 50 000.00 for performing tasks in the Republic of Croatia without having been registered in the register of certified architects, or certified engineers, or certified construction managers, or certified works managers, kept by the relevant chamber (Article 60 of this Act).

Article 95

A certified natural person from an EEA contracting state shall be guilty of a misdemeanour and shall be fined a sum between HRK 35 000.00 and HRK 50 000.00 if in the Republic of Croatia:

- it carries out tasks on a temporary or occasional basis without having informed the relevant chamber prior to the commencement of the first task by submitting a written statement to that effect in accordance with the provision of Article 61, paragraph 1, subparagraphs 1 and 2 of this Act;

- it fails to submit, together with the statement referred to in Article 61, paragraph 1, the documents as required by Article 62, paragraphs 1 and 2 of this Act.

Article 96

A foreign certified person shall be guilty of a misdemeanour and shall be fined a sum between HRK 35 000.00 and HRK 50 000.00 for carrying out a task in the Republic of Croatia without having taken out professional liability insurance in accordance with the provisions of Article 63 of this Act.

Article 97

A foreign certified person shall be guilty of a misdemeanour and shall be fined a sum between HRK 35 000.00 and HRK 50 000.00 for performing or having performed a task under an activity related to physical planning, designing and/or professional construction supervision, construction management, project management, or testing and preliminary studies without having a certificate referred to in Article 65, paragraph 1 of this Act.

Article 98

(1) A certified architect or certified engineer, certified construction manager or certified works manager shall be guilty of a misdemeanour and shall be fined a sum between HRK 10 000.00 and HRK 15 000.00 for using a professional title in a compound word with the professional specialisation contrary to this Act.

(2) A certified architect or certified engineer, certified construction manager or certified works manager shall be guilty of a misdemeanour and shall be fined a sum between HRK 15 000.00 and HRK 35 000.00 for unauthorised use of the chamber sign.

Article 99

(1) The chamber or other supervised legal person shall be guilty of a misdemeanour and shall be fined a sum between HRK 50 000.00 and HRK 150 000.00 for failing to submit to the Ministry, for the purpose of conducting supervision, the requested data, document or report within the required time period as referred to in Article 77 of this Act.

(2) A natural person, or a natural person – craftsman, shall be guilty of a misdemeanour and shall be fined a sum between HRK 25 000.00 and HRK 50 000.00 for failing to submit to the Ministry, for the purpose of conducting supervision, the requested data, document or report within the required time period as referred to in Article 77 of this Act.

(3) The responsible person in the chamber or in other legal person shall be fined from HRK 5 000.00 to HRK 10 000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

Article 100

(1) The chamber or other supervised legal person shall be guilty of a misdemeanour and shall be fined a sum between HRK 100 000.00 and HRK 200 000.00 for failing to act in accordance with the Ministry's decision referred to in Article 78, paragraph 1 of this Act within the required time period.

(2) A natural person, or a natural person – craftsman, shall be guilty of a misdemeanour and shall be fined a sum between HRK 25 000.00 and HRK 50 000.00 for failing to act in accordance with the Ministry's decision referred to in Article 78, paragraph 1 of this Act within the required time period.

(3) The responsible person in the chamber or in other legal person shall be fined from HRK 10 000.00 to HRK 20 000.00 for committing a misdemeanour referred to in paragraph 1 of this Article.

Article 101

(1) Misdemeanour proceedings for the misdemeanours provided for in this Act may not be initiated after the expiry of three years from the date when the misdemeanour was committed.

(2) Imposed misdemeanour fines cannot be executed if three years have passed from the date on which the misdemeanour decision became final, and the statute of limitations shall begin to run on the date when the final decision is duly served on the perpetrator of the misdemeanour or on the date when the first instance decision becomes final.

XI. TRANSITIONAL AND FINAL PROVISIONS

Article 102

(1) The procedures for granting and withdrawing approval to commence construction activities that were initiated under 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) and the Ordinance on approval to commence construction activities (Official Gazette 43/09) prior to the entry into force of this Act shall be halted ex officio.

(2) By way of derogation from paragraph 1 of this Article, the procedure shall be completed in accordance with 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) and regulations made under that Act if so requested by the party at whose request the procedure was initiated.

(3) Approvals to commence construction activities issued in accordance with 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) and regulations made under that Act shall remain valid until the expiry of the period for which they were issued.

Article 103

(1) The procedures for granting and withdrawing approval to perform professional physical planning tasks that were initiated under 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) and the Ordinance on the conditions and requirements for the issuance of approval to perform professional physical planning tasks (Official Gazette 43/09) prior to the entry into force of this Act shall be completed in accordance with the provisions of that Act and regulations made under that Act.

(2) Certified architects' offices and legal persons registered for carrying out professional physical planning tasks who were issued the approval to perform professional physical planning tasks in accordance with 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) and the Ordinance on the conditions and criteria for the issuance of approval to perform professional physical planning tasks (Official Gazette 118/09) may continue to carry out tasks of developing urban development plans and shall have an obligation to register in the register of certified architects-urban planners that will be established in the appropriate chamber.

(3) Approvals to perform professional physical planning tasks issued to certified architects' offices and legal persons registered for carrying out professional physical planning tasks in accordance with 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) and the Ordinance on the conditions and criteria for the issuance of approval to perform professional physical planning tasks (Official Gazette 118/09) for professional physical planning tasks other than developing urban development plans shall be valid two years after the entry into force of this Act.

Article 104

Misdemeanour proceedings initiated under 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 the former Act.

Article 105

The Minister shall issue the ordinances referred to in Article 9, paragraph 5, Article 37, paragraph 3 and Article 57 within six months from the date of entry into force of this Act.

Article 106

(1) Until the entry into force of the regulation that is to be adopted under the powers referred to in Article 9 paragraph 2 of this Act, the Ordinance on the conditions and criteria for the issuance of approval to perform professional physical planning tasks (Official Gazette 118/09) shall apply in the part in which it is not in contravention of the provisions of this Act.

(2) Until the entry into force of the regulation that is to be adopted under the powers referred to in Article 37, paragraph 3 of this Act, the Ordinance on the required expertise in the area of project management (Official Gazette 45/09) shall apply in the part in which it is not in contravention of the provisions of this Act.

(3) Until the entry into force of the regulation that is to be adopted under the powers referred to in Article 57 of this Act, the Ordinance on the qualification examination and improvement of knowledge of persons performing physical planning and construction tasks (Official Gazette 24/08, 141/09, 23/11, 129/11, 109/12, 02/14, 65/14 and 136/14) shall apply in the part in which it is not in contravention of the provisions of this Act.

Article 107

On the date of the entry into force of this Act, the Ordinance on approval to commence construction activities (Official Gazette 43/09) shall cease to have effect.

Article 108

(1) Persons who, on the date of entry into force of this Act, fulfil the conditions for a site engineer for a specific group of construction works 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), may perform the tasks of a site engineer at all construction works until the establishment of the appropriate register of the chamber, when they will be required to meet the criteria according to a special regulation governing association in a chamber.

(2) Persons who, on the date of entry into force of this Act, fulfil the conditions for a works manager for particular works 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), may perform the tasks of a certified works manager in the capacity of person responsible for the management of works until the establishment of the appropriate register of the chamber, when they will be required to meet the criteria according to a special regulation governing association in a chamber.

(3) Persons who, on the date of entry into force of this Act, fulfil the conditions for a works manager 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 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, may perform the tasks of a works manager and must apply for registration in special records of the appropriate chamber, in accordance with a special regulation governing association in a chamber.

Article 109

On the day of entry into force of this Act, Article 5 and Article 20 of the Act on Physical Planning and Building (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) shall cease to have effect.

Article 110

On the day of entry into force of this Act, 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 cease to have effect.

Article 111

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette, with the exception of the provision of Article 42 of this Act, which shall enter into force on 1 June 2017.

Class: 022-03/15-01/67
Zagreb, 3 July 2015

THE CROATIAN PARLIAMENT

THE PRESIDENT OF THE
CROATIAN PARLIAMENT

Josip Leko