

# MedM



# Croatia and Marine Protected Areas

Legal and Institutional framework assessment  
for conservation of coastal and marine biodiversity  
and the establishment of MPAs

2014



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The present document, entitled Croatia and Marine Protected Areas: Legal and Institutional framework assessment for conservation of coastal and marine biodiversity and the establishment of MPAs. 2013. is the result of a process of collaboration that began early 2012. The related work involved formal and informal consultations, a national workshop, and reviews of successive drafts by practitioners and experts.

As a result of the process, the Ministry of Environment and Nature Protection, Nature Protection Directorate as well as the State Institute for Nature Protection for their continued support and Ula^STadSfja` S` V` [ `bSd[Ug`Sd fa`? dZ`h` S`Hg] +[ `aXfZWEWd vice for International Cooperation in Nature Protection and Mrs. Irina Zupan, who both coordinated the revision process of the successive drafts within their respective administration.

In this regard, special recognition is due to Mr. Matija Curic, Ministry of Environmental and Nature Protection, legal expert and member of the World Commission on Environmental Law who delivered the state-of-the art of the present study and See[efW` [ `fZW~` S^VW[f[a` z`

We also extend our thanks to Mrs. Zeljka Rajkovic, National Technical Coordinator for MedMPAnet Project, and Mrs. Zrinka Jakl, SUNCE Association for Nature Environment and Sustainable Development, for their help.

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In June 2013, a national consultation workshop held in Zagreb, YW WsfW` hSg`ST`WUa`\_\_ W fe`S` V` [ bgfe` fa` fZW~`df`i` ad] [ Y` draft of the Legal and Institutional framework assessment. Hence, the following institutions and organisations deserve special thanks:

— The Ministry of Environment and Nature Protection, Nature Protection Directorate, Service for International Cooperation in Nature Protection

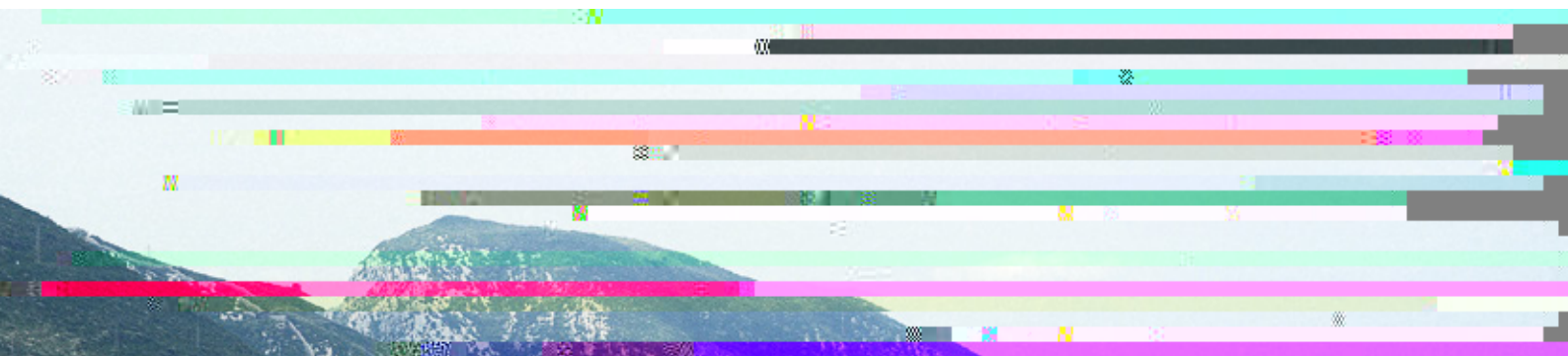
— The State Institute for Nature 7(, S)-14.3(e)-1(r)-28.3(v)-2.2(i)3(c)-2.6(e)

## **LIST OF ACRONYMS**

AdriaPAN                      Adriatic Protected Areas Network  
AECID



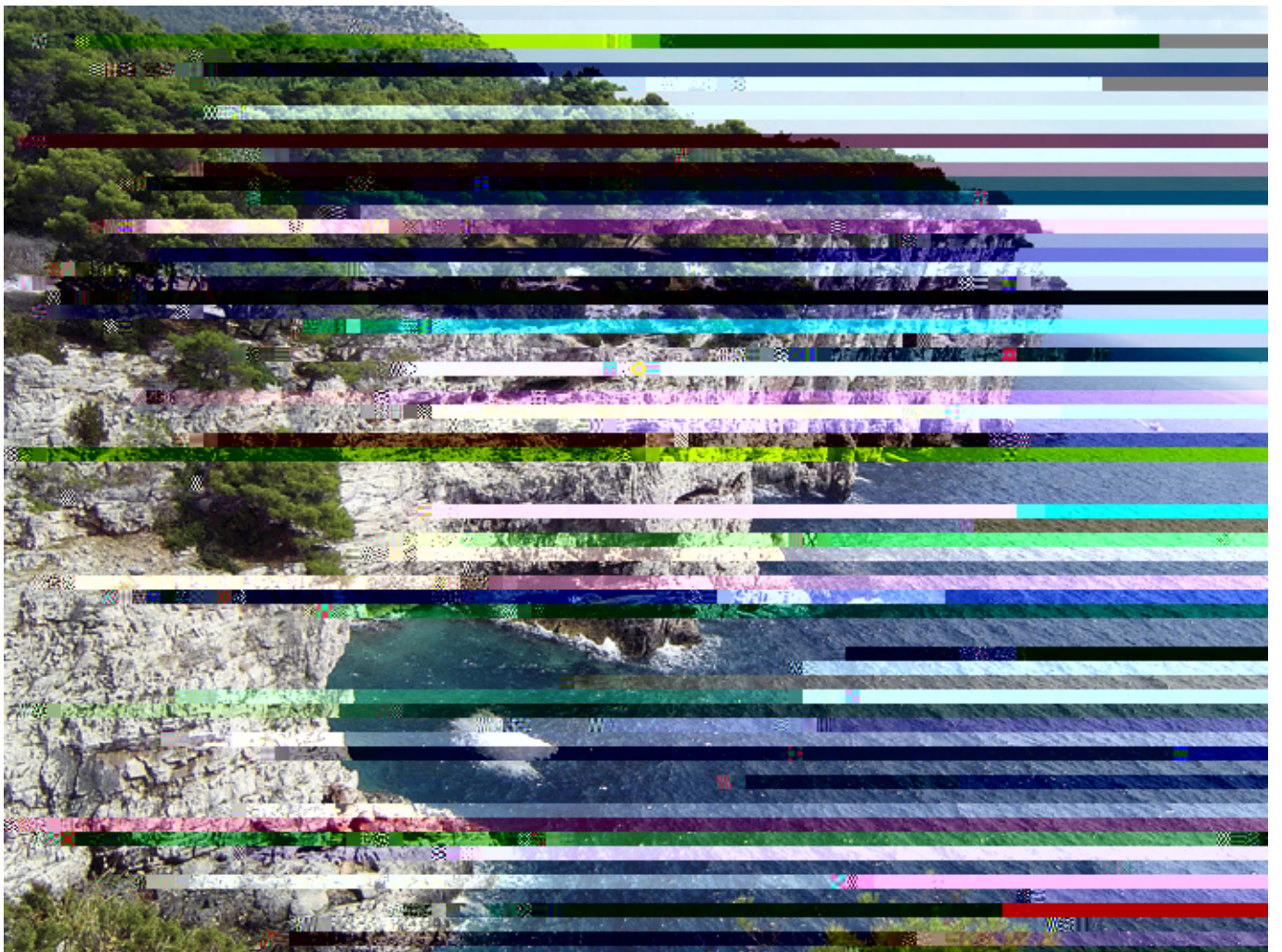




The Republic of Croatia (Republika Hrvatska) became independent in 1991. Croatia is a unitary democratic parliamentary republic in Europe at the crossroads of Central Europe, the Balkans, and the Mediterranean. Its capital and largest city is Zagreb. The country is divided into 20 counties and the City of Zagreb. Croatia covers 56,594 square kilometers of land and 31.067 km<sup>2</sup> of interior sea waters and territorial sea. The country's population is around 4.29 million inhabitants<sup>2</sup>.

As of 1<sup>st</sup> of July 2013, Croatia is a member of the European Union. This is a turning point that will result in new opportunities and new challenges for the country.

Croatia is extremely rich in terms of landscape and climate. Its geographical position where Pannonian (o)0.7(r)9.2(o)-3.4(p)-0.7(e)-4.1(a)-40D100542.5004A≈0.2l rs



The methodological approach adopted for the development of the *Guidelines for the Assessment of the Marine Protected Areas Generic Legal Framework* of Understanding signed between the RAC/SPA and IUCN-? *W*'aX-UW[ '\$" #ž

Items for assessment	
<b>Marine Protected Areas Generic Legal Framework</b>	
1	Provide an overview of the country (economic situation, status of the natural resources and ecosystems, surface covered by the Marine Protected Area national system, etc...).
2	What are the primary protected area legal instruments? <ul style="list-style-type: none"> <li>Give the full title of each (if there is more than one) and the year adopted or issued.</li> <li>Does the legal instrument govern the protected areas system overall (both terrestrial and marine protected areas), or is there a <i>ebWJ[-U[ efdg_ W fXd fZW_ Sq Wbd fWfW Sd/Se ekefW_ 1 7] b S[ ž</i></li> </ul>
3	Identify the level of government that enacted the instrument (national parliament, sub-national parliament, ministerial level, etc.)
4	Identify the Minister or other policy level body with overall powers for implementation of the PA instrument.
5	Identify any specialized protected areas agency/department responsible for daily implementation/oversight of the protected areas system (both terrestrial and marine PAs or only MPA?)
<b>Scope of legal framework</b>	
6	Does the legal framework for the PA system recognize governance and management options? <ul style="list-style-type: none"> <li></li> </ul>

Marine Protected Areas Policy	
7	Does the legal instrument identify a marine protected areas policy, goals and objectives by which the area(s) should be established and managed? Explain.
8	Are there other policy documents referenced in the legal instrument as part of the policy framework for the system or site – e.g. national biodiversity strategy; national sustainable development strategy, etc? Specify.
9	Are there legal provisions in the PA system referencing other international law commitments (e.g. CBD) or regional agreements (e.g. Barcelona Convention) as policy and objectives for the protected areas system or site? If so, specify.
10	Does the PA system incorporate the following international environmental principles? <ul style="list-style-type: none"> <li>• Precautionary Principle</li> <li>• Public participation and access to information. Does the protected areas' legal instrument or other established legal or administrative practice provide for (public consultation, access to information, right to review proposals for establishing protected areas)?</li> <li>• Recognition of local communities and indigenous peoples. Are there any (special policy provisions recognizing rights or status of local communities or, in countries where this applies, indigenous peoples rights)?</li> <li>• Cultural values.</li> </ul>
Objectives	
11	Is the legal instrument explicit about objectives for the protected areas system, and if so, provide the language.
12	Indicate if there is explicit language that the primary objective of protected areas is conservation, and if so, provide the language.
Definitions	
13	<p>6a) Are there any definitions of marine protected areas, habitat conservation areas, cultural sites, etc., and, if so, please provide.</p> <ul style="list-style-type: none"> <li>• Are any of the IUCN management categories applied to marine protected areas? Explain.</li> </ul>
Institutional Arrangements	
15	Does the legal framework provide for other entities to have responsibility for management functions? If so, provide details.
16	Are mechanisms provided for interagency cooperation among main government agencies responsible for marine matters (e.g. marine law enforcement, police, etc.)? If so, provide details.
17	Are mechanisms provided for interagency cooperation among main government agencies responsible for marine matters (e.g. marine law enforcement, police, etc.)? If so, provide details.

8 A protected area is a clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values (IUCN Definition 2008).





## I. LEGAL AND POLICY FRAMEWORK FOR MARINE PROTECTED AREAS<sup>9</sup>

Thus, the country uses the broader existing legal instruments and policy tools for Protected Areas (PAs) and biodiversity conservation.

### A. Legal instruments for MPAs

The basic legal instrument governing the conservation of Protected Areas in Croatia is the Nature Protection Act (NPA OG 80/2013)<sup>10</sup> which consists of 15 chapters regulating the system of protection and integrated conservation of nature and parts of nature, where nature is considered the overall biodiversity, landscape diversity and geo-diversity. Other relevant legal instruments will be listed further on.

#### A.1. The Nature Protection Act (NPA)

Nature Protection Act as a fundamental act regulating nature protection in Croatia has been constantly aligned during EU accession process with the provisions of the EU nature protection legislation: EU Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (hereinafter: Habitats Directive) and Directive 2009/147/EC on the conservation of wild birds (hereinafter: Birds Directive), which included the establishment of enforcement mechanisms, effective monitoring and setting up the ecological network of the European Union - Natura 2000.

The NPA does not distinguish between marine PA and terrestrial PA but rather differentiates between PAs of national importance and those PAs of local importance. The difference between PAs of national and local importance entails different levels of governance and management as we will describe in detail in Part I, Chapter III.

<sup>9</sup> Source: Ministry of Environmental and Nature Protection of the Republic of Croatia, listing legal instruments for the protection of nature : <http://www.zastita-prirode.hr/eng/Legislation-Registers-Tenders/Legislation>

<sup>10</sup> New NPA entered into force in July 2013.

Of the 9 categories of PAs and the existing practice in Croatia, 7 out of the 9 categories for PAs in Croatia may potentially apply to MPAs<sup>11</sup>.

The category of designation also regulates the type of activities that are allowed or prohibited within the protected area (see Articles 112 – 118 of the NPA).

#### ■ Carrying out interventions in PAs (including MPAs) according to the NPA

According to Article 121 of the NPA any legal or natural person intending to carry out a project in the PAs which are protected in one of categories of national importance is legally required to obtain the authorisation for a project in those PAs from the Ministry. Projects for which the authorisation is required include any intervention, act, event or project in a PA which pursuant to the Physical Planning and Construction Act (*lex specialis*) does not require obtaining of the location or building permit. The same type of authorisation is required for projects in PAs of local importance which is to be issued by the administrative body of a county. The authorisation is issued in the form of the administrative decision (administrative act) and includes the nature protection requirements but may only be granted upon ascertaining that the project would not alter characteristics/features for which the protected area was designated as such. Carrying out a project without obtaining the due authorisation is an administrative offence (misdemeanour) for which an administrative fine of the NPA (cca 3.000,00 – 26.000,00 € for legal persons or 1.000,00 – 4.000,00 € for natural persons).

Projects which will be included into the location permit for projects requiring the location permit pursuant to the Physical Planning and Construction Act, when those projects are to be carried out in a national park, special reserve and nature park (Article



local importance for which nature protection requirements will



plans for natural resources which are also implemented in those PAs where economic activities may be permitted (Articles 112 – 120 of the NPA).

Makers of the Management plans for natural resources who don't obtain nature protection requirements from the Ministry (Article 227 of the NPA) for legal persons or 2.000,00 – 6.000,00 € for natural persons, implementing Management plans for natural resources without adhering to nature protection requirements is an administrative offence (misdemeanour) according to Article 228 of the NPA (cca 3.000,00 – 26.000,00 € for legal persons or 1.000,00 – 4.000,00 € for natural persons).

### ■ Scientific research in PAs (including MPAs)

According to Article 145 of the NPA any: *“Legal and natural in a protected area is obliged to obtain the approval.”*

Research activities within PAs of national importance while the administrative bodies of a county will grant the approvals within the PAs of local importance, upon establishing that the intended research would not alter characteristics/features for which the protected area was designated as such.

Management plan for a PA contains the nature protection requirements as well as the research reporting requirements. The approval is granted in the form of an administrative decision (administrative act).

In violation of the approval is an administrative offence according to Article 230 of the NPA (cca 1.000,00 – 2.000,00 € for legal persons or 400,00 – 900,00 € for natural persons).

The Ministry has to obtain permissions from the Ministry of Maritime Affairs, Transport and Infrastructure and the Ministry of Defence, in accordance with the Maritime Law.

### ■ Physical planning

#### **Spatial plan for areas with special characteristics (national parks and nature parks)**

The NPA provides for a particular type of physical planning act for national parks and nature parks, namely the “Spatial plan for areas with special characteristics”. According to Article 137 of the NPA: *“the spatial arrangement, method of use, organization and protection of space in a national park and nature park shall be regulated by the Spatial plan for areas with special characteristics which is drafted on the basis of an expert base document (baseline study) made by the SINP.”*

Beside the NPA, the legal requirements concerning this type of spatial plan are regulated by the Physical Planning and

Construction Act<sup>16</sup> that will be presented under the same chapter in section A.2. Spatial plans for areas with special characteristics were not yet adopted for the MPAs protected as nature parks.

#### **Nature protection requisites for spatial plans**

In Article 21, the NPA provides for the nature protection requirements or instructions for the protection and conservation of natural assets in spatial plans, during the procedure of drawing up those spatial plans and they include: *“the nature protection requirements, the review of protected parts of nature and areas of the ecological network as well as ecologically important areas with the cartographic view”.*

These requirements are set by the Ministry.

## A.2. Other relevant instruments

### ■ Ordinances on protection and conservation (PAs of national importance)

Ordinances on protection and conservation are secondary legislation acts passed by the Minister subject to prior opinion of the SINP, regulating in details requirements and measures for protection, conservation, improvement and use of PAs (including MPAs) of national importance, as well as administrative measures for violations of its provisions (Article 142 of the NPA). Ordinance on protection and conservation draft proposal is submitted by the management board of the public institution for the management of a PA to the Ministry.

Ordinance on protection and conservation is passed subject to prior approval of Ministries in charge of maritime affairs, natural phenomenon for which the area is protected falls within their competence.

Ordinances on protection and conservation are particularly important acts for the management of MPAs. Indeed, beside navigation regimes, they will also include provisions on navigation regime (speed limits, locations for anchoring and mooring), detailed provisions regulating different activities on sea and on land, etc.

According to the Marine Fisheries Act (OG 81/2013, article 4)

**Enforcement of Ordinances on protection and conservation**

Under the former NPA (OG 70/2005, 139/2008 and 57/2011) "Ordinances on protection and conservation" were previously called "Ordinances on internal order"<sup>18</sup> and contained provisions on the enforcement mechanism.

This type of mechanism was particularly practical as a way of enforcing protection and conservation regime within individual PAs due to different types of misdemeanors i.e. violations of different misdemeanors typical for individual PAs in terms of administrative offences, by virtue of the Law e. g. the Nature Protection Act, due to a large number of potential violations taking place in reality. Nevertheless, according to Article 2 of the Misdemeanors Act (OG 107/2007 and 39/2013), misdemeanors may be prescribed only by virtue of the law or by the decision taken by the county, city or municipality assembly. Cited stipulation effectively repealed sections of the former Ordinances on internal order which dealt with administrative offences (misdemeanors). Legally this means that Ordinances on internal order currently have no enforcement mechanism. However, the judicial practice varies according to sources in the Nature Protection Inspectorate of the Ministry, with some of the Courts in charge of administrative offences (misdemeanors) effectively enforcing the Ordinances.

According to the new NPA though, Ordinances on protection and conservation will not include provisions on administrative offences (misdemeanors). However, according to Article 227 of the NPA, "legal or natural person who acts in violation of measures of protection, conservation, improvement and use of strict reserve, national park, special reserve and nature park prescribed by the Ordinance on protection and conservation" is liable to a fine (cca 13.000,00 – 65.000,00 € for legal persons or 2.000,00 – 6.000,00 € for natural persons). The question whether the cited provision is in accordance with the Article 2 of the Misdemeanors Act is controversial and it is left to future judicial interpretation effectiveness. Nonetheless, it is already clear that the legislator here intended to bypass the legal principle according to which the action that is considered illegal, before a person may be charged for committing such an offence. In that respect, referring to the Ordinance on protection and conservation is too general and uncertain in order to withstand the court scrutiny.

The issue of enforcement of the Ordinances on protection and conservation will be further elaborated in relation to the Marine Fisheries Act (OG 81/2013) which relies on the Ordinances on protection and conservation.

**Decisions on measures of protection, conservation, improvement and use (PAs of local importance)**

Decision on measures of protection, conservation, improvement and use (PAs of local importance)

<sup>18</sup> At the moment of drafting this Report Ordinances on internal order for national parks and nature parks are still in force unless their provisions are not in accordance with the new NPA. New Ordinances on protection and conservation are to be passed within one year from the entry into force of the new NPA.

Concessions and concessional approvals may be granted on maritime domain limiting general use of the maritime domain as a common good.

■ **The Physical Planning and Construction Act (Act OG 76/2007, 38/2009, 55/2011, 90/2011, 50/2012, 55/2012 and 80/2013)**

The NPA provides for a particular type of physical planning act for national parks and nature parks namely Spatial plan for areas with special characteristics and those where presented before.

Beside the NPA, the legal requirements concerning this type of spatial plan are regulated by the Physical Planning and Construction Act.

A Protected Coastal Area (PCA) is established for the purposes of protection, and sustainable, meaningful and economically the width of 1,000 meters from the coastline and the area of sea in the width of 300 m from the coastline (Article 49 of the Physical Planning and Construction Act).

The PCA is applicable in all MPAs.

By way of planning i. e. implementation of spatial planning acts in the PCA, amongst other measures:

- it is obligatory to conserve and restore endangered areas of natural, cultural and historical as well as traditional values of the coastal area and the adjacent area and to incite natural revival of forests and the indigenous vegetation (Article 49 of the Physical Planning and Construction Act);
- measures at the land and sea as well as to protect the resources of drinking water and to secure public interests in use of the maritime domain;

**B.**

## II. INSTITUTIONAL ARRANGEMENTS FOR MARINE PROTECTED AREAS

Primarily, the central state administrative body in charge of PAs (including MPAs) is the **Ministry of Environmental and Nature Protection**, while on the regional (county) level there are administrative bodies performing certain administrative procedures in terms of the NPA. Secondly and indirectly (prior approvals), a number of other ministries exercise certain administrative competences within the system of PAs, or directly by performing their administrative authority as they would do anywhere on the territory of Croatia.

Public Institutions (PIs) are in charge of the management of PAs and don't have any administrative authority. In that respect PIs are not authorised to pass administrative acts (administrative decisions), except when granting concessional approvals.

### A. Governing bodies for PAs (including MPAs)

#### A.1. Ministry of Environmental and Nature Protection

*A brief recent history of system of nature protection in the Republic of Croatia (source: Ministry of Environmental and Nature Protection<sup>25</sup>)*

In the last two decades, nature protection service often changed positions in governmental institutions. From 1990-1994 it was under the Ministry of Environmental Protection, Physical Planning and Construction. From 1995, it was under the State Directorate for the Protection of Cultural and Natural Heritage and then from 1997 under the Ministry of Culture. In this same year the service entered into the system of the State Directorate for Nature and Environmental Protection and from 2000 it was part of the Ministry of Environmental Protection and Physical Planning. The Nature Protection Directorate has been an integral part of the Ministry of Culture since 2004. By coming into force of the Act on the Organisation and Scope of Work of Ministries and Other Central State Administration Bodies (OG No. 150/11 and 22/12), adopted by the Croatian Parliament at its session held on 22 December 2011, the management of nature conservation has been taken over by the Ministry of Environmental and Nature Protection.

The Ministry of Environmental and Nature Protection includes two Directorates for protected areas:

- 1) The Nature Protection Directorate
- 2) The Directorate for Inspection Affairs.

The **Nature Protection Directorate** performs expert, administrative and technical activities related to biological and landscape diversity conservation, sustainable use of natural resources and protection of natural values by carrying out or ensuring the carrying out of obligations assumed under international treaties, laws and other regulations. It supervises public institutions for management of protected areas, performs activities related to international cooperation and European integration, strategic planning in nature protection, coordina-

tion and expert activities related to carrying out inspections issued by the Nature Protection Directorate, and supervises the implementation of direct protection, preservation and use of natural assets. It is divided into two departments:

- Sector for Biological Diversity and International Cooperation in Nature Protection
- Sector for Protected Areas, Protection of Abiotic Nature and Sustainable Use of Natural Resources (including the division for Protected Areas and the division for Sustainable Use of Natural Resources).

The **Directorate for Inspection Affairs** performs administrative and expert activities related to carrying out inspections issued by the Nature Protection Directorate, and supervises the implementation of direct protection, preservation and use of natural assets. It is divided into two departments:

- The Department for Nature Protection Inspection which performs inspections of protected areas (national parks, nature parks, nature reserves, important landscapes, etc.), supervises the implementation of protection of strictly protected and protected animal and plant species and use of natural assets.
- The Department for Improvement of Supervisory Services which participates in and coordinates international cooperation with similar services and assists in practical implementation.

#### A.2. Administrative bodies of counties responsible for nature protection

Beside the Ministry, administrative and expert tasks concerning nature protection are carried out by administrative bodies of individual counties responsible for nature protection (Article 13 of the NPA). These are the regional level (county) administrative (executive) bodies in charge of certain aspects of governance over PAs (including MPAs) of local importance. Administrative decisions issued by an administrative body of a county may be appealed at the Ministry before it can be challenged before a competent Administrative court. As was already explained, these administrative bodies carry out pro-

<sup>25</sup> <http://www.zastita-priode.hr/eng/Protected-Nature/Nature-protection-in-the-Republic-of-Croatia/History-of-nature-protection-in-the-Republic-of-Croatia>

tion Agreement. The Institute carries out a series of activities aimed at ensuring the lasting conservation and improvement of Croatia's natural heritage.

The Institute is not an administrative body as it has no administrative authorities, meaning that it is not authorized to pass administrative acts (administrative decisions). As the central expert public institution for nature protection it acts in the support of other competent bodies within the system of nature protection of Croatia.

Since the Institute began its operations, it actively co-operates with state administration bodies, agencies, universities, non-governmental organizations, school and other interest groups<sup>26</sup>.



- By Implementation Plan for the Stabilisation and Association Agreement between the European Community and its Member States and the Republic of Croatia (Article 81 on establishment of the Croatian Environment Agency);
- By the need to upgrade the infrastructure necessary for the Agency, Fund);
- Through harmonisation of the Croatian legal and institutional environmental protection framework with that of the European Union.

## B. Management

The Croatian Environment Agency (CEA) has the obligation to analyse and interpret the environmental data collected and provide the information necessary to implement the environmental protection policy of the Government and the Parliament.

In addition to these basic tasks, the Agency is active on a much wider scale as it takes a pro-active part in planning and development of new environmental protection forms and follow-up of the environmental action plans and projects.

The Croatian Environment Agency is the national focal point for collaboration with the European Environment Agency (EEA) included in the European Environment Information and Observation Network (EIONET).

The EIONET is a collaborative network of the EEA and its Member States which provides information for responsible decision-making on environment in Europe and implementation of the environmental policy.

The Agency also co-operates with similar national institutions throughout Europe.

### Finally, the **Environmental Protection and Energy Efficiency Fund**<sup>30</sup>

The Environmental Protection and Energy Efficiency Fund (Fund) was established in 2004 by the 2003 Act on the Environmental Protection and Energy Efficiency Fund (Official Gazette No. 81/03-2395/2) with the aim to strengthen the financing of conservation, sustainable use, protection and improvement of the environment. The Fund is a budgetary fund. The operation and structure of EPEEF are determined by the 2003 Act on the Environmental Protection and Energy Efficiency Fund (Official Gazette No. 81/03-2395/2). The management structure of EPEEF consists of the Management Board (Board) and the Director, which among others includes also representatives from the Ministry responsible for environmental and nature protection. The revenues of EPEEF are generated from pollution charges, waste charges, and special environmental programmes and projects determined in accordance with the country's strategic and policy documents related to the environment and energy.

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<sup>30</sup> <http://www.fzoeu.hr/hrv/index.asp>



(5) An act abolishing the protection along with the list of lots where the protection is abolished shall be forwarded to a committee from the evidence. (6) After the competent local cadastre

duty - forward to a competent land registry court the list of lots (protected area registered in the land registry) for deletion of special legal regime.

**B. Management**

Management of a PA (including MPAs) is fundamentally determined by this act, which is founded on an expert base document (baseline study) drawn up by the SINP establishing the assets of the area to be protected and the method for managing the area.

Various legislative acts<sup>33</sup>:

- Ordinances on protection and conservation (PAs of national importance),
- Decisions on measures of protection, conservation, improvement and use of protected area (PAs of local importance) and
- spatial plans for areas with special characteristics<sup>34</sup>

as well as by strategic documents:

- management plans and
- annual programmes for protection, maintenance, conservation, promotion and use of a protected area.

**B.1. Strategic documents**

Management plans

The management plan of a PA (Articles 134, 138 and 9 (29) of the NPA) is a strategic document determining management objectives, activities to achieve management objectives and indicators of management effectiveness. According to Article 134 of the NPA: "The management of a protected area shall be carried out in accordance with the management plan". Management plans are adopted by steering councils of PIs subject to the approval of the Ministry and the prior opinion of the SINP

**Table 1: Definition and categories of protected areas in Croatia**

**Table 2: IUCN definition and management categories for protected areas**

Category	Definition by management objectives
Category I a: Strict nature reserve	Strictly protected areas set aside to protect biodiversity and also possibly geological or landform features, where human visitation, use and impacts are strictly controlled and limited to ensure protection of conservation values. Such protected
Category I b: Wilderness area	Areas where the interaction of natural and cultural processes has created a wilderness of exceptional significance that

The MAPAMED database lists 10 existing MPAs in Croatia. Those MPAs are ordered below by category.

**Category National Parks:**

- Brijuni National Park
- Kornati National Park
- Mljet National Park

**Category Nature Parks:**

- Lastovo Archipelago Nature Park
- Telascica Nature Park

**Category Special Reserves:**

- Lim Bay Special Reserve
- Mali Ston Bay Special Reserve
- Neretva Delta – Southeastern part Special Reserve
- Pantan Special Reserve
- Prvic and Grgur Channel Special Reserve

It should be noted that beside national parks, nature parks and special reserves there are certain little islands or a group of islands, marine caverns, capes, bays and beaches protected as nature monuments or as e[[-US` f`S` VeUSbWe] seascapes and managed locally by the public institutions for the management of protected areas on county level or municipal level. Those sites or marine areas of those sites are not included in the MAPAMED list.

C.



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## **I. NON INSTITUTIONAL STAKEHOLDERS**



#### ■ University of Zadar<sup>45</sup>

The University of Zadar is the largest fully integrated university in Croatia. It offers post-graduate studies in Maritime sciences and is or has been a partner or a leader in many EC funded projects (INTERREG III, TEMPUS, FP 6, FP7 programmes). In 2010, the university launched the project

Arhipelagos. It is a "research and educational project that aims to disperse knowledge and educational models to Zadar surroundings, especially the Zadar archipelago, by dislocating

**B. Private sector (profitable)**

BqhsfweWfad/bda-fST WiYdgb`aX? B3e`efS] WZa`VWde`[ ha`nW

MPAs in reality takes place through informal and direct contact and negotiations of stakeholders with representatives of PIs. 3 eal'efS] VZa VWe fW V'fa VjVaf [ EGV UWa` fZW\_ S` SYW\_ W f of PIs through the Ministry. In that regard the Nature Protection Directorate receives a number of stakeholders' objections and

*the key components of the marine biodiversity and gives solid*



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## I. GENERAL COMMENTS AND RECOMMENDATIONS

The following comments and recommendations were drawn from the analysis of the legal and institutional framework as well as from discussions which arose during the national workshop organised in June 2013.

Many of those recommendations for improving the existing legal and institutional framework for MPAs as well as regarding general principles presented in 3 major documents:

- “Guidelines for Protected Areas Legislation” published in 2011 by the IUCN Environmental Law Centre<sup>66</sup>. Mainly the Part III, Chapter 2: Special issues for marine protected areas.
- “Guidelines for Applying the IUCN Protected Area Management Categories to Marine Protected Areas” published in 2012 by IUCN<sup>67</sup>.
- « Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types » published in 2013 by IUCN WCPA<sup>68</sup>.

Those principles are themselves supported by IUCN extensive assessments regarding protected areas as well as experience and good practices when applying IUCN management categories and analysing governance models for PAs in general and MPAs in particular.

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66 Lausche, Barbara. (2011). *Guidelines for Protected Areas Legislation*. IUCN Environmental Law Centre. (IUCN ELC 03.3 (IUCN 03.3 lar. ) Comments ) L1 (o-e) (A)

■ **Important landscapes (seascapes) at sea whose boundaries do not include marine area:**

PAKLENI OTOCI (group of islands)

OTOK RAVNIK (island)

aX-U[S^k`dWJaY` [| W? B3e`Se`S`\_ S` SYW\_ W f faa^Xd ~eZWQVe`  
(MPAs for Fisheries).

Some national stakeholders, when asked, also regretted the existence of oyster aquaculture inside MPAs (in 2 special reserves).

### **C.2. Public**

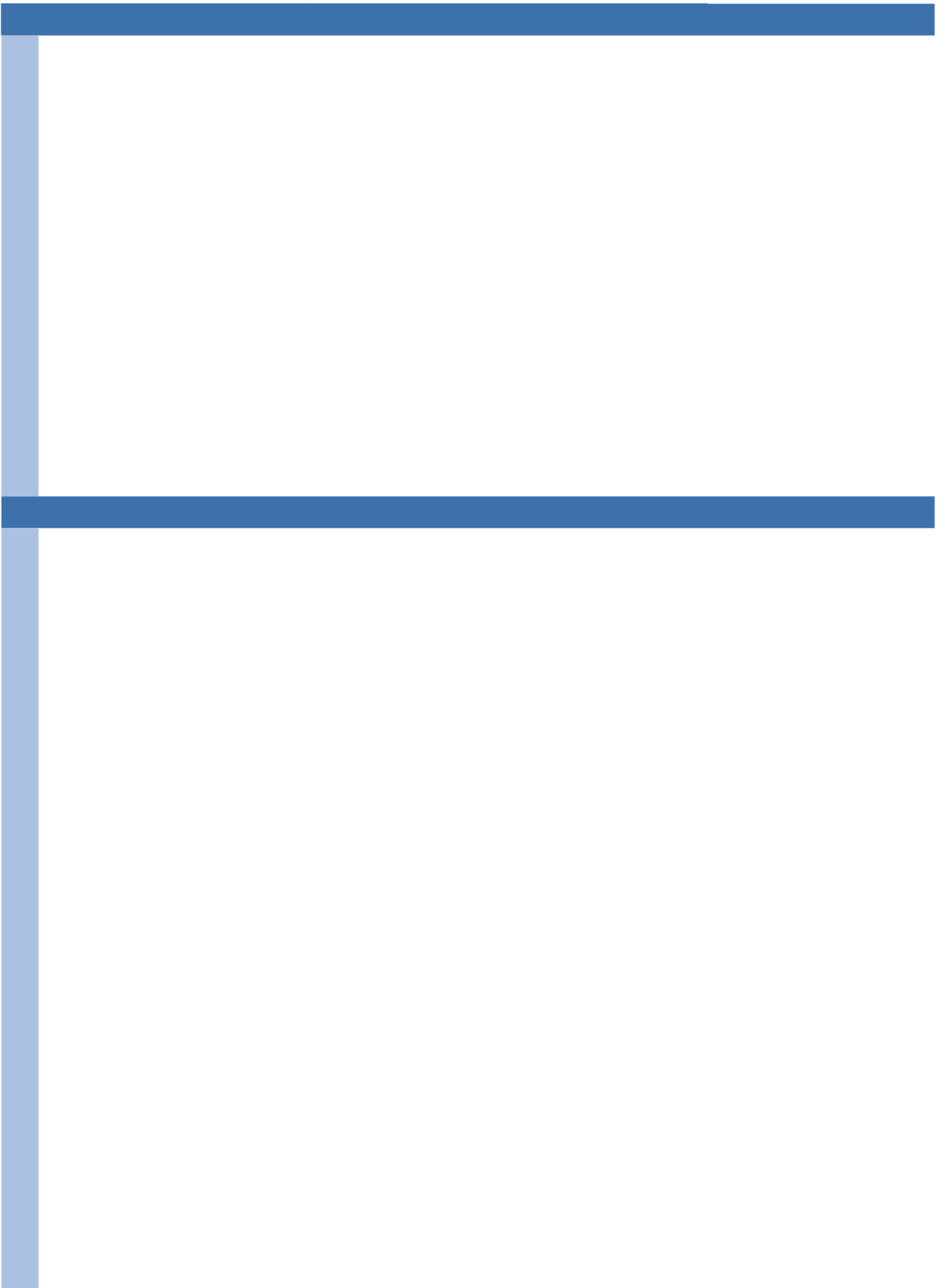
Participants to the workshop regarded public participation in fZW[VW f[-USf[a` `aXfZWe[fWSe` [ `egX-U[W fl`\_ S[ `k`bgT fU`Ua` -sultation.

On one hand, there are efforts developed to involve public and









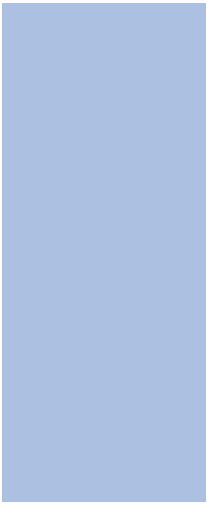




Finance

24	Does the protected area legal framework authorize special ~ S` U  Y faa e XdfZW_ Sq` W protected area system?	Limited funding 1 2d area system?	







Regional level	Convention on the conservation of European wildlife and natural habitats (No 104, Council of Europe)	Entry into force in Croatia on 1/11/2000
	Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona 1976 revised on 10 June 1995 as the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean)	BgdgS` f fZW` a[-USf[a` `a` `egUUWee[a` f fZW` Republic of Croatia became a party to the Convention on 8 October 1991 (OG- IT 12/93).
	Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (Barcelona 1976)	BgdgS` f fZW` a[-USf[a` `a` `egUUWee[a` f fZW` Republic of Croatia became a party to the Convention on 8 October 1991 (OG- IT 12/93).
	Amendments to the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona, 1995)	Published in OG-IT, No. 17/98, came into force with respect to the Republic of Croatia on 9 July 2004, and the effective date was published in OG-IT 11/04.
	Protocol concerning Cooperation on Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Malta 2002)	Published in OG-IT, No. 12/03, came into force with respect to the Republic of Croatia on 17 March 2004, and the effective date was published in OG-IT 4/04.
	Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean. (Protocol: Barcelona 1995, and Annexes: Monaco 1996)	Published in OG-IT No. 11/01, came into force with respect to the Republic of Croatia on 12 May 2002, and the effective date was published in OG-IT 11/04.
	Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (Athens 1980)	BgdgS` f fZW` a[-USf[a` `a` `egUUWee[a` f fZW` Republic of Croatia became a party to the Convention on 8 October 1991 (OG- IT 12/93).
	Protocol for the Protection of the Mediterranean Sea against Pollution From Land-Based Sources and Activities (Syracuse 1996)	Republic of Croatia signed the Protocol
	Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Sub-Soil (Madrid 1994)	Republic of Croatia signed the Protocol.
	Protocol on the Protection of the Mediterranean Sea by Trans-boundary Movements of Hazardous Wastes and their Disposal (Izmir 1996)	Republic of Croatia has not signed the Protocol.
	3Ufa` `DSf[-USf[a` `aXfZW3_ W V_ W fe` fa` fZWBdafaUa`^Xd fZW` Protection of the Mediterranean Sea Against Pollution from Land-Based Sources (Syracuse 1996)	Published in OG-IT No. 3/06
	3Ufa` `DSf[-USf[a` `aXfZWEgT`DW` [a` S^5a` f[- YW Uk` B`S` `XdBdW` vention of, Preparedness for and Response to Major Marine Pollution; U[VW fe` [- fZW3Vd[Sf[U EVS`/Badafdp` \$" " " fi	Published in OG-IT No. 7/08
	Protocol on Integrated Coastal Zone Manag (Ma6E22n ManaganaganaganaganaganaganaganaganagSranean ea Agains6630 SCetac Ags AgainstBlack Ao 1996)	

The text hereafter is a compilation of extracts of the OG

Meanwhile, negative effects of tourism have also been recorded. The development of tourism capacities and activities, and a high concentration of people often pose a threat to valuable habitats and sensitive ecosystems, and the plant and animal species within. The Croatian tourism development strategy recognizes that Croatia has exceptionally diverse and conserved natural tourism potential, and its protection is essential in order to have a long-term contribution to tourism development. This suggests the need for a detailed analysis of the impact of tourism on habitats, and entire ecosystems.

The impacts of tourism on the coast, islands, sea and protected

6.8.1.5 Prior to planning any construction project and/or important impact on an ecologically important area or protected natural value, but is not included in the environmental impact assessment, conduct a nature impact assessment of the project

6.8.1.6 Plan tourism infrastructure and facilities outside biologically valuable areas

6.8.1.7 Create a development plan for eco-tourism and identify potentially important areas for the development of eco-tourism

6.8.2.1 Sightseeing and recreation zones, i.e. tourism in protected areas

6.8.2.2 Frameworks for tourism activities in protected areas and ecological network areas, with special emphasis on sensitive areas where tourism activities are traditionally pursued

6.8.2.3 Develop and establish a system for monitoring visitor numbers and visitor impacts on protected areas

6.8.2.4 Carry out pilot projects for the development of eco-tourism in certain protected areas and ecological network areas

6.8.2.5 Analyse the existing visiting and sightseeing models in protected areas within the management plan

6.8.2.6 Develop guidelines for the management of tourism activities in protected areas within the management plans

6.8.2.7 Capacities of protected areas within the management plan

6.8.2.8 Establish standards and criteria for the development of eco-tourism in protected areas

6.8.3.1 Develop an action plan for visitor education in protected areas within the management plan

6.8.3.2 Develop an action plan for nature interpretation in protected areas within the management plan

6.8.3.3 Develop an action plan for the establishment of a guide service in protected areas within the management plan

## 7. LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

### Action plans

7.1.1.2 Continue the process of legislation alignment in the forestry, hunting, water management, mining, energy, transport, tourism and other relevant areas, insofar as it relates to nature protection and conservation of biodiversity, with the provisions of the Nature Protection Act, Convention on Biological Diversity and relevant EU directives.

### 8.4 Spatial planning

Despite the legislation in force, over the past decade the Republic of Croatia has seen intensive use and unselective "occupation" of rural and coastal areas (entrepreneurial zones, military or testing sites, apartment settlements, wind

farm sites, golf courses, large areas intended for tourism-related construction in the coastal area, etc.). Therefore it is important, more than ever before, to protect nature, not only in the form of representative protection (threatened species, vulnerable habitats and/or corridors, categorised protected areas), but also in the form of protection of certain natural spatial complexes.

Apart from a handful of general protection instruments (e.g. new protected area candidates), the current generation of county spatial plans (adopted in the period from 2000 to 2004) does not contain any other (serious) instruments of protection and conservation of biological and landscape values of an area. This is partly the consequence of lack of information about the biological and landscape values of the area, but also of lack of sensitivity on the part of the creator of physical plan spatial plan development team. Spatial plans are dominantly dedicated to constructed environments, and not natural ones, they are mainly concentrated on infrastructure, recreation, tourism, buildings, economic development and transport. Very rarely are measures imposed with a view to protecting an integral area against inappropriate development (e.g. excessive number of quarries, oversized entrepreneurial and tourism zones, etc.). Such spatial plans determine the use/purpose of the area and constitute the basis for the course of development.

### Action plans

8.4.1.4 Produce catalogues of measures/nature protection protocols for the main activities and sectors: physical plan water management, mining, tourism, etc., with the aim of incorporating these as obligatory elements into the implementation plans of the said sectors

## 9.2 Financial mechanisms for Strategy implementation

Virtually all the public institutions managing national parks and nature parks have their own sources of income through ticket sales, tourism and catering activities, concession authorisations, sale of souvenirs, promotional materials and other services. A considerable proportion of this income is generated by those national parks and nature parks with well-developed tourism and catering activities, and a large number of visitors.

## **ENERGY SECTOR IN THE STRATEGY AND ACTION PLAN FOR THE PROTECTION OF BIOLOGICAL AND LANDSCAPE DIVERSITY OF THE REPUBLIC OF CROATIA (OG 143/2008)**

### LEGAL BASIS

#### 1.4 Overview of the state of biological and landscape diversity and the state of the nature protection system in the Republic of Croatia

Pursuant to the organisation of the state administration bodies from 2000, nature protection activities have been raised to the ministry level through the establishment of the Nature Protection Directorate. In the course of 2000, the process of developing a new legislative framework was initiated. For the overall biological and landscape diversity that enjoys protec-

other hand, the increasing number of wind farms presents a

biodiversity. There is also an increased use of chemical agents to spur growth and crop production. As new technologies are developed and the use of biofuels is increased, it is necessary to trace the origin of raw materials (GMO, IAS) for biofuels, and control of the sustainable use of natural resources (forests, crops). Adoption of a separate Biofuels Act is planned by the end of 2008.

#### Isolated systems

The conditions in protected natural areas are ideal for the implementation of pilot projects on the use of renewable energy sources and replacement of conventional energy sources through installation of solar collectors, use of biomass and small windmills, especially for the power supply of climbers' stations, park administration buildings and other infrastructure.

Mineralogical and petrological characteristics of the gabbro-diorite intrusion in the area of the Tivat Peninsula, Montenegro. The intrusion has been approved in Split-Dalmatia County and occupies 0.68% of the county land area. From the statistical perspective, mineralogical and petrological characteristics of the intrusion are similar to those of the gabbro-diorite intrusions in the area of the Tivat Peninsula, Montenegro.



8.4 Spatial planning

Action plans

8.4.1.4 Produce catalogues of measures/nature protection protocols for the main activities and sectors: physical planning, water management, mining, tourism, etc., with the aim of incorporating these as obligatory elements into the implementation plans of the said sectors

8.5 Nature impact assessment

The Environmental Protection Act ensures integral conservation of the quality of the environment, conservation of natural communities, rational use of natural energy sources and energy in the most favourable way for the environment as the basic requirement for sound and sustainable development. The Act ensures landscape diversity, conservation of ecological stability, sustainable exploitation of natural resources without major damages and threats to the natural environment, protection and improvement of the quality of individual environmental components, improvement of the disturbed natural balance and reestablishment of its ability to regenerate, improvement of the state of the environment and making provisions for a sound environment, etc.

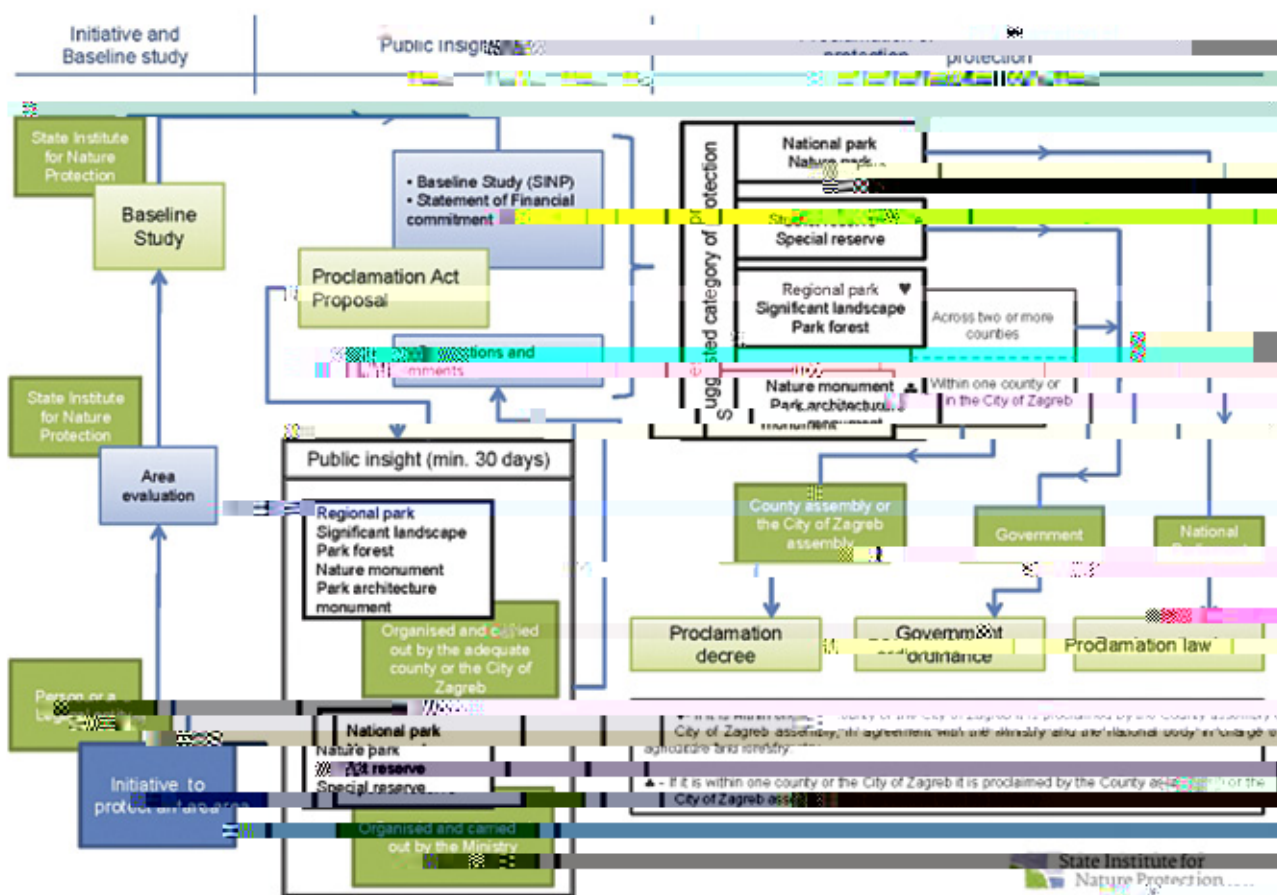
9.2 Financial mechanisms for Strategy implementation

8ad fZWbgbaeWaXeWJgd Y' SVV[f[a` S^Xg` Ve`Xd ~` S` U[ Y`aX projects, programmes and similar activities related to con-

servation, sustainable use, protection and improvement of the environment, the Environmental Protection and Energy 7X-U[W Uk`8g` V`i` Se`Ve`ST`f[eZWW`[` '\$` " `&`7efST`f[eZ`\_` W`faXfZW` 8g` V` dWbWfW` fe`e`Y` [-US` f`bdaYdW`e`[` fZW`\_` WZaV`aX`~` S` U` -` -` environment,

# Annex 3

## Procedure for the designation of Protected Areas in Croatia (source: SINP)



# Annex 4

## Report of the national workshop on MPAs in Croatia

The following is an extract of the “Report of the national consultation regarding Priority needs for legal, policy and institutional reforms to strengthen the creation processes and the management of marine protected areas in Eastern Adriatic”, issued in September 2013..

### CONTEXT

In the framework of the activity entitled “Assessment and support to Adriatic countries’ priority needs for legal, policy and institutional reforms to strengthen the creation processes and the management of marine protected areas” of the the MedMPANet Project – Regional Project for the Development of a Mediterranean Marine and Coastal Protected Areas (MPAs) Network through the boosting of MPA Creation and Management (<http://medmpanet.rac-spa.org>)

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tional.9(7w28)-7(ge)]TJ0f w27fotheConsergationofNEatu-0.7(r)1.9(4.11-3.119(7

7. Gordana Kolacko, Croatian Environment Agency, Nature Unit
8. Sonja Sisic, County of Primorje-Gorski Kotar, Priroda
9. Morana Bacic, CPI Natura Jadera
10. Moira Bursic, Brijuni National Park
11. Vladislav Mikeloic, Kornati National Park
12. Lucija Kapiteli-Rakic, Lastovo Archipelago Nature Park
13. Zrinka Jakl, SUNCE Association for Nature Environment and Sustainable Development
14. Petra Rodic, State Institute For Nature Protection, Dept. for wild and domesticated taxa and habitats
15. Irina Zupan, State Institute for Nature Protection, Protected Areas Dept.
16. Mila Loncar, Ministry of Environment and Nature Protection, Nature Protection Directorate, Service for Protected Areas – Dept. for Protected Areas Management

*national consultation by IUCN-Med in the framework of this study. Thus, one could regret the low representation of civil society and research institute as well as no representation*

*which had been invited to participate to the event. This might be explained by the fact that Croatia was preparing itself for entering the European Union as a member during the period.*

## **AGENDAS**

Each workshop lasted one day. All workshops followed the same general agenda. Topics covered during the workshops concerned:

1. The state of the art of the legal and policy framework as well as the institutional arrangements for MPAs
- 2.

## **CONTENTS**

The workshops were all facilitated by IUCN-Med, Alain Jeudy de Grissac.

In Croatia, where no previous workshop had taken place in 201f in





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