

THE CROATIAN PARLIAMENT

3221

Pursuant to Article 89 of the Constitution of the Republic of Croatia I hereby issue the

DECISION

PROMULGATING THE BUILDING ACT

I hereby promulgate the Building Act adopted by the Croatian Parliament at its session held on 6 December 2013.

Class: 011-01/13-01/292

Reg. No: 71-05-03/1-13-2

Zagreb, 12 December 2013

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

BUILDING ACT

1. GENERAL PROVISIONS

Subject-matter and purpose of this Act

Article 1

(1) This Act regulates the designing, construction, use and maintenance of construction works and the enforcement of administrative and any other procedures relating thereto for the purpose of ensuring protection and planning of space in accordance with the regulations governing physical planning and providing the essential requirements for construction works and other requirements prescribed for construction works under this Act and regulations adopted on the basis thereof as well as under special regulations.

(2) This Act transposes Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast) (OJ L 153, 18.6.2010) into the legislation of the Republic of Croatia.

Application of this Act

Article 2

(1) The provisions of this Act apply to the building of all construction works in the territory of the Republic of Croatia, excluding the building of mining structures and facilities regulated under a special regulation, the building of military construction works regulated under special regulations and the building of other construction works regulated under a special act.

(2) The provisions of this Act relating to the building of new construction works apply appropriately to the reconstruction, removal and maintenance of construction works, unless otherwise provided under this Act or any other regulation adopted on the basis thereof.

Definitions

Article 3

(1) For the purposes of this Act and regulations and official acts adopted on the basis thereof, the terms used in this Act have the following meanings:

1. *energy performance of a building* means the calculated or measured amount of energy needed to meet the energy demand associated with the typical use of the building, which includes, *inter alia*, energy used for heating, cooling, ventilation, hot water and lighting;

2. *construction site* means land and/or a construction work, including temporarily occupied areas, where the construction or the works required for the application of appropriate construction technologies and protection take place;

3. *building* means the designing and construction of construction works and performance of building surveillance;

4. *construction* means the execution of construction or other works (preparatory work, earthwork, work on the development of structures, engineering installation, finishing work, work on the incorporation of construction products, equipment or facilities) for the purpose of erecting new construction works, reconstructing, maintaining or removing existing construction works;

5. *construction work* means the result of construction which is fixed to the ground and consisting of a construction assembly functionally built from construction products with or without installations, a construction assembly and incorporated facility, a self-contained facility fixed to the ground or a construction assembly resulting from construction;

6. *setting-out of the construction work* means the topographic transfer of the layout of the outer contour line of the construction work or the alignment axes of the construction work to be built, onto the terrain within the building plot, that is, the scope of the project performed by an authorised geodetic engineer pursuant to a special regulation;

7. *public law bodies* are state administration bodies, other state authorities, administrative departments or services of major cities, City of Zagreb and counties competent for carrying out activities in specific administrative areas and legal persons with public authorities, defined

by special acts, which participate in the building of construction works by determining special requirements, that is, by certifying the design in the manner stipulated in this Act;

8. *cadastre* means the land cadastre, i.e., the property cadastre which, pursuant to a special act, governs state surveying and the property cadastre;

9. *boiler* means the combined boiler body-burner unit, designed to transmit to fluids the heat released from burning;

10. *Minister* is the head of the central state administration body competent for construction activities;

11. *Ministry* is the central state administration body competent for construction activities;

12. *maintenance* of construction works means the carrying out of construction and other works for the purpose of maintaining the essential requirements for a construction work during its life cycle, which does not affect the compliance of the construction work with the location requirements according to which the construction work was built;

13. *equipment* means individual devices, machines, process related installations and such other products incorporated in the facility or which are independently incorporated in the construction work for a technological or some other process for which the construction work is intended;

14. *existing construction work* means a construction work built on the basis of a building permit or other appropriate official act and any other construction work deemed as equal pursuant to this Act or a special act;

15. *special requirements* mean construction requirements which are, in cases prescribed by special regulations, prescribed by a public law body for the purpose of implementing that regulation in the manner prescribed by this Act or a special act governing physical planning, other than the requirements determined in the procedure of environmental impact assessment or appropriate assessment of the impact of a project on the ecological network;

16. *main design certificate* means a certificate that the main design was developed in accordance with special regulations and/or special requirements, issued by a public law body in cases prescribed by a special act as stipulated under this Act;

17. *facility* means a set of functionally connected equipment for the performance of a technological or some other process for which the construction work is intended;

18. *preparatory works* means the construction of temporary construction works and the execution of other works required for the organisation and development of the construction site and for enabling the application of appropriate construction technology;

19. *reconstruction of construction works* means the execution of construction and other works on the existing construction work which have an effect on the fulfilment of the essential requirements for that construction work or which alter the compliance of that construction work with location requirements according to which the construction work was built (enlargement, extension, removal of an exterior part of the construction work, work aimed at

altering the intended purpose of the construction work or of a technological process, etc.) or the execution of construction and other works on ruins of the existing construction work for the purpose of its reconstruction;

20. *complex construction work* means an assembly of several functionally and/or technologically connected construction works;

21. *air-conditioning system* means an assembly which affects air temperature, humidity and quality and generates forced air ventilation for the purpose of achieving micro-hygienic requirements and an appropriate comfort level of the room;

22. *incorporation* means the execution of construction or other works whereby construction products, installations or facilities are connected in order to become an integral part of a construction work, and can no longer be separated from the construction work without being removed or without affecting the essential requirements for the construction work;

23. *removal of a construction work or its parts* means works aimed at the disassembling of the construction work or any of its parts for the purpose of removal from its current location, which also includes the disposal of waste found in the construction work and on the building plot, as well as disposal of the construction material and waste resulting from the disassembling of the construction work and bringing the building plot and the land on which the construction work was located into an orderly condition;

24. *total useful floor area of the building* means the total net floor area of the building which corresponds to the intended building use and is calculated in accordance with point 5.1.7. HRN EN ISO 9836:2011;

25. *administrative body* is the administrative department or service of a major city, City of Zagreb or a county competent for carrying out administrative construction activities;

26. *connection requirements* mean special requirements used to determine the capacity and requirements for connecting a construction work to infrastructure;

27. *building* means a closed and/or covered construction work which is intended for the residence of human beings or for the accommodation of animals, plants and things. An individual construction work within an infrastructure construction work system shall not be considered a building;

28. *public building* means a building or a part thereof used by public authorities for performing their activities, a building or a part thereof used for residential purposes and a non-residential building or part thereof in which a number of people are present or a larger number of people are provided a service.

(2) The terms used in this Act have the meanings laid down in a special act governing physical planning and other special acts, unless otherwise provided under this Act.

(3) The expressions used in this Act in the masculine form are neutral and refer to persons of both the masculine and feminine genders.

Classification of construction works

Article 4

(1) Construction works shall be classified under this Act in view of the complexity of building-related procedures into five groups, from more to less complex, as follows:

Group 1 – construction works planned by the State plan for spatial development;

Group 2 – construction works which, under special regulations, are subject to special requirements prescribed in the procedure of environmental impact assessment or appropriate assessment of the impact of a project on the ecological network;

Group 3 – construction works subject to special requirements;

Group 4 – construction works subject to determining the connection requirements, but not other special requirements;

Group 5 – construction works not classified in groups 1, 2, 3 or 4.

(2) In the case of compliance with more than one requirement referred to in paragraph 1 of this Article or in case of doubt, for the purposes of determining the group for a particular construction work, a more complex group shall be applied.

Application and adoption of special regulations

Article 5

(1) The provisions of special acts and regulations adopted pursuant to these acts, which have an effect on the fulfilment of the essential requirements for a construction work or in some other way condition the building of construction works or have an effect on construction and other products incorporated into a construction work, shall apply in the implementation of this Act and regulations adopted on the basis thereof, unless otherwise provided under this Act.

(2) Ordinances and technical regulations, the adoption of which is prescribed by special acts, which have an effect on the fulfilment of the essential requirements for a construction work or in some other way condition the building of construction works or have an effect on construction and other products incorporated into a construction work, shall be adopted with the approval of the Minister.

(3) Ordinances and technical regulations adopted contrary to paragraph 2 of this Article shall not apply in the implementation of this Act.

Authorities of the Minister

Article 6

(1) The method of operation in the Ministry, administrative bodies and legal persons with public authorities relating to the implementation of this Act, including also the system of

implementing procedures and drafting official acts adopted on the basis of this Act by electronic means, shall be prescribed by the Minister by virtue of an instruction.

(2) The Minister is hereby authorised to regulate the method of operation of advisory working bodies (commissions, working groups, etc.), established pursuant to a special regulation for the purpose of drafting regulations, to be adopted under this Act and to determine the amount of compensation for the work of members of those bodies who are not civil servants.

2. ESSENTIAL REQUIREMENTS FOR CONSTRUCTION WORKS

Compliance with essential and other requirements for construction works

Article 7

(1) Any construction work, depending on its intended purpose, must be designed and built in such a way that, throughout its life cycle, it meets the essential requirements for a construction work as well as any other requirements prescribed by this Act and special regulations which have an effect on the fulfilment of the essential requirements for a construction work or in some other way condition the building of construction works or have an effect on construction and other products incorporated into a construction work.

(2) Construction and other products incorporated into construction works shall meet the requirements prescribed by this Act and special regulations.

Essential requirements for construction works

Article 8

The essential requirements for construction works are as follows:

1. mechanical resistance and stability;
2. fire safety;
3. hygiene, health and the environment;
4. safety and accessibility in use;
5. noise protection;
6. energy economy and heat retention;
7. sustainable use of natural resources.

Mechanical resistance and stability

Article 9

A construction work must be designed and built in such a way that the loadings that are liable to act on it during its construction and use will not lead to any of the following:

1. collapse of whole or part of the construction work;
2. major deformations to an inadmissible degree;
3. damage to other parts of the construction work, installations or incorporated equipment as a result of major deformation of the load-bearing construction;
4. damage by an event to an extent disproportionate to the original cause.

Fire safety

Article 10

A construction work must be designed and built in such a way that in the event of an outbreak of fire:

1. the load-bearing capacity of the construction can be assumed for a specific period of time;
2. the spreading of fire and smoke within the construction work is limited;
3. the spread of fire to adjoining construction works is limited;
4. the occupants can leave the construction work or be rescued by other means;
5. the safety of rescue teams is taken into consideration.

Hygiene, health and the environment

Article 11

A construction work must be designed and built in such a way that it will, throughout its life cycle, not be a threat to the hygiene or health and safety of workers, occupants or neighbours, nor have an exceedingly high impact, over its entire life cycle, on the environmental quality or on the climate during its construction, use and demolition, in particular as a result of any of the following:

1. leakage of toxic gases;
2. emissions of dangerous substances, volatile organic compounds (VOC), greenhouse gases or dangerous particles into indoor or outdoor air;
3. emission of dangerous radiation;
4. release of dangerous substances into ground water, marine waters, surface waters or soil;
5. release of dangerous substances into drinking water or substances which have an otherwise negative impact on drinking water;
6. faulty discharge of waste water, emission of flue gases or faulty disposal of solid or liquid waste;

7. dampness in parts of the construction work or on surfaces within the construction work.

Safety and accessibility in use

Article 12

A construction work must be designed and built in such a way that it does not present unacceptable risks of accidents or damage in service or in operation such as slipping, falling, collision, burns, electrocution, injury from explosion, and burglaries. In particular, construction works must be designed and built taking into consideration accessibility and use for disabled persons.

Noise protection

Article 13

A construction work must be designed and built in such a way that noise perceived by the occupants or people nearby is kept to a level that will not threaten their health and will allow them to sleep, rest and work in satisfactory conditions.

Energy economy and heat retention

Article 14

Construction works and their heating, cooling, lighting and ventilation installations must be designed and built in such a way that the amount of energy they require in use shall be low, when account is taken of the occupants and of the climatic conditions of the location of the construction work. Construction works must also be energy-efficient, using as little energy as possible during their construction and dismantling.

Sustainable use of natural resources

Article 15

Construction works must be designed, built and demolished in such a way that the use of natural resources is sustainable and in particular ensure the following:

1. reuse or recyclability of the construction work, its materials and parts after demolition;
2. durability of the construction work;
3. use of environmentally compatible raw and secondary materials in the construction works.

Derogations from essential requirements for construction works

Article 16

(1) In the event of reconstruction of a construction work registered in the Register of Cultural Heritage of the Republic of Croatia, or of a construction work located within a cultural and historical unit entered in that Register, certain derogations from the essential requirements for

construction works may be permitted if they would compromise the essential characteristics of the monument, subject to approval of the Ministry.

(2) In the event of reconstruction of a construction work in order to enable access, movement, residence and work to persons with reduced mobility, certain derogations from the essential requirements for construction works may be allowed, subject to approval of the Ministry.

(3) The approval referred to in paragraphs 1 and 2 of this Article shall be granted by the Ministry at the proposal of the investor, after obtaining the prior opinion of the ministry competent for culture for a construction work referred to in paragraph 1 of this Article, or after obtaining the prior opinion of the ministry competent for social welfare for a construction work referred to in paragraph 2 of this Article.

(4) The approval referred to in paragraphs 1 and 2 of this Article may be granted if, in order to meet the essential requirements for the construction work, it is not possible to implement an appropriate technical solution or the option of implementing the solution is such that the invested value would considerably outweigh the benefits.

(5) The approval referred to in paragraphs 1 and 2 of this Article may be conditional upon a particular procedure, action or measure that would adequately in part substitute the entire technical solution.

(6) The approval referred to in paragraphs 1 and 2 of this Article shall not constitute an administrative act.

Technical regulations

Article 17

(1) Technical regulations shall, in conformity with the principles of European alignment of the technical legislation, outline and prescribe the essential requirements for construction works, the technical characteristics required for construction products, and any other technical requirements relating to construction works and their construction.

(2) Technical regulations shall be passed by the Minister in the form of an ordinance.

(3) Technical regulations shall be published in the *Official Gazette*.

Testing of specific parts of construction works

Article 18

(1) Testing of specific parts of a construction work in order to verify or to attest compliance with the essential requirements for construction works and/or other requirements or conditions stipulated in the main design or design audit report, and preliminary studies relevant for the designing, construction and use of that construction work shall be ensured by the investor.

(2) The investor shall entrust the testing, attestation or studies referred to in paragraph 1 of this Article to persons authorised for carrying out such activities under a special act.

Tolerances in construction

Article 19

During the construction of a construction work, the tolerance with respect to the dimensions set out in the main design shall be 3% of the individual dimensions of the construction work's areas and rooms (width, height, length), while in respect of the total individual external dimensions of the construction work the tolerance shall be 0.30 metres, except with regard to deviations from the obligatory building line or the minimum distance from the border of the building plot.

3. ENERGY PERFORMANCE OF BUILDINGS

Energy performance requirements

Article 20

(1) Every building, depending on its type and intended purpose, must be designed, constructed and maintained in such a way that during its use it complies with the prescribed energy performance requirements, unless otherwise provided by a technical regulation adopted pursuant to this Act.

(2) Every building, depending on its type and intended purpose, must be designed and constructed in such a way as to ensure, without significant costs, individual metering of energy, fuel and water consumption by means of remote reading for particular components of the building.

(3) Energy performance requirements for individual types of buildings, which include minimum requirements for the energy performance of a building and its particular parts, minimum obligatory share of renewable sources in the total energy consumption of a building, criteria for nearly zero-energy buildings, contents of the study on alternative energy supply systems and other requirements related to energy efficiency of a building as well as submitting reports to the European Commission relating to assumptions, calculations and results of cost-optimal analysis shall be prescribed by the Minister in a technical regulation.

Study on alternative energy supply systems

Article 21

(1) Prior to preparing the main design for a building that must comply with the energy performance requirements, the designer shall prepare a study on alternative energy supply systems and submit it to the investor.

(2) The alternative systems referred to in paragraph 1 of this Article are as follows:

1. decentralised energy supply systems based on energy from renewable sources;
2. cogeneration;

3. district or block heating or cooling, particularly where it is based entirely or partially on energy from renewable sources;
4. heat pumps.

Regular inspections of heating systems and cooling or air-conditioning systems in buildings

Article 22

(1) The owner of a building or a particular part thereof with the heating system using liquid, gaseous or solid fuels shall ensure a regular inspection of:

1. heating systems with boilers of an effective rated output of more than 20 kW at least once every ten years;
2. heating systems with boilers of an effective rated output of more than 100 kW at least once every two years;
3. heating systems with gas boilers of an effective rated output of more than 100 kW at least once every four years.

(2) The owner of a building or a particular part thereof with a cooling or air-conditioning system of an effective rated output of more than 12 kW shall ensure regular inspection of the system at least once every ten years.

(3) Regular inspection of the heating system and cooling or air-conditioning system in a building shall be completed by issuing the report on the regular inspection of the heating system and cooling or air-conditioning system in the building signed by all authorised persons who participated in its drafting.

Energy certificate of buildings

Article 23

(1) An energy performance certificate of a building or a particular part thereof (hereinafter: the energy certificate) shall be issued for buildings or their particular parts in which it is necessary to use energy to maintain the indoor design temperature in accordance with their purpose, except for buildings with a planned time of use of two years or less, buildings used for religious purposes, buildings having a useful floor area of less than 50 m² and industrial buildings, workshops and non-residential agricultural buildings with low energy demand.

(2) The energy certificate indicates the energy performance of a building or a particular part thereof.

(3) The validity of the energy certificate shall not exceed ten years from the date of its issue.

(4) The contents and layout of the energy certificate shall be prescribed by the Minister in an ordinance.

(5) The energy certificate for buildings with a simple technical system shall be signed by the authorised person who drafted it, while the energy certificate for buildings with a complex technical system shall be signed by all authorised persons and/or persons appointed in the authorised legal person who participated in its drafting.

Article 24

(1) The investor or the owner of a building subject to energy certification shall, prior to the issuing of a use permit, obtain the energy certificate, unless otherwise prescribed by this Act.

(2) The owner of a building or a particular part thereof for which the energy certificate is issued shall:

1. obtain the energy certificate prior to selling, renting out or leasing the building or a particular part thereof;
2. hand over the energy certificate or a copy thereof to the buyer, tenant or lessee;
3. show the energy certificate to a prospective buyer, tenant or lessee;
4. list the energy class of a building or a particular part thereof in media advertisements when offering it for sale, rent or leasing;

(3) If a change of the investor occurred during the construction of a building, the energy certificate of the building shall be obtained by the new investor prior to the issuing of a use permit.

(4) An authorised real estate broker must list the energy class of a building or a particular part thereof, which are subject to energy certification, in media advertisements when offering it for sale, rent or leasing.

Article 25

(1) The owner of a public building with a total useful floor area over 500 m² shall display the energy certificate in a clearly visible place easily accessible to visitors of the building.

(2) The owner of a public building with a total useful floor area over 250 m² shall display the energy certificate in a clearly visible place easily accessible to visitors of the building.

Energy audits of buildings

Article 26

(1) The energy certificate shall be issued after the energy audit of a building.

(2) The energy audit of a building shall be completed with the issuing of the energy audit report signed by all authorised persons who participated in its drafting.

(3) The owner of a building shall maintain records on the performed energy audits of the building and keep the energy audit report for at least ten years from the date of its receipt.

(4) The occupant of a building or a particular part thereof that is subject to energy audits and energy certification shall provide the authorised person with all available information and documents required for performing the energy audit and energy certification as well as other conditions required for unhindered operation.

Persons authorised for energy certification, energy audits and regular inspections of heating systems and cooling or air-conditioning systems in buildings

Article 27

(1) Activities of energy certification, energy audits and regular inspections of heating systems and cooling or air-conditioning systems in buildings shall be performed by natural or legal persons authorised for carrying out such activities (hereinafter: the authorised person).

(2) The authorisation referred to in paragraph 1 of this Article shall be granted by the Ministry by means of a decision.

(3) The authorisation referred to in paragraph 1 of this Article shall be granted for a period of five years.

(4) An applicant for the issuing of the authorisation referred to in paragraph 1 of this Article shall provide evidence of compliance with the requirements prescribed for issuing that authorisation.

(5) An appeal against the decision referred to in paragraph 1 of this Article, the decision on refusing or rejecting the application for issuing the authorisation and the decision on suspending the procedure shall not be permitted, however, an administrative dispute may be initiated.

Article 28

(1) Authorisation for energy certification and energy audits of buildings (hereinafter: the authorisation) shall be granted for:

1. energy certification and energy audits of buildings with a simple technical system;
2. energy certification and energy audits of buildings with a complex technical system; or
3. energy audits of buildings with a complex technical system.

(2) The authorisation for energy certification and energy audits of buildings with a complex technical system shall also include the authorisation for energy certification and energy audits of buildings with a simple technical system.

(3) The authorisation referred to in paragraph 1 subparagraphs 2 and 3 of this Article shall also include the authorisation for regular inspections of heating systems and cooling or air-conditioning systems in buildings if the authorisation was issued to a natural person qualified in the field of mechanical engineering or to a legal person employing a natural person qualified in the field of mechanical engineering who meets the requirements for issuing the authorisation for energy audits of buildings with a complex technical system.

Article 29

(1) The authorisation shall be granted to a natural person who:

1. has a completed graduate university study in the field of architecture, civil engineering, mechanical engineering or electrical engineering or a completed specialist graduate professional programme in the field of architecture, civil engineering, mechanical engineering or electrical engineering and who has in his studies achieved at least 300 ECTS credits;
2. has at least five years of professional working experience;
3. has a valid contract on professional liability insurance; and
4. has successfully completed an appropriate professional training programme Module 1 or Module 2 prescribed in the ordinance referred to in Article 47 of this Act.

(2) In addition to the persons referred to in paragraph 1 of this Article, the authorisation for energy certification and energy audits of buildings with a simple technical system shall also be granted to a natural person who:

1. has a completed undergraduate university study or undergraduate professional programme in the field of architecture, civil engineering, mechanical engineering or electrical engineering;
2. has at least ten years of professional working experience;
3. has a valid contract on professional liability insurance; and
4. has successfully completed an appropriate professional training programme referred to in Article 31 paragraph 1 of this Act.

Article 30

The authorisation shall be granted to a legal person which:

1. is registered for performing the activities of energy certification and energy audits of buildings;
2. employs full-time, on an unlimited contract, at least one person who meets the requirements referred to in Article 29 of this Act;
3. has a valid contract on professional liability insurance.

Article 31

(1) The authorisation for energy certification and energy audits of buildings with a simple technical system shall be granted to a natural person who meets the requirements referred to in Article 29 paragraph 1, subparagraphs 1, 2 and 3 or paragraph 2 of this Act and who has successfully completed the professional training programme Module 1 prescribed in the

ordinance referred to in Article 47 of this Act or to a legal person employing at least one natural person who has successfully completed the listed training programme.

(2) The authorisation for energy certification and energy audits of buildings with a complex technical system shall be granted to a legal person employing at least one natural person who meets the requirements referred to in Article 29 paragraph 1, subparagraphs 1, 2 and 3 of this Act and who has successfully completed the professional training programme Module 2 prescribed in the ordinance referred to in Article 47 of this Act.

(3) The authorisation for energy audits of buildings with a complex technical system shall be granted to a natural person who meets the requirements referred to in Article 29 paragraph 1, subparagraphs 1, 2 and 3 of this Act and who has successfully completed the professional training programme Module 2 prescribed in the ordinance referred to in Article 47 of this Act or to a legal person employing at least one natural person who has successfully completed the listed professional training programme, particularly the part relating to his profession, as follows:

1. for the mechanical part of the technical system, a person qualified in the field of mechanical engineering shall be authorised;
2. for the electrical part of the technical system, a person qualified in the field of electrical engineering shall be authorised;
3. for automatic regulation and control systems, a person qualified in the field of electrical or mechanical engineering shall be authorised;
4. for the construction part of the building, a person qualified in the field of architecture or civil engineering shall be authorised.

Article 32

The authorisation may not be granted to a person who has been convicted of one or more of the following criminal offences:

1. association for the purpose of committing criminal offences;
2. receiving a bribe in economic transactions;
3. offering a bribe in economic transactions;
4. abuse of office and official authority;
5. abuse in performing governmental duties;
6. illegal intercession;
7. receiving a bribe;
8. offering a bribe;

9. fraud;
10. computer fraud;
11. fraud in economic transactions or money laundering.

Article 33

(1) The authorised person shall perform the activities for which he is authorised professionally, independently and objectively.

(2) The authorised person shall be responsible for performing energy certification, energy audits of buildings and regular inspections of heating systems and cooling or air-conditioning systems in buildings accurately and in accordance with the regulations in force and the code of practice.

(3) The authorised person shall:

1. maintain records on the issued energy certificates, performed energy audits of buildings and regular inspections of heating systems and cooling or air-conditioning systems in buildings;
2. submit to the Ministry the issued energy certificates, reports on energy audits of buildings and regular inspections of heating systems and cooling or air-conditioning systems in buildings;
3. keep the related documents for at least ten years; and
4. receive professional training in the manner prescribed in the ordinance referred to in Article 47 of this Act.

(4) The authorised person shall comply with the requirements for issuing the authorisation for the period of its duration and shall inform the Ministry of any change relating to the requirements for issuing the authorisation within eight days after the change occurred.

Article 34

(1) The authorised person shall be prohibited from issuing an energy certificate, performing an energy audit or regular inspection of heating systems and cooling or air-conditioning systems if contracted by a legal person in which he:

1. has shares or business stakes;
2. is a supervisory board member, management board member, authorised signatory, authorised legal representative or employee;
3. his spouse or relative in the direct line is a supervisory board member, management board member, authorised signatory, authorised legal representative or employee.

(2) The authorised person shall be prohibited from issuing an energy certificate, performing an energy audit or regular inspection of heating systems and cooling or air-conditioning systems of a building:

1. for which he or the legal person employing him participated in developing the design, design audit, building surveillance, construction or maintenance of that building;
2. of which he is the owner, co-owner or joint owner;
3. of which the owner, co-owner or joint owner is his employer, spouse or relative in the direct line;
4. which is owned by the person for whom he is performing the activities of brokerage in sales, renting or leasing.

Foreign persons

Article 35

(1) Persons from countries that are Parties to the Agreement on the European Economic Area may occasionally or temporarily carry out activities of energy certification and energy audits of buildings in the Republic of Croatia after they notify the Ministry prior to their first engagement. The Ministry shall issue a certificate of the received notification.

(2) Persons from the countries that are Parties to the Agreement on the European Economic Area established in the Republic of Croatia shall have the right to provide services of energy certification and energy audits of buildings after obtaining the authorisation from the Ministry for energy certification and energy audits of buildings.

(3) Recognition of foreign professional qualifications for providing services of energy certification and energy audits of buildings in the Republic of Croatia of the citizens of the Parties to the Agreement on the European Economic Area who will provide the services independently or as employed persons shall be carried out in accordance with a special regulation.

(4) The requirements and manner of issuing the certificate referred to in paragraph 1 of this Article and the recognition of professional qualifications of the persons referred to in paragraph 3 of this Article shall be prescribed by the Minister in an ordinance.

Article 36

(1) For Croatian citizens and legal persons, certificates for realising the right to provide services of energy certification and energy audits of buildings in the countries that are Parties to the Agreement on the European Economic Area shall be issued by the Ministry.

(2) The requirements and manner of issuing the certificate referred to in paragraph 1 of this Article shall be prescribed by the Minister in an ordinance.

Training programme implementation

Article 37

(1) The professional training programme Module 1 and Module 2 prescribed in the ordinance referred to in Article 47 of this Act, knowledge assessment of professional competence and mandatory training of authorised persons (hereinafter: the training programme) shall be conducted by legal persons which have been issued the approval to conduct the programme.

(2) The approval for conducting the training programme shall be granted by the Ministry by means of a decision.

(3) The approval referred to in paragraph 2 of this Article shall be granted for a period of five years and may be renewed for the same period in the manner and under the conditions prescribed by this Act.

(4) An appeal against the approval referred to in paragraph 1 of this Article, the decision on refusing or rejecting the application for issuing that approval and the decision on suspending the procedure shall not be permitted, but an administrative dispute may be initiated.

Article 38

(1) The approval for conducting the training programme shall be granted to a legal person which:

1. employs or in another way secures expert persons who will perform the training and knowledge assessment of authorised persons;
2. has access to the premises sufficient for conducting the training programme;
3. has access to the technical equipment required for conducting the training programme;
4. has necessary administrative capacity to maintain records and carry out other administrative tasks.

(2) The expert persons referred to in paragraph 1 subparagraph 1 of this Article are persons who:

1. have a completed graduate university study in the field of architecture, civil engineering, mechanical engineering or electrical engineering or a completed specialist graduate professional programme in the technical field and have in their studies achieved at least 300 ECTS credits;
2. have at least ten years of working experience and permanently work in the preparation or implementation of technical regulations in the field of energy efficiency which is the subject of the training programme;
3. are acknowledged experts in the field of the training programme.

Independent control of energy certificates and reports on regular inspections of heating systems and cooling or air-conditioning systems in buildings

Article 39

- (1) Energy certificates and reports on regular inspections of heating systems and cooling or air-conditioning systems in buildings shall be subject to independent control.
- (2) Independent controls shall be carried out by legal persons authorised for carrying out such control.

Article 40

- (1) Authorised legal persons shall carry out independent controls at the order of the Ministry.
- (2) The Ministry shall, by means of a decision, declare invalid all energy certificates and reports on regular inspections of heating systems and cooling or air-conditioning systems in buildings which have been negatively evaluated in the independent control.
- (3) Authorised persons whose energy certificate was declared invalid or whose report on the regular inspection of heating systems and cooling or air-conditioning systems was evaluated negatively shall issue a new energy certificate or draft a new report without any fee for their drafting and issuing.
- (4) An appeal against the decision referred to in paragraph 2 of this Article shall not be permitted, however, an administrative dispute may be initiated.

Article 41

- (1) The authorisation for carrying out independent control of energy certificates and reports on regular inspections of heating systems and cooling or air-conditioning systems in buildings (hereinafter: the authorisation for independent control) shall be granted by the Ministry.
- (2) The authorisation for independent control shall be granted for a period of five years.
- (3) An applicant for the issuing of the authorisation for independent control shall provide evidence of compliance with the requirements prescribed for issuing that authorisation.
- (4) An appeal against the decision referred to in paragraph 1 of this Article, the decision on refusing or rejecting the application for issuing the authorisation and the decision on suspending the procedure shall not be permitted, however, an administrative dispute may be initiated.

Article 42

- (1) The authorisation for independent control of energy certificates shall be granted to a legal person which:
 1. is authorised for energy certification of buildings with a complex technical system;
 2. employs full-time, on an unlimited contract, at least two persons who meet the requirements for issuing the authorisation to perform energy audits of buildings with a

complex technical system, of which at least one is qualified in the field of architecture or civil engineering;

3. has at least three years of experience in carrying out energy certification of buildings with a complex technical system; and

4. has drafted more than twenty energy certificates for buildings with a complex technical system.

(2) The authorisation for independent control of reports on regular inspections of heating systems and cooling or air-conditioning systems in buildings shall be granted to a legal person which:

1. is authorised for energy certification of buildings with a complex technical system;

2. employs full-time, on an unlimited contract, at least two persons who meet the requirements for issuing the authorisation to perform energy audits of buildings with a complex technical system, of which at least one is qualified in the field of mechanical engineering;

3. has at least three years of experience in carrying out energy audits of buildings with a complex technical system; and

4. has drafted more than twenty energy certificates for buildings with a complex technical system.

Article 43

(1) The person authorised for independent control shall perform the activities for which he is authorised professionally, independently and objectively.

(2) The person authorised for independent control shall:

1. maintain records on the performed controls;

2. keep the related documents for at least ten years;

3. submit to the Ministry reports on the performed controls.

Article 44

The person authorised for independent control may not perform the control of energy certificates or reports on regular inspections of heating systems and cooling or air-conditioning systems in buildings in the drafting of which he participated or which have been issued by the legal person employing him.

Annulment of authorisations and authorisations for performing control

Article 45

(1) The authorisation for energy certification and energy audits of buildings or the authorisation for independent control shall be annulled by means of a decision if the person:

1. fails to meet the prescribed requirements under which he was granted the authorisation or authorisation for independent control;
2. fails to perform the activities for which he is authorised professionally, in accordance with the code of practice and the regulations in force; or
3. performs activities for which he is not authorised.

(2) The decisions referred to in paragraph 1 of this Article shall be issued by the Ministry.

(3) An appeal against the decision referred to in paragraph 1 of this Article shall not be permitted, but an administrative dispute may be initiated.

Register

Article 46

(1) The Ministry shall keep the register of:

1. authorised persons;
2. persons authorised for independent control;
3. issued energy certificates;
4. issued energy audit reports;
5. issued reports on regular inspections of heating systems and cooling or air-conditioning systems in buildings.

(2) The register shall be public.

(3) The Ministry may make information from the register available to the public on its website or by other appropriate means.

Ordinance on energy audits and energy certification of buildings and on independent control of energy audit reports and energy certificates

Article 47

The manner and requirements for performing energy audits of buildings and regular inspections of heating systems and cooling or air-conditioning systems in buildings, the contents of those reports, the method of energy certification, the contents and layout of the energy certificate, buildings with low energy demand, the manner and requirements for carrying out independent control of energy certificates and reports on regular inspections of heating systems and cooling or air-conditioning systems in buildings, the contents and manner of conducting the professional training programme according to Module 1 and Module 2,

knowledge assessments of professional competence and mandatory training of the authorised persons, the contents of the register and other issues related to performing energy audits, energy certification of buildings and independent control of energy audit reports and energy certificates shall be prescribed by the Minister in an ordinance.

4. PARTIES INVOLVED IN THE BUILDING OF CONSTRUCTION WORKS

Article 48

Parties involved in building activities are:

1. investor;
2. designer;
3. contractor;
4. supervising engineer;
5. design auditor.

Investor

Article 49

(1) The investor is a legal or a natural person on behalf of which the construction work is built.

(2) The investor shall entrust the designing, audit or validation of designs, construction and performance of building surveillance by a written contract to persons who fulfil the requirements for carrying out such activities prescribed under a special act, unless otherwise prescribed by this Act.

(3) The investor shall be responsible for ensuring building surveillance of the construction work, unless otherwise prescribed by this Act.

Article 50

(1) An investor also acting in the capacity of the contractor must assign building surveillance to another person who fulfils the requirements for carrying out building surveillance prescribed under a special act.

(2) A natural person who is the investor for a construction work in groups 4 and 5 may, for his own needs, himself develop the complete main design, other than the surveying design, and carry out building surveillance, provided that he has a completed graduate or undergraduate university study or undergraduate professional programme in the field of architecture or civil engineering and has passed the qualification examination in accordance with a special regulation.

(3) A natural person who is the investor for a construction work in groups 4 and 5 may, for his own needs, himself develop the surveying design which is an integral part of the main design provided that he has a completed graduate or undergraduate university study or undergraduate professional programme in the field of geodetic surveying.

Designer

Article 51

(1) The designer is a natural person who under a special act has the right to use the professional title of authorised architect or authorised engineer.

(2) The designer shall be responsible for ensuring that the designs he develops comply with the prescribed requirements and in particular that the designed construction work is in conformity with the location permit or the requirements for construction of construction works prescribed by the spatial plan, and that it complies with the essential requirements for the construction work, requirements prescribed for the energy performance of buildings as well as with other prescribed requirements and conditions.

(3) A designer who developed amendments to the main or detailed design shall be responsible for the whole main or detailed design.

Article 52

(1) If the design involves two or more designers, the principal designer shall be responsible for the completeness and mutual alignment of the designs.

(2) The principal designer may simultaneously act in the capacity of the designer of one of the parts of the main design.

(3) The principal designer who fulfils the requirements prescribed in a special regulation may, during the development of the design, act in the capacity of the occupational safety coordinator.

(4) The principal designer shall be designated by the investor under a contract on developing the design or by another person designated in that contract.

Contractor

Article 53

(1) The contractor is a person who constructs or carries out certain works on the construction work.

(2) Construction may be carried out only by persons who fulfil the requirements for carrying out construction activities pursuant to a special act.

(3) The contractor may commence construction on the basis of a final and effective or enforceable building permit, at the liability of the investor, after submitting a notification of the commencement of construction, unless otherwise stipulated by this Act.

Article 54

(1) The contractor shall execute construction in conformity with the building permit, this Act, technical regulations, special regulations, code of practice and in doing so shall:

1. assign the execution of construction works and other operations to persons who fulfil the prescribed requirements for the execution of such works or operations;
2. execute the works in such a way as to comply with the essential requirements for the construction work, requirements prescribed for the energy performance of buildings and other requirements and conditions prescribed for the construction work;
3. incorporate construction and other products or facilities in conformity with this Act and special regulations;
4. provide evidence on the characteristics of incorporated construction products in relation to their essential characteristics, evidence of compliance of the incorporated equipment and/or facilities pursuant to a special act, documents on the compliance of specific parts of the construction work with the essential requirements for the construction work, and quality-related evidence (results of test procedures, records of the quality control procedures carried out, etc.), which are mandatory during the execution of construction and other works for all completed parts of the construction work and for the works which are in progress under this Act, a special regulation or the design;
5. manage construction waste generated during construction on the site in accordance with the regulations governing waste management;
6. recover and/or dispose of construction waste generated during construction on the site in accordance with the regulations governing waste management;
7. draw up a written statement on the works completed and the requirements for the maintenance of the construction work.

(2) Construction works not subject to the issuing of a building permit shall be constructed by the contractor in conformity with the main design, this Act, technical regulations, special regulations, and code of practice, unless otherwise provided by an ordinance adopted on the basis of this Act.

(3) Paragraph 1 of this Article shall apply accordingly to the construction of a construction work referred to in paragraph 2 of this Article.

(4) The contents of the written statement on the works completed and the requirements for the maintenance of a construction work shall be prescribed by the Minister in an ordinance.

Article 55

(1) The contractor shall appoint a site engineer or performance manager as the person responsible for the construction or for carrying out certain works. The site engineer or performance manager shall be responsible for the implementation of obligations referred to in Article 54 of this Act.

(2) If two or more contractors are involved in the construction, the investor shall designate in a building contract the principal contractor responsible for coordinating the works, who shall then appoint the principal site engineer.

(2) The principal site engineer shall be responsible for the completeness and coordination of all the works and for the coordination of implementation of obligations referred to in Article 54 of this Act, as well as coordinate the implementation of regulations governing the health and safety of workers in the course of performing the works.

(4) The principal site engineer may simultaneously act in the capacity of the site engineer of one of the contractors or the performance manager for a particular type of works.

(5) Only the persons fulfilling the requirements for a principal site engineer, site engineer and performance manager under a special act may be appointed to carry out these activities.

Supervising engineer

Article 56

(1) The supervising engineer is a natural person who under a special act has the right to use the professional title of authorised architect or authorised engineer and who performs the building surveillance on behalf of the investor.

(2) The supervising engineer or the principal supervising engineer may not be employed by the legal person which is a contractor on that construction work.

Article 57

(1) In the case of carrying out several types of works on a specific construction work, or of extensive works, building surveillance must be carried out by several supervising engineers qualified for such work.

(2) In the case referred to in paragraph 1 of this Article, the investor or the person he designates shall by a written contract appoint the principal supervising engineer.

(3) The principal supervising engineer shall be responsible for the completeness and coordination of the building surveillance and for drawing up a final report thereof.

(4) The principal supervising engineer may at the same time act in the capacity of the supervising engineer for a particular type of works.

Article 58

(1) When carrying out building surveillance, the supervising engineer shall:

1. supervise the construction so that it complies with the building permit or the main design, this Act, special regulations and the code of practice;

2. establish whether the contractor or the responsible person in charge of the construction or particular works complies with the requirements prescribed under a special act;

3. establish that the setting-out of the construction work has been conducted by a person authorised for carrying out activities related to state surveying and the property cadastre under a special act;

4. ensure the performance of control testing of specific parts of the construction work in order to verify or to attest compliance with the essential requirements for the construction work and/or other requirements or conditions stipulated in the main design or design audit report and the obligation of verification with regard to construction products;

5. immediately notify the investor of all faults or irregularities observed in the main design and in the course of construction, and notify the investor, building inspection and other inspection bodies of measures taken;

6. draw up a final report on the completion of the construction work.

(2) When performing building surveillance, the supervising engineer shall, when necessary, specify the manner as how to rectify the faults or irregularities observed in the construction of the construction work, particularly in the event that:

1. the documents referred to in paragraph 1 subparagraph 4 of this Article do not attest to the conformity or quality of incorporated construction products, equipment and/or facilities;

2. the contractor or the responsible person in charge of the construction or of certain works laid down in this Act does not meet the requirements prescribed under a special act;

3. the setting-out of the construction work has not been conducted by the person authorised for carrying out activities related to state surveying and the property cadastre under a special act.

(3) The performance of duties referred to in paragraph 1 of this Article and the manner of rectifying the faults or irregularities referred to in paragraph 2 of this Article shall be recorded in the site diary.

Article 59

(1) Building surveillance shall be performed during the construction of all construction works and performance of all works subject to the issuing of a building and/or use permit, unless otherwise prescribed by this Act.

(2) Building surveillance of construction works in groups 4 and 5 shall be performed only in respect to compliance with the essential requirements of mechanical resistance and stability.

Article 60

The manner of performing building surveillance, the form, the requirements and manner of keeping the site diary and the contents of the supervising engineer's final report shall be prescribed by the Minister in an ordinance.

Design auditor

Article 61

- (1) The design auditor is a natural person authorised to conduct design audits.
- (2) The authorisation for conducting design audits shall be granted and withdrawn by the Ministry.
- (3) No appeal is permitted against the authorisation referred to in paragraph 2 of this Article, the decision on refusing or rejecting the application for issuing that authorisation, decision on suspending the procedure and decision on withdrawal of that authorisation, however, an administrative dispute may be initiated.

Article 62

- (1) The authorisation for conducting design audits may be only granted to a person authorised for performing designing activities in the field of design auditing under a special act, with at least ten years of work experience in designing and who fulfils other requirements prescribed in the ordinance referred to in paragraph 2 of this Article.
- (2) Detailed conditions regarding the granting, extending or revocation of authorisation for performing design audits, the means or method by which compliance to such requirements is attested, shall be prescribed by the Minister in an ordinance.

Article 63

- (1) The design auditor shall be responsible that a design or part of a design that he audited and gave a favourable report thereof, complies with the requirements of this Act, special acts and regulations adopted on the basis of those acts, technical specifications and the code of practice regarding a characteristic audited.
- (2) In addition to the provision of paragraph 1 of this Article, the provisions of this Act on the responsibilities of designers shall apply accordingly to design auditors.
- (3) The design auditor may not carry out the audit of a design in the development of which he has been wholly or partly involved or if such a design has been wholly or partly developed or validated by the legal person employing him.

5. DESIGNS

Development and safekeeping of designs

Article 64

- (1) Designs shall be developed in accordance with this Act, regulations adopted on the basis of this Act and special regulations, and the code of practice concerning issues not regulated by this Act or the listed regulations.
- (2) Designs shall contain all the prescribed parts and shall be developed in such a way that, depending on their purpose and the level of detail, they fulfil their purpose.

(3) Designs shall be developed in the Croatian language and Latin script.

Article 65

(1) The main design and detailed design, together with the building permit, shall be permanently kept on file by the investor, his legal successor or the construction work owner.

(2) The main design, together with the building permit, shall be permanently kept on file by the administrative body or the Ministry.

Article 66

(1) Designs or parts thereof shall be clearly marked as regards the construction work for which they were developed (name of the designer, corporate name of the person registered for designing, name of the construction work, name or corporate name of the investor, date of development, etc.).

(2) Designs or parts thereof shall be developed on paper, on any other appropriate material for writing or drawing, or as an electronic record in such a manner so as to prevent any modification of their contents or any replacement of the constituent parts thereof, except in the prescribed case.

(3) The mandatory contents and components of a design, the format, conditions in respect of the modification of contents, marking of the design, the manner and relevance of the certification of designs by the persons responsible, as well as the manner of exchange of electronic records pursuant to special regulations shall be prescribed by the Minister in an ordinance.

Types of designs

Article 67

Within the meaning of this Act, designs are classified according to their purpose and the level of detail as:

1. main design;
2. detailed design;
3. standard design;
4. removal design.

Main design

Article 68

(1) The main design is a set of aligned designs which provides for the technical solution of a construction work and attests the compliance with the essential requirements for the

construction work, as well as with other prescribed and determined requirements and conditions.

(2) The main design for constructing a construction work subject to the issuing of a location permit under a special act shall be developed in accordance with the location requirements set out in that permit, special requirements determined in the procedure of environmental impact assessment or appropriate assessment of the impact of a project on the ecological network, special regulations, this Act, technical and other regulations adopted pursuant to this Act, other regulations governing the requirements and conditions for construction works and the code of practice.

(3) The main design for constructing a construction work not subject to the issuing of a location permit under a special act shall be developed in conformity with the requirements for construction of construction works prescribed by the spatial plan, special requirements, this Act, technical and other regulations adopted pursuant to this Act, other regulations governing the requirements and conditions for construction works and the code of practice.

Article 69

(1) Depending on the type of construction work or works, the main design shall include:

1. an architectural design;
2. a civil engineering design;
3. an electro-technical design;
4. a mechanical engineering design.

(2) Development of the main design, or particular designs it includes, depending on the type of construction work or works, where provided by a special act or where necessary, shall be preceded by the development of:

1. a landscape study;
2. a geo-mechanical study;
3. a traffic study;
4. a technical-technological solution study;
5. a fire protection study;
6. an occupational safety study;
7. a noise protection study;
8. a conservation study;
9. other required studies.

(3) The main design must include information required for the calculation of utility and water charges.

(4) The designs referred to in paragraph 1 of this Article must also contain information from the studies which served as a basis for their preparation, as well as the projected life cycle of the construction work and the conditions for the maintenance thereof.

(5) The studies referred to in paragraph 2 of this Article shall be developed in accordance with this Act, a regulation adopted pursuant thereto or a special regulation.

Article 70

(1) In addition to the designs referred to in Article 69 paragraph 1 of this Act, the surveying design shall be an integral part of the main design for a building permit for the construction of a construction work not subject to the issuing of a location permit under a special act, which establishes the forming of a building plot and/or location of one or more construction works on the building plot.

(2) The surveying design referred to in paragraph 1 of this Article shall be developed and certified in the same way and shall have the same content and meaning as the surveying design which is an integral part of a location permit under special regulations governing physical planning.

(3) The surveying design shall show the location of one or more construction works on the building plot as well as the shape and size of the building plot, the forming of which is prescribed by a building permit.

(4) The surveying design shall be developed as a physically separate part of the main design.

(5) Based on the surveying design which is an integral part of the main design which is an integral part of the building permit, the status in the cadastre, land registry and, where appropriate, in reality, shall be mutually aligned and the forming of the building plot in the cadastre, setting-out of the construction work and entry of the construction work in the cadastre shall be carried out, without developing additional drawings and studies or issuing certificates prescribed by special regulations governing state surveying and cadastre.

Article 71

(1) The location of the construction work within the scope of the project shall be shown in the architectural design or civil engineering design, depending on the type and size of the project on a copy of the cadastral plan, Basic Map of Croatia (scale 1:5000), on an orthophoto map of appropriate scale or in appropriate coordinates.

(2) The scope of the project in which a construction work is built shall, depending on the type of construction work, be specified as a line, corridor, or surface of cadastral plots and/or parts thereof specified accordingly.

Article 72

By way of derogation from Article 69 paragraph 1 of this Act, the main design for a building classified in construction work groups 4 and 5 shall contain only the surveying design, architectural design and civil engineering design.

Article 73

The main design for constructing a construction work not subject to the issuing of a building permit shall be developed in accordance with technical and other regulations prescribing the requirements and conditions for construction works and shall not be contrary to the spatial plan.

Detailed design

Article 74

- (1) The detailed design develops the technical solution laid down by the main design.
- (2) The detailed design must be developed in compliance with the main design.
- (3) The detailed design shall be developed for the construction of construction works in group 1 and in cases where the investor and designer agreed so in a contract on developing the main design or where the investor and contractor have agreed so in a building contract.

Article 75

Any copyrights on the construction work designed by the main or other design and construction in accordance with that design shall be acquired pursuant to a special act, provided that is stipulated in the contract on developing the design.

Removal design

Article 76

(1) The removal design of a construction work is a design used to technically elaborate solutions or the procedure and method of removing the construction works and objects located in the construction work, solve the issue of disconnection of the construction work from energy and/or other infrastructure, safety measures, waste management measures, recovery and/or disposal of waste from the construction work and waste resulting from the removal of the construction work in accordance with the regulations governing waste management, transport and disposal of the construction material resulting from the removal of the construction work.

(2) The removal design of the construction work or any of its parts shall include:

1. drawings, calculations, and/or other civil engineering attestation that during the removal there will be no loss of stability of the structure which would be a threat to human life and health or to the environment;
2. a technical description of the removal of the construction work or any of its parts and the manner of managing construction waste and waste resulting from the removal of the

construction work, and the development of the building plot, or the scope of the project after the removal of the construction work or any of its parts;

3. a stability assessment of the adjoining and any other land and/or adjoining and other construction works if the removal of the construction work or the manner of its removal in any way affects the stability of that land and/or the compliance of the essential requirements of those construction works.

(3) The removal design of the construction work shall be subject to a design audit regarding mechanical resistance and stability, if the manner of removal and/or the removal of the construction work affects the stability of the adjoining and any other land and/or the compliance of the essential requirements of adjoining or any other construction works.

Standard design

Article 77

(1) For pre-fabricated construction assembly components whose compliance with the provisions of this Act has been attested (hereinafter: the standard design), under a decision passed by the Ministry, repeating the attestation in the main design shall not be required.

(2) The standard design may be an integral part of a certain design referred to in Article 69 paragraph 1 of this Act.

(3) No appeal is permitted against the decision referred to in paragraph 1 of this Article, the decision on denying or rejecting the application for issuing that decision and the decision on suspending the procedure, however, an administrative dispute may be initiated.

Article 78

(1) The application for issuing the decision on the standard design shall be accompanied by:

1. at least three copies of the standard design that contains all the parts prescribed for the main design, excluding parts related to the location requirements, connection requirements and special requirements depending on the location of the construction work;

2. a written report on the performed standard design audit, if the audit is prescribed;

3. a written report and a certificate on the standard design validation if the design has been developed according to foreign regulations; and

4. special requirements or certificates issued by public law bodies, other than the connection requirements, prescribed by special regulations whose scope may be affected by the technical solution in the standard design.

(2) The provisions of this Act prescribing the obligation of compliance of the main design for the construction of a construction work which, under a special act, is not subject to the issuing of a location permit with special regulations or special requirements, shall apply accordingly to the standard design and the decision on the standard design.

Article 79

(1) A standard design which is not an integral part of the main design that is an integral part of the building permit may not be used if the regulation under which the standard design was developed has changed.

(2) The Ministry shall maintain records on the issued decisions on the standard design.

Notification on the requirements for developing the main design

Article 80

(1) For the purpose of developing the main design for the construction of a construction work not subject to the issuing of a location permit under a special act, the investor may request notification from the administrative body or the Ministry regarding the public law bodies from which it will be necessary to obtain the special requirements in line with which the main design for a specific construction work in a specific location must be developed and information on the manner of implementing this Act and/or particular provisions of the spatial plan.

(2) The request referred to in paragraph 1 of this Article shall be accompanied by a copy of the cadastral plan and the description and display of the construction work planned for construction.

(3) The administrative body or the Ministry shall reply to the request referred to in paragraph 1 of this Article within eight days from its receipt.

(4) The administrative body or the Ministry shall publish and update on its website the list of public law bodies, and their addresses, which determine special requirements according to which the main design for constructing construction works subject to the issuing of a building permit must be developed.

Determination of special requirements and main design certificates for the construction of construction works not subject to the issuing of a location permit

Article 81

For the purpose of developing the main design for the construction of a construction work which, under a special act, is not subject to the issuing of a location permit in accordance with special regulations, special requirements shall be determined prior to initiating the procedure for issuing the building permit.

Article 82

(1) The public law body shall, subject to the investor's application, determine special requirements for construction of the construction work shown in the main design, issue the main design certificate or reject the application for their determination by means of decision, within fifteen days from receipt of an orderly application.

(2) If the main design was developed in accordance with a special regulation related to the issues for which special requirements are to be determined, the public law body shall, instead of special requirements, issue the main design certificate.

(3) If the main design was not developed in accordance with a special regulation related to the issues for which special requirements are to be determined, the public law body shall in the special requirements indicate and explain in what regard and what issue the design is not complying with the special regulation or requirements.

(4) The public law body may not require from the designer or the investor, for the purpose of determining special requirements, the development or submission of other documents, except the studies which under a special act precede the development of the main design.

Article 83

(1) The investor shall align the main design with the special requirements and deliver it to the public law body for the issuing of the main design certificate within fifteen days from their receipt.

(2) If the investor aligns the main design with the special requirements, the public law body shall issue the main design certificate and deliver it to the investor within fifteen days from receipt of the aligned main design.

(3) If the investor does not align the main design within the period referred to in paragraph 1 of this Article, the application for issuing the main design certificate shall be rejected.

Article 84

(1) For the purpose of determining special requirements that, following the investor's application, were not determined before the initiation of the procedure for issuing the building permit, the administrative body or the Ministry shall, within eight days from receipt of the application for issuing the building permit, invite the public law body to determine those special requirements.

(2) If the special requirements were determined following the investor's application, but the main design certificate has not been issued within the prescribed period, the administrative body or the Ministry shall invite the public law body to issue the certificate.

(3) The public law body shall determine or issue, or reject their determination or issuance by means of a decision, the special requirements referred to in paragraph 1 of this Article and the certificate referred to in paragraph 2 of this Article, and shall deliver the requirements, certificate or decision to the investor and the administrative body or the Ministry within fifteen days from receipt of the invitation by the administrative body or the Ministry.

(4) It shall be considered that no special requirements exist, the main design was developed in conformity with the special regulation, the public law body issued the main design certificate and the construction work may be connected to infrastructure, provided that the public law body, within the period referred to in paragraph 3 of this Article, fails to deliver to the administrative body or the Ministry the special requirements, the main design certificate or

the decision on rejecting the determination of special requirements or the issuing of the main design certificate.

(5) Paragraphs 1, 2, 3 and 4 of this Article shall not apply in the event of ongoing proceedings resulting from the investor's appeal against the decision on rejecting the application for determining special requirements, or proceedings resulting from the investor's complaint against the determined special requirements, in which case the application for issuing the building permit shall be rejected.

Article 85

(1) The investor shall align the main design with the special requirements and deliver it to the administrative body or the Ministry within fifteen days from receipt of those requirements.

(2) If the investor aligns the main design with the special requirements, the public law body shall issue the main design certificate and deliver it to the investor and the administrative body or the Ministry, within fifteen days from receipt of the aligned main design.

(3) If the investor does not align the main design within the period referred to in paragraph 1 of this Article, the issuing of the main design certificate and the building permit shall be rejected.

(4) If the public law body, within the period referred to in paragraph 2 of this Article, fails to deliver the main design certificate or the decision on rejecting the issuing of the main design certificate to the administrative body or the Ministry, it shall be considered that the main design was developed in conformity with the special regulation and that the public law body issued the main design certificate, and the construction work may be connected to infrastructure.

Article 86

(1) The investor shall have the right to appeal, that is, the right to initiate an administrative dispute if the decision was issued by the central state administration body, against the decision of the public law body rejecting the determination of special requirements and the decision on rejecting the issuing of the main design certificate.

(2) The decision on the appeal against the decision referred to in paragraph 1 of this Article shall be issued by the body competent for the appeal within thirty days from submitting the appeal.

Article 87

(1) Evidence of lodging an appeal or instituting an administrative dispute against the decision on rejecting the determination of special requirements and the decision on rejecting the issuing of the main design certificate in the course of the procedure for issuing the building permit shall be submitted by the investor, within ten days from receipt of the decision, to the administrative body or the Ministry, which shall in that case suspend the procedure for issuing the building permit until a decision on the appeal or dispute is made.

(2) The body competent for the appeal shall, for information purposes, deliver the decision on the appeal against the decision on rejecting the determination of special requirements and the decision rejecting the issuing of the main design certificate to the administrative body or the Ministry.

(3) If the investor fails to comply with paragraph 1 of this Article or fails to lodge an appeal or institute an administrative dispute against the decision rejecting the determination of special requirements and the decision rejecting the issuing of the main design certificate, the application for issuing the building permit shall be rejected.

Main design certificate for the construction of construction works subject to the issuing of a location permit

Article 88

(1) The main design certificate for the construction of a construction work subject to the issuing of a location permit under a special act shall certify that the main design has been developed in conformity with the special requirements as prescribed by the location permit.

(2) The main design certificate must be issued prior to initiating the procedure for issuing the building permit.

Article 89

(1) The public law body shall, subject to the investor's application, issue the main design certificate or reject the application for its issuance by means of a decision within fifteen days from receipt of an orderly application.

(2) If the main design was not developed in conformity with the special requirements, the public law body shall invite the investor to comply with them and in the invitation for alignment indicate and explain in what regard and what issue the design does not comply with the special requirements.

(3) The public law body may not require from the designer or the investor, for the purpose of issuing the main design certificate, the development or submission of other documents, except those studies which under a special act precede the development of the main design.

Article 90

(1) The investor shall align the main design with the special requirements and deliver it to the public law body for the issuing of the main design certificate within fifteen days from receipt of the invitation for alignment.

(2) If the investor aligns the main design with the special requirements, the public law body shall issue the main design certificate and deliver it to the investor within fifteen days from receipt of the aligned main design.

(3) If the investor does not align the main design within the period referred to in paragraph 1 of this Article, the application for issuing the main design certificate shall be rejected.

Article 91

- (1) For the purpose of issuing the main design certificate that, following the investor's application, was not issued before the initiation of the procedure for issuing the building permit, the administrative body or the Ministry shall, within eight days from receipt of the application for issuing the building permit, invite the public law body to issue the certificate.
- (2) The public law body shall issue the main design certificate or reject its issuance by a decision, and deliver the certificate or decision to the investor and the administrative body or the Ministry within 15 days from receipt of the invitation by the administrative body or the Ministry.
- (3) If the public law body, within the period referred to in paragraph 2 of this Article, fails to deliver to the administrative body or the Ministry the main design certificate or the decision on rejecting the issuing of the main design certificate, it shall be considered that the main design was developed in conformity with the special requirements and that the public law body issued the main design certificate and the construction work may be connected to infrastructure.
- (4) Paragraphs 1, 2 and 3 of this Article shall not apply in the event of ongoing proceedings resulting from the investor's appeal against the decision on rejecting the application for issuing the main design certificate, in which case the application for issuing the building permit shall be rejected.

Article 92

- (1) The investor shall have the right to appeal, that is, the right to initiate an administrative dispute if the decision was issued by the central state administration body, against the decision of the public law body rejecting the issuing of the main design certificate.
- (2) The decision on the appeal against the decision referred to in paragraph 1 of this Article shall be issued by the body competent for the appeal within thirty days from submitting the appeal.

Article 93

- (1) Evidence of lodging an appeal or instituting an administrative dispute against the decision rejecting the issuing of the main design certificate in the course of procedure for issuing the building permit shall be submitted by the investor, within ten days from lodging an appeal or instituting an administrative dispute, to the administrative body or the Ministry, which shall in that case suspend the procedure for issuing the building permit until a decision on the appeal is made.
- (2) The body competent for the appeal shall, for information purposes, deliver the decision on the appeal against the decision on rejecting the issuing of the main design certificate to the administrative body or the Ministry.
- (3) If the investor fails to comply with paragraph 1 of this Article or fails to lodge an appeal or institute an administrative dispute against the decision on rejecting the issuing of the main design certificate, the application for issuing the building permit shall be rejected.

Design audit

Article 94

- (1) Audit of the main design, standard design and removal design, depending on the characteristics of the construction work or pre-fabricated construction assembly components, shall be carried out with respect to mechanical stability and resistance.
- (2) The design auditor performing the design audit must draw up a written report and certify parts of the design in the prescribed manner.
- (3) In the report on the main design audit, the auditor may request an inspection of the works to be carried out at a certain stage of construction.
- (4) In the case referred to in paragraph 3 of this Article, the investor shall enable the design auditor to inspect the works in due time. The design auditor shall confirm that inspection of the works has been carried out by making an entry in the site diary.

Article 95

The contents, manner and scope of design auditing, the manner and relevance of certification of the design audited by an auditor, the list of the construction works or the works requiring a design audit and the manner of verifying the data relevant for auditing these construction works or works shall be prescribed by the Minister in an ordinance.

Establishing of compliance (validation) of designs

Article 96

- (1) The main design and detailed design developed according to foreign regulations shall be deemed as designs developed in accordance with this Act, provided that the procedure of establishing compliance with the Croatian legislation and the code of practice (hereinafter: validation) was carried out.
- (2) The main design and detailed design, or the parts thereof, shall be translated into the Croatian language prior to their validation. In addition to the Croatian translation, the design may retain the original text in a foreign language.
- (3) By way of derogation from paragraph 2 of this Article, it shall not be required to translate into the Croatian language parts of the design containing numerical data (print outs of the static calculation, etc.).

Article 97

- (1) Within the tasks of their profession, design validation shall be carried out by persons who under a special act are entitled to use the professional title of authorised architect or authorised engineer, or by legal persons that employ at least one person entitled to use these professional titles.

(2) The person carrying out the validation shall prepare a written report thereon in the prescribed manner, certify the design and issue a declaration thereof.

(3) In the event that the design which is being validated lacks any prescribed parts, the person carrying out the validation may develop the missing parts of the design.

Article 98

The provisions of this Act and a special act governing the responsibility of authorised persons in the development of designs shall apply accordingly to their responsibility in carrying out design validations.

6. BODIES COMPETENT FOR ISSUING BUILDING AND USE PERMITS

Bodies competent in the first instance

Article 99

(1) The building permit, use permit and use permit for particular construction works (hereinafter: the permit) shall be issued by the Ministry and the administrative body of a major city, City of Zagreb or a county competent for carrying out administrative construction activities (hereinafter: the building control authority).

(2) The decision on amendments to the permit shall be issued by the building control authority that issued the permit.

Article 100

(1) The permits for construction works in group 1 and for construction works in other groups in the territory of two or more counties or the City of Zagreb shall be issued by the Ministry.

(2) In the case of construction of a particular construction work referred to in paragraph 1 of this Article, the Ministry may transfer the authority for issuing the permit to the administrative body of a major city, City of Zagreb or a county.

(3) By way of derogation from paragraph 1 of this Article, the use permit for construction works in group 1 shall be issued by the administrative body of a major city, City of Zagreb or a county to which the authority to issue the building permit was transferred and which issued that permit.

Article 101

(1) The permits for construction works in groups 2, 3, 4 and 5 shall be issued by the administrative body of the City of Zagreb or a major city for its own territory, unless otherwise prescribed by this Act.

(2) The permits for construction works in groups 2, 3, 4 and 5 outside the territory of a major city shall be issued by the administrative body of a county for its own territory.

(3) The permits for construction works in groups 2, 3, 4 and 5 within the territory of a major city or other city or municipality shall be issued by the administrative body of a county.

Remedies, misconduct and misconduct of duty and reputation of authorised architects and engineers

Article 102

(1) An appeal may be filed against the permit and the decision on its amendment, annulment or repeal, the decision refusing or rejecting the application for issuing the permit and the decision suspending the procedure issued by the administrative body, on which the Ministry shall bring a decision.

(2) An administrative dispute may be initiated against the decision of the Ministry referred to in paragraph 1 of this Article.

(3) No appeal shall be permitted against the permit and the decision on its amendment, annulment or repeal, the decision refusing or rejecting the application for issuing the permit and the decision suspending the procedure issued by the Ministry, however, an administrative dispute may be initiated.

Article 103

(1) If the Ministry decides on an appeal to repeal the permit or decision and returns the case for a renewal of the procedure, the administrative body shall comply in all aspects with the Ministry's decision.

(2) Non-compliance with the decision referred to in paragraph 1 of this Article without justified reasons shall represent a gross professional misconduct of the person authorised for issuing the permit or decision.

(3) Non-compliance with the Ministry's decision on an appeal due to failure to process the application in due time, in which a new period for issuing the decision is prescribed, without justified reasons shall represent a gross professional misconduct of the head of administrative body.

Article 104

If the administrative body fails to comply with the decision referred to in Article 103 paragraph 1 or paragraph 3 of this Act, its execution shall be forced by a fine imposed on the local self-government or regional unit to which that administrative body belongs.

Article 105

(1) The development of the main design for the construction of a building not subject to the issuing of a location permit under a special act, which is clearly contrary to the construction requirements for construction works prescribed by the spatial plan with regard to the intended purpose and size of the building or shape and size of the building plot or location of the building on the building plot, shall represent a gross misconduct of duty and reputation of the

authorised architect and authorised engineer who developed the main design in the capacity of the main designer, architectural designer and surveying designer.

(2) The issuance of a building permit for the construction of a building not subject to the issuing of a location permit under a special act, which is clearly contrary to the construction requirements for construction works prescribed by the spatial plan with regard to the intended purpose and size of the building, shape and size of the building plot or location of the building on the building plot, shall represent a gross professional misconduct of the person issuing the permit.

(3) The issuance of a decision rejecting the application for issuing the building permit which, under a special act, is not subject to the issuing of a location permit, on the grounds that the building would be contrary to the construction requirements for construction works prescribed by the spatial plan with regard to the intended purpose and size of the building, shape and size of the building plot or location of the building on the building plot, while it is clear that the building would in that regard comply with the listed requirements, shall represent a gross professional misconduct of the person issuing the decision.

(4) The request for instigating proceedings for misconduct of duty and reputation referred to in paragraph 1 of this Article and professional misconduct referred to in paragraphs 2 and 3 of this Article shall be submitted after the facts from the paragraphs above have been established in the decision on an appeal.

7. CONSTRUCTION OF CONSTRUCTION WORKS

7.1. BUILDING PERMIT

Article 106

(1) The construction of a construction work may commence only on the basis of a final and effective building permit, while construction must be carried out in accordance with this permit, unless otherwise prescribed by this Act or a regulation adopted pursuant thereto.

(2) The investor may, at his own risk and liability, commence construction on the basis of an enforceable building permit.

(3) The construction of a construction work for which the location permit or the building permit prescribes the forming of the building plot may commence in accordance with paragraph 1 or 2 of this Article, provided that the building plot has been formed in the cadastre.

Article 107

(1) A construction work built without a building permit, as well as a construction work for which the suspension of construction or removal of the construction work under a special act is underway, may not be connected to municipal water structures.

(2) The building permit shall have no legal effect on the ownership and other real rights on the property for which it was issued and shall not represent grounds for the possession of that property.

Application for issuing the building permit

Article 108

(1) The application for issuing the building permit shall be submitted by the investor.

(2) The investor's application for issuing the building permit which is not subject to the issuing of a location permit under a special act shall be accompanied by:

1. three copies of the main design;
2. the designer's statement that the main design was developed in accordance with the spatial plan and other relevant regulations;
3. a written report on the performed main design audit, if the audit is prescribed;
4. a certificate on the main design validation, if the design has been developed according to foreign regulations;
5. certificates of public law bodies that the main design was developed in accordance with special regulations or special requirements and/or evidence that an application was submitted for the issuance of such certificates or determining such requirements, if they were not issued in the period prescribed in this Act;
6. certificate of a public law body that the main design was developed in accordance with the decision on the environmental acceptability of the project, if the project is under special regulations subject to the procedure of environmental impact assessment or appropriate assessment of the impact of a project on the ecological network;
7. evidence of legal interest for the issuance of a building permit; and
8. evidence that he may be the investor (concession, approval or other official act prescribed by a special regulation) in the case of a construction work for which a special act prescribes who the investor may be.

(3) In addition to the documents referred to in paragraph 2 subparagraphs 1, 3, 4, 6, 7 and 8 of this Article, the investor's application for issuance of the building permit for a construction work subject to the issuing of a location permit under a special act shall include:

1. the location permit;
2. statement by the designer that the main design was developed in accordance with the location permit and other relevant regulations; and
3. certificates of public law bodies that the main design was developed in accordance with special requirements set in the location permit and/or evidence that an application was submitted for the issuance of such certificates, if they were not issued in the period prescribed in this Act.

(4) The application for the issuance of a building permit for a construction work subject to complying with the energy performance requirements shall be accompanied by the study on alternative energy supply systems.

Evidence of legal interest

Article 109

(1) Evidence of legal interest for the issuing of a building permit shall include:

1. the land registry extract indicating that the investor is the owner, or the holder of the right to build on the building plot or construction work intended for the construction;
2. pre-contract, contract or a conditional contract pursuant to which the investor has acquired or shall acquire ownership rights or building rights;
3. decision issued by the competent authority pursuant to which the investor has acquired ownership rights or building rights;
4. partnership contract negotiated with the owner of the property, the aim of which is joint construction;
5. written approval from the owner of the land or the owner of the existing construction work;
6. written approval given by the fiduciary owner to the previous property owner who is the investor.

(2) Evidence of legal interest for the issuing of a building permit with regard to the scope of the project shall include:

1. extract, contract, decision or approval referred to in paragraph 1 of this Article;
2. excerpt from the land registry indicating that the investor is the holder of the right of servitude;
3. pre-contract, contract or a conditional contract pursuant to which the investor has acquired or shall acquire the right of servitude, right of lease or use;
4. a decision issued by the competent state authority pursuant to which the investor has acquired the right of servitude.

(3) The signature of the property owner or holder of the right to build under the pre-contract, contract or approval referred to in paragraphs 1 and 2 of this Article shall be certified by a notary public.

(4) With regard to the property on which the acquisition of real rights is not possible, or the right to build is acquired by concession under a special act, a concession contract allowing for the right to build shall be considered evidence of a legal interest for the issuance of a building permit.

(5) In the cases referred to in paragraphs 1 and 2 of this Article, the decision of the Government of the Republic of Croatia establishing the interests of the Republic of Croatia or reference to the provision of a special act that establishes the interest of the Republic of Croatia for the construction of a construction work for which the issuance of a building permit was requested, provided that the investor submitted an application for expropriation, shall be considered evidence of a legal interest for the issuance of the building permit.

Requirements for issuance of a building permit

Article 110

(1) The building control authority shall issue a building permit for the construction work not subject to the issuing of a location permit under a special act, after carrying out the procedure in which it established that:

1. all the prescribed documents have been submitted along with the application;
2. all prescribed main design certificates have been issued;
3. as regards the location requirements, the main design has been developed in conformity with the requirements for implementing the project prescribed by the spatial plan;
4. the main design has been developed by an authorised person;
5. the main design is properly marked;
6. the main design is developed in such a manner so as to prevent any modification of its contents or any replacement of its constituent parts;
7. the urban development plan has been adopted, provided that the permit is issued in an area where a special act prescribes its adoption;

(2) Paragraph 1 subparagraph 7 of this Article shall not apply to the issuing of a building permit for the construction of replacement construction works and the reconstruction of existing construction works.

(3) Within the meaning of paragraph 2 of this Article, a replacement construction work means a new construction work built at the same location or in the close vicinity of the location where the previously removed existing construction work stood within the same building plot, or the scope of the project, which does not significantly change the intended purpose, appearance, size or environmental impact of the earlier construction work.

(4) The building control authority shall issue the building permit for the construction of a new building not subject to the issuing of a location permit under a special act, after carrying out the procedure in which it established that:

1. the requirements referred to in paragraph 1 of this Article have been met;
2. it is possible to connect the building plot or the building to open areas, or the building permit for the construction of open areas has been issued;

3. it is possible to connect the building to the public waste water drainage system, if the spatial plan does not allow the connection to its own drainage system; and

4. it is possible to connect the building to a low-voltage electricity supply network or, in the case of buildings in which the use of such a system is designed, the building has an autonomous electricity supply system.

(5) Paragraph 4 of this Article shall not apply to the reconstruction of existing construction works.

Article 111

The building control authority shall issue a building permit for the construction work which is subject to the issuing of a location permit under a special act, after carrying out the procedure in which it established that:

1. all the prescribed documents have been submitted along with the application;
2. all the prescribed main design certificates have been issued;
3. the main design has been developed in conformity with the requirements for implementing the project prescribed by the spatial plan;
4. the main design has been developed by an authorised person; and
5. the main design is developed in such a manner so as to prevent any modification of its contents or any replacement of its constituent parts.

Application of physical planning regulations

Article 112

The provisions regulating the issuance of a location permit shall apply accordingly to the issuance of a building permit for a construction work whose construction under a special act is not subject to the issuance of a location permit.

Scope and contents of the building permit

Article 113

(1) A building permit shall be issued for:

1. the construction of a whole construction work;
2. performance of works on existing construction works prescribed by this Act;
3. the construction of one or several complete construction works of a complex construction work (stages) as determined by the location permit;
4. one or more phases of an individual construction work determined by the location permit.

(2) The main design is an integral part of the building permit, which shall be listed thereon and certified by the building control authority.

Construction to a certain degree of completion

Article 114

(1) Subject to the investor's application, the building permit may also be issued for the construction of the construction work for residential, office, and both residential and office purposes without the part of the main design providing for the technical solution of the finishing of floors, walls and ceilings, partition non-bearing walls and the installation distribution of individual residential or office spaces within the construction work.

(2) When the works in the course of completing construction of the construction work referred to in paragraph 1 of this Article affect the compliance of the construction work with the established location requirements, the main design shall be required.

(3) For a construction work for which the building permit referred to in paragraph 1 of this Article has been issued, a use permit may be issued when the construction has been carried out to the degree of completion specified in that building permit.

Parties in the procedure for issuing the building permit

Article 115

(1) The parties in the procedure for issuing the building permit shall be the investor, the owner of the property for which a building permit is to be issued and the holder of other real rights on that property, as well as the owner and holder of other real rights on the property directly bordering the property for which a building permit is to be issued.

(2) Prior to issuing a building permit, the building control authority shall provide the parties with the opportunity to access the file in order to provide an opinion (hereinafter: accessing the case file).

(3) By way of derogation from paragraph 1 of this Article, a party in the procedure for issuing the building permit for the construction of a construction work of interest of the Republic of Croatia or which is issued by the Ministry shall be the investor, the owner of the property for which a building permit is to be issued and the holder of other real rights on that property.

Invitation for accessing the case file

Article 116

(1) When the building permit is issued for the construction work which directly borders on more than ten properties, the building control authority shall invite the parties by a public invitation displayed on the bulletin board of the building control authority and on its website, while the administrative body shall also display the invitation on the property for which the building permit is to be issued.

(2) When the building permit is issued for the construction work which directly borders on ten or less properties, the invitation for accessing the case file shall be personally delivered to the parties.

(3) The public invitation shall be deemed delivered after eight days from displaying the invitation on the bulletin board of the building control authority, thus fulfilling the obligation referred to in Article 115 paragraph 2 of this Act.

(4) The party failing to respond to the public invitation shall not be allowed to request a renewal of the procedure for issuing the building permit on those grounds.

Article 117

(1) A public invitation must contain the following information:

1. name of the building control authority;
2. name, or corporate name, and address of the investor;
3. indication that the invitation pertains to the issuing of a building permit;
4. name and type of the construction work for which the building permit is to be issued;
5. venue and time where an interested party can access the case file and provide an opinion;
6. notification that the party may respond to the invitation in person or through an authorised legal representative; and
7. notification that the building permit may be issued even if the party fails to respond to the invitation.

(2) The public invitation shall be published, i.e., displayed for at least ten days before the date specified for accessing the case file.

(3) The public invitation shall be displayed on the building plot or on the construction work in a prominent and accessible place in such a manner as to protect it from weather conditions, of which a civil servant of the administrative body shall make a note in the case file.

Article 118

(1) The person responding to the invitation for accessing the case file must demonstrate that he is a party to the procedure.

(2) The person failing to prove that he is a party to the procedure shall be denied access to the case file by means of a decision. An appeal against this decision shall not suspend the procedure.

Article 119

(1) The building control authority may, at the request of the party who responded to the invitation for accessing the case file, prescribe a period not longer than eight days in order for the party to provide a written opinion on the intended construction.

(2) If the party fails to provide an opinion within the period referred to in paragraph 1 of this Article, it shall be deemed that the party was given the opportunity to access the case file and has no objections.

(3) If the party has for justified reasons failed to respond to the invitation for accessing the case file, he may access the case file at a later time, but not later than eight days from the last date set out in the invitation for access, in which case the party must demonstrate justification of the reasons that prevented him from responding to the invitation.

Delivery of the building permit

Article 120

(1) The building permit or the decision rejecting the application for issuance of a building permit shall be delivered to:

1. the investor along with the main design;
2. parties who accessed the case file or contacted the building control authority;
3. parties who did not access the case file or contact the building control authority, by displaying the permit on the bulletin board of the building control authority for a period of eight days.

(2) In the case of delivery referred to in paragraph 1 subparagraph 3 of this Article, the building permit or the decision shall be deemed delivered after eight days from the date of display on the bulletin board.

(3) The building permit without the main design shall, for information purposes, be delivered to:

1. the administrative body of the local self-government unit competent for performing professional physical planning activities;
2. the administrative body of the local self-government unit competent for determining utility charges with the data required for the calculation of those charges;
3. the body competent for determining water charges with the data required for the calculation of those charges;

(4) A building permit for the construction work, which was subject to environmental impact assessment, evaluation of the need for environmental impact assessment or appropriate assessment of the impact of a project on the ecological network pursuant to special regulations, shall be published, for the purpose of informing the public and public concerned, on the website of the building control authority issuing the permit for a period of at least thirty days.

Building permit for preparatory works

Article 121

(1) The execution of preparatory works for the construction of a construction work may commence on the basis of a final and effective or enforceable building permit for the construction of that construction work.

(2) By way of derogation from paragraph 1 of this Article, a special building permit shall be required for preparatory works which may affect the life and health of people or the stability of adjoining construction works or adjoining land, as well as for the construction of temporary construction works necessary for the site organisation, specifically for:

1. a bituminous road surface, aggregate separation/screening, concrete plant and the like;
2. a transmission line and transformer station necessary for the power supply of a site;
3. portable containers for the storage, preservation or maintenance of explosive matter necessary for the site, other than above- and underground containers of liquefied natural gas or oil of a volume of up to 5 m³.

(3) The building permit referred to in paragraph 2 of this Article shall be issued by the building control authority which issued the building permit for the construction work for which the site is organised.

(4) The building permit referred to in paragraph 2 of this Article shall determine the timeframe within which a temporary construction work must be removed, and the appropriate state of land restored.

Utility and water charges

Article 122

Upon the enforceability of the building permit, the investor shall pay utility and water charges in accordance with special regulations.

Validity of the building permit

Article 123

(1) A building permit shall cease to be valid if, within three years from the date it became final and effective, the investor fails to commence construction.

(2) It shall be deemed that the investor commenced construction within the meaning of paragraph 1 of this Article on the date of notification of the commencement of construction.

Period for completion of buildings

Article 124

(1) A building, depending on the group to which it was classified, shall, with regard to its external appearance and the development of the building plot, be completed within the following period:

1. ten years for buildings in group 1;
2. seven years for buildings in groups 2 and 3;
3. five years for buildings in group 4;
4. three years for buildings in group 5.

(2) The period referred to in paragraph 1 of this Article shall commence on the date of notification of the commencement of construction.

(3) The periods referred to in paragraph 1 of this Article shall not apply to particular buildings protected as cultural heritage.

(4) Amendments to the building permit shall have no effect on the periods prescribed in paragraph 1 of this Article.

Amendments to the building permit

Article 125

(1) An enforceable or final and effective building permit may be amended, repealed and/or annulled at the investor's request.

(2) In the procedure of issuing the decision on amendments to the building permit, the provisions of this Act governing the issuing of building permits shall apply accordingly to any amendments thereof, unless otherwise prescribed by this Act.

(3) The building permit may be amended at the investor's request until the issuance of the use permit.

Article 126

(1) In the case of construction works with an issued location permit, a decision on amendments to the building permit that amends the location requirements shall be issued following amendments to the location permit.

(2) In the case of construction works not subject to the issuing of a location permit under a special act, a decision on amendments to the building permit that amends the location requirements shall be adopted in accordance with the spatial plan in accordance with which the building permit was issued, or in accordance with the spatial plan in force at the time of adopting the decision, if so requested by the investor.

(3) Only those special requirements or main design certificates which are affected by amendments shall be obtained in the procedure for issuing the decision on amendments to the building permit.

(4) The facts established in the procedure for issuing the permit shall not be reviewed in the procedure for issuing the decision on amendments to the building permit.

Change of the investor

Article 127

(1) If the investor should change after the issuing of a building permit, the new investor shall, within fifteen days from the date of the change, request the building control authority to amend the building permit relating to the change of the investor's name or corporate name.

(2) Along with his application to amend the building permit referred to in paragraph 1 of this Article, the new investor shall submit evidence of legal interest for the issuance of the building permit or approval of the previous investor, and evidence that he may be the investor (concession, approval or other official act prescribed by a special regulation) in the case of a construction work for which a special act prescribes who the investor may be.

(3) A construction work for which the building permit was issued may not be constructed without the decision on the change of the investor's name or corporate name in the building permit.

(4) The decision on the change of the investor's name or corporate name in the building permit shall be submitted to the previous investor, the new investor and the building inspection.

7.2. CONSTRUCTION WITHOUT A BUILDING PERMIT

Simple and other construction works and related works

Article 128

(1) Simple and other construction works and related works prescribed by an ordinance issued by the Minister shall be constructed, i.e., executed without a building permit.

(2) The construction of construction works and performance of works referred to in paragraph 1 of this Article may commence on the basis of the main design, standard design, other official act or without an official act, when so prescribed by the ordinance referred to in paragraph 1 of this Article.

(3) The requirement of performing building surveillance over the construction of construction works and execution of works referred to in paragraph 1 of this Article and the obligation of notification of the commencement of construction or performance of works shall also be prescribed in that ordinance.

(4) When designing and constructing the construction works or performing the works referred to in paragraph 1 of this Article, the investor, designer and contractor shall observe all the regulations and codes of practice relevant to their construction and may not design and construct construction works or perform works prohibited under the spatial plan.

Special cases of construction

Article 129

(1) In the case of an immediate threat to people or property from a sudden natural disaster, war devastation or any other emergency, during such events and immediately after their end, the construction of construction works serving to prevent the effects or to remove the consequences of such events shall not require a building permit.

(2) The construction work referred to in paragraph 1 of this Article must be removed within two years after the end of the event.

(3) When it is deemed necessary to permanently keep the construction work referred to in paragraph 1 of this Article, it shall be required to obtain a building permit for that construction work.

Renewal of damaged construction works

Article 130

In the case of damage to a construction work as a result of the events referred to in Article 129 paragraph 1 of this Article, the construction work, regardless of the extent of damage, may be restored to its original state without a building permit, in accordance with the official act pursuant to which it was built, or the design of the current state of the construction work. In the case of a construction work registered in the Register of Cultural Heritage of the Republic of Croatia, approval according to a special act shall be required.

7.3. COMMENCEMENT OF CONSTRUCTION AND THE CONSTRUCTION SITE

Notification of the commencement of construction and setting-out

Article 131

(1) The investor shall no later than eight days before the commencement of construction or the continuation of the works, submit a written notification thereof to the building control authority.

(2) In the notification of the commencement of construction, the investor must indicate the class, register number and date of issue of the building permit, the contractor and the supervising engineer, and attach to the application evidence that the building plot was formed in the cadastre, if the construction work in question is subject to specification of the building plot.

(3) The building control authority shall, within five days from receipt of the notification of the commencement of construction, notify thereof the Ministry of Interior, building inspection, labour inspection, administrative body of the local self-government unit competent for determining utility charges and body competent for determining water charges, while the building inspection shall also be notified whether the notification is complete.

(4) Prior to commencing construction, the investor shall ensure that the setting-out of the construction work is performed.

Decision on a temporary ban on works

Article 132

(1) The representative body of a local self-government unit, subject to the prior opinion of the tourist board of a municipality or city, may by a decision, for certain types of construction works in specific areas, establish the period in the next calendar year and hours during which earthwork or works on the structure of the construction work shall not be permitted.

(2) The decision referred to in paragraph 1 of this Article shall not apply to:

1. construction works or works, whose construction or execution is established to be in the interest of the Republic of Croatia;
2. removal of construction works under a decision of the building inspection or other state administration body;
3. construction of construction works in the year in which the decision entered into force.

Site development

Article 133

(1) A construction site shall be developed in accordance with a special act, unless prescribed otherwise by this Act or regulation adopted on the basis thereof.

(2) Temporary construction works and the site equipment must be stable and comply with the requirements stipulated for safety in case of fire or explosion, occupational safety and with other measures relating to the protection of human health and the environment.

(3) The site must have installations in place in accordance with regulations.

(4) It shall be required that the following measures are provide for and implemented on site:

1. occupational safety and other measures stipulated for the protection of human health and the environment;
2. relating to reduction of pollution of air, soil and ground water to a minimum.

(5) Any temporary construction works built in the course of preparatory works, site equipment, unused building and other material, waste and the like, must be removed and land in the area of the site and in the access area to the site must be brought into orderly condition prior to the issuing of the use permit.

Article 134

(1) A construction site must be secured and fenced off for the purpose to ensure the safety of passers-by and to prevent uncontrolled access of people to the site.

(2) On sites extending over large areas (railway lines, roads, power transmission lines and other), the parts of the site that cannot be fenced off shall be protected by specific traffic signs or marked in some other way.

(3) It shall be forbidden to fence off the site in a manner that could endanger passers-by.

(4) The site shall be marked by a board which must include the name or the corporate name of the investor, the designer, the contractor and the person carrying out building surveillance, the name and type of the construction work which is being built, the name of the authority which issued the building permit, classification designation, register number, date of issue and the period of validity of that permit, and also an indication that it is a culture-related construction work when the construction work concerned is registered in the Register of Cultural Heritage of the Republic of Croatia.

(5) In the case of a suspension of construction, the investor shall take measures to ensure the safety of the construction work and adjoining construction works, land and other objects.

(6) Detailed contents and layout of the board marking the site shall be prescribed by the Minister in an ordinance.

Documents available on the site

Article 135

(1) Depending on the type of construction work or works executed, the contractor must have available on site:

1. decision on registration in the court register, or an operating licence and approval for performing construction activities pursuant to a special regulation;

2. building contract concluded between the investor and the contractor;

3. document on the appointment of the principal site engineer, site engineer and performance manager;

4. contract on building surveillance concluded between the investor and the supervising engineer;

5. building permit with the main design, i.e., the main design, standard design or other official act prescribed for construction works and works by the ordinance referred to in Article 128 paragraph 1 of this Act;

6. detailed design, if prescribed under this Act or the contract;

7. reports on the main design audit and the detailed design audit, if prescribed;

8. site diary;

9. evidence on the characteristics of incorporated construction products in relation to their essential characteristics, evidence of compliance of the incorporated equipment and/or

facilities under a special act, documents on the compliance of specific parts of the construction work with the essential requirements for the construction work, and quality-related evidence (results of test procedures, records of the quality control procedures carried out, etc.), mandatory are during the execution of construction and other works under this Act, a special regulation or the design for all completed parts of the construction work and for works which are in progress;

10. setting-out study of the construction work, if it is not an integral part of the main design or the conceptual design; and

11. prescribed waste management documents pursuant to special regulations governing waste management.

(2) The documents referred to in paragraph 1 of this Article shall be written in the Croatian language and Latin script.

(3) After the completion of construction, the documents referred to in paragraph 1 subparagraphs 6, 7, 8 and 9 of this Article shall be permanently kept on file by the investor or the construction work owner.

8. USE, REGISTRATION, MAINTENANCE AND REMOVAL OF CONSTRUCTION WORKS

8.1. USE OF CONSTRUCTION WORKS

Legal consequences of the use permit

Article 136

(1) A completed or reconstructed construction work may be used or put into operation and a decision may be issued for performing activities in that construction work pursuant to a special act, after the use permit has been issued for that construction work.

(2) Paragraph 1 of this Article shall not apply to construction works and works carried out on an existing construction work stipulated in the ordinance referred to in Article 128 paragraph 1 of this Act which are not intended for the performance of activities or not registered in the cadastre under special regulations.

(3) A construction work may only be used in ways consistent with its purpose.

Application for issuing the use permit

Article 137

(1) An application for issuing the use permit shall be submitted by the investor, or the construction work owner.

(2) The application for issuing the use permit submitted by the investor or the construction work owner shall include:

1. photocopy of the building permit or a copy of the main design for the construction work that may be built or works that may be carried out on the basis of the main design;
2. information regarding the parties involved in the building;
3. written statement of the contractor on works completed and the requirements for the maintenance of the construction work;
4. final report of the supervising engineer on the completion of the construction work;
5. statement of the authorised geodetic engineer that the construction work was built in accordance with the surveying design, if the construction work is subject to developing the surveying design;
6. surveying study for entering the construction work in the cadastre or for change of information on buildings and other construction works, if the construction work is not subject to developing the surveying design, but it is to be entered in the cadastre;
7. statement of the authorised geodetic engineer that the construction work is located on the building plot in accordance with the setting-out study, if the construction work is not subject to developing the surveying design; and
8. energy certificate of the building, if the application is submitted for a building that must comply with the energy performance requirements.

Party in the procedure

Article 138

The party in the procedure for issuance of a use permit is the investor, or the construction work owner, who submitted the application initiating the procedure for issuance of that permit.

Final inspection

Article 139

- (1) Final inspection shall be carried out for the purpose of establishing that the construction work is built in accordance with the building permit, or the main design for the construction work that may be built or works that may be carried out on the basis of the main design.
- (2) The investor, or the construction work owner, shall allow the performance of the final inspection and make available for inspection the documents referred to in Article 135 paragraph 1 of this Act and, where appropriate, other prescribed documentation.
- (3) In the case that a representative of the public law body invited to the final inspection was not present at the inspection, the investor or the construction work owner shall enable him to inspect the construction work and the documents referred to in paragraph 1 of this Article even after the final inspection, for the purpose of giving an opinion within the prescribed period.

Article 140

- (1) The Ministry or the competent administrative body must carry out the final inspection of the construction work within thirty days, or within fifteen days from the date of receipt of an orderly application for the issuance of a use permit.
- (2) An invitation to the final inspection shall be submitted to the parties involved in the building, public law bodies which in the procedure for a location or building permit determined special requirements, i.e., which issued the conceptual or main design certificate, and, when necessary, independent experts designated by the building control authority.
- (3) By way of derogation from paragraph 2 of this Article, in the case of construction works in groups 4 and 5 as well as construction works and works stipulated in the ordinance referred to in Article 128 paragraph 1 of this Act, an invitation to the final inspection shall also be submitted to the investor and other parties involved in the building.
- (4) The invited parties involved in the building and public law bodies shall ensure the participation of their representative in the final inspection. A final inspection may be carried out without the participation of the parties involved in the building and public law bodies which have failed to respond to the invitation.

Article 141

- (1) Representatives of the parties involved in the building and public law bodies shall cooperate with the manager of the procedure for a use permit who is conducting the final inspection, and representatives of the parties involved in the building shall provide answers and explanations when so requested by the manager or representatives of public law bodies.
- (2) Minutes of the final inspection shall be prepared, which must include a substantiated opinion of the representative of the public law body on compliance of the construction work with the building permit in the part related to fulfilling the requirements prescribed by a special regulation under the competence of the public law body and/or special requirements determined by that body and, where appropriate, opinions, answers and explanations of the parties involved in the building and independent experts in this respect.
- (3) If the representative of the public law body was not present at the final inspection and, within eight days from the date specified for the performance of the final inspection, did not submit an opinion to the building control authority in accordance with paragraph 2 of this Article, it shall be deemed that the opinion of that body has been given and that the construction work was built in accordance with the building permit in the part related to fulfilling the requirements prescribed by a special regulation under the competence of the public law body and/or special requirements determined by that body.

Article 142

- (1) If faults were identified in the final inspection that affect the compliance of the construction work with one or more essential requirements for the construction work, location requirements or other requirements stipulated in the building permit or the main design, and those faults may be rectified without amendments to the building permit, an appropriate period not longer than ninety days shall be prescribed for the rectification of those faults.

(2) The investor shall notify the building control authority of the rectification of faults for the purpose of continuing the final inspection.

Trial operation

Article 143

(1) If, for the purpose of issuing a use permit, it is required to test the compliance with the essential requirements for the construction work by a trial operation, the investor shall notify the building control authority and the public law body which determined special requirements on the commencement of the trial operation.

(2) In the event of paragraph 1 of this Article, the investor shall entrust the testing to a person who complies with the requirements under a special regulation.

(3) The notification of the trial operation shall include the following:

1. plan and programme for testing the essential requirements for the construction work in the course of the trial operation;
2. plan and programme for testing compliance with the requirements for connecting the construction work to the energy infrastructure, if they are prescribed by special requirements pursuant to a special regulation;
3. comparative values of the parameters tested in the trial operation and tolerance limits; and
4. the planned completion of the trial operation.

(4) The trial operation, the essential requirements being tested, the duration of the trial operation and the safety measures during the trial operation must be provided for and laid down in the main design.

(5) The duration of the trial operation shall not exceed one year.

Issuance of a use permit

Article 144

(1) A use permit for a constructed construction work or the works executed on the basis of the building permit shall be issued within eight days from the date of performance of the final inspection, if it is established that:

1. all the prescribed documents have been submitted along with the application for its issuance;
2. the construction work was built in accordance with the building permit, as regards compliance with the essential requirements for the construction work, location requirements and other requirements stipulated in the building permit;

3. the construction work is connected to open areas, other construction works as well as to utility or other infrastructure facilities stipulated in the building permit; and

4. any temporary construction works built in the course of preparatory work, the site equipment, unused building and other material, waste and the like, are removed and land in the area of the site and in the access area to the site has been put into an orderly condition.

(2) A use permit for a constructed construction work or works executed on the basis of the main design shall be issued within eight days from the date of performance of the final inspection, if it is established that:

1. all prescribed documents have been submitted along with the application for its issuance;
2. the construction work was built in accordance with the main design; and
3. the construction work, by its intended purpose, location and external dimensions of all its above- and underground parts, is not contrary to the spatial plan at the time of development of the main design.

Temporary use permit

Article 145

(1) A temporary use permit may be issued for the construction work when no final results concerning the assessment of compliance or the attestation of quality of certain parts of the construction work are available, but the final inspection established that the construction work has been built in conformity with the building permit, and that all audit procedures concerning the assessment of compliance or the attestation of quality of certain parts of the construction work and all the works during the construction have been performed, when such an obligation is prescribed by this Act, regulations adopted pursuant thereto, special regulations or the main design.

(2) A temporary use permit shall be issued for a period not longer than ninety days, after the expiry of which a use permit must be obtained for the purpose of continuing its use, operation, registration in the cadastre and performance of activities under a special act in that construction work.

Use permit for a part of the construction work

Article 146

(1) At the request of the investor, a use permit may be issued before the completion of the whole construction work for a part of the construction work when:

1. this is necessary in order to continue and complete construction (the use of a bridge for access to the construction site, substation or transmission lines for energy supply, etc.);
2. a particular part of the construction work may be used before the completion of the whole construction work.

(2) The possibility referred to in paragraph 1 of this Article must be provided for in the main design.

Procedural costs

Article 147

If the final inspection is performed outside the settlement of the main office or branch office of the building control authority, or the address of another person involved in the final inspection, the investor shall reimburse that building control authority, public law body or person the travelling expenses and *per diem* allowance for the representatives present at the final inspection in the amount prescribed by special regulations.

8.2. REGISTRATION OF CONSTRUCTION WORKS IN THE CADASTRE AND LAND REGISTRY

Article 148

(1) The cadastral office shall register the construction work in the cadastre if a use permit has been issued for that construction work.

(2) The construction work for which a use permit was issued under this Act shall be registered *ex officio* by the cadastral office on the basis of the surveying design which is an integral part of the conceptual design which is an integral part of the location permit or an integral part of the main design which is an integral part of the building permit and statement of the authorised geodetic engineer that the construction work was built in conformity with that design, or on the basis of the surveying study for entering the construction work in the cadastre or for change of information on buildings and other construction works, if the construction work is not subject to developing the surveying design, without developing drawings and studies or issuing certificates prescribed by special regulations governing state surveying and cadastre.

(3) The building control authority shall *ex officio* deliver to the cadastral office the enforceable use permit and the surveying design, if the cadastral office does not have it, or the surveying study referred to in paragraph 2 of this Article.

(4) The cadastral office, together with the documents prescribed by special regulations for entry of construction works in the land registry, shall *ex officio* deliver notification to the competent court that the use permit was submitted with the application for registering the construction work in the cadastre and shall specify the building control authority which issued the permit and its class, register number and date of issue.

Article 149

(1) Upon registering a construction work in the land registry, the competent court shall *ex officio* enter a note in property records of the land registry that the use permit was submitted with the application for registering the construction work in the cadastre and shall specify the building control authority which issued the permit and its class, register number and date of issue.

(2) By entering the note referred to in paragraph 1 of this Article, the competent court shall at the same time *ex officio* delete the note that the building and/or use permit has not been submitted from the land registry, if there is such a note.

(3) An entry of the note referred to in paragraph 1 of this Article represents evidence of registering a document, and not of the legality or fitness for use of the construction work.

8.3. MAINTENANCE OF CONSTRUCTION WORKS

Article 150

(1) The owner of a construction work shall be responsible for its maintenance.

(2) The owner of a construction work shall ensure the maintenance of the construction work in a manner which, during its life cycle, preserves the essential requirements for the construction work and improves compliance with the essential requirements for the construction work, energy performance of buildings and unobstructed access to or within the construction work.

(3) In the case of damage to the construction work, which presents a threat to human life and health, the environment, nature, other construction works or the stability of the ground in adjoining land, the construction work owner shall undertake urgent measures to remove the threat and mark the construction work as dangerous until the elimination of such damage.

Article 151

The owner of a construction work, or the person responsible for the management of construction works pursuant to a special act, shall entrust the maintenance of the construction work and monitoring the condition of the construction work, occasional annual inspections of the construction work, developing an overview of tasks for the maintenance and improvement of compliance with the essential requirements for construction works and other similar professional functions, to persons fulfilling the requirements for the performance of such activities prescribed under a special act.

Article 152

(1) The requirements relating to maintenance and improvement of compliance with the essential requirements for a construction work, energy performance of buildings and the provision of unobstructed access to or within the construction work and the manner of compliance and documenting the compliance of these requirements shall be prescribed by the Minister in an ordinance.

(2) The matters relating to the maintenance of construction works not regulated under this Act shall be laid down in a special act.

8.4. REMOVAL OF CONSTRUCTION WORKS

Article 153

(1) The removal of the construction work or any part thereof may be carried out on the basis of the removal design following submission of notification to the building control authority of the commencement of works on the removal of the construction work.

(2) By way of derogation from paragraph 1 of this Article, the removal design shall not be required for removing construction works and works stipulated in the ordinance referred to in Article 128 paragraph 1 of this Act or if the removal of a construction work is carried out by the building inspection according to the decision on the removal of that construction work.

(3) When the construction work intended for removal is registered in the Register of Cultural Heritage of the Republic of Croatia, in addition to this Act, the act governing the protection and preservation of cultural heritage shall also apply.

(4) Paragraphs 1, 2 and 3 of this Article shall not apply to the removal of a construction work on the basis of an inspector's decision issued under a special act.

Article 154

(1) In the notification of the commencement of works on the removal of the construction work, the owner shall indicate the designer of the removal design, designations of that design, the contractor and the supervising engineer.

(2) Within five days from receipt of the notification of the commencement of works on the removal of the construction work, the building control authority shall notify the Ministry of Interior, building inspection and labour inspection thereof, while the building inspection shall also be notified about the designer and designations of the removal design.

Article 155

(1) When removing construction works, the stability of adjoining or other land and/or the compliance with the essential requirements of other construction works, or the life and health of people or other public interest must not be threatened in any way, while any construction waste resulting from the removal of the construction work must be handled in accordance with the provisions of this Act and the special act governing waste management.

(2) When removing construction works stipulated in the ordinance referred to in Article 128 paragraph 1 of this Act, or when the removal of a construction work is carried out by the building inspection according to the decision ordering the removal of that construction work, and when removing other construction works or any of the parts thereof, building surveillance shall be carried out only with regard to mechanical resistance and stability as well as protection of human health and the environment.

9. SUPERVISION

Article 156

(1) Supervision over the implementation of this Act and regulations adopted on the basis thereof, and over the legality of activities and actions of the administrative bodies of local self-government or regional units, legal persons with public authority, authorised persons, legal persons approved by the Ministry for conducting the training programme and legal

persons authorised for carrying out independent control of energy certificates and/or reports on regular inspections of heating systems and cooling or air-conditioning systems in buildings, shall be performed by the Ministry, unless otherwise prescribed by this Act.

(2) The supervision referred to in paragraph 1 of this Article relating to general acts shall be performed in accordance with the supervision plan, which is adopted by the Minister by a special decision, or at the request of judicial authorities.

(3) The supervision over the implementation of this Act relating to the obligations referred to in Article 24 paragraphs 2 and 4 shall be performed by the inspection competent for trade.

Article 157

(1) For the purpose of performing supervision, administrative bodies and legal persons with public authority shall allow the Ministry access to their official premises and shall deliver any requested data, documents and reports within the required period.

(2) In the case that an administrative body or legal person with public authorities fails to act in accordance with the Ministry's requests referred to in paragraph 1 of this Article, he shall be requested to do so by means of a decision.

Article 158

(1) The Ministry shall, by means of a decision, order the administrative body and legal person with public authority to rectify the illegalities and irregularities established during supervision, and shall prescribe the period for their rectification.

(2) Non-compliance with the decision referred to in paragraph 1 of this Article without justified reasons shall represent gross professional misconduct of the head of administrative body or legal person with public authority.

Article 159

(1) If the administrative body fails to comply with the Ministry's decision referred to in Article 157 paragraph 2 or Article 158 paragraph 1 of this Act, its execution shall be forced by a fine imposed on the local self-government or regional unit to which that administrative body belongs.

(2) If the legal person with public authority fails to comply with the Ministry's decision referred to in Article 157 paragraph 2 or Article 158 paragraph 1 of this Act, its execution shall be forced by imposing a fine on that person.

Article 160

(1) Proceedings for grave violations of official duty of a civil servant of the administrative body, legal person with public authorities, and for grave violations of duty and reputation of an authorised architect or authorised engineer, as prescribed under this Act or special regulation, which were observed during supervision over the implementation of this Act, shall be instigated at the Minister's request.

(2) If it is established during supervision that this Act and/or regulations adopted on the basis thereof have been violated, the Ministry shall have the right and obligation to file an indictment proposal or criminal charges.

Article 161

In the case that an administrative dispute was initiated against the Ministry's decision, the Ministry may, before the dispute is decided upon, annul or amend its decision in view of those reasons for which the court could annul such a decision.

10. MISDEMEANOUR PROVISIONS

Misdemeanours of investors

Article 162

(1) A legal person in the capacity of an investor shall be fined for a misdemeanour in the amount of HRK 100,000.00 to 150,000.00 if:

1. it fails to ensure building surveillance (Article 49 paragraph 3);
2. it is the contractor, and fails to assign building surveillance to another person who fulfils the requirements for carrying out building surveillance prescribed under a special act (Article 50 paragraph 1);
3. it commences construction without a final and effective or enforceable building permit or fails to carry out construction in accordance with that permit (Article 106 paragraphs 1 and 2);
4. it commences construction of a construction work, for which the location permit or the building permit prescribes the forming of the building plot, with a final and effective or enforceable building permit, though the building plot has not been formed in the cadastre (Article 106 paragraph 3);
5. it fails to remove a construction work referred to in Article 129 paragraph 1 of this Act within the prescribed period (Article 129 paragraph 2);
6. it restores a construction work to its original state contrary to the official act on the basis of which it was built, or the design of the current state of the construction work (Article 130).

(2) A legal person in the capacity of an investor shall be fined for a misdemeanour in the amount of HRK 25,000.00 to 50,000.00 if:

1. it fails to obtain the energy certificate of a building or a particular part thereof prior to the issuing of a use permit (Article 24 paragraph 1);
2. it entrusts the designing, audit or validation of designs, construction or building surveillance to a person who does not fulfil the requirements for carrying out such activities prescribed under a special act (Article 49 paragraph 2);
3. it fails to designate the principal contractor (Article 55 paragraph 2);

4. it fails to designate the principal supervising engineer (Article 57 paragraph 2);
5. it fails to permanently keep on file the building permit with the main design, or the main design (Article 65 paragraph 1);
6. it fails to enable the design auditor to inspect a part of the detailed design or to inspect the works in due time (Article 94 paragraph 4);
7. it fails to request amendments to the building permit relating to the change of the investor's name or corporate name within the period prescribed (Article 127 paragraph 1);
8. it carries out construction without the main design, standard design or other official act prescribed by the ordinance referred to in Article 128 paragraph 1 of this Act, or contrary to this design or official act (Article 128 paragraph 2);
9. it fails to provide notification of the commencement of construction within the period prescribed (Article 131 paragraph 1);
10. it fails to remove temporary construction works, the site equipment, unused building and other material and waste prior to the issuing of a use permit (Article 133 paragraph 5);
11. it fails to take measures for ensuring the safety of the construction work and adjoining construction works, land and other objects in the case of suspending construction (Article 134 paragraph 5);
12. it fails to permanently keep on file the documents referred to in Article 135 paragraph 1, subparagraphs 5, 7, 8 and 9 of this Act (Article 135 paragraph 3);
13. it uses the construction work or a part thereof without a use permit (Article 136 paragraph 1);
14. it uses the construction work or a part thereof contrary to its purpose (Article 136 paragraph 3);
15. it fails to provide notification of the commencement of the trial operation (Article 143 paragraph 1);
16. it entrusts testing in the course of the trial operation to a person who does not fulfil the requirements for carrying out that activity prescribed under a special act (Article 143 paragraph 2);
17. it commences the trial operation not provided for and laid down in the main design (Article 143 paragraph 4).

(3) The investor, a natural person, shall be fined in the amount of HRK 30,000.00 to 45,000.00 for the misdemeanours referred to in paragraph 1 of this Article, and in the amount of HRK 15,000.00 to 30,000.00 for the misdemeanours referred to in paragraph 2 of this Article.

(4) The investor, a natural person, shall be fined in the amount of HRK 15,000.00 to 30,000.00 for the misdemeanour referred to in Article 50 paragraph 2 or paragraph 3 of this Act if he performs designing or building surveillance activities without fulfilling the prescribed requirements.

(5) In the case of construction works in groups 4 and 5, the fines referred to in paragraphs 1, 2 and 3 of this Article shall be reduced by 50%.

Misdemeanours of designers

Article 163

A natural person in the capacity of a designer shall be fined for a misdemeanour in the amount of HRK 25,000.00 to 50,000.00 if:

1. the designed construction work is not designed in conformity with the location permit or the requirements for construction of construction works prescribed by the spatial plan; it fails to comply with the essential requirements for the construction work, requirements prescribed for the energy performance of buildings as well as with other prescribed requirements and conditions (Article 51 paragraph 2);
2. the design does not contain all the prescribed parts (Article 64 paragraph 2);
3. the main design is not developed in such a manner so as to prevent any modification of its contents or replacement of its parts (Article 66 paragraph 2);
4. the detailed design is not developed in compliance with the main design (Article 74 paragraph 2);
5. his representative fails to be present for the final inspection (Article 140 paragraph 4);

Article 164

(1) The principal designer shall be fined in the amount of HRK 15,000.00 to 30,000.00 if the designing involves two or more designers and the design is not complete or mutually aligned (Article 52 paragraph 1).

(2) In addition to a fine for the misdemeanour referred to in Article 163 paragraphs 1 and 2 of this Act and paragraph 1 of this Article, a legal or natural person performing design activities may be sanctioned by suspension from performing those activities for a period of three to six months, and in case of repeating the misdemeanour, in addition to a fine, the aforementioned suspension shall be imposed for a period of six months to one year.

Misdemeanours related to design audits

Article 165

(1) A design auditor shall be fined for a misdemeanour in the amount of HRK 15,000.00 to 30,000.00 if:

1. he performs a design audit without authorisation to do so (Article 61 paragraph 1);
2. a design or part of a design that he audited and gave favourable report thereof, does not comply with the requirements of this Act, special acts and regulations passed on the basis of those acts, technical specifications and the code of practice regarding the audited property (Article 63 paragraph 1);
3. he performs the audit of a design in the development of which he has been wholly or partly involved or if such a design has been wholly or partly developed or validated by the legal person employing him (Article 63 paragraph 3);
4. he fails to draw up a written report or certify parts of the design in the prescribed manner (Article 94 paragraph 2);
5. he fails to confirm that inspection of the works has been carried out by making an entry in the site diary (Article 94 paragraph 4).

(2) In addition to a fine for the misdemeanour referred to in paragraph 1 of this Article, a design auditor may be sanctioned by suspension of his authorisation for conducting design audits for a period of three to six months, and in the case of repeating the misdemeanour, in addition to a fine, the aforementioned suspension shall be imposed for a period of six months to one year.

Misdemeanours related to design validations

Article 166

- (1) A legal person shall be fined for a misdemeanour in the amount of HRK 100,000.00 to 150,000.00 if it performed design validation without employing a person entitled to use the professional title of authorised architect or authorised engineer (Article 97 paragraph 1).
- (2) A legal person shall be fined for a misdemeanour in the amount of HRK 25,000.00 to 50,000.00 if it performed design validation and the design or a part thereof which was subject to validation and for which a certificate was issued is not complying with Croatian legislation and the code of practice (Article 96 paragraph 1).
- (3) A natural person entitled to use the professional title of authorised architect or authorised engineer who performs validation activities in his own or joint office shall be fined in the amount of HRK 15,000.00 to 30,000.00 for the misdemeanour referred to in paragraph 2 of this Article.
- (4) In addition to a fine for the misdemeanours referred to in paragraphs 2 and 3 of this Article, the person who performed the validation may be sanctioned by suspension from performance of design validation activities for a period of three to six months, and in case of repeating the misdemeanour, in addition to a fine, the aforementioned suspension shall be imposed for a period of six months to one year.

Misdemeanours of contractors

Article 167

(1) A legal person in the capacity of a contractor shall be fined for a misdemeanour in the amount of HRK 100,000.00 to 150,000.00 if:

1. it carries out construction without fulfilling the requirements for carrying out construction activities pursuant to a special act (Article 53 paragraph 2);
2. it commences construction without a final and effective or enforceable building permit or fails to submit notification of the commencement of construction (Article 53 paragraph 3);
3. it fails to carry out construction in conformity with the building permit or technical regulations (Article 54 paragraph 1);
4. it fails to execute the works in such a way as to comply with the essential requirements for the construction work (Article 54 paragraph 1 subparagraph 2);
5. due to faults in construction, the requirements prescribed for the energy performance of buildings have not been complied with (Article 54 paragraph 1 subparagraph 2);
6. construction and other products or facilities incorporated in the construction work do not comply with the requirements of this Act and special regulations (Article 54 paragraph 1 subparagraph 3);

(2) In addition to a fine for the misdemeanours referred to in paragraph 1 subparagraphs 1, 2, 3 and 4 of this Article, a suspension from performing the activities may be imposed for a period of three to six months, and in case of repeating the misdemeanour, in addition to a fine, the aforementioned suspension shall be imposed for a period of six months to one year.

(3) A natural person in the capacity of a contractor shall be fined in the amount of HRK 30,000.00 to 45,000.00 for the misdemeanour referred to in paragraph 1 of this Article.

(4) In addition to a fine referred to in paragraph 3 of this Article, the suspension referred to in paragraph 2 of this Article shall be imposed.

(5) A legal person in the capacity of a contractor shall be fined for a misdemeanour in the amount of HRK 25,000.00 to 50,000.00 if:

1. it assigns the execution of construction works and other operations to persons who do not fulfil the prescribed requirements for carrying out such works or operations (Article 54 paragraph 1 subparagraph 1);
2. it fails to provide evidence of compliance of the incorporated construction products, evidence of compliance of the incorporated facility under a special act, documents on the compliance of specific parts of the construction work with the essential requirements for the construction work, and quality-related evidence issued by authorised bodies (Article 54 paragraph 1 subparagraph 4);
3. it fails to draw up a written statement on the works completed and the requirements for the maintenance of the construction work (Article 54 paragraph 1 subparagraph 7);

4. it fails to carry out construction in conformity with the main design, other prescribed official act or this Act (Article 54 paragraph 2);
 5. it fails to appoint the site engineer or performance manager (Article 55 paragraph 1);
 6. it appoints the principal site engineer, site engineer and performance manager who do not fulfil the prescribed requirements (Article 55 paragraph 5);
 7. it commences construction of the construction works and performance of the works stipulated in the ordinance referred to in Article 128 paragraph 1 of this Act without the main design, standard design for which the Ministry issued a decision on the standard design or other prescribed official act (Article 128 paragraph 2);
 8. it carries out construction contrary to the decision of the representative body of a local self-government unit referred to in Article 132 paragraph 1 of this Act;
 9. it fails to provide for and carry out the required measures at the construction site (Article 133 paragraph 4);
 10. it fails to clear and set in order the site and surrounding environment after the completion of construction (Article 133 paragraph 5);
 11. it fails to secure, fence off or protect the construction site (Article 134, paragraphs 1 and 2);
 12. it fails to mark the site by a board (Article 134 paragraph 4);
 13. the prescribed documents are not available at the construction site (Article 135 paragraph 1);
 14. its representative fails to be present for the final inspection (Article 140 paragraph 4).
- (6) A natural person in the capacity of a contractor shall be fined in the amount of HRK 15,000.00 to 30,000.00 for the misdemeanour referred to in paragraph 5 of this Article.
- (7) In addition to a fine for the misdemeanours referred to in paragraph 5 subparagraphs 1, 5, 10, 12, 13 and 14 of this Article, a legal and natural person in the capacity of a contractor may be sanctioned by suspension from carrying out the activities for a period of three to six months, and in case of repeating the misdemeanour, in addition to a fine, the aforementioned suspension shall be imposed for a period of six months to one year.
- (8) The principal site engineer, site engineer or performance manager shall be fined in the amount of HRK 15,000.00 to 30,000.00 for the misdemeanours referred to in paragraph 1, subparagraphs 2, 3, 4, 5 and 6, and paragraph 5 subparagraphs 4, 7, 10, 11, 12, 13 and 14 of this Article.

Misdemeanours of supervising engineers

(1) A legal person performing building surveillance shall be fined for a misdemeanour in the amount of HRK 100,000.00 to 150,000.00 if:

1. the supervising engineer or the principal supervising engineer is employed by the legal person which is the contractor of that same construction work (Article 56 paragraph 2);
2. construction is not in conformity with the building permit, main design, or this Act and special regulations, or construction is carried out without the building permit or the main design (Article 58 paragraph 1 subparagraph 1);

(2) A natural person in the capacity of a supervising engineer performing building surveillance activities in his own or joint office shall be fined in the amount of HRK 30,000.00 to 45,000.00 for the misdemeanour referred to in paragraph 1 of this Article.

(3) A legal person registered to perform building surveillance activities shall be fined for a misdemeanour in the amount of HRK 25,000.00 to 50,000.00 if:

1. it fails to establish whether the contractor or the responsible person in charge of the construction or particular works complies with the requirements prescribed under a special act (Article 58 paragraph 1 subparagraph 2);
2. it fails to establish that the setting-out of the construction work has been conducted by the person authorised for carrying out activities related to state surveying and the property cadastre under a special act (Article 58 paragraph 1 subparagraph 3);
3. it fails to ensure the testing of specific parts of the construction work in order to verify or to attest compliance with the essential requirements for the construction work and/or other requirements or conditions stipulated in the main design or design audit report (Article 58 paragraph 1 subparagraph 4);
4. it fails to immediately notify the investor about all faults or irregularities observed in the main design and in the course of the construction, and notify the building inspection and other inspection bodies about the measures taken (Article 58 paragraph 1 subparagraph 5);
5. it fails to draw up a final report on the completion of the construction work (Article 58 paragraph 1 subparagraph 6);
6. it fails to record the manner of rectifying the faults or irregularities in the site diary (Article 58 paragraph 3);
7. its representative fails to be present for the final inspection (Article 140 paragraph 4).

(4) A natural person in the capacity of a supervising engineer performing building surveillance activities in his own or joint office shall be fined in the amount of HRK 15,000.00 to 30,000.00 for the misdemeanour referred to in paragraph 3 of this Article.

(5) In addition to a fine for the misdemeanours referred to in paragraphs 1 and 3 of this Article, the person performing building surveillance activities may be sanctioned by suspension from the performance of surveillance activities for a period of three to six months,

and in case of repeating the misdemeanour, in addition to a fine, the aforementioned suspension shall be imposed for a period of six months to one year.

Article 169

(1) The supervising engineer and the principal supervising engineer shall be fined in the amount of HRK 15,000.00 to 30,000.00 for a misdemeanour if they are performing surveillance activities while employed by the contractor (Article 56 paragraph 2).

(2) The principal supervising engineer shall be fined in the amount of HRK 15,000.00 to 30,000.00 for a misdemeanour if he failed to ensure the completeness and coordination of the building surveillance and/or failed to draw up a final report thereof (Article 57 paragraph 3).

(3) In addition to a fine for the misdemeanours referred to in paragraphs 1 and 2 of this Article, the person performing building surveillance activities may be sanctioned by suspension from the performance of surveillance activities for a period of three to six months, and in case of repeating the misdemeanour, in addition to a fine, the aforementioned suspension shall be imposed for a period of six months to one year.

Misdemeanours of construction work owners

Article 170

(1) A legal person, as the owner of a construction work, shall be fined for a misdemeanour in the amount of HRK 30,000.00 to 45,000.00 if it commences removal or removes the construction work or any part thereof without the removal design or if it fails to notify the building control authority of the commencement of works on the removal of the construction work (Article 153 paragraph 1).

(2) A legal person, as the owner of a construction work, shall be fined for a misdemeanour in the amount of HRK 25,000.00 to 50,000.00 if:

1. it uses or puts the construction work into operation without the use permit (Article 136 paragraph 1);

2. it uses the construction work contrary to its intended purpose (Article 136 paragraph 3);

3. it fails to ensure the maintenance of the construction work in a manner which, during its life cycle, preserves the essential requirements for the construction work and improves compliance with the essential requirements for the construction work, energy performance of buildings and unobstructed access to or within the construction work (Article 150 paragraph 2);

4. it fails to undertake urgent measures to remove the threat and mark the construction work as dangerous in the case of damage to the construction work (Article 150 paragraph 3).

(3) A natural person, as the owner of a construction work, shall be fined in the amount of HRK 15,000.00 to 30,000.00 for the misdemeanours referred to in paragraphs 1 and 2 of this Article.

Article 171

(1) A legal person, as the owner of a building, shall be fined for a misdemeanour in the amount of HRK 15,000.00 to 30,000.00 if:

1. it fails to obtain the energy certificate prior to selling, renting out or leasing the building or a particular part thereof (Article 24 paragraph 2 subparagraph 1);
2. it fails to hand over the energy certificate or a copy thereof to the buyer, tenant or lessee (Article 24 paragraph 2 subparagraph 2);
3. it fails to list the energy class of the building or a particular part thereof in media advertisements when offering it for sale, rent or lease (Article 24 paragraph 2 subparagraph 4);
4. it fails to display the energy certificate of a building for which the displaying of the energy certificate is prescribed by this Act (Article 25 paragraphs 1 and 2).

(2) A natural person, as the owner of a building, shall be fined in the amount of HRK 5,000.00 to 10,000.00 for the misdemeanour referred to in paragraph 1 of this Article.

(3) A legal person in the capacity of an authorised real estate broker shall be fined for a misdemeanour in the amount of HRK 15,000.00 to 30,000.00 if it fails to list the energy class of the building or a particular part thereof in media advertisements when offering it for sale, rent or lease (Article 24 paragraph 4).

(4) A natural person in the capacity of an authorised real estate broker shall be fined in the amount of HRK 5,000.00 to 10,000.00 for the misdemeanour referred to in paragraph 3 of this Article.

Misdemeanours of persons authorised for energy certification, energy audits and persons authorised for independent control of energy certificates and reports on regular inspections of heating systems and cooling or air-conditioning systems in buildings

Article 172

(1) A legal person authorised for energy certification and energy audits of buildings shall be fined for a misdemeanour in the amount of HRK 30,000.00 to 45,000.00 if:

1. it fails to perform the activities for which it is authorised professionally, independently or objectively (Article 33 paragraph 1);
2. it fails to perform energy certification, energy audits of buildings and regular inspections of heating systems and cooling or air-conditioning systems in buildings accurately and in accordance with the regulations in force and the code of practice (Article 33 paragraph 2);
3. it fails to maintain records on the issued energy certificates, performed energy audits of buildings and regular inspections of heating systems and cooling or air-conditioning systems in buildings (Article 33 paragraph 3 subparagraph 1);

4. it fails to submit to the Ministry the issued energy certificates, reports on energy audits of buildings and regular inspections of heating systems and cooling or air-conditioning systems in buildings (Article 33 paragraph 3 subparagraph 2);

5. it fails to keep on file the prescribed documents for at least ten years (Article 33 paragraph 3 subparagraph 3);

6. it fails to inform the Ministry of any change relating to the conditions for issuing the authorisation within eight days after the change occurred (Article 33 paragraph 4);

7. it issues energy certificates, performs energy audits of buildings or regular inspections of heating systems and cooling or air-conditioning systems despite the prohibition referred to in Article 34 of this Act.

(2) A legal person authorised for the independent control of energy certificates and reports on regular inspections of heating systems and cooling or air-conditioning systems in buildings shall be fined for a misdemeanour in the amount of HRK 30,000.00 to 45,000.00 if:

1. it fails to implement the system of independent control at the order of the Ministry (Article 40 paragraph 1);

2. it fails to perform the activities relating to the system of independent control professionally, independently or objectively (Article 43 paragraph 1);

3. it fails to maintain records on the performed controls (Article 43 paragraph 2 subparagraph 1);

4. it fails to keep the prescribed documents on file for at least 10 years (Article 43 paragraph 2 subparagraph 2);

5. it fails to submit to the Ministry reports on the performed controls (Article 43 paragraph 2 subparagraph 3);

6. it performs the control of energy certificates or reports on regular inspections of heating systems and cooling or air-conditioning systems in buildings in the drafting of which it participated or it is employed by the legal person which issued them (Article 44).

(3) A natural person in the capacity of an authorised person shall be fined in the amount of HRK 15,000.00 to 30,000.00 for the misdemeanour referred to in paragraph 1 of this Article.

11. TRANSITIONAL AND FINAL PROVISIONS

11.1. PENDING PROCEDURES, ISSUED ACTS AND ENFORCEMENT OF REGULATIONS

Pending procedures

(1) The procedures instituted according to the provisions of the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) before this Act enters into force, which relate to building and the issuance of decisions for performing activities under a special act, to registering of construction works in the cadastre and land registries and to the entry of a note in the land registry, shall be completed pursuant to the provisions of that Act and regulations adopted on the basis thereof.

(2) By way of derogation from paragraph 1 of this Article, the procedures instituted according to Article 330 paragraph 3 and Article 333 paragraph 1 of the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) before this Act enters into force, shall be completed as the procedures referred to in Articles 184 and 185 or Articles 182 and 183 of this Act, if the applicant has made no objection thereon.

(3) Procedures instituted according to the provisions of the Act on Procedures and Building Requirements for Investment Stimulation (Official Gazette 69/09, 128/10, 136/12 and 76/13) shall be completed pursuant to the provisions of that Act.

(4) By way of derogation from paragraphs 1 and 3 of this Article, the procedures of issuing decisions on construction requirements and decisions for construction which are to be completed according to the provisions of the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12), or the provisions of the Act on Procedures and Building Requirements for Investment Stimulation (Official Gazette 69/09, 128/10, 136/12 and 76/13) shall be subject to the application of the physical planning document that was in force at the time of submitting an application for the issuing of that decision, if it is more favourable for the investor.

(5) Procedures instituted according to the provisions of the Act on Energy End-use Efficiency (Official Gazette 152/08, 55/12 and 101/13) shall be completed pursuant to the provisions of that Act and regulations adopted pursuant thereto.

Article 174

(1) For construction works entered in the land registry by the date of entry into force of this Act and for construction works for which the cadastral office submitted the documents prescribed by special regulations to the competent court for the purpose of entering a construction work in the land registry, the competent court shall, upon application of the construction work owner, enter a note in property records of the land registry that an official act for use of the construction work entered, or being entered, in the land registry was submitted, including listing the title and designations of that act or listing the designation of the competent administrative body's certificate that an official act for use is not issued for the use of that construction work.

(2) In addition to the application referred to in paragraph 1 of this Article, the construction work owner shall also submit an appropriate official act for the use of the construction work or the competent administrative body's certificate that an official act for use is not issued for the use of that construction work.

(3) By entering the note referred to in paragraph 1 of this Article, the competent court shall at the same time *ex officio* delete the note that the building and/or use permit is not submitted from the land registry, if there is such a note.

Article 175

- (1) An official act for use of the construction work within the meaning of Article 174 paragraphs 1 and 2 of this Act means any official act for the use of the construction work, an official act under which the construction work was legalised and an official act or documents under which an illegally built construction work is equalised with a legally built construction work, issued or obtained under an act which was in force prior to the entry into force of this Act.
- (2) Official acts for use of the construction work are a use permit, the administrative body's certificate that it received the final report of the supervising engineer, certificate for use, final and effective construction permit or other appropriate official act issued before 19 June 1991 with the building inspection's certificate that no procedures are pending with regard to the inspection and use permits.
- (3) Official legalisation acts are a decision on the as-built state and certificate of the as-built state.
- (4) Official acts under which an illegally built construction work is equalised with a legally built construction work are a certificate of the cadastral office or the Central Office of the State Geodesic Directorate that a building was built before 15 February 1968 and a certificate of the administrative body that a building was built before 15 February 1968.
- (5) Documents under which an illegally built construction work is equalised with a legally built construction work are the documents referred to in Article 332 paragraph 1, 2 and 3 of the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12).
- (6) The official acts and documents referred to in paragraph 1 of this Article shall be considered as a use permit for the purposes of this Act.

Location permit

Article 176

A building permit for the construction of a construction work for which a location permit was issued under an act which was in force prior to the entry into force of this Act shall be issued pursuant to this Act, if so requested by the investor and if the location permit is still valid.

Construction and use permit

Article 177

- (1) Construction commenced on the basis of a building permit or another official act issued under a previously valid act shall be completed according to the provisions of the act under which the permit or other official act was issued, and other regulations that were in force at that time.
- (2) For a construction work built according to previously valid regulations, the procedure of issuing a use permit shall establish whether the construction work is built in conformity with

the building permit and regulations valid at the time when the building permit for that construction work was issued.

(3) An existing construction work for which a use permit was not issued, and which was reconstructed on the basis of a building permit or other official construction act, or for whose illegally reconstructed part a decision on the as-built state or certificate of the as-built state was issued under the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11 and 90/11), decision of the as-built state under the Act on Proceeding with Illegally Built Buildings (Official Gazette 90/11) or decision of the as-built state for a completed construction work under the Act on Proceeding with Illegally Built Buildings (Official Gazette 86/12), for the purposes of this Act shall be considered as a construction work for which the use permit was issued.

Decisions on construction requirements, main design certificates and building permits

Article 178

The provisions of this Act regulating the amendments and annulment of building permits shall apply accordingly to the amendments and annulment and/or repeal of building permits, main design certificates, decisions on construction requirements and decisions for construction issued or adopted pursuant to an act which was valid prior to the entry into force of this Act.

Preliminary approvals and preliminary permits

Article 179

(1) A preliminary approval, issued on the basis of a previously valid act in accordance with which no building permit has been issued by the entry into force of this Act, shall cease to be valid on the date of entry into force of this Act.

(2) A preliminary permit issued under previously valid acts, on the basis of which no applications for the issuance of building permits have been submitted within five years from the date on which it became legally valid, shall cease to be valid.

Decisions of the Ministry

Article 180

When an administrative dispute was initiated against the Ministry's decision issued pursuant to the Building Act (Official Gazette 175/03 and 100/04), or the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) or issued in relation to that Act, the Ministry may, before the dispute is decided upon, annul or amend its decision in view of those reasons for which the court could annul such a decision.

Enforcement of special regulations

Article 181

(1) Special requirements, opinions, certificates, approvals, authorisations, decisions and other official acts of public law bodies which, pursuant to special regulations adopted before the

entry into force of this Act, had to be obtained in the procedure for issuing a location permit, decision on construction requirements, main design certificate or building permit, or prior to their issuance, shall be determined as special requirements pursuant to this Act prior to submitting an application for the issuing of a building permit for a construction work for which a location permit was not issued, or during the procedure of issuance of that building permit.

(2) Special requirements, opinions, certificates, approvals, authorisations, decisions, special requirements determined in the procedure of environmental impact assessment and in the procedure of appropriate assessment of the impact of a project on the ecological network and other official acts of public law bodies which, pursuant to special regulations adopted before the entry into force of this Act, had to be obtained in the procedure for issuing the decision on construction requirements, main design certificate or building permit, or prior to their issuance, shall not have to be obtained for the purpose of issuing the building permit for a construction work for which a location permit was issued, but instead the public law body which determined special requirements stipulated in the location permit shall issue the main design certificate pursuant to this Act.

(3) Paragraph 1 of this Article shall not apply to special requirements prescribed in the procedure of environmental impact assessment or appropriate assessment of the impact of a project on the ecological network.

11.2. USE PERMIT FOR PARTICULAR CONSTRUCTION WORKS

*Construction works built on the basis of official acts for construction issued before
1 October 2007*

Article 182

(1) For construction works built on the basis of a building permit or other appropriate official construction act of the competent body issued before 1 October 2007, the building control authority may, subject to the application of the party, instead of a use permit, issue a use permit for the construction work built on the basis of an official act for construction issued before 1 October 2007.

(2) In addition to the application for issuing a permit referred to in paragraph 1 of this Article, the applicant shall also submit the building permit or other official act referred to in paragraph 1 of this Article.

(3) The permit referred to in paragraph 1 of this Article shall be issued if a construction work was built in conformity with the building permit or other appropriate official act of the competent body with regard to the intended purpose, external dimensions of all its above- and underground parts, shape and size of the building plot and location of the construction work on the building plot, or within the scope of the project.

(4) The permit referred to in paragraph 1 of this Article may also be issued for a part of the construction work.

(5) Paragraphs 1, 2, 3 and 4 of this Article shall not apply to construction works for which the Ministry or the central state administration body competent for construction activities issued a building permit.

Article 183

The disposition of a use permit for the construction work built on the basis of a building permit or other appropriate official construction act of the competent body issued before 1 October 2007 shall include:

1. determination that the construction work was built in conformity with the building permit or other appropriate official act of the competent body with regard to its intended purpose, external dimensions of all its above- and underground parts, shape and size of the building plot and location of the construction work on the building plot, or within the scope of the project;
2. title, designation and date of issue of the permit or official act referred to in subparagraph 1 of this Article;
3. name of the construction work, name of the cadastral municipality and number of one or more cadastral plots in which the construction work was built; and
4. a note that the testing of compliance with the essential requirements for the construction work and other conditions and requirements, other than the location requirements referred to in subparagraph 1 of this Article, did not precede the issuing of the permit.

Construction works built before 15 February 1968

Article 184

(1) Construction works built before 15 February 1968 shall be considered as built on the basis of a final and effective building permit.

(2) The time of construction of the construction work referred to in paragraph 1 of this Article shall be established by a use permit for the construction work built before 15 February 1968 which is, subject to the application of the party, issued by the building control authority.

(3) With the application for issuance of the permit referred to in paragraph 2 of this Article, the applicant shall include:

1. a copy of the cadastral plan for the cadastral plot on which the construction work was built; and
2. any available evidence that the construction work was built before 15 February 1968.

(4) The building control authority shall establish the time of construction of the construction work referred to in paragraph 1 of this Article by inspecting the State aerial photos made before 15 February 1968 or other appropriate official cartographic base map of the State Geodesic Directorate or, where necessary, other evidence.

Article 185

The disposition of a use permit for a construction work built before 15 February 1968 shall include:

1. determination that the construction work was built before 15 February 1968;
2. name of the construction work, name of the cadastral municipality and number of one or more cadastral plots in which the construction work was built;
3. information on the construction work in view of its location on the cadastral plot(s), purpose, number and type of floors (storeys), external dimensions of all its above- and underground parts (width, height, length); and
4. a note that the testing of compliance with the essential requirements for the construction work, location requirements and other conditions and requirements did not precede the issuing of the permit.

Construction works built, reconstructed, renewed or restored as part of implementing regulations on reconstruction or regulations in areas of special state concern

Article 186

(1) A construction work built, reconstructed, renewed or restored as part of implementing regulations on reconstruction or regulations in areas of special state concern shall be considered as built or reconstructed on the basis of a final and effective building permit, if the building control authority for that construction work issues a use permit for the construction work built, reconstructed, renewed or restored as part of implementing regulations on reconstruction or regulations on areas of special state concern.

(2) With the application for issuance of a permit referred to in paragraph 1 of this Article, the applicant shall include:

1. a copy of the cadastral plan for the cadastral plot on which the construction work was built; and
2. evidence that the construction work was built, reconstructed, renewed or restored within the implementation of regulations on reconstruction or regulations on areas of special state concern (loan agreement, renewal agreement, official act of a state administration body, minutes on the taking over of the construction work or other).

Article 187

(1) A use permit for the construction work built, reconstructed, renewed or restored as part of implementing regulations on reconstruction or regulations in areas of special state concern shall be issued after an on-site inspection, provided that all prescribed documents were submitted with the application.

(2) The disposition of a use permit referred to in paragraph 1 of this Article shall include:

1. determination that the construction work was built, reconstructed, renewed or restored as part of implementing regulations on reconstruction or regulations on areas of special state concern;
2. name of the construction work, name of the cadastral municipality and number of one or more cadastral plots in which the construction work was built;
3. information on the construction work in view of its location on the cadastral plot(s), purpose, number and type of floors (storeys), external dimensions of all its above- and underground parts (width, height, length); and
4. a note that the testing of compliance with the essential requirements for the construction work, location requirements and other conditions and requirements did not precede the issuance of the permit.

Construction works acquired by the Republic of Croatia for the purpose of providing housing

Article 188

- (1) A construction work acquired by the Republic of Croatia for the purpose of providing housing shall be considered built on the basis of a final and effective building permit, if the building control authority for that construction work issues a use permit for the construction work acquired for the purpose of providing housing.
- (2) With the application for issuance of the permit referred to in paragraph 1 of this Article, the applicant shall include:
 1. a copy of the cadastral plan for the cadastral plot on which the construction work was built; and
 2. a certificate of the Agency for Transactions and Mediation in Immovable Properties that the construction work was acquired for the purpose of providing housing.

Article 189

- (1) A use permit for the construction work acquired by the Republic of Croatia for the purpose of providing housing shall be issued after an on-site inspection, provided that all the prescribed documents were submitted with the application.
- (2) The disposition of a use permit referred to in paragraph 1 of this Article shall include:
 1. determination that the construction work was acquired by the Republic of Croatia for the purpose of providing housing;
 2. name of the construction work, name of the cadastral municipality and number of one or more cadastral plots in which the construction work was built;

3. information on the construction work in view of its location on the cadastral plot(s), purpose, number and type of floors (storeys), external dimensions of all its above- and underground parts (width, height, length); and

4. a note that the testing of compliance with the essential requirements for the construction work, location requirements and other conditions and requirements did not precede the issuance of the permit.

Construction works for which an official construction act has been destroyed or is unavailable

Article 190

(1) A construction work for which the building permit or other appropriate official act has been destroyed due to natural disaster, war or other destruction, actions or events, shall be deemed to have been built on the basis of a final and effective building permit if the building control authority for that construction work issues a use permit for the construction work whose official construction act has been destroyed.

(2) With the application for issuance of the permit referred to in paragraph 1 of this Article, the applicant shall include:

1. a copy of the cadastral plan for the cadastral plot on which the construction work was built; and
2. any available evidence that the building permit or other appropriate official act has been destroyed or is unavailable.

Article 191

(1) A use permit for the construction work whose official construction act has been destroyed shall be issued after it is established that:

1. the official construction act has been destroyed and that the archive of the building control authority has been destroyed due to natural disaster, war or other destruction, actions or events;
2. the official construction act has not been found in other competent archives;
3. the official construction act has been issued; and
4. the prescribed documents have been submitted along with the application.

(2) An on-site inspection shall be carried out before the issuance of the use permit referred to in paragraph 1 of this Article.

(3) The disposition of a use permit referred to in paragraph 1 of this Article shall include:

1. determination that the official construction act has been destroyed or is unavailable due to natural disaster, war or other destruction, actions or events;

2. name of the construction work, name of the cadastral municipality and number of one or more cadastral plots upon which the construction work was built;
3. information on the construction work in view of its location on the cadastral plot(s), purpose, number and type of floors (storeys), external dimensions of all its above- and underground parts (width, height, length); and
4. a note that the testing of compliance with the essential requirements for the construction work, location requirements and other conditions and requirements did not precede the issuance of the permit.

Article 192

(1) For the purposes of this Act, a construction work for which a use permit referred to in Articles 182, 184, 186, 188 and 190 of this Act shall be considered as an existing construction work which may be used, put into operation, registered in the cadastre, connected to utility and other infrastructure and a decision on performing activities in that construction work pursuant to a special act may be issued.

(2) Article 23 paragraph 1 of this Act shall not apply to the issuing of a use permit referred to in Articles 176, 178, 180, 182 and 184 of this Act.

(3) The use permit for construction works referred to in paragraph 1 of this Article shall be permanently kept on file by the investor or the construction work owner and the building control authority.

11.3. PERFORMANCE OF ACTIVITIES

Committees

Article 193

The committees established according to the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12), whose operation is required for the implementation of this Act, shall continue their operations as committees pursuant to this Act until the establishment of appropriate committees under this Act.

Administrative bodies of counties and cities

Article 194

(1) Administrative bodies of counties and major cities competent for carrying out administrative construction activities established according to the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) shall, until the date of entry into force of this Act, continue their operations as administrative bodies of counties and major cities competent for carrying out administrative construction activities pursuant to this Act.

(2) City administrative bodies to which the county, pursuant to a special act, has transferred the authority for performing administrative construction activities by the date of entry into

force of this Act shall continue their operations and shall have the scope of work and authorities of the administrative body of a major city laid down in this Act.

Persons authorised for design audits and validations

Article 195

Persons authorised for conducting design audits and design validations pursuant to regulations, which were in effect until the entry into force of this Act, shall continue to perform the approved activities until the expiry of their approval.

Activities and training relating to energy efficiency

Article 196

(1) Persons authorised to perform energy audits and energy certification of buildings or other construction works or authorised for independent control of energy audit reports and energy certificates, pursuant to regulations which were in effect until the entry into force of this Act, shall continue to perform the activities for which they are authorised until the expiry of their authorisation.

(2) Persons who have completed the professional training programme and passed the exams in accordance with the Ordinance on requirements and criteria for persons performing energy audits of construction works and energy certification of buildings (Official Gazette 81/12 and 64/13) and have not, until the entry into force of this Act, submitted an application for the issuance of the appropriate authorisation, may do so pursuant to this Act within one year from the date of entry into force of this Act.

(3) Persons who have completed the professional training programme and passed the exams in accordance with the Ordinance on requirements and criteria for persons performing energy audits and energy certification of buildings (Official Gazette 113/08 and 89/09) and have not, until the entry into force of this Act, submitted an application for the issuance of the appropriate authorisation, may do so pursuant to this Act within one year from the date of entry into force of this Act, provided that they submit a certificate on completion of the training programme pursuant to the valid Ordinance on requirements and criteria for persons performing energy audits of construction works and energy certification of buildings (Official Gazette 81/12 and 64/13).

(4) The professional training programme and the exam passed in accordance with the Ordinance on requirements and criteria for persons performing energy audits and energy certification of buildings (Official Gazette 113/08 and 89/09) or with the Ordinance on requirements and criteria for persons performing energy audits of construction works and energy certification of buildings (Official Gazette 81/12 and 64/13) shall be considered as the professional training programme and the exam passed in accordance with this Act, provided that the person submitting an application issuance of the authorisation has fulfilled the prescribed obligation of training.

(5) A legal person approved for conducting the training programme in accordance with the Ordinance on requirements and criteria for persons performing energy audits and energy certification of buildings (Official Gazette 113/08 and 89/09) or with the Ordinance on

requirements and criteria for persons performing energy audits of construction works and energy certification of buildings (Official Gazette 81/12 and 64/13) shall be considered as a legal person approved for conducting the training programme in accordance with this Act until the expiry of its approval.

11.4. ACTS, OTHER REGULATIONS, PRACTICES AND RULES

Ordinances

Article 197

The Minister shall pass the ordinances referred to in Article 23 paragraph 4, Article 35 paragraph 4, Article 36 paragraph 2, Article 47, Article 54 paragraph 4, Article 60, Article 62 paragraph 2, Article 66 paragraph 3, Article 95, Article 128 paragraph 1, Article 134 paragraph 6 and Article 152 paragraph 1 of this Act within a period of ninety days from the date of entry into force of this Act, and the instruction referred to in Article 6 paragraph 1 of this Act prescribing the system of implementing procedures and drafting official acts adopted pursuant to this Act by electronic means within a period of twelve months from the date of entry into force of this Act.

Article 198

(1) Until the entry into force of ordinances to be adopted under the authorities conferred by virtue of this Act, the following regulations shall remain in force in the part in which they are not contrary to the provisions of this Act:

1. Ordinance on ensuring access to construction works for disabled persons and to persons with reduced mobility (Official Gazette 78/13);
2. Ordinance on the final inspection of construction works (Official Gazette 108/04);
3. Ordinance on the type and content of designs for public roads (Official Gazette 53/02);
4. Ordinance on design audit (Official Gazette 89/00);
5. Ordinance on requirements and manner of keeping a site diary (Official Gazette 6/00);
6. Ordinance on requirements and criteria for granting authorisations for design audit (Official Gazette 2/00 and 89/00);
7. Ordinance on design validation (Official Gazette 98/99 and 29/03);
8. Ordinance on simple construction works and works (Official Gazette 21/09, 57/10, 126/10, 48/11, 81/12 and 68/13);
9. Ordinance on requirements and criteria for persons performing energy audits of construction works and energy certification of buildings (Official Gazette 81/12 and 64/13);
10. Ordinance on energy audits of construction works and energy certification of buildings (Official Gazette 81/12, 29/13 and 78/13);

11. Ordinance on the control of energy certificates of buildings and of reports on energy audits of construction works (Official Gazette 81/12 and 79/13).

(2) Until the entry into force of ordinances to be adopted under the authorities conferred by virtue of a special act regulating the issues of passing the qualification examination, the following ordinances shall remain in force:

1. Ordinance on the qualification examination and improvement of knowledge of persons performing physical planning and construction activities (Official Gazette 24/08, 141/09, 23/11, 129/11 and 109/12); and

2. Ordinance on extending the period of professional knowledge improvement of persons performing physical planning and construction activities (Official Gazette 87/10 and 23/11).

(3) The ordinances and technical regulations referred to in the provision of Article 5 paragraph 2 of this Act which were not adopted in accordance with that provision must be aligned with that provision at the latest by 1 January 2015.

Special construction practices

Article 199

The Croatian Chamber of Economy and the Croatian Employers' Association are herewith authorised to jointly, subject to the prior approval of the Ministry, and in cooperation with professional associations in the field of construction (chambers and other professional associations), in accordance with the business customs and practices in civil obligations related to construction, define and publish special contract practices in construction which govern the relations between the contracting authority and the contractor and which shall be applied in accordance with special regulations on civil obligations.

Technical regulations

Article 200

Until the entry into force of regulations to be adopted under the authorities conferred by virtue of this Act, the following regulations shall remain in force in the part in which they are not contrary to the provisions of this Act:

1. Technical regulation for windows and doors (Official Gazette 69/06);

2. Technical regulation for masonry structures (Official Gazette 1/07);

3. Technical regulation on ventilation systems, partial air conditioning and air conditioning of buildings (Official Gazette 3/07);

4. Technical regulation for chimneys in construction works (Official Gazette 3/07);

5. Technical regulation for wooden structures (Official Gazette 121/07, 58/09, 125/10 and 136/12);

6. Technical regulation for protection systems against the effects of lightning on construction works (Official Gazette 87/08 and 33/10);
7. Technical regulation on heating and cooling systems in buildings (Official Gazette 110/08);
8. Technical regulation on energy economy and heat retention in buildings (Official Gazette 110/08, 89/09, 79/13 and 90/13);
9. Technical regulation for steel structures (Official Gazette 112/08, 125/10, 73/12 and 136/12);
10. Technical regulation on composite steel and concrete structures (Official Gazette 119/09, 125/10 and 136/12);
11. Technical regulation for concrete structures (Official Gazette 139/09, 14/10, 125/10 and 136/12);
12. Technical regulation on low-voltage electrical installations (Official Gazette 5/10);
13. Technical regulation on construction products (Official Gazette 33/10, 87/10, 146/10, 81/11, 100/11, 130/12 and 81/13);
14. Technical regulation on aluminium structures (Official Gazette 80/13).

Recognised technical rules

Article 201

The recognized technical rules transposed by the Republic of Croatia pursuant to the regulations in force until 8 October 1991 regulating, directly or through reference to technical specifications, the essential requirements for construction products, processes or services affecting the essential requirements for a construction work, shall apply provided that they are not contrary to the provisions of this Act or a regulation adopted on the basis thereof.

Expiry of validity of regulations

Article 202

(1) As of the date of entry into force of this Act, Article 32 paragraph 1 of the Utilities Act (Official Gazette 36/95, 70/97, 128/99, 57/00, 129/00, 59/01, 26/03 – consolidated version, 82/04, 178/04, 38/09, 79/09, 153/09, 49/11 and 144/12) and Article 76 paragraph 5 of the Environmental Protection Act (Official Gazette 80/13) shall cease to be valid.

(2) As of the date of entry into force of this Act, Article 1 paragraph 1 in the part related to energy certification of buildings, Article 19 paragraph 2 in the part related to energy certification of buildings, Article 19 paragraph 3 in the part related to energy performance of buildings, Article 19 paragraph 4 points 3, 4 and 5 in the part related to energy audits of buildings, energy certification of buildings, independent control of energy certificates of buildings and detailed contents and manner of keeping the register, and paragraph 9; Articles 20, 21, 22, 23 and 34 of the Act on Energy End-use Efficiency (Official Gazette

152/08, 55/12 and 101/13) in the part related to buildings, energy audits and energy certification of buildings, energy audits of heating systems in buildings and cooling or air-conditioning systems in buildings, control of energy audit reports for buildings, including heating and cooling or air-conditioning systems in buildings and of energy certificates of buildings, persons authorised for energy audits and energy certification of buildings, and Articles 28 and 29 in the part related to energy certificates of buildings and heating and cooling or air-conditioning systems in buildings, and Article 30 paragraph 2 of the Act on Amendments to the Act on Energy End-use Efficiency (Official Gazette 55/12) shall cease to be valid.

(3) As of the date of entry into force of this Act, the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) shall cease to be valid in the part related to energy performance of buildings, construction, administrative supervision and penal provisions; and the Act on Procedures and Building Requirements for Investment Stimulation (Official Gazette 69/09, 128/10, 136/12 and 76/13) shall cease to be valid, with the exception of Article 5 of the listed Physical Planning and Building Act which shall cease to be valid on the date of entry into force of a special act regulating the issues of passing the qualification examination and Article 20 of that Act which shall cease to be valid on the date of entry into force of a special act regulating the issues of testing of specific parts of the construction work in order to verify or to attest compliance with the essential requirements for the construction work, and preliminary studies relevant for the designing, construction and maintenance of the construction work.

Entry into force of this Act

Article 203

This Act shall be published in the Official Gazette, and shall enter into force on 1 January 2014, with the exception of provisions of Article 5 paragraph 3 and Article 108 paragraph 4 which shall enter into force on 1 January 2015, Article 25 paragraph 2 which shall enter into force on 9 July 2015 and Article 24 paragraphs 2 and 4 in the part relating to the renting or leasing of a building or a particular part thereof which shall enter into force on 1 January 2016.

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Zagreb, 6 December 2013

THE CROATIAN PARLIAMENT

The President
of the Croatian Parliament **Josip Leko**, m. p.