

MedMPAnet^{project}

CROATIA AND MARINE PROTECTED AREAS

LEGAL AND INSTITUTIONAL FRAMEWORK ASSESSMENT
FOR CONSERVATION OF COASTAL AND MARINE BIODIVERSITY
AND THE ESTABLISHMENT OF MPAS

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 Ministry of Tourism: the Sector for International Cooperation; the Unit for Multilateral Cooperation; the Unit for Sustainable Development (Resource Protection).
- The Croatian Environment Agency, Nature Unit
- Public Institution for Managing Protected Nature Areas in County of Primorje & Gorski Kotar, - Priroda
- Public Institution for Managing Protected Nature Areas in County of Zadar - Natura Jadera
- Brijuni National Park
- Kornati National Park
- Lastovo Archipelago Nature Park
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- SUNCE, Association for Nature Environment and Sustainable Development.

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We hope this report will assist Croatia in developing and improving its legal and strategic instruments for MPAs.

LIST OF ACRONYMS

AdriaPAN	Adriatic Protected Areas Network
AECID	Spanish Agency for International Cooperation to Development
CBD	Convention on Biological Diversity
CEA	Croatian Environment Agency
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
ENIA	Ecological network impact assessment procedure (appropriate assessment)
EU	European Union
FFEM	Fonds Français pour l'Environnement Mondial (French GEF)
IUCN	International Union for the Conservation of Nature and its resources
IUCN ELC	Environment Law Center of the International Union for the Conservation of Nature
IUCN-Med	Center for Mediterranean Cooperation of the International Union for the Conservation of Nature
MAP	Mediterranean Action Plan
MedMPAnet	The Regional Project for the Development of a Mediterranean Marine and Coastal Protected Areas (MPAs) Network through the boosting of MPAs creation and management
MedPAN	Network of Marine Protected Areas Managers in the Mediterranean
MedPartnership	Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem
MENP	Ministry of Environmental and Nature Protection
MPA	Marine Protected Area
MoU	Memorandum of Understanding between RAC/SPA and IUCN-Med
NPA	Nature Protection Act
NBSAP	The Strategy and Action Plan for the Protection of Biological and Landscape Diversity of the Republic of Croatia
OG	Official Gazette
PA	Protected Area
PCA	Protected Coastal Area
PIs	Public institutions for the management of protected areas
RAC/SPA	Regional Activity Centre for Specially Protected Areas
SINP	State Institute for Nature Protection
SPA/BD Protocol	Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean
UNEP	United Nations Environment Programme
WWF-MedPO	World Wide Fund for Nature - Mediterranean Programme Office

Introduction

The Regional Project for the Development of a Mediterranean Marine and Coastal Protected Areas (MPAs) Network through the boosting of MPA Creation and Management “MedMPAnet Project” (<http://medmpanet.rac-spa.org>) is a five-year programme (2010-2015) executed by the Regional Activity Centre Specially Protected Areas (RAC/SPA – UNEP/MAP; www.rac-spa.org) as part of the Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem “MedPartnership 1” (www.themedpartnership.org) Sub-component 3.1: Conservation of coastal and marine diversity through the development of a Mediterranean marine and coastal protected areas (MPAs) network.

The MedMPAnet Project mainly deals with the processes leading to the creation of marine and coastal protected areas (MPAs) in several Mediterranean countries (Algeria, Albania, Croatia, Egypt, Lebanon, Libya, Montenegro, Morocco, Tunisia). The MPA establishment process goes generally through the following steps: (i) Legal and Institutional framework assessment for conservation of coastal and marine biodiversity (ii) ecological studies, (iii) socio-economic and fishery studies, (iv) management planning, (v) elaboration of stakeholders’ participation and engagement mechanisms, and (vi) elaboration of sustainable financing mechanisms. These activities are accompanied with technical support in view of improving MPA management and building capacities of MPA managers and practitioners.

The partners of the MedMPAnet project in Croatia are the Ministry of Environmental and Nature Protection (Nature Protection Directorate), the State Institute for Nature Protection and the Public Institution for Management of Protected Areas in County of Primorje and Gorski Kotar - Public Institution Priroda.

In this context, RAC/SPA signed in 2012 a Memorandum of Understanding with the Centre for Mediterranean Cooperation of the International Union for the Conservation of Nature (IUCN-Med) considering that:

1. A comprehensive assessment needed to be undertaken of the legal and institutional framework for conservation of coastal and marine biodiversity and the establishment of protected areas in the Adriatic region;
2. The analysis and recommendations of the legal and institutional framework for marine protected areas would contribute to the preservation and protection of marine biodiversity as well as other natural resources constituting the Adriatic biodiversity assets.

The MoU thus identified as an activity the “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”.

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” is the outcome of the above-cited activity in the country.

1 <http://www.unepmap.org/index.php?module=content2&catid=001015>



Context in Croatia

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 km² of interior sea waters and territorial sea. The country's population is around 4.29 million inhabitants².

As of 1st of July 2013, Croatia is a member of the European Union (EU) and now finds itself at a social and economic turning point that will result in new opportunities and new challenges for the country.

Croatia is extremely rich in terms of landscape and climate creating condition for biological diversity due to its specific geographical position where Pannonian, Dinaridian, Mediterranean and Pre-Alpine bio-geographic influences intertwine. The need for conservation and protection of the country's natural assets resulted in the designation of significant number of Protected Areas (PAs) declared under the Nature Protection Act.

There are 432³ protected areas in Croatia, of which 10 are recognized Marine Protected Areas (MPAs) according to MAPAMED project⁴. Protected area system covers approximately 8,45% of the total surface area of the country (740,220.37 ha) or 12.06% of the land and 1.97% of territorial sea. Croatian part of EU ecological network Natura 2000⁵, however, covers 16,60% of the marine area⁶ which is encouraging when considering that at least 10 percent of Croatia coastal and marine areas should be conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes by 2020 if the country wants to fulfill its commitment to Aichi Biodiversity Target 11.

In a first part, on the legal and institutional framework, the present document will describe the legal and policy framework as well as the institutional arrangements for the establishment and management of MPAs in Croatia. The country specific management and governance for marine protected areas will conclude this first part. The second part will focus on the existing stakeholders' participation. Finally, the third part will attempt to formulate recommendations in view of the previous findings.

2 Official statistics given by the 2012 Statistical Yearbook of the Republic of Croatia: http://www.dzs.hr/Hrv_Eng/Ijetopis/2012/sljh2012.pdf

3 Register of protected areas (2013); please note that revision of Register of protected areas is underway so this data is subjected to further change.

4 MAPAMED database <http://www.mapamed.org/>. Later in the document, we will see that this figure only concerns MPAs of national importance and that it could be increased if protected areas of local importance with marine features are also considered.

5 Regulation on Ecological Network (OG 124/2013).

6 Source: Nature Protection Directorate, May 2013.



Methodological approach

The methodological approach adopted for the development of the present document had been defined in the Memorandum of Understanding signed between the RAC/SPA and IUCN-Med office in 2012.

In accordance with this agreement, the IUCN-Med gathered all available information and legal contents through bibliographical research, interviews with national stakeholders and national consultation.

The questionnaire below was developed by the IUCN ELC⁷. It was used as a tool to guide the assessment of the legal, policy and institutional framework for MPAs in Croatia.

Items for assessment	
Marine Protected Areas Generic Legal Framework	
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"> • Give the full title of each (if there is more than one) and the year adopted or issued. • Does the legal instrument govern the protected areas system overall (both terrestrial and marine protected areas), or is there a specific instrument for the marine protected areas system? Explain.
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?)
Scope of legal framework	
6	Does the legal framework for the PA system recognize governance and management options? <ul style="list-style-type: none"> • Centralized approach where the protected area is entirely publicly 'state' owned property and managed by government at national level; • Decentralized approach where management of public land may be delegated to provincial/state or local government units; • Public/private partnership through a co-management arrangement between the government and other stakeholder(s), including communities; • Private management: protected areas are owned and voluntarily managed by private sector entities (Private Protected Areas [PPAs], both non-profit and for-profit); • Management by the indigenous peoples and local communities.

⁷ Lausche, Barbara. (2011). *Guidelines for Protected Areas Legislation*. IUCN, Gland, Switzerland. xxvi + 370 pp.

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"> • Precautionary Principle • 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)? • 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)? • Cultural values.
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	Is there a definition in the legal instrument for the term “protected area”, and if so please provide. <ul style="list-style-type: none"> • Is this definition consistent with the IUCN definition?⁸ • Is the term “marine protected area” defined in the legal instrument; if so, give language.
14	Does the legal instrument define different management categories of protected areas by conservation objective (national parks, marine protected areas, habitat conservation areas, cultural sites, etc.), and, if so, please provide. <ul style="list-style-type: none"> • Are any of the IUCN management categories applied to marine protected areas? Explain.
Institutional Arrangements	
15	Who has authority to establish the marine protected area(s), is that authority identified in a legal instrument? Explain.
16	Does the legal framework provide for other entities to have responsibility for management functions? If so, provide details.
17	Are mechanisms provided for interagency cooperation among main government agencies responsible for marine matters (e.g. marine conservation, fisheries, shipping, customs, etc.)? Explain.

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).

MPA System Planning	
18	<p>Does the legal framework for marine protected areas require preparation of a plan for the protected areas system to guide its development and management? And if so, please indicate:</p> <ul style="list-style-type: none"> • What are the general purposes and content of the plan; • Who or which entity is responsible for preparing, maintaining and using the plan. • What are the key elements that should be taken into account when adding new protected areas to the system (e.g., representativeness, uniqueness, international compliance, supporting essential ecological processes or biodiversity, etc.). • Is there a requirement for periodic review and assessment of the system plan with respect to overall goals and objectives of the protected area system? Explain.
19	<p>Does the legal framework for marine protected areas authorize or provide for:</p> <ul style="list-style-type: none"> • zoning, • no-take zones, • strictly protected zones, • marine science research by permit, • environmental monitoring?
20	<p>Are there special requirements for how boundaries are defined for a marine area as a whole and any zones within the area; is there a requirement for stakeholder or local community consultation in setting the boundaries? Explain.</p>
21	<p>Are there provisions authorizing the designation of buffer zones for marine protected areas or conservation corridors between marine areas? Explain.</p>
Establishment, amendment, abolishment of MPAs	
22	<p>Who has the authority to establish, amend, and abolish a protected area? Are these powers all held by the same authority? If the same authority does not have all three powers, identify who is the authority for the different powers, and explain why these powers have been divided.</p>
23	<p>What is the procedure for establishing, amending or abolishing a protected area?</p>
Finance	
24	<p>Does the protected area's legal framework authorize special financing tools for the marine protected area system?</p>
Management Plan	
25	<p>Is there a requirement for a management plan? If so, describe the provisions Including:</p> <ul style="list-style-type: none"> • provisions on the required content of the plan, possibility of zoning for different classifications and conservation purposes • procedures for the preparation of the plan (circulation and consultation among scientific and technical bodies inside and outside of government; requirements and procedures for public and stakeholder participation) • Authority(ies) responsible for implementing the management (co-management agreements with other authorities).
Environmental Impact Assessment (EIA)	
26	<p>Does the protected area's legal framework require environmental impact assessment (EIA) for any proposed project or activity, public or private, where there may be significant environmental impacts to the protected area, and if so, explain, including any procedures or specific requirements that may be specified, including for preparation, review, public comment, decision-making authority, and appeal.</p>
Other	
27	<p>If applicable, identify and discuss other legal instruments (e.g. in fisheries, tourism, etc.) which provide authority for some form of protection, whether partial or full, of specific sites, ecosystems, or species habitats; indicate their potential impact on the protected area's legal framework and, as relevant, how the various instruments are or should be harmonized, networked, or coordinated.</p> <p>Indicate any other special features unique to the marine protected area's legal framework, e.g., part of a large marine ecosystem project, part of a transboundary marine protected area, specific species protection, special status under international law (e.g., IMO, World Heritage Site, etc.).</p>

The results of this state-of-the-art appraisal were presented together with a pre-assessment during a wrap-up national workshop to which key national stakeholders for MPA identification, declaration and management had been invited (see report of the workshop in Appendix 2). A review of the information collected so far and the priority needs diagnosis were the main objectives of this national workshop.

Building on the national consultation, IUCN-Med was able to formulate recommendations (presented in PART III) for improving the existing legal and institutional framework, as well as regarding some other priorities identified by the country.



Part I

Legal and institutional framework for marine protected areas in Croatia

I. LEGAL AND POLICY FRAMEWORK FOR MARINE PROTECTED AREAS⁹

In Croatia, there is no specific legal instrument for MPAs. 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)¹⁰ 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 wild flora and fauna (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.

9 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>

10 New NPA entered into force in July 2013.

In Chapter III, we will also see that according to legal definitions of particular categories of PAs and the existing practice in Croatia, 7 out of the 9 categories for PAs in Croatia may potentially apply to MPAs¹¹.

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 will be imposed 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).

The Ministry defines and issues nature protection requirements 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 143 of the NPA). Same applies for projects planned in PAs of

11 Source : discussion with the Department for Protected Areas of the Directorate for Nature Protection

local importance for which nature protection requirements will be defined by the administrative body of a county. Not complying with nature protection requirements is an administrative offence (misdemeanour) for which an administrative fine will be imposed 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).

■ Pursuing activities in PAs (including MPAs) according to the NPA (concessions and concessional approvals)

Pursuing those activities which may be permitted according to specific provisions concerning activities for each individual category of PAs (Articles 112 – 120 of the NPA) may be approved by way of following legal requirements for granting concessions or concessional approvals in the PAs (Article 121 of the NPA).

Concessions

According to Article 178 of the NPA: *“Concession provides the right to economic use of natural resources, except forests and forest land owned by the Republic of Croatia, or the right to exercise activities of interest to the Republic of Croatia as well as the right to construct and use installations and plant necessary for exercising such activities in protected areas and speleological sites at which those shall be authorised pursuant to this Act.”*

A concession may be granted pursuant to the NPA exclusively in a national park, special reserve and speleological sites, whereas concessions in other PAs may be granted pursuant to the Act on Concessions (OG 143/2012) subject to the opinion of the Ministry, except when a concession is granted by the Government or the Parliament of Croatia.

Concession may not be granted in a strict reserve (Article 179 of the NPA).

Concession in the maritime domain¹² in a national park or special reserve may be granted by the Government subject to the prior approval issued by the Ministry in accordance with Article 119 (3) of the Maritime Domain and Seaports Act (OG 158/2003, 100/2004, 141/2006 and 38/2009). The Government may by its decision specify particular protected areas or other parts of nature owned by the Republic of Croatia or maritime domain where protected parts of nature are located, in which a concession may not be granted (Article 179 of the NPA). Nature protection requirements defined by the Ministry are included already in the public notification on the offer for granting a concession and later in the decision on granting a concession. Concessions are granted according to the NPA for a period of 6 to 55 years (Article 187 of the NPA). Not complying with a contract on concession or violating nature protection measures defined in a contract on concession is an administrative offence (misdemeanour) for which an administrative fine will be imposed according to Article 227 of the NPA (cca 13.000,00 – 65.000,00 € for legal persons or 2.000,00 – 6.000,00 € for natural persons).

¹² See section on the Maritime Domain and Seaports Act in the same chapter under A.2. Other relevant instruments.

Concessional approvals

Concessional approval is an approval granted by the public institution managing a protected area to a legal or natural persons registered for craft trade for the economic use of natural resources or for exercising other activities, for a period of five years (Article 188 of the NPA). Activities for which concessional approvals are granted in practice are related to tourism and catering on a small scale in PAs. Detailed list of activities in PAs, for which concessional approvals may be granted, except in the maritime domain and on forest land owned by the Republic of Croatia, is to be passed by the Minister by way of the Ordinance¹³. The Ordinance will also include provisions on the method of granting concessional approvals, the conditions and method of establishing the amount of fee for the issuing thereof and the conditions and method of exercising the activity for which the contract on concessional approval is concluded (Article 188 of the NPA).

Concessional approval in the maritime domain which is also a PA according to the NPA falls under special regime and is granted in accordance with the Maritime Domain and Seaports Act (OG 158/2003, 100/2004, 141/2006 and 38/2009) subject to the prior approval issued by the Ministry.

Pursuing activity in a PA without the concessional approval or in a violation of provisions contained in a decision or contract on concessional approval is an administrative offence (misdemeanour) for which an administrative fine will be imposed 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).

■ Ecological network impact assessment procedure (appropriate assessment)¹⁴

Harmonisation of Croatian legislation in the administrative field of nature protection with relevant EU legislation (Habitats Directive and Birds Directive) is provided through the following legal framework:

- The Nature Protection Act (OG 80/2013);
- The Regulation on Ecological Network (OG 124/2013);
- The Ordinance on the appropriate assessment of the impact of plans, programs and projects on the ecological network (OG 118/09).

¹³ At the moment of drafting this Report the Ordinance on Concessional Approvals is not yet passed and is in the process of drafting, according to the sources in the Ministry.

¹⁴ According to Bell and McGillivray *Environmental Law*, Oxford University Press, seventh edition:
«Appropriate assessment is not an EIA under the EIA Directive, but it does share some similarities. In principle, an appropriate assessment is a technocratic assessment focusing on the integrity of the site, unlike an EIA, which is a much wider procedure involving mandatory public consultation. But a properly conducted EIA should suffice. One thing worth noting is that appropriate assessment is not only a procedural tool, but also works to uphold a standard of ensuring the integrity of sites. By contrast, EIA has no such baseline».

Articles 24 - 51 of the NPA include provisions concerning ecological network impact assessment procedure (hereinafter referred to as the ENIA procedure).

Impact assessment of projects consists of three different phases (steps):

Phase 1: The screening phase (pre-assessment),

Phase 2: The main assessment,

Phase 3: The establishment of overriding public interest along with the approval of project and compensation requirements.

Institutional competences

Concerning the competences for the screening phase and the main assessment, if the planned project is in the area which is also protected in one of the categories of national importance or if the Ministry is responsible for carrying out the Environmental impact assessment procedure (hereinafter referred to as EIA procedure) for that project, the Ministry will carry out the ENIA procedure. On the other hand, if the planned project is in the area which is also protected in one of the categories of local importance or in the area which is not a PA according to the NPA or if the administrative body of a county is responsible for carrying out the EIA procedure, then the administrative body of a county will be in charge of carrying out the ENIA procedure accordingly. State Institute for Nature Protection carries out expert work for Republic of Croatia. In each phase of ENIA procedure Institute issues expert opinion to the Administrative body in regards of possible impacts on the ecological network.

Phase 1:

Screening phase (pre-assessment) may produce two possible results:

- Either the possible significant negative effects on the conservation objectives or the integrity of ecological network may be excluded for the project concerned, in which case an administrative decision is passed permitting the project,
- Or when those possible effects may not be excluded then the main assessment is to be carried out.

Phase 2:

Main assessment may result in:

- The administrative decision in which it is established that the planned project has no significant negative effects on the conservation objectives or the integrity of ecological network and the approval of the project in terms of the ENIA procedure.
- On the other hand, if the body in charge of carrying out the ENIA procedure establishes that the project concerned exerts significant negative effects on the conservation objectives or the integrity of ecological network or that those effects may not be excluded in spite of mitigation measures, it will pass the administrative decision rejecting the application for the project approval in terms of the ENIA procedure.

The administrative decision will include the instruction on the possibility for initiating the next phase of the procedure where the establishment of overriding public interest along with the approval of project and compensation requirements, is carried out.

Phase 3:

The procedure aiming to establish the overriding public interest for the planned project is carried out according to Articles 33 – 40 of the NPA and involves the Ministry, the SINP, the Government of Croatia and the European Commission (in certain cases) and includes the public participation. On the basis of existing overriding public interest the decision on authorizing the planned intervention with compensation requirements is completed and can only be challenged before the competent Administrative Court.

Informing the general public and public participation is provided for during the course of the ENIA procedure according to the NPA and the Ordinance on the ENIA procedure¹⁵.

Carrying out projects in violation of the rules of the ENIA procedure or avoiding those rules entails a number of administrative offences (misdemeanours) with high level administrative fines (up to 130.000,00 € for legal persons).

■ Use of natural resources in certain categories of PAs (including MPAs)

As written before and as it will be further explained in chapter III, “the category of designation also regulates the type of activities that are allowed or prohibited within the protected area”. Thus, in strict reserve, no use of natural resources is allowed.

Moreover and in general, according to the NPA (Article 19), the use of natural resources (fishery, forestry, hunting, water-management etc.) has to be pursued on the basis of the Management plans for natural resources taking into account the conservation of biodiversity, landscape diversity and geo-diversity.

The Management plans for different natural resources must include the nature protection requirements defined by the Ministry and passed in the form of the administrative decision (administrative act).

The NPA provides for a mechanism of prior approval issued by the Ministry for those Management plans for natural resources encompassing a protected area or whose implementation might cause significant negative effects on the conservation objectives and integrity of the ecological network (Article 22 of the NPA). In this way and through the mechanism of nature protection requirements which are included in the Management plans for natural resources, the principles of sustainable use of natural resources are being incorporated in the Management

¹⁵ At the moment of drafting this Report the Ordinance on the appropriate assessment of the impact of plans, programs and projects on the ecological network (OG 118/09) is in force, while the new Ordinance of the same title is in the process of drafting and will be passed on the basis of the new NPA which came into force in August 2013. The new Ordinance will replace the existing one.

plans for natural resources which are also implemented in those PAs where economic activities may be permitted according to specific provisions concerning activities for each individual category of PAs (Articles 112 – 120 of the NPA).

Makers of the Managements plans for natural resources who don't obtain nature protection requirements from the Ministry will be fined (administrative fine - cca 13.000,00 – 65.000,00 € for legal persons or 2.000,00 – 6.000,00 € for natural persons, Article 227 of the NPA). Implementing Management plans for natural resources without adhering to nature protection requirements is an administrative offence (misdemeanour) for which an administrative fine will be imposed 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 person intending to carry out scientific and/or expert research in a protected area is obliged to obtain the approval.”*

The Ministry is in charge of granting approvals for scientific 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.

The approval is granted for a period of up to five years and contains the nature protection requirements as well as the notification concerning reporting requirements, or the results of the research reporting requirements. The approval is granted in the form of an administrative decision (administrative act).

Carrying out scientific research without the approval or in violation of the approval is an administrative offence (misdemeanor) for which an administrative fine will be imposed 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).

In the case of scientific research activities in marine areas, and in order to issue the approval for scientific research activities, 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 Act¹⁶ 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 requisites defined for the purpose of setting out measures 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”*.

The nature protection requisites for spatial plans are defined 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, forestry, fishery or water management where the underlying 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 provisions defining in details specific fisheries management 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, rules about visiting MPA, fire protection measures, supervision etc.

According to the Marine Fisheries Act (OG 81/2013, article 4) restrictions of fisheries and aquaculture within the parts of the marine fishing area which are protected as MPAs of national importance, will be regulated by Ordinances on protection and conservation passed on the basis of the NPA.¹⁷

¹⁶ Articles 38, 55, 56, 68,69, 70 and 100.

¹⁷ Further elaborated under the same section, Marine Fisheries Act

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"¹⁸ and contained provisions on administrative offenses (misdemeanors) and fines as 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 taking place in different PAs according to their specific characteristics. Indeed it could be difficult to regulate all the 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*" will be fined (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 practice to confirm its validity in terms of its enforcement effectiveness. Nonetheless, it is already clear that the legislator here intended to bypass the legal principle according to which an offence has to be clearly defined in terms of 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 for the specific legal regime of fisheries in MPAs.

¹⁸ 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.

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

Decisions on measures of protection, conservation, improvement and use of protected area are secondary legislation acts passed by the county assembly subject to the prior approval of the Ministry and prior opinion of the SINP, regulating in details requirements and measures for protection, conservation, improvement and use of PAs (including MPAs) of local importance, as well as measures for implementation of the decision (Article 142 of the NPA).

Decision on measures of protection, conservation, improvement and use of protected area is passed subject to prior approval of Ministries in charge of maritime affairs, forestry, fishery or water management where the underlying natural phenomenon for which the area is protected falls within their competence.

Enforcement of Decisions on measures of protection, conservation, improvement and use of protected area

County assembly is allowed to enact provisions on administrative offences (misdemeanours) for violations of legal acts which they are allowed to pass (Article 2 of the Misdemeanors Act OG 107/2007 and 39/2013). Thus, Decisions on measures of protection, conservation, improvement and use of protected area are expected to contain provisions on administrative offences (misdemeanours) and fines for their violation.¹⁹

The Maritime Domain and Seaports Act

MPAs as clearly defined geographical space designated for the protection of nature and managed to achieve the long term conservation of nature with associated ecosystem services are also areas that fall under the legal regime of maritime domain.

According to Article 3 of The Maritime Domain and Seaports Act (OG 158/2003, 100/2004, 141/2006 and 38/2009) "*Maritime domain is a common good of special interest for the Republic of Croatia, enjoying its particular protection and used or exploited under the conditions and in a way prescribed by this Act.*"

Maritime domain consists of internal sea waters and territorial sea, their seabed and subsoil, and a part of land that is by its nature intended for general use or has been proclaimed as such as well as anything that is permanently attached to such part of land on the surface and underneath it.

Within the meaning of paragraph 2 hereof, a part of land shall be considered to be seashore, ports and harbours, embankments, sand-shelves, rocks, reefs, beaches, estuaries, canals linked with the sea as well as live and nonliving natural resources in the sea and maritime subsoil."

Article 5 (2): "*Neither ownership nor any other property right may be acquired on maritime domain on any grounds.*"

¹⁹ Currently there are no existing Decisions on measures of protection, conservation, improvement and use of protected area due to the short existence 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 efficient use, and includes all of the islands, a strip of land in 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);
- it is also obligatory to define environmental protection 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;
- Wind farms are not allowed in the PCA.

The same legal rules on wind farms in the PCA are applied according to the recently enacted **Act on Physical Planning (OG153/2013)**.

■ **The Criminal Code**

Carrying out construction in violation of legal acts in PAs (including MPAs) is considered a criminal act and may be punished by 6 months – 5 years of prison according to Article 212 of the Criminal Code (OG 125/2011 and 144/2012).

Carrying out fishing (not exclusively in PAs) by using devices for mass destruction or by other unpermitted devices, or in a way that causes mass destruction of fish is a criminal act and may be punished by prison of up to 3 years according to Article 204 of the Criminal Code.

■ **The Marine Fisheries Act**

The Marine Fisheries Act (OG 81/2013) needs to be considered as well since it regulates commercial fishing, small-scale coastal fishing, small-scale fishing, sports fishing, recreational fishing, fishing for scientific research and tourist fishing which may be carried out after obtaining valid fishing licenses issued

by the Ministry of Agriculture, which is the central state administrative body responsible for marine fishing, or by other competent entities authorized by the Ministry of Agriculture for some of the categories of fishing. This Law provides for the management and protection of renewable biological marine resources, methods and requirements for fishing and aquaculture, monitoring of catches and aquaculture by way of data gathering, fisheries incentives and the market regulation, supervision and inspection as well as other issues concerning fisheries.

The Marine Fisheries Act (OG 81/2013) entered into force in July 2013. According to the former Marine Fisheries Act (OG 56/10 and 55/11), which was in force until July 1st 2013, three categories of MPAs, namely a national park, special reserve and strict nature reserve, were explicitly excluded from the marine fishing area. Fishing in those three categories of MPAs was regulated by the NPA and more precisely by the provisions of the Ordinance on internal order. Enforcement of restrictions prescribed by an Ordinance on internal order was limited due to a legal rule according to which an administrative offence (misdemeanour) may be prescribed by law exclusively²⁰ and not by a secondary legislation (an ordinance). This was an issue particularly in marine national parks where according to the NPA no commercial fishing is allowed, while traditional fishing was permitted in accordance with the more detailed regime provided for in the Ordinance on internal order.

According to Article 4 of the new Marine Fisheries Act, all MPAs are now formally included in the marine fishing area. However, according to the same Article, restrictions of fisheries and aquaculture within the parts of the marine fishing area which are protected as a national park, nature park, special reserve and strict reserve, are to be regulated by secondary legislation, which is to be passed on the basis of the NPA and is required to be pre-approved by the Ministry of Agriculture. In this respect the NPA provides for the enactment of the Ordinance on conservation and protection of a PA as an instrument which is also intended for the application of a specific internal regime for fisheries management in each particular MPA. However, the Ordinance on conservation and protection as a legal instrument intended to provide for fisheries management raises questions related to its legal limitations of enforcement²¹ as was explained before in the section on Ordinances on protection and conservation. Nevertheless, by including all the categories of MPAs in the Marine fishing area it was intended to improve enforcement by way of including supervision mechanisms of the Marine Fisheries Act within the MPAs, particularly the authority of the fisheries inspectorate within the MPAs.

20 Article 2 of the Misdemeanors Act (OG 107/07 and 39/13)

21 *Ibid.*

B. Policy Tool: The Strategy and Action Plan for the Protection of Biological and Landscape Diversity (NBSAP)

The National Strategy and Action Plan for the Protection of Biological and Landscape Diversity of the Republic of Croatia²² were adopted on 30/06/1999, pursuant to Article 80 of the Constitution of the Republic of Croatia and Article 6 of the Law on Ratification of the Convention on Biological Diversity. It was later amended on 28/11/2008 pursuant to Article 80 of the Constitution of the Republic of Croatia and to Article 151, paragraph 1 of the Nature Protection Act.

The strategy is a fundamental document for nature protection, laying down long-term objectives and guidelines for the conservation of biological and landscape diversity and protected natural values, as well as methods for implementation thereof, in accordance with the overall economic, social and cultural development of the Republic of Croatia.

Croatia being party to the Convention of Biological Diversity (CBD, see Annex 1) had to prepare the Strategy²³. Apart from that, the establishment of a new legislative and institutional nature protection framework, primarily due to the accession to international conventions and agreements in the field of nature protection, the process of accession to the European Union and alignment of the legislation with relevant EU directives and regulations – Habitats Directive and Birds Directive, CITES regulations and other relevant legislation enlarged the need to revise the 1999 Strategy, but also to consider the strategic objectives and guidelines on a completely new basis. The final product of the Strategy was available in 2008.

The term of “marine protected area” is not included, as such, in the National Strategy. Nevertheless, in the text special attention is often given to the marine habitats as defined by the Croatian National Habitat Classification²⁴.

The strategy proposes also action plans relevant to the marine environment that could be attributed to the MPAs. Hereafter are some examples:

- the mapping of marine habitats in marine areas under the jurisdiction of the Republic of Croatia (Action Plan 3.1.2.1.2);
- the estimation of the capacity of marine ecosystems for mariculture (Action Plan 6.5.1.1);
- the estimation of the available biological fishery stock and optimal level of exploitation in accordance with the estimation (Action Plan 6.5.1.2);
- the establishment of the distribution of marine habitats important for conservation of biodiversity and relevant areas that should be protected (Action Plan 6.5.2.1);
- the incorporation of nature protection measures and requirements into the programme documents in the field of marine fisheries (Action Plan 6.5.2.2);
- defining the intensity of impact of cage based fish farming on benthic biocenosis and to develop measures aimed at reducing the impact (Action Plan 6.5.3.1);
- continuing permanent monitoring of the state of pelagic and benthic communities in Croatian part of Adriatic (Action Plan 6.5.3.2);
- including fishermen into the system of monitoring of strictly protected species, particularly sea turtles, dolphins, sharks and the Mediterranean monk seal, through education (Action Plan 6.5.3.3);
- the exploration and evaluation of marine areas under the jurisdiction of the Republic of Croatia in relation to the NATURA 2000 network (Action Plan 6.5.3.4);
- the investigation of the possibility of establishing protected fishing areas as additional tools for the sustainable management of fishing stocks (Action Plan 6.5.3.5).

The National Strategy also proposes strategic objectives, guidelines and action plans for the energy and tourism sectors (see Annex 2).

22 Nacionalna strategija i akcijski plan zaštite biološke i krajobrazne raznolikosti (OG 143/08)

23 Act on Ratification of the Convention of Biological Diversity, OG-IT 6/96

24 <http://www.dzrp.hr/eng/habitats/national-habitat-classification/national-habitat-classification-740.html>

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 Protection²⁵)

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 monitoring of expert activities in the field of nature protection. The Nature Protection Directorate is divided into two sectors:

- 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 of defined requirements, permits, decisions and other acts 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 of regulations in the field of nature protection

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 procedures for granting authorization for interventions in PAs of local importance for which a location permit is not required; define and issue nature protection requirements 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 PAs of local importance; grant permits for scientific research taking place in PAs of local importance and carry out certain segments of the appropriate assessment (ENIA) procedures, among other tasks.

A.3. The State Institute for Nature Protection (SINP)

In 2003, the central expert institution for nature protection was established, the State Institute for Nature Protection (SINP). The Institute was established by virtue of a Regulation of the Government of the Republic of Croatia adopted on 30 October 2002, according to National Strategy and Action Plan (NN 81/99) and Implementation Plan on Stabilization and Associa-

²⁵ <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 groups²⁶.

Pursuant to the Nature Protection Act (OG 80/2013), the Institute carries out expert tasks of nature protection for the Republic of Croatia, in particular, tasks aiming at: gathering and analysing data related to nature protection; creating and maintaining data bases related to species, habitat types, ecosystems, protected areas and ecologically important areas, areas of ecological network, geodiversity and speleological sites; creating and keeping the nature protection information system (including the Catalogue of species and habitats and the Cadastre of speleological sites); assessing threats to elements of biodiversity (including the creation of the red list of threatened indigenous wild species); standardising methodology and protocols, monitoring of biodiversity and geodiversity conservation and proposing measures for their protection; preparing expert base proposals (baseline studies) for the protection and conservation of protected parts of nature, ecologically important areas and of ecological network; developing standards for the management planning, implementation of plans and assessment of effectiveness of the management of PAs and areas of ecological network; participating in the implementation of international agreements on nature protection and organising and implementing educational and promotional activities in nature protection, among other tasks.

26 The Institute has, among other things, carried out tasks such as: inventories of species and habitat types; establishment of a system for monitoring individual strictly protected species; development of management plans for the wolf and lynx; development of the proposed Croatian Ecological network and preparation of the proposal for the NATURA 2000 ecological network; preparation of draft management plans for four potential NATURA 2000 areas; development of proposals for the protection of some 30 areas; development of expert base proposals for seven important pieces of subordinate legislation on nature protection (including subordinate legislation on the protection of species and areas of the ecological network); development of a draft proposal for the Report on the State of Nature Protection in the period from 2000 to 2007; active participation in the drafting of the National Strategy and Action Plan for the Protection of Biological and Landscape Diversity from 2008; development of more than 600 expert base proposals for natural resource management plans and physical plans; and publication of numerous publications for raising public awareness on the need for conservation.

The SINP has a department dedicated to protected areas which, in turn, is divided into 4 sections:

- Section for Protected Areas
- Section for Registered Natural Values
- Section for Management Plans and Programmes
- Section for Geological Heritage

A.4. Other relevant governing bodies for PAs

As we saw in the section regarding legal instruments, **the Ministry of Agriculture**, by implementing the Marine Fisheries act, plays an important role in Marine Protected Areas' establishment and management²⁷.

The Ministry of Maritime Affairs, Transport and Infrastructure²⁸ is also to be considered mainly regarding its work on maritime traffic and protection of the Adriatic. Concerning the latter, the Directorate for Seafaring Safety and Sea Protection within this ministry and in collaboration with the Institute of Oceanography and Fishery, is monitoring the invasive species *Caulerpa racemosa* (including in MPAs). The Ministry of Maritime Affairs, Transport and Infrastructure is in charge of implementing The Maritime Domain and Seaports Act (OG 158/2003, 100/2004, 141/2006 and 38/2009).

The Ministry of Construction and Physical Planning is the central state administrative body responsible for the implementation of The Physical Planning and Construction Act (OG 76/2007, 38/2009, 55/2011, 90/2011, 50/2012, 55/2012 and 80/2013). System of physical planning, the Protected coastal area, location and building permits and related supervision all fall under competence of this Ministry.

Furthermore there is the **Ministry of Regional Development and EU funds** whose task is the sustainable development of the Adriatic Sea, islands and coast; proposing development policy and establish an integrated system of planning, programming, management and funding of coastal area development, planning, development and implementation of strategic documents and projects for transport, utilities and social infrastructure on the islands and coast, starting, coordination and supervision of activities of certain laws and regulations that govern the development of the island and coast.

Croatian Environment Agency²⁹ is an independent public institution established by the decision of the government of the Republic of Croatia to "collect, integrate, and process environmental data". The need to establish the Croatian Environment Agency, as a focal institution into which all relevant environmental data will be channelled, was defined in the Environmental Protection Strategy of the Republic of Croatia. The CEA is thus a central professional body and a potential promoter of sustainable development:

27 Website of the Croatian Ministry of Agriculture, Directorate of Fisheries: <http://www.mps.hr/ribarstvo/default.aspx?id=43>

28 Website of the Croatian Ministry of Maritime Affairs, Transport and Infrastructure: <http://www.mppi.hr/default.aspx?id=670>

29 Website of the Croatian Environment Agency: <http://www.azo.hr/AboutUs>

- 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 efficient enforcement of the environmental policy (Ministry, Agency, Fund);
- Through harmonisation of the Croatian legal and institutional environmental protection framework with that of the European Union.

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 policy efficiently to the state administration, 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 efficient environmental policies.

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

Finally, the **Environmental Protection and Energy Efficiency Fund**³⁰

The Environmental Protection and Energy Efficiency Fund (Fund) was established in 2004 by the 2003 Act on the Environmental Protection and Energy Efficiency Act (No 01-081-03-2395/2) with the aim to strengthen environmental financing of conservation, sustainable use, protection and improvement of the environment and also financing of energy efficiency and renewable energy sources. EPEEF is an extra-budgetary fund. The operation and structure of EPEEF are defined in the 2003 Act and the 2003 Statute of the Environmental Protection and Energy Efficiency Fund (OG No. 107/03) that was approved by the Management Board of EPEEF with the consent of the Government. 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 charges for motor vehicles. Which are being used to finance programmes and projects determined in accordance with the country's strategic and policy documents related to the environment and energy.

B. Management authorities for PAs (including MPAs) in Croatia: the Public Institutions

In Croatia, according to the Article 130 of the NPA, PAs (including MPAs), are managed by Public Institutions (PIs).

According to Article 131 of the NPA the main role of those PIs is: *"the activity of protection, maintenance and promotion of protected area with the purpose of protection and conservation of the authenticity of nature, safeguarding the undisturbed running of natural processes and sustainable use of natural resources, and ... control the enforcement of the nature protection requirements and measures on the territory they manage and participate in data gathering activities with the purpose of monitoring the state of nature conservation."*

Depending on the PA's denomination category, PIs are established as it follows (Article 130):

- public institutions in charge of managing a national park and nature park shall be established by the Republic of Croatia (regulation);
- public institutions in charge of managing other PAs and/or other protected parts of nature shall be established by a county assembly (decision of the county assembly or if the institution is on a municipality/town level, then the decision is the one of a municipality/town assembly);

PIs for the management of national parks or nature parks may also manage other PAs if they are located on the territory of a national park or nature park or adjacent thereto or located just by the border thereof.

The NPA provides for a possible centralization of the management of PAs of national importance (Article 130). In such a case the Government may establish a public institution in charge of managing all protected areas of national importance by virtue of the regulation.

III. PROTECTED AREAS SPECIFIC GOVERNANCE AND MANAGEMENT

A. Governance

Governance authority over PAs (including MPAs) of national importance lies with the Ministry while governance authority for PAs of local importance lies with the administrative bodies of a county.

Governance authority primarily concerns the issuance of administrative acts in the form of administrative decision as a result of the administrative procedure carried out according to The General Administrative Procedure Act (OG 47/2009). Administrative act is an act by which a competent administrative body in the performance of its public authority decides on specific *rights or obligations* of a specific natural or legal person in an administrative matter. An administrative act issued by the Ministry may be challenged by a legal or natural person before a competent Administrative court, while an administrative act issued by the administrative body of a county can be appealed at the Ministry and eventually challenged before an Administrative court.

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

PIs are not authorized for issuing administrative acts except when granting concessional approvals.

Types of activities, interventions and projects allowed within PAs through administrative acts, according to the NPA, were explained earlier under section A.1. The Nature Protection Act (NPA).

Governance authorities over PAs according to the NPA also include some other authorities related to the administrative supervision over activities of PIs, inspection as a form of direct supervision carried out in PAs, or a power of the Minister to issue an executive order banning visiting of PAs under certain conditions prescribed by Article 146 of the NPA.

A.1. Legal mechanism concerning the designation procedure/abolishment of PAs (including MPAs)

The designation procedure concerning PAs is fully described in the NPA (Articles 123 to 128).

Competent authorities for designation of PAs according to Article 123: *“(1) A national park and nature park are designated by law by the Croatian Parliament. (2) Strict and special reserves are designated by the Government of the Republic of Croatia by the regulation. (3) A regional park and important landscape are designated by the assembly of a responsible county subject to the prior approval of the Ministry and of the central state administration body³¹ competent for agriculture, fishery, forestry, water management, maritime affairs and economy. (4) A nature monument, forest park and park landscaping monument are designated by the assembly of a responsible county subject to the prior approval of the Ministry and to the prior approval of the central state administration body competent for forestry in the case of forest park. (5) Designation of a protected area located within the boundaries assigned by special regulation as an area of special interest for national defence shall be prohibited.”*

Legal requirements for designation acts according to Article 124:

“(1) A proposal of an act of designation shall be founded on:

- an expert base document (baseline study) drawn up by the SINP requested by the Ministry, which shall establish the assets/values of the area to be protected and the method for managing the area,*
- a statement drawn up by the body passing the act of designation concerning the funds provided for the management of the protected area,*
- special geodetic base proposal for the registration of the legal regime at the cadastre and the land registry.*

(2) The expert base document (baseline study) referred to in paragraph 1 of this Article shall include a detailed description of characteristics and values of the area to be protected, evaluation of the state of that area, consequences ensuing from the adoption of an act of designation, especially with regard to

property rights and present business activities, as well as the estimate and sources of funds necessary for implementing the act on the designation of the protected area.”

Content of an act of designation according to Article 126: *“The act on designation of a protected area shall include:*

- the name and category of the protected area,*
- a description of the borders of the protected area,*
- a cartographic view of the protected area in analogue and digital form, which is integral part of the act on the designation of the protected area,*
- an indication of the scale of cartographic views,*
- special geodetic base proposal for the registration of the legal regime at the cadastre and the land registry.”*

Legal requirements for providing public information on designation of PAs according to Article 125: *“(1) The public shall be informed of the proposal for the designation of a protected area. Informing the public implies that access is provided to the public concerning the proposed act on designation of the protected area as well as to the expert base document (baseline study) containing cartographic documentation. (2) The procedure of providing public access to the information related to the designation of national parks, nature parks, strict reserves and special reserves shall be organised and implemented by the Ministry. (3) The procedure of providing public access to the information related to the designation of regional park, nature monument, important landscape, forest park and park landscaping monument shall be organised and implemented by the county. (4) Public access shall be provided for a period of at least 30 days. (5) Notification on the provision of public access shall be published in at least one mass media organ as well as on official web page of the body referred to in paragraphs 2 or 3 of this Article and it shall include instructions as to the place where cartographic and other documents related to the proposed protection may be examined. (6) The body issuing the proposal on the act of designation of a protected area must issue an opinion on the observations submitted during public access, and the observations submitted and the opinions shall become an integral part of the documentation presenting the grounds for the proposal on the designation.”*

Finally, Article 128 refers to the act of abolishment of protection:

(1) Where the characteristics for which the protected area was designated as such disappear, the competent body referred to in Article 123³² shall pass an act abolishing the protection. (2) Proposal of an act abolishing the protection passed by the Croatian Parliament or by the Government is founded on the expert base document (baseline study) created by the SINP. (3) Assembly of a responsible county shall pass an act abolishing the protection subject to the prior opinion of the SINP and to the approval of the Ministry. (4) The provisions of Article 125 of this Act shall also apply in due manner to the procedure of informing the public on an act abolishing the protection.

31 These are the competent ministries e.g. Ministry of Agriculture, Ministry of Economy etc.

32 The body passing the act on designation.

(5) An act abolishing the protection along with the list of lots where the protection is abolished shall be forwarded to a competent local cadastre office for deletion of the special legal regime from the evidence. (6) After the competent local cadastre office registers the abolition of the protection it shall - by official 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 virtue of the specific legal act on the designation of a PA. Specific denomination category of a PA is 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.

Specific management of a PA is further elaborated by secondary legislation acts³³:

- 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 characteristics³⁴

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 for a period of ten years, with the option of modification and/or amendment after five years. PIs’ steering councils must deliver an annual report concerning the realisation of a management plan to the Ministry or to the executive body of a county, city or municipality and to the SINP. Content of the management plan, procedure for its adoption, modifications and amendments will be regulated by an ordinance passed by the Minister. PIs are obliged to provide public access to management plan proposals in accordance with The Environmental Protection Act (OG 80/2013).³⁵

In terms of enforcement of PAs management plans the NPA stipulates that legal and natural persons exercising an activity in a PA must adhere to the management plan. Consequently, exercising an activity in a PA contrary to its management plan is an administrative offence (misdemeanour) for which an administrative fine will be imposed 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). Similar provision existed in the former NPA. According to sources in the Nature Protection Inspectorate no one was ever charged for this particular offence. The reason for this is that this type of provision is legally impossible to be enforced before any competent court. Being a strategic document a management plan is not a legal act. Even more important is that an offence (misdemeanour) must not be legally defined in such a general manner or without certainty. As was already explained, similar issues of enforcement exist in relation to Ordinances on protection and conservation.

It is to be noted that management plans are not completed for all MPAs.

Annual programme for protection, maintenance, conservation, promotion and use of a protected area

This annual programme is a strategic document adopted by a steering committee of a PI subject to the approval of the Ministry and the prior opinion of the SINP for a national park and nature park or subject to the approval of the executive body of a county, city or municipality and the prior opinion of the SINP for other categories of PAs.

B.2. Definition and categories of PAs (including MPAs)

According to the Nature Protection Act of Croatia (Article 9 (50)): “*protected area means a clearly defined geographical space designated for the protection of nature and managed to achieve the long term conservation of nature with associated ecosystem services.*”

This definition is therefore consistent with IUCN definition of PA.

According to The Nature Protection Act (OG 80/2013) in Croatia there are 9 national categories of protection, 7 of which are aligned with IUCN categories³⁶ as shown in table 1.

33 Those secondary acts were previously presented under section A.2.

34 Previously presented under section A.1.

35 This is further elaborated in Part II.

36 Agricultural and Biological Sciences » “Protected Area Management”, book edited by Barbara Sladonja, ISBN 978-953-51-0697-5, Published: August 8, 2012 under CC BY 3.0 license . Chapter 5 Development Prospects of the Protected Areas System in Croatia by Ivan Martinić, Barbara Sladonja and Elvis Zahitla DOI: 10.5772/50482

Table 1: Definition and categories of protected areas in Croatia

Protection category	Intent	IUCN category	Manag. level
<i>Strict reserve</i>	Conserve intact nature, monitor the state of nature and education	Ia	county
<i>National park</i>	Conserve intact natural values; larger area, various ecosystems; scientific, cultural, educational and recreational intent	II	national
<i>Special reserve</i>	Conservation due to its uniqueness, rarity or representativeness or is an endangered habitat/endangered species habitat	IV	county
<i>Nature park</i>	Protection of biological/geological and landscape diversity, scientific, educational, cultural, , recreational intent	V	national
<i>Regional park</i>	Protection of biological/geological and landscape diversity representative for the specific region,	V	county
<i>Nature monument</i>	Single feature; Ecological, scientific, aesthetic or educational intent	III	county
<i>Significant landscape/ seascape</i>	Conservation of landscape values and biological/geological diversity, or preserved unique characteristics,	V	county
<i>Forest Park</i>	Conservation of natural or planted forests of greater biodiversity and/or landscape value, rest and recreation	No adequate IUCN category	county
<i>Horticultural monument</i>	Conservation of artificially developed areas (city parks, botanical gardens etc.) having aesthetic, stylistic, artistic, cultural, historic, educational values	No adequate IUCN category	county

IUCN PA's definition and categories apply to both terrestrial and marine protected areas.

According to IUCN, 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".

In applying the categories system, the first step is to determine whether or not the site meets this definition and the second step is to decide on the most suitable category. The appropriate IUCN category is assigned based on the primary stated management objective of the MPA (which must apply to at least 75% of the MPA)³⁷.

Protected areas in the world have different designations, and are managed with different objectives. In order to facilitate their organization and foster the use of a common standard at international level, the IUCN designed a global categorization system. The system adopted by the members of IUCN in 1994 recognizes six categories assigned according to the management objectives of the PAs³⁸. The definition of these categories

by management objective was elaborated in the 2008 IUCN-WCPA guidelines for applying protected area management categories³⁹. The table below gathers those definitions⁴⁰:

As shown in table 1, there are 9 categories of protected areas in Croatia, of which 7 may apply to marine protected areas. The two categories that could not apply to classify MPAs are forest park and park landscaping monument. Croatian categories are aligned with IUCN WCPA management categories for PAs and others are also introduced.

This Croatian definition of a protected area is consistent with the IUCN definition of PAs (see table 2) except for the cultural values part. Nonetheless, cultural values and assets are recognized and bear certain importance in the NPA and the value of conservation for some of PAs is increased also because of their cultural status.

37 The authors of the present document suggest the reading of the *Guidelines for applying the IUCN Protected Area Management Categories to Marine Protected Areas*. Day J., Dudley N., Hockings M., Holmes G., Laffoley D., Stolton S. & S. Wells, 2012. Gland, Switzerland:IUCN.

38 IUCN-WCPA. 1994. *Guidelines for Protected Area Management Categories*. IUCN and WCMC, Gland, CH.

39 Dudley, N. (Editor) (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN. x + 86pp.

40 Lausche, Barbara. (2011). *Guidelines for Protected areas Legislation*. IUCN, Gland, Switzerland. Xxvi+370 pp.

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 areas may serve as indispensable reference areas for scientific research and monitoring.
Category I b: Wilderness area	Protected areas are usually large unmodified or slightly modified areas, retaining their natural character and influence without permanent or significant human habitation, which are protected and managed so as to preserve their natural condition.
Category II: National park	Protected areas are large natural or near-natural areas, set aside to protect large-scale ecological processes along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities.
Category III: Natural monument or feature	Protected areas are set aside to protect a specific natural monument, which can be a landform, sea mount, submarine cavern, geological feature such as a cave or even a living feature such as an ancient grove. They are generally quite small protected areas and often have high visitor value.
Category IV: Habitat/species management area	Protected areas aim to protect particular species or habitats, and management reflects this priority. Many category IV protected areas will need regular, active interventions to address the requirements of particular species or to maintain habitats, but this is not a requirement of the category.
Category V: Protected landscape/seascape	A protected area where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural and scenic value, and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.
Category VI: Protected area with sustainable use of natural resources	Protected areas that conserve ecosystems and habitats, together with associated cultural values and traditional natural resource management systems. They are generally large, with most of the area in a natural condition, where a proportion is under sustainable natural resource management and where low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of the area.

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 significant landscapes/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. Supervision

Direct supervision (surveillance) in PAs (including MPAs) is carried out by the ranger service of a PI managing a protected area (Article 206 of the NPA).

Should rangers in exercising control encounter any person performing activities in a PA incurring misdemeanour liability they have the right and obligation to request an identity card or another document in order to identify such a person, to give orders and warnings, to inspect a person, luggage, vehicle or a vessel, to temporarily restrict movements in a designated area, to secure a location, to collect a fine, indemnity or compensation for costs incurred from the perpetrator and issue a receipt for the fine collected, to temporarily seize any illegally acquired part of living or non-living nature belonging to the protected area as well as the means by which illegal acquisition has been effected, to request the restoration of the former state or to order measures for preventing and eliminating damaging consequences, to pronounce an administrative measure, to bring criminal charges and to initiate misdemeanor (administrative offence) proceedings (Article 209 of the NPA).

Inspection supervision over the application of the NPA and the related secondary legislation is carried out by the officials of the Nature Protection Inspectorate within the Ministry. Inspection supervision in a PA is also carried out by other inspectorates authorized pursuant to *leges speciales* regulating environmental protection, agriculture, forestry, hunting, fishery, water management, mining, veterinary and health (coordinated inspection supervision) in a manner stipulated by the NPA and those *leges speciales*. Coordinated inspection supervision does not exclude independent activities of other inspectorates within their competences pursuant to *leges speciales* (Article 210 of the NPA).

Police officials of the Ministry of the Interior and authorised officials of the Coastguard of the Republic of Croatia carry out inspection supervision in the case in which there is a reasonable doubt concerning violation of the provisions of the NPA and the related secondary legislation, while the inspectors are not present or are not capable of intervening. Authorised officials of the Coastguard may carry out inspection supervision in the internal sea waters and the territorial sea of the Republic of Croatia or in the area of the Environmental Protection and Fisheries Zone of the Republic of Croatia or the Exclusive Economic Zone of the Republic of Croatia pursuant to *lex specialis* (Article 211 of the NPA).

D. Financing

As written before, the Environmental Protection and Energy Efficiency Fund (EPEEF) is an extra budgetary fund used for some additional financing of projects. Nevertheless, the annual funding mechanism for PAs (including MPAs) is provided from the State Budget, the budget of a county, city or municipality, income from the use of protected parts of nature, income from compensation fees, other sources laid down in this Act and *leges speciales* (Article 132 of the NPA), including international collaboration and implementation of international projects financed from different sources including EU funds.

It should be underlined that the development of tourism in Croatia has led to an increase in the number of visitors in PAs (including MPAs) which in turn generated increased revenues, allowing for the allocation of a significant portion of these funds to nature protection activities. National and nature parks use these funds in the construction of infrastructure, research, monitoring, etc.



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Part II

Stakeholders' analysis for marine protected areas in Croatia

I. NON INSTITUTIONAL STAKEHOLDERS FOR MARINE PROTECTED AREAS

Beside government bodies and management authorities who were described in PART I, there are other types of stakeholders for MPAs. They may be grouped as follows:

- Civil society (not for profit) : this group includes universities, research institutes, NGOs, local community organizations, etc.
- Private sector (for profit): this group gathers firms, professional fisheries organizations, tourist operators, coastal developers, etc.
- Other stakeholders and general public

A. Civil society (not for profit)

A.1. Academic and marine research institutes

The main marine academic and research institutes in Croatia are shortly described hereafter. They could be involved in research, training or education on the marine environment and eventually participate in the MPAs scientific committees

■ Institute of Oceanography and Fisheries⁴¹

The Institute of Oceanography and Fisheries in Split was established in 1930 as the first national scientific and research institutions engaged in marine research. Mainly, it conducts research in the very complex field of biological, chemical and physical oceanography, sedimentology, and fisheries biology and aquaculture.

■ Institute of Marine and Coastal Research, University of Dubrovnik⁴²

The activities of the Institute concern the research of natural features in the Adriatic Sea and its coastline, in particular research into the structure and processes of ecosystems, use

and interpretation of scientific information for the benefit of developing and furthering the cooperation of research scientists with similar institutes and scientific groups both nationally and abroad, education and cultural activity, as well as the provision of professional services to interested users. The Institute carries out environmental protection work: elaboration of environmental studies, elaboration of expert studies, and monitoring of living marine resources and sea quality.

■ The Ruđer Bošković Institute⁴³

Based in Zagreb, the RBI is the largest research institute in Croatia. Within RBI, there are two extension units of interest for MPAs:

Center for marine research, Rovinj

The Center for Marine Research (CMR) is an interdisciplinary center, whose activities are focused upon basic and applied oceanographic research.

Marine Station Martinska, Sibenik

It is an extension unit of DMER/RBI and supports education, research, ecology and environmental protection in Sibenik-Knin County.

■ Faculty of Maritime Studies, University of Rijeka⁴⁴

The Faculty of Maritime Studies, University of Rijeka, founded in 1949, was the first maritime education and training institution of higher education in Croatia. Since 1982 the Faculty has run M.Sc and PhD courses in maritime and transport studies. One of its principal objectives is the protection of the marine environment. The faculty focuses more in nautical and marine engineering studies, shipping and transportation logistics/management, transport technology, maritime communications and marine electronics. Nevertheless, preservation of natural and ecological balance in marine and coastal life is another important aspect at which scientific effort is directed.

41 <http://www.izor.hr>

42 <http://www.imp-du.com>

43 <http://www.irb.hr/>

44 <http://www.pfri.uniri.hr>

■ University of Zadar⁴⁵

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 some of the higher education and research activities to these areas”.

Other stakeholders that can contribute to MPAs are the [Department of Biology, Faculty of Science, University of Zagreb⁴⁶](#) and the [Croatian Natural History Museum⁴⁷](#).

A.2. Non-governmental organizations (NGOs)

NGOs can play a key role in the promotion, identification and management of MPAs. They can be involved in the following activities:

- Public awareness, education;
- Linkage between local and national interests;
- Capacity enhancement
- And eventually, management.

The main NGOs working for the conservation of MPAs and public awareness on environmental issues and the marine environment are shortly described hereafter.

■ Sunce, Association for Nature, Environment and Sustainable Development⁴⁸

Sunce was established on September 15 1998 in Split, as a response to the society’s growing needs for improving of environmental quality, identifying and solving issues on environmental protection, and maintain environmental processes. At first, activities of Sunce were directed towards solving local problems, nevertheless, today the NGO acts at local, national and international level.

■ REC Croatia⁴⁹

The Croatian office of the Regional Environmental Center for Central and Eastern Europe conducts projects among other objectives to promote sustainable development in local communities, to train local and regional governments about the environmental legislation of the European Union, and to support the development of NGOs in the South-East Europe.

■ Friends of the Earth Croatia (FoE-Croatia)⁵⁰

Zelena Akcija, Friends of the Earth Croatia, was created in January 1990. Based in Zagreb, Zelena Akcija is actively involved in environmental issues of local, national and international significance. The organization’s main campaigns concern: renewable energies and climate change, Local Agenda 21, a “green phone” line for the public, genetically-modified organisms, nature protection (forests, protected areas) and trade. The NGO has previously campaigned in the department of MPAs, and may potentially again in the future.

■ Blue World⁵¹

The Blue World Institute of Marine Research and Conservation was founded in 1999 on the island of Lošinj, Croatia. It was set up with the intention to carry out scientific research and conservation projects and promote environmental awareness in the Lošinj-Cres archipelago, Croatia and Adriatic region as a whole. Blue World cooperates with a number of organisations and institutions in Croatia and abroad. Blue World is a partner of ACCOBAMS.

■ Aquarium Pula⁵²

The Marine turtle rescue Centre was founded in 2006. and it is first centre of that kind in Croatia. It operates within “Aquarium Pula” and the association “Marine Educational Centre Pula”.

The criteria for the centre to be accepted by the Directorate for Nature Protection, Ministry of environmental and nature protection (former Ministry of Culture) were, amongst others, the existence of conditions for the care of turtles of various sizes and highly skilled professional staff, as well as previous success in this area.

Apart from the care and treatment of sea turtles, the centre activities include turtle tagging in the field and informing the local population, especially fisherman, who are commonly in contact with turtles, as part of their everyday job.

45 <http://www.unizd.hr/hr-hr/english/aboutus.aspx>

46 <http://www.pmf.unizg.hr/biol/en>

47 <http://www.hpm.hr/>

48 <http://www.sunce-st.org>

49 <http://croatia.rec.org>

50 <http://www.zelena-akcija.hr>

51 <http://www.blue-world.org/en/mission/>

52 <http://www.aquarium.hr/en/about-us/>

B. Private sector (profitable)

Private sector (profitable) group of MPAs stakeholders involve all those interest groups or individuals who use natural resource in MPAs or depend on MPAs.

Stakeholders in existing MPAs differ in accordance with specific categories of protection which allow for different types of activities. Consequently the stakeholders are different in national parks MPAs where commercial activities are basically not permitted (unless connected to visiting⁵³) than the stakeholders in those MPAs where some form of commercial activities are permitted (special reserves, nature parks).

In that regard stakeholders in MPAs include:

- **fishermen** (individual fishermen, fishing companies or fishermen associations pursuing commercial fishing, small-scale coastal fishing, small-scale fishing, sports fishing, recreational fishing or tourist fishing)⁵⁴ and fish and shellfish farmers (aquaculture in special reserves).
- **Agricultural producers** who operate in MPAs include mainly cattle farmers (sheep and goats primarily), olive trees farmers, grape growers, bee keepers, medicinal herbs gatherers, etc.
- Tourism in MPAs involve nautical **tourism operators** (marina operators⁵⁵, yachting charters etc.), as well as individuals and companies running different forms of touristic facilities (hotels, vacation rental apartments, camps) and offering a range of touristic services. **Tour operators** (companies or individual tourist boats operators) specialised in touristic visits/trips to MPAs is another important group of stakeholders, as well as local tourist boards.
- **Shipping companies** connecting islands to the mainland by operating regular passenger and cargo transport services are also present as stakeholders.

53 "...exercising catering, tourist and recreational activities in connection with visiting, as well as other activities ... may be permitted" according to Article 113 of the NPA.

54 Specific type of fishers as stakeholders in MPAs will be possible to identify clearly once the Ordinances on protection and conservation are adopted since these acts will contain restrictions for fishing activities in MPAs, according to the Marine Fisheries Act.

55 As an example of a yachting marina in a national park: 'ACI Marina Piskera' operates in the 'Kornati' National Park. <http://www.aci.hr/hr/marine/aci-marina-piskera>

C. Other stakeholders and general public

Other stakeholders include private land owners⁵⁶, the Roman Catholic Church as a legal person who owns significant portions of property in some MPAs⁵⁷ or is engaged in legal processes claiming the ownership and repossession of its property confiscated during the existence of the Socialist Federal Republic of Yugoslavia. Croatian military may also be included in the list of MPAs stakeholders as it operates certain military facilities in some MPAs. Also, there are local communities represented by their local political representatives and general public.

II. EXISTING STAKEHOLDERS' PARTICIPATION SCHEME/ PROCESS FOR MARINE PROTECTED AREAS

A. Stakeholder participation described in the law

Chapter X of the NPA provides for access to information and public participation (Article 198 – 200).

Competent bodies are obliged to provide public access to information concerning state of the nature and its protection. Public participation is secured for nature protection legislation and documents proposals.

Stakeholders' participation for MPAs in terms of legally prescribed obligations exists only in relation to MPAs designation procedure and in the form of public consultations concerning proposals of management plans and secondary legislation acts (Ordinances on protection and conservation) and documents affecting their interests.

Indeed, public consultations for MPAs designation procedure are regulated in details in Article 125 of the NPA⁵⁸. Future stakeholders being part of general public must be informed of the proposal for the designation of MPA. Consideration should be given to their comments and observations. Authorised body issuing the proposal on the act of designation of an MPA must issue an opinion on the observations submitted during the public consultation procedure.

In a similar manner, proposals of management plans and secondary legislation acts (Ordinances on protection and conservation) are provided for a public review and consultation procedure. PIs and the Ministry have to take into consideration stakeholders' remarks and objections on the acts and documents being proposed.

Nevertheless, effective scheme is not developed in terms of stakeholders' participation in the day-to-day management of MPAs.

Management plans present a tool and provide for some limited forms of stakeholders' participation in the management of MPAs. Effective stakeholders' influence on the management of

56 For instance the 'Kornati' National Park is mostly owned by individual private owners.

57 This is the case in the 'Mljet' National Park.

58 Designation procedure is explained in Part I.

MPAs in reality takes place through informal and direct contact and negotiations of stakeholders with representatives of PIs. Also, stakeholders tend to exert influence on the management of PIs through the Ministry. In that regard the Nature Protection Directorate receives a number of stakeholders' objections and complaints on a daily basis. Officials in the Directorate have limited authorities in relation to the operations of PIs due to the PIs being independent legal persons operating in accordance with the NPA and the Law on Institutions (OG 76/93, 29/97, 47/99 and 35/08). Administrative supervision procedure is the most important legal tool (authority) of the Ministry over the operations of PIs⁵⁹, but has limited effect in terms of providing more efficient stakeholders' participation in the management of MPAs.

The most effective way for the stakeholders to participate in the day-to-day management of MPAs is to have stakeholders' representatives included into the of the management board PIs for the management of the MPAs. Until 2004 there was an effective scheme which involved stakeholders' representatives as members of management boards of the PIs. In that regard management boards were consisted out of representatives of scientific community, local community, the Nature Protection Directorate and political representatives. Since 2004, this scheme was effectively abandoned and the management boards members are determined exclusively politically while formally appointed by the minister.

Other than that it is up to representatives of the PIs and NGOs to maintain inclusive relationships with stakeholders through their efforts directed into regular meetings, consultations, campaigns, workshops and seminars.

B. International projects and networking

Some major projects took place in the last years in Croatia:

— MedMPANet Pilot Project in Croatia (Sub-component 3.1 of the MedPartnership): Regional Project for the Development of a Mediterranean Marine and Coastal Protected Areas (MPAs) Network through the boosting of MPAs Creation and Management. The present study is made under this project. Running between 2010 and 2014, it is executed by UNEP/MAP-RAC/SPA, funded by EC, AECID and FFEM and is locally coordinated by the Ministry of Environmental and Nature Protection, Public Institution for Management of Protected Areas in County of Primorje and GorskiKotar - Public Institution Priroda, and State Institute for Nature Protection (SINP). It aims at improving MPA management at local level through filling gaps in ecological studies, a fishery studies and capacity building activities for the inventory of marine biodiversity (Posidonia meadows and Coralligenous habitats), in the County of Primorje & Gorski Kotar. The project is thus assisting the Croatian Government in implementing SPA/BD Protocol as well as supporting implementation of Habitats Directive provisions (e.g. implementation of Natura 2000 network, establishment of monitoring of conservation status).

59 During 2012 most of the PIs for the management of national parks and nature parks were supervised.

— the Strengthening of the Marine Protected Areas Network in Croatia, MedPAN South Pilot Project (collaboration of Sunce and WWF): it aimed at improving the management effectiveness of Croatian Marine Protected Areas (MPAs) by assisting the management bodies, and relevant institutions, in capacity building, participatory developing concerted management plans and by promoting their networking and full integration in the existing Network of MPAs Managers in the Mediterranean - MedPAN.

— IPA 2007 project "Identification and setting-up of the marine part of Natura 2000 network in Croatia – marine NATURA 2000

— Preparatory phase (July, 2012 – September, 2013) of the GEF-funded full-sized project entitled "*Strengthening the institutional and financial sustainability of the national protected area system*"⁶⁰: coordinated by UNDP and the Ministry of Environment and Nature Protection, Nature Protection Directorate. Overall objective is "to conserve globally significant marine and terrestrial biological diversity in Croatia, through effective management of the PA system".

— The GREEN Programme (UNDP): Environmental Governance Programme⁶¹.

As far as energy and environment are concerned, Croatia has invested, with the support of international partners, in a number of initiatives and projects which main focus are climate change and biodiversity.

Regarding networking for MPAs and marine conservation, Croatia and/or Croatian MPAs are members of the following regional initiatives:

■ The MedPAN⁶², Network of MPAs Managers in the Mediterranean.

Members: Brijuni National Park; Kornati National Park (founding member); Lastovo Islands Nature Park Public Institution; Mljet National Park; Public Institution for Management of Nature protected areas in Dubrovnik Neretva County; Public Institution of Priroda; Public Institution for Management of protected areas in Šibenik-Knin County; Telašćica Nature Park Public Institution.

Partners: Blue World Institute of Marine Research and Conservation; Public Institution for Management of Protected Areas in ZADAR; Sunce - Association for Nature, Environment and Sustainable Development.

MedPAN's vision of the roadmap for 2020:

"To achieve by 2020 a connected, ecologically representative, effectively managed and monitored network of Marine Protected Areas which ensures the long term conservation of

60 http://www.undp.org/content/croatia/en/home/operations/projects/environment_and_energy/Strengthening_the_National_Protected_Area_system.html

61 <http://www.hr.undp.org/content/croatia/en/home/ourwork/environmentandenergy/overview/>

62 <http://www.medpan.org>

the key components of the marine biodiversity and gives solid support to the sustainable development of the region."

Four strategic objectives for the roadmap 2020:

- Establish an ecological network of MPAs which is representative and connected
- Achieve an effective, efficient and sustainable management and a good governance in Mediterranean MPAs
- Develop a territorially and sectorially integrated governance of Mediterranean MPAs while promoting the sharing of environmental and socio-economic benefits
- Increase the allocation of financial resources to establish and maintain an ecological network of effectively managed MPAs.

This roadmap is justified by the challenges still faced by the region on MPAs. Indeed, while some countries are already committed, there's still a need for:

- A stronger political commitment,
- Further effort on a national level as well as greater cooperation, coordination and mutual assistance on a Mediterranean level are needed.
- New integrated management and governance approaches must be developed at all levels and translated into political commitments.

A note about [Adriatic Protected Areas Network \(AdriaPAN\)](#)⁶³, "a bottom-up initiative", which "aim is to make contacts between Protected Areas in the Adriatic easier, to improve their partnership effectiveness, both in management and planning activities. AdriaPAN is a growing network with a great potential for joining efforts in environmental protection and sustainable development". AdriaPAN is an integral part of the wider MedPAN.

On September 24th and 25th 2013, the 4th AdriaPAN meeting was held for the first time in Croatia, at the Brijuni National Park.

■ Croatia is also member to the All, Adriatic-Ionian Initiative⁶⁴:

The All was originally founded with the aim of providing common and concerted solutions to shared problems, from fighting against organized criminality to the need to protect the natural environment of the Adriatic-Ionian Sea.

Many years after the establishment of the Adriatic-Ionian Initiative the geopolitical environment around has deeply changed. Particularly among the All Participating Countries, Slovenia in 2004 and Croatia in 2013 entered the EU while the other Adriatic-Ionian East side coastal Countries (Albania, Bosnia and Herzegovina, Montenegro and Serbia), even if with different timeframes and conditions, are gradually approaching the EU within the Stabilization and Association Process framework, as

a prelude to a future EU membership. Notwithstanding these changes, the reasons which had grounded the establishment of All still persist, and they have even become stronger across time.

■ Adriatic-Ionian Macroregion

The basic task of the Adriatic-Ionian Macroregion is the connecting the territories, it includes to promote their sustainable development and, at the same time, to protect the fragile sea, coastal and inland environment.

The Macroregion is not a geographical region with predefined boundaries; it is a functional area, composed of national, regional, and local bodies coming together to tackle a number of shared issues and it involves in territories in Albania, Bosnia-Herzegovina, Croatia, Greece, Italy, Montenegro, Serbia and Slovenia.

■ EU Strategy for the Adriatic and Ionian Region (EUSAIR⁶⁵)

At the time of writing this report, a public consultation on the EU Strategy for the Adriatic and Ionian Region (EUSAIR) had just been launched.

This public consultation aimed to reach relevant stakeholders and to gather their ideas in order to make sure that the Strategy is realistic in its starting point, appropriate in its objectives and responsive to the real needs of inhabitants of the Region. The overall objective of the EUSAIR is to promote sustainable economic and social prosperity of the Region through growth and jobs creation, by improving its attractiveness, competitiveness and connectivity while at the same time preserving the environment and ensuring healthy and balanced marine and coastal ecosystems.

63 <http://www.adriapan.org/index.php/en/home-en>

64 <http://www.aai-ps.org/>

65 http://ec.europa.eu/regional_policy/consultation/eusair/index_en.cfm



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Part III

General comments and recommendations for Marine Protected Areas in Croatia

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 some other priorities identified by the country, are based on general principles presented in 3 major documents:

- “Guidelines for Protected Areas Legislation” published in 2011 by the IUCN Environmental Law Centre⁶⁶. 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 IUCN⁶⁷.
- « Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types » published in 2013 by IUCN WCPA⁶⁸.

Those principles are themselves supported by IUCN extensive experience in the field of legal and institutional country 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.

66 Lausche, Barbara. (2011). *Guidelines for Protected Areas Legislation*. IUCN, Gland, Switzerland. xxvi + 370 pp.

67 Day J., Dudley N., Hockings M., Holmes G., Laffoley D., Stolton S. & S. Wells, 2012. *Guidelines for applying the IUCN Protected Area Management Categories to Marine Protected Areas*. Gland, Switzerland: IUCN. 36pp.

68 Dudley, N. (Editor) (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN. x + 86pp. WITH Stolton, S., P. Shadie and N. Dudley (2013). *IUCN WCPA Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types*, Best Practice Protected Area Guidelines Series No. 21, Gland, Switzerland: IUCN. xxpp.

A. Listing of MPAs in Croatia

As mentioned before, according to MAPAMED database, there are ten recognized MPAs in Croatia. However, as we remarked in PART I, Chapter III, B.2., when presenting the definition and categories of PAs in Croatia, this figure needs to be reviewed because of a number of existing PAs of local importance that include specifically defined area of the sea in their particular designation acts or PAs at sea (like marine caverns, islands) that do not include marine areas.

■ PAs not listed as MPAs whose boundaries officially include area of sea:

Important Landscapes	terrestrial area	marine area
Istra County LABIN, RABAC I UVALA PRKLOG LIMSKI ZALJEV ¹	1.043,99 ha 386,33 ha	302,53 ha 496,47 ha
Lika-Senj County ZALJEV ZAVRATNICA KOD JABLANCA	32,87 ha	8,38 ha
Šibenik-Knin County PODRUČJE KANAL – LUKA SITSKO-ŽUTSKA OTOČNA SKUPINA ²	744,90 ha 1.938,81 ha	424,28 ha 8.069,71 ha
Special Reserve	terrestrial area	marine area
DATULE – BARBARIGA	7,50 ha	417,75 ha

- 1 Lausche, Barbara. (2011). *Guidelines for Protected Areas Legislation*. IUCN, Gland, Switzerland. xxvi + 370 pp.
- 2 Day J., Dudley N., Hockings M., Holmes G., Laffoley D., Stolton S. & S. Wells, 2012. *Guidelines for applying the IUCN Protected Area Management Categories to Marine Protected Areas*. Gland, Switzerland: IUCN. 36pp.
- 3 Dudley, N. (Editor) (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN. x + 86pp. WITH Stolton, S., P. Shadie and N. Dudley (2013). *IUCN WCPA Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types*, *Best Practice Protected Area Guidelines Series No. 21*, Gland, Switzerland: IUCN. xxpp.
- 4 (Limski Zaljev - Lim Bay) Protected also as Lim Bay Special Reserve which is encompassed by Lim Bay Important Landscape
- 5 Protected also as the Kornati National Park.

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

PAKLENI OTOCI (group of islands)

OTOK RAVNIK (island)

ŠĆEDRO (island)

ZLATNI RAT (island)

RIJEKA DUBROVAČKA (bay)

OTOCI MRKAN, BOBARA I SUPETAR (group of islands)

■ Nature Monuments at sea whose boundaries do not include marine area:

Splitsko-dalmatinska county

Brusnik (island)

Jabuka (island)

Modra špilja, Medvidina špilja, Špilja na otoku Ravniku (marine caverns)

In 2012, the Directorate of Nature Protection has sent to MedPAN-RAC/SPA, within the framework of the MAPAMED project, a list of 10 recognized MPAs in Croatia. They all fall in categories of national importance, thus covering only 3 categories out of the 7 that could apply to MPAs. Some PAs of local importance could be considered as MPAs in the country and designated internationally, in order to better present the national efforts for marine conservation.

This issue needs to be addressed by further national investigation, in order not only to have an accurate list of existing MPAs in Croatia but also to ascertain that the marine parts of those PAs are effectively managed and protected. Also, Croatia might consider declaring adjacent sea area for those PAs at sea which do not include a marine area in their designation act.

B. Management

Participants to the national workshop recognized that:

- Most common issues concerning the management of MPAs are related to illegal construction, illegal fishing, waste management (marine litter), collection of entry fees, unregulated anchoring (nautical tourism impact), supervision and law enforcement which seems to be limited;
- Fines were considered very low and not dissuasive. Park rangers are trained but are not allowed to establish the infraction and pass the fine. There is limited and unsystematic support from the police. Coast guards need to be trained;
- Although it is required to prepare a plan for the protected areas system to guide its development and management when establishing it, in practice, some PAs have management plans while others are still under preparation;
- There is a lack of human capacities and experience in overall MPA management, especially in facilitation and conflict resolution, communication with local community, their involvement in park management, communication of MPAs values, issues and rules of behavior with the general public (especially visitors), monitoring and evaluation, project cycle management.

Overall, the general concern was that there was no point in establishing new MPAs if management was not improved in the existing ones. Thus, priority needs for management is law enforcement and capacity enhancement.

It is true that “*management experience with protected area categories for marine environments is much less developed than for terrestrial environments (...) experts acknowledge that there is less guidance and best practice available on how to apply the IUCN protected area categories to marine systems for management and regulation (...) in the past, many PA managers were of the view that MPAs should be either category I, II or III. As countries strive to meet global and national MPA targets, the conservation community is recognizing the growing need to use the full range of PA management categories to protect marine biodiversity.*” (Guidelines for Protected Areas Legislation, IUCN)

C. Stakeholders' participation

C.1. Ministry of Agriculture (Fisheries)

It should be noted that coordination takes place between the Ministry of Environmental and Nature Protection and the Ministry of Agriculture during the preparation phases of legal acts, like for example Ordinances on Protection and Conservation because of fisheries regimes in MPAs. Also there are mechanisms of prior approvals and opinions before certain secondary legislation acts are enacted as well as mechanism of coordinated inspection supervision.

Nevertheless, some participants to the national workshop identified „low level of cooperation between both Ministries regarding MPAs“ as a hindrance. This, according to them, might be due to the fact that the Ministry of Agriculture does not

officially recognize MPAs as a management tool for fisheries (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 the identification of the site as insufficient, mainly public consultation.

On one hand, there are efforts developed to involve public and stakeholders groups at local level in marine projects and management. The aim being to explain to them the need for marine and coastal protection, the tools to be used for the management and conservation, the values that should be protected, and the lessons learned from other projects and how to cooperate with each other.

But on the other hand, and as stated in a recent publication⁶⁹ “Although Croatia has a long experience in park policy creating and implementing, « there are evident difficulties in achieving roles of protected areas through local communities’ contribution (Martinić et al., 2008, 2009). Successful participative conservation requires a legislative framework, management understanding and determination as well as local willingness to implement conservation programs. The traditional top-down approach to nature protection in Croatia is being replaced by bottom-up conservation. This new approach treats local communities as key partners in wildlife management and calls for their participation in social development and biodiversity conservation (Sladonja et al., 2012)”.

Public participation and a multi-stakeholders approach is a very important part in making environmental governance. In the long run, the raising of environmental awareness has proved a very positive step in nature and marine conservation in Croatia, involving fishermen, local communities and the broad public, sharing and communicating existing experience and knowledge in management issues among them. Thus, there is no doubt more participation of all stakeholders in decision-making and identification of MPAs will also prove positive, to solve interest conflicts for example.

Moreover, “in sharp contrast to most terrestrial issues, the diverse institutions with marine interests and activities have little tradition of coordination or little perceived need to collaborate. (...) some mandates are outdated, or overlap, compete or leave gaps and uncertainty as to which agency should take the lead. This makes the need for institutional mechanisms for coordination and collaboration on matters related to MPAs all the more critical.” (Guidelines for Protected Areas Legislation, IUCN)

69 Agricultural and Biological Sciences. “Protected Area Management”, book edited by Barbara Sladonja, ISBN 978-953-51-0697-5, Published: August 8, 2012 under CC BY 3.0 license . Chapter 5 Development Prospects of the Protected Areas System in Croatia by Ivan Martinić, Barbara Sladonja and Elvis Zahitla DOI: 10.5772/50482

D. Legislation and policy

The national legislation with the umbrella law of the Nature Protection Act as well as the strategic document accompanying it, the National Strategy and Action Plan for the Protection of Biological and Landscape Diversity (NBSAP), both elaborate on the issue of PAs.

Nevertheless, legal framework and national strategy could be “tuned to the special threats, scientific knowledge and management challenges involved by MPAs” as recommended by IUCN Guidelines for Protected Areas Legislation.

“Today, scientists and policy experts alike recognize that MPAs require special legal consideration to address their distinct features. In response, states are increasingly enacting legislation to take into account the unique challenges of marine ecosystem management and conservation”. Thus “it is important to review special aspects of the marine environment that present special challenges which need to be reflected, as appropriate, in legislation”.

“A number of characteristics of marine ecosystems make them inherently different from terrestrial systems. These differences, it is now recognized, require special legislative treatment if the legal framework is to be effective in supporting marine and coastal protected areas.”

The same approach could be applied with policy. Indeed, Croatia could include specific objectives for MPAs in the NBSAP (currently under preparation. This is in line with the CBD global NBSAP process to integrate all biodiversity related topics in one strategy in the framework of the new 2011-2020 biodiversity strategy, and in line with the decisions of different biodiversity related multilateral environmental agreements (e.g. CMS, CITES).

Hence, this will help the country in defining objectives for declaring future sites in order to build a representative MPA network.

“Policies on marine and coastal protected areas could emphasize general goals such as the following:

- (a) Establish and maintain a network of MCPAs that is comprehensive and representative for the purpose of conserving the full range of marine habitats and ecosystems, giving priority protection to those which are rare or unique;
- (b) Advance through national action the worldwide network of MCPAs;
- (c) Promote regional cooperation on shared marine resources and important marine ecosystems;
- (d) Provide for the continued social and economic well-being of people affected by the creation of MCPAs;
- (e) Promote the use of a wide range of governance approaches for the management of MPAs.”

(Guidelines for Protected Areas Legislation, IUCN)

Croatia is a party to all nature protection international agreements (see Annex 1) which can serve to the country as an opportunity but also obligation in order to create laws and policies for the establishment and protection of MPAs.

Participants to the workshop noted that there were issues with the implementation of internationally designated sites because they are not transposed into national legislation, for instance World Heritage sites and Ramsar sites (managed as PAs). Indeed, there are five Ramsar sites in Croatia, of which one encompasses marine area.

The NSBAP, as an obligation of the Convention of Biological Diversity, is a positive step towards harmonization with the International conventions.

The process of accession of the country to the EU has also worked as an important drive for Croatia in harmonizing with the *EU Acquis* and protecting different habitat types. The creation of the Ecological Network was an important step towards this direction. Now that Croatia is a Member State, the Natura 2000 network will provide further opportunities as well as more obligations.

“In 2007, the Commission of the European Communities issued guidelines on how to implement the Directives with respect to the EEZ. The Guidelines for the establishment of the Natura 2000 network in the marine environment (EC, 2007), include discussion of different marine zones, legal aspects for implementing environmental legislation in the marine environment, marine habitats types, and how to locate and select marine Natura 2000 sites. Legal drafters in EU Member States should be familiar with these guidelines as background to formulating legal provisions for designating MPAs out to their EEZs in order to be in compliance with these Directives.” (Guidelines for Protected Areas Legislation, IUCN)

E. Institutions

The last two decades, environmental protection in Croatia has over-passed a series of changes of institutions and authorities responsible for the protection and conservation of nature and Protected Areas. Since 2000, institutional set up has strengthened at the state and county/local level – raising nature protection activities to the level of the Ministry and establishment of the Nature Protection Directorate, establishment of the State Institute for Nature Protection (SINP) as the central expert institution for nature protection, intensification of the procedures for establishment and start of operation of county public institutions for the management of protected natural values (currently 20 in total).

In Croatia, the general principle is Governance by government at state or regional level, with rudiments of delegated management.

This institutional model might encompass certain limits as far as MPAs designation and management are concerned. Indeed, a recent report published by UNDP Croatia entitled “Review of alternative institutional framework scenarios, April 2013”, in the framework of the preparatory phase of the project *Strengthening the institutional and financial sustainability of the national protected area system* has underlined the need for Croatia to consider institutional reform regarding Protected Area system.

F. Tourism

Over the past ten years, tourism has brought significant revenues, enabled the revitalization of many rural areas of the country and promotion of protected areas, especially national parks and nature parks but also brought negative effects.

Indeed, while the significant increase and development of tourism capacities and activities, and a high concentration of people often pose a threat to valuable habitats and sensitive ecosystems, and to the plant and animal species within, it is also one of the most important driving forces of economic development.

It is important that 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 more detailed analysis of the **impact of tourism** on certain areas, specific plant and animal species, their habitats, and entire ecosystems and ecosystem services.

As a further reading, the authors recommend the following paper: “Sustainable Tourism: Benefits and Threats for MPA’s” written by K.V.S.N Jawahar BAbu, KMM Colleges. December 4, 2012⁷⁰.

G. Environmental integration

According to the European Commission website, environmental integration « means making sure that environmental concerns are fully considered in the decisions and activities of other sectors »⁷¹.

Indeed, since 1997, it is a requirement under the EC Treaty. Article 6 of the Treaty states that «environmental protection requirements must be integrated into the definition and implementation of the Community policies [...] in particular with a view to promoting sustainable development».

The importance of integration is reaffirmed in the Sixth Environment Action Programme which stipulates that «integration of environmental concerns into other policies must be deepened» in order to move towards sustainable development.

As we saw before, Croatia has already engaged in this path, including regarding the energy sector.

Hereafter, some useful links to EU guidelines are given:

- http://ec.europa.eu/environment/integration/energy/index_en.htm : Energy and environment
- http://ec.europa.eu/environment/nature/natura2000/management/docs/Wind_farms.pdf
- Guidance note on the application of Directive 85/337/EEC to projects

related to the exploration and exploitation of unconventional hydrocarbon:

<http://ec.europa.eu/environment/eia/pdf/Annexe%202.pdf.pdf>

70 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2184720

71 <http://ec.europa.eu/environment/integration/integration.htm>

II. Synthesis

The table below is based on a format developed by IUCN ELC and synthesizes the comments and proposals considered during the workshop. The first column lists the issues / topics and is used as a checklist. The second column summarizes the latest position with regard to each question / subject. The third column defines the issues / priorities to be taken into account for each question / topic.

Assessment, Status and Priorities to consider concerning the Marine Protected Areas legal and institutional framework in Croatia		
Items for assessment	Status and planned changes	Priorities to consider
Protected Areas Generic Legal Framework		
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...).	Croatia has applied for entering the European Union, to be effective in 2013
2	What are the primary protected area legal instruments? <ul style="list-style-type: none"> • Give the full title of each (if there is more than one) and the year adopted or issued. • Does the legal instrument govern the protected areas system overall (both terrestrial and marine protected areas), or is there a specific instrument for the marine protected areas system; explain 	In Croatia, the Nature Protection Act is the only instrument for protection and integrated conservation of nature and its assets. There is no specific instrument for Marine Protected Areas, but the marine environment and waters are considered in the Nature Protection Act or in the National Biodiversity Strategy. Revised Nature Protection Act under preparation
3	Identify the level of government that enacted the instrument (national parliament, sub-national parliament, ministerial level, etc.)	Adopted by the parliament, national application
4	Identify the Minister or other policy level body with overall powers for implementation of the PA instrument.	The Ministry of Environmental and Nature Protection (MENP), including the Nature Protection Directorate (NPD) and the Inspection of Nature Protection Directorate (INPD)
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)?	The State Institute for Nature Protection (SINP), as part of the MENP.
		Change proposed in the Nature Protection Act (need details on the draft text) to be confirmed by application decrees (see the New Protection Act- to be adopted in Summer 2013) Marine Fishery act
		None
		Consider to open a specific section in the NPD and INPD related to Marine Protected Areas Consider the county law level
		If not existing, create a marine section in the SINP (advisory role and capacity building) Management with the management authorities

Scope of legal framework			
6	<p>Does the legal framework for the PA system recognize governance and management options?</p> <ul style="list-style-type: none"> Centralized approach where the protected area is entirely publicly 'state' owned property and managed by government at national level; Decentralized approach where management of public land may be delegated to provincial/state or local government units; Public/private partnership through a co-management arrangement between the government and other stakeholder(s), including communities; Private management: protected areas are owned and voluntarily managed by private sector entities (Private Protected Areas [PPAs], both non-profit and for-profit); Management by the indigenous peoples and local communities. 	<p>Centralized approach</p> <p>Delegation of management to the regional or local governments (or the city of Zagreb)</p>	<p>Consider additional options for delegation of management (ONGs, private, local communities) or co-management between the public and private sectors.</p> <p>Co-management does not exist</p> <p>There were few cases of private management (by private sector, NGOs) for terrestrial PAs.</p>
Marine Protected Areas Policy			
7	<p>Does the legal instrument identify a marine protected areas policy, goals and objectives by which the area(s) should be established and managed; explain.</p>	No	
8	<p>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.</p>	NBSAP does not explicitly quote MPAs	<p>MS directive (EU) to be integrated into national legislation</p> <p>Recommendation: to include MPA is the future NBSAP</p>
9	<p>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.</p>	<p>The NBSAP has been developed due to the requirements of the CBD.</p> <p>Being a Contracting Party to the Barcelona Convention, Croatia is bound by the SPA and biodiversity protocol.</p> <p>Croatia is also Party to the Law of the Sea, Ramsar Convention, ACCOBAMS, World heritage Convention, etc.</p>	<p>Some of these instruments could be used to enforce regulations in Marine Protected Areas (e.g. pollution), they need to be identified and applied using sectoral decrees.</p>
10	<p>Does the PA system incorporate the following international environmental principles?</p> <ul style="list-style-type: none"> Precautionary Principle. 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) 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) Cultural values. 	<p>Being part of the CBD, the precautionary principle is included in the national system.</p> <p>Being part of the Aarhus Convention, the public participation and the access to information are part of the national legal system. It is also recognized in the Nature Protection Act (chapter VII)</p> <p>Local communities and Cultural values are recognized in the World Heritage Convention</p>	<p>Include formally all these principles in the relevant law on protected areas and in particular marine protected areas</p>

Objectives			
11	Is the legal instrument explicit about objectives for the protected areas system, and if so, provide the language.	The Nature Protection Act is the instrument for protection and integrated conservation of nature and its assets. Poor definition of PA	Define marine protected areas in the new version of the Nature Protection Act
12	Indicate if there is explicit language that the primary objective of protected areas is conservation, and if so, provide the language.	Idem	
Definitions			
13	Is there a definition in the legal instrument for the term "protected area", and if so please provide. Is this definition consistent with the IUCN definition? Is the term 'marine protected area' defined in the legal instrument; if so, give language	Yes in the Nature Protection Act, but there is no reference to IUCN Management Categories and the term Marine Protected Area is not quoted specifically There is currently no definition of PA. However in the new protection Action, the management categories will be in line with IUCN categories.	Include in the new version of the Nature protection act the definition of a marine protected area and if considered appropriate, refer to the IUCN management categories.
14	Does the legal instrument define different management categories of protected areas by conservation objective (national parks, marine protected areas, habitat conservation areas, cultural sites, etc.), and, if so, please provide <ul style="list-style-type: none">• Are any of the IUCN management categories applied to marine protected areas; explain.	Yes, the four categories are Strict Nature Reserve, Special Reserves, National Parks and Nature Parks.	Marine protected areas could be defined including their management objectives (recreation, tourism, fisheries, etc.)
Institutional Arrangements			
15	Who has authority to establish the marine protected area(s), is that authority identified in a legal instrument; explain.	For Protected Areas, it is the MENP, but Marine Protected Areas are not differentiated from Protected Areas	
16	Does the legal framework provide for other entities to have responsibility for management functions? If so, provide details. Are mechanisms provided for interagency cooperation among main government agencies responsible for marine matters (e.g., marine conservation, fisheries, shipping, customs, etc.); explain.	Regional or local delegation for the management	Delegation and co-management could be envisaged
17	Are mechanisms provided for interagency cooperation among main government agencies responsible for marine matters (e.g., marine conservation, fisheries, shipping, customs, etc.); explain.	No formal way of consultation and coordination between agencies and administrations relevant for the marine environment	Need more links between administration, in particular for management, monitoring and enforcement

MPA System Planning			
18	<p>Does the legal framework for marine protected areas require preparation of a plan for the protected areas system to guide its development and management? and if so, please indicate:</p> <ul style="list-style-type: none"> • What are the general purposes and content of a plan; • Who or which entity is responsible for preparing, maintaining and using the plan. • What are the key elements that should be taken into account when adding new protected areas to the system (e.g., representativeness, uniqueness, international compliance, supporting essential ecological processes or biodiversity, etc.) • Is there a requirement for periodic review and assessment of the system plan with respect to overall goals and objectives of the protected area system; explain 	<p>The Nature Protection Act formally requires preparing a plan for the protected area to guide its development and management.</p> <p>Is there a National Strategy for MPAs? Coherence with CBD recommendations? With Aichi targets?</p> <p>Is there a review and assessment mechanism of the MPAs development plan?</p>	<p>Develop a national strategy for MPAs, Natura 2000 marine sites.</p> <p>Develop a review and assessment mechanism that could be similar to the one for SPAMI (RAC/SPA, Barcelona Convention)</p> <p>Current report on state of Nature – in the process of development of new national strategy , an analysis of implementation of former strategy will be included</p>
19	<p>Does the legal framework for marine protected areas authorize or provide for:</p> <ul style="list-style-type: none"> • zoning, • no-take zones, • strictly protected zones, • marine science research by permit, • Environmental monitoring. 	<p>No specific quote and definition of marine protected area system, including all the elements included in the list.</p> <p>Existence of Zoning in management plan (management zones</p> <p>Environmental monitoring carried out by the Public authorities</p> <p>Permit for research - issued by M. Env., M of Education upon approval of Ministry of Defense and Ministry of maritime transports</p>	<p>Define marine protected areas in the new version of the Nature Protection Act, and endorse a proper application decree including all the proposed elements.</p>
20	<p>Are there special requirements for how boundaries are defined for a marine area as a whole and any zones within the area; is there a requirement for stakeholder or local community consultation in setting the boundaries; explain.</p>	<p>No requirement for boundaries definition, but implication of local communities and stakeholders is planned according to the NPA</p>	<p>Improve the definition requirements for boundaries</p>
21	<p>Are there provisions authorizing the designation of buffer zones for marine protected areas or conservation corridors between marine areas; explain.</p>	<p>Not explicit</p> <p>No concept of buffer zones</p> <p>EIA: Entities asking for the EIA are most of the time financing it</p>	<p>Same comment as before</p>
Establishment, amendment, abolishment of MPAs			
22	<p>Who has the authority to establish, amend, and abolish a protected area?</p> <p>Are these powers all held by the same authority? If the same authority does not have all three powers, identify who is the authority for the different powers, and explain why these powers have been divided.</p>	<p>Establishment is under the MENP, Amendment and abolishment are both not considered.</p> <p>There is no significant areas abolished (however existing abolishment mechanisms, only applied for protected trees if they die)</p>	<p>Amend the NPA law accordingly</p>
23	<p>What is the procedure for establishing, amending or abolishing a protected area?</p>	<p>Not relevant</p>	<p>Not relevant</p>

Finance			
24	Does the protected area legal framework authorize special financing tools for the marine protected area system?	Limited funding from the Government to Protected Areas, the responsibility is at the regional or local level and sources of funding are scarce, and the tendency is to look for association with tourism revenues	Need improvement, a proper system to cover at least part of the basic needs such as enforcement and monitoring.
Management Plan			
25	<p>Is there a requirement for a management plan; if so, describe the provisions Including:</p> <ul style="list-style-type: none"> provisions on the required content of the plan, possibility of zoning for different classifications and conservation purposes procedures for the preparation of the plan (circulation and consultation among scientific and technical bodies inside and outside of government; requirements and procedures for public and stakeholder participation) Authority(ies) responsible for implementing the management (co-management agreements with other authorities) 	<p>The Nature Protection Act formally requires preparing a plan for the protected area to guide its development and management. This requirement is not totally implemented for the management plan (in particular for 6 of the 10 MPAs).</p> <p>The preparation of the management plan is the responsibility of the SINP, but limited to 4 Marine protected Areas to-date.</p> <p>The management is delegated to the regional or local entities</p>	<p>Improve the preparation of the management plans for marine protected areas, as well as the preparation of conservation action plans for endangered or emblematic species by reinforcing the SINP, or creating a marine section inside the SINP</p>
Environmental Impact Assessment (EIA)			
26	Does the protected areas legal framework require environmental impact assessment (EIA) for any proposed project or activity, public or private, where there may be significant environmental impacts to the protected area, and if so, explain, including any procedures or specific requirements that may be specified, including for preparation, review, public comment, decision-making authority, and appeal.	Not specifically, but projects that could impact on nature conservation are subject to EIA	Considering that the declaration of a Marine protected Area is a project, even if developed by the Government, it could be subject to an EIA, in particular for its social and economic impacts on the local population.
Other			
27	<p>If applicable, identify and discuss other legal instruments (e.g. in fisheries, tourism, etc) which provide authority for some form of protection, whether partial or full, of specific sites, ecosystems, or species habitats; indicate their potential impact on the protected areas legal framework and, as relevant, how the various instruments are or should be harmonized, networked, or coordinated.</p> <p>Indicate any other special features unique to the marine protected areas legal framework, e.g., part of a large marine ecosystem project, part of a transboundary marine protected area, , specific species protection, special status under international law (e.g., IMO, World Heritage Site, etc.).</p>	<p>Need additional work to identify gaps, conflict between legislations, conflicts between mandates of administration, etc.</p> <p>Need specific comments during the meeting.</p>	To debate during the meeting

Annex 1

International conventions and regional agreements signed by Croatia of interest for Marine Protected Areas

International Level	Convention on Biological Diversity (CBD)	Entry into force in Croatia on 07/10/1996
	Convention on Migratory Species of Wild Animals (Bonn Convention)	Entry into force in Croatia on 01/10/2000
	Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	Entry into force in Croatia on 12/06/2000
	Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention)	Entry into force in Croatia on 08/10/1991
	United Nations Convention on the Law of the Sea (UNCLOS)	Entry into force in Croatia 1995
	The World Heritage Convention	Entry into force in Croatia on 08/10/1991
	Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, (Aarhus Convention)	Entry into force in Croatia 25/06/2007
	International Convention for The Regulation of Whaling	Entry into force in Croatia on 10/01/2007

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)	Pursuant the notification on succession, the 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)	Pursuant the notification on succession, the 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)	Pursuant the notification on succession, the 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.
	Act on Ratification of the Amendments to the Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources (Syracuse 1996)	Published in OG-IT No. 3/06
	Act on Ratification of the Sub-Regional Contingency Plan for Prevention of, Preparedness for and Response to Major Marine Pollution Incidents in the Adriatic Sea (Portorož 2005)	Published in OG-IT No. 7/08
	Protocol on Integrated Coastal Zone Management in the Mediterranean Madrid 21/01/2008	The Republic of Croatia signed the Agreement
Agreement for the Conservation of Cetaceans of the Black And Mediterranean Seas and the Atlantic adjacent area (ACCOBAMS)	<u>Entry into force in Croatia 01/06/2001</u>	

Annex 2

Tourism and energy sectors in the National Strategy and Action Plan for the Protection of Biological and Landscape Diversity of the Republic of Croatia (OG 143/2008)

The text hereafter is a compilation of extracts of the OG 143/2008 with reference to the tourism and energy sectors that are of interest in the development and management of a network of marine protected areas.

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

1.5 Methods of work on the Strategy and adoption procedure

With the aim of analysing implementation of the former Strategy and determining the strategic objectives, guidelines and priority action plans, by virtue of a Decision of the Ministry of Culture from 2006, members of the following 10 working groups were appointed:

1. Working group for species, habitats, landscapes, minerals, dripstones and fossils;
2. Working group for protected areas;
3. Working group for physical planning and nature impact assessment;
4. Working group for agriculture (including GMOs) and fisheries;
5. Working group for forestry and hunting;
6. Working group for water management;
7. Working group for tourism;
8. Working group for transport, energy and mining;
9. Working group for education, informing and participation of the general public;
10. Working group for the legislative and institutional framework.

5. Protection of geological diversity

Geological and geomorphological phenomena and structures, in particular those in karst areas, are very attractive in terms of tourism. Discoveries of deep pits and caves (depth of over

1000 metres) have attracted many local and foreign speleologists and other researchers.

Action plans

5.1.7 Include geoheritage in the tourism offer of the Republic of Croatia and promote geotourism

5.1.17 Continue to support project financing activities for conservation of geodiversity and promotion of geotourism through international and domestic funds

5.2.4 Strengthen co-operation with scientific institutions, scientific/professional institutions, educational institutions, non-governmental organisations, tourism associations and local/regional governments for the purpose of more effective protection and conservation of geodiversity or geoheritage

5.4.1 Implement education of representatives of local government and regional self-government, tourism associations, state administration employees (customs, police) and others on the importance and value of non-renewable geoheritage

6.7 Water management

Waste water also impacts both biological and landscape diversity. The level of connection to the public sewerage system of 40% is still inadequate, and a certain amount of untreated waste water is released directly into the environment. Point source contamination related to industrial production and tourism also has a significant impact, especially along the Adriatic coast. Dispersed contamination relates to chemical agents and fertilizers used in agriculture, erosion of contaminated soil, run off from urban areas, roads, unmanaged landfills and consequences of war. There is the possibility of a negative impact of this contamination on sensitive wetland and aquatic habitats, and on karst and subterranean ecosystems.

6.8 Tourism

Tourism is one of the most important driving forces of economic development in the Republic of Croatia. Over the past ten years, tourism has brought significant revenues, enabled the revitalisation of many rural areas of our country and promotion of protected areas, especially national parks and nature parks.

Meanwhile, negative effects of tourism have also been recorded, both in Croatia and globally. The significant increase and 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 certain areas, specific plant and animal species, their habitats, and entire ecosystems.

The impacts of tourism on the coast, islands, sea and protected areas must be analysed separately. Intensive and unplanned construction works in the coastal area and on the islands has already significantly degraded the landscape identity and biodiversity of many valuable areas from the biological and landscape perspective. The addition of gravel to beaches, the construction of breakwaters and sport/recreational boat harbours has already caused irreversible damage to the habitats of many species with far-reaching consequences for the survival of integral natural ecosystems in coastal areas. The Croatian coastal and islands are still oriented towards mass tourism, which increases pressures on protected areas, in particular national parks and nature parks, which are located in the vicinity of the coastal area and on the islands.

An uncontrolled number of visitors and disregard for spatial capacities may have a dramatic impact on the biological and landscape diversity in these areas. Therefore it is extremely important to establish a system and develop a methodology for estimating tourist capacities, and an accompanying monitoring system in order to ensure strict management of tourist circulation. An appropriate approach to establishment of such system would not only reduce negative impacts, but would also improve capacities of prominent areas and positively impact the origin of negative impacts. Within the framework of different educational programmes and interpretation methods, all aspects of natural and cultural values of the protected areas should be presented to visitors, so that they can modify their behaviour and reduce negative impacts.

Sustainable tourism and eco-tourism are regarded as ideal frameworks for tourism development. The concept of eco-tourism in some way includes all types of tourism, and is based on the sustainability of tourism as a human activity in an area that has a minimal impact on changes to the immediate or broader environment. Although eco-tourism, in quantitative terms, does not have an important role in tourism operations, it offers an opportunity for the year-round generation of income and increases the employment rate in areas where it takes place. Due to its geographical position, exceptionally favourable climatic conditions and conserved biological and landscape diversity, Croatia has an enormous potential for the development of eco-tourism. Therefore it is necessary to define its development strategy and its systematic development as a recognizable segment of the tourism offer of our country.

The development of tourism in Croatia has led to an increase in the number of visitors in protected areas. Over the past seven

years, a significant increase in the number of visitors has been recorded in all national parks, with the highest numbers recorded in the Plitvice Lakes and Krka National Parks.

The increasingly strong tourism promotion of the natural and cultural values of the Republic of Croatia has created an attractive identity of the country and led to growing visitor interest. Promotional activities have also created opportunities for education of a relatively large number of people about the importance of nature protection and conservation. Each year, the national parks and nature parks expand the tourism and educational offer for their visitors. All parks offer the possibility of professionally guided visitor tours and organisation of trips to particularly interesting and attractive sites. In recent years, the number of educational trails has increased significantly, with approximately twenty educational trails in the national and nature parks today.

The increase in the number of visitors to national and nature parks has generated increased revenues, which in turns allows for the allocation of a significant portion of these funds to nature protection activities. National and nature parks use these funds in the construction of infrastructure, research, monitoring, etc. A moderate increase in the development of eco-tourism can be seen in many protected areas. Consequently, although tourism development poses a potential threat to protected areas, it also generates revenues, benefits for the local community and increases public awareness of the importance of nature protection and conservation.

STRATEGIC OBJECTIVE

Given the great importance of tourism as an industry in the Republic of Croatia and also taking account of its negative impacts, promote development of sustainable tourism and eco-tourism

Strategic guidelines

6.8.1 Increase the importance of nature protection at all levels of the tourism sector

6.8.2 Develop tourism that is acceptable for the protection of biodiversity in protected areas and ecological network areas

6.8.3 Educate visitors, through visitor educational centres in protected areas, about natural values and the importance of conserving protected areas

Action plans

6.8.1.1 Establish regular co-operation with the tourism sector at the local, regional and national levels

6.8.1.2 Incorporate measures and guidelines for the protection of biological and landscape diversity into strategies, laws, regulations, programmes and plans at all levels of the tourism sector

6.8.1.3 Incorporate measures and guidelines for the protection of biological and landscape diversity into the master tourism plans for individual counties

6.8.1.4 Protect biological and landscape diversity from the negative impacts of tourism on the coast, islands and sea through physical planning documents and other plans and programmes

6.8.1.5 Prior to planning any construction project and/or improvement of tourism infrastructure that might have a significant 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 Define methods and criteria for establishment visiting, sightseeing and recreation zones, i.e. tourism in protected areas

6.8.2.2 Identify sensitive areas and define guidelines and 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 Define methods and ways for determining visitor 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 field of environmental protection, physical planning, agriculture, marine and freshwater fisheries, animal protection, 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 planning documents towards including a scientific expert in the 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 planning, agriculture, fisheries, forestry, hunting, energy, transport, 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 first time, this legislative framework perceives nature as the overall biological and landscape diversity that enjoys protection throughout the entire territory of the Republic of Croatia, including protected natural values (areas and species), and natural values exploited in different industries (agriculture, forestry, fisheries, hunting, construction, transportation, energy industry, etc.). With this concept, nature protection has become an integral activity aimed at harmonising the exploitation of natural resources with the concept of sustainable development. The Nature Protection Act, based on this concept, was adopted in September 2003 (OG 162/03). The new Nature Protection Act (OG 70/05), enacted in May 2005, also transposes the said concept. The only important difference lies in the removal of provisions relating to use of genetically modified organisms (GMOs) to a separate Act on Genetically Modified Organisms (OG 70/05) and in the reduced number of implementing regulations for the purpose of more efficient implementation of the Act.

1.5 Methods of work on the Strategy and adoption procedure

With the aim of analysing implementation of the former Strategy and determining the strategic objectives, guidelines and priority action plans, by virtue of a Decision of the Ministry of Culture from 2006, members of the following 10 working groups were appointed:

1. Working group for species, habitats, landscapes, minerals, dripstones and fossils;
2. Working group for protected areas;
3. Working group for physical planning and nature impact assessment;
4. Working group for agriculture (including GMOs) and fisheries;
5. Working group for forestry and hunting;
6. Working group for water management;
7. Working group for tourism;
8. Working group for transport, energy and mining;
9. Working group for education, informing and participation of the general public;
10. Working group for the legislative and institutional framework.

4. LANDSCAPE CONSERVATION

Action plans

4.2.1 Create the Landscape Basis of Croatia through co-operation among relevant sectors (physical planning, nature protection, environmental protection, cultural heritage protection, transport, forestry, agriculture, water management, mining, energy, education and science, etc.)

4.3.1 Implement the Landscape Basis of Croatia through co-operation among relevant sectors (physical planning, nature protection, environment protection, cultural heritage protection, transport, forestry, agriculture, water management, mining, energy, education and science, etc.)

6.10 Energy

The energy sector has a significant influence on biological and landscape diversity. Currently, 35 845 700 thousand m³ of water is used for the production of electricity every year, of which 97.4% originates from watercourses, 2.2% from storage reservoirs, and the remainder from other sources. Due to the current energy crisis, environment pollution and climate change issues that are largely related to the use of energy sources, there is an increasing global trend towards shifting away from conventional energy production forms to new renewable energy sources, such as wind power, solar power, geothermal power and biomass.

As the same trends prevail in Croatia, it is necessary for the country to become more oriented towards the introduction of renewable energy sources that do not produce greenhouse gases. However, controversial issues have also arisen with regard to impact of renewable energy sources on biodiversity.

In the Republic of Croatia, a legislative framework regulating the field of renewable energy sources has been established. As regards electricity consumption, the target has been set to ensure that 5.8% of the energy supply is from renewable sources by 2010, without taking into account large hydroelectric plants. Another target is to increase the share to 15% by 2020, which is in line with EU trends. The legislative framework provides for incentive measures, including, inter alia, the obligatory purchase of electricity produced from renewable sources and incentive feed-in tariffs. A register of projects is kept at the Ministry of the Economy, Labour and Entrepreneurship, showing that there is an increase in the number of applications for construction of wind farms with a total power of 1 200 MW.

From the strategic point of view, it is necessary to develop such systems in the energy sector that will enable and encourage energy savings or reduced energy consumption. This includes incentives for more efficient systems for energy production, transmission and consumption.

Preparation of the Master Energy Efficiency Plan and the National Action Plan for Energy Efficiency is underway, and plans are in place to enact a special Energy Efficiency Act.

Wind farms

At present, wind farms in Croatia produce around 20 MW of energy, with production of 300 MW expected by 2010. On the

other hand, the increasing number of wind farms presents a potential threat to certain bird species and bats.

Wind farms may have a negative impact on birds, which are either killed in direct collision with generator blades or their habitat quality is altered (noise, disturbance, habitat fragmentation because of construction of access roads, etc.).

Potential negative impacts of wind farms on bats include habitat loss, crosscutting of migration corridors, disorientation of bats in flight due to ultrasound emissions, and bat fatalities resulting from direct collision with wind generator blades. Recent research has revealed cases of bat mortality caused by lung barotrauma as a result of a sudden drop in air pressure in the vicinity of spinning wind generator blades.

Throughout Europe and worldwide, greater attention is being paid to this issue in an attempt to minimise the potential negative impacts.

Potential negative impacts of wind farms on birds and bats largely depend on the conditions in place at each individual location, and so a careful choice of locations for wind farms is of the utmost importance. To date, the selection of potential locations for wind farms in Croatia has mainly been based on the wind potential of specific locations, and no account has been taken of the cumulative effects of installation of a substantial number of wind farms in a certain area. In most cases, wind farm plans envisage installation on mountain ridges or immediately below. These areas are important for birds of prey, particularly those which use gliding as a flying method (e.g. eagles, griffon vultures) because of the specific conditions in place there (e.g. thermal conditions). In addition, mountain ridges, underneath which there are road or railway tunnels, constitute valuable wildlife crossing corridors, and animals are disturbed by the operation and noise of wind farms and access roads. According to the Ordinance on wildlife crossings, such construction is not permitted.

Environmental impact studies should include a comprehensive analysis of the potential impacts of wind farm construction on birds, bats and all other species affected by the construction and operation of wind farms.

Hydropower plants

The construction of hydropower plants and storage reservoirs significantly contributes to the alteration of the natural flows of rivers, which has a negative impact on a number of habitats and related communities. In their drainage basins, rivers support a complex of different aquatic and wetland habitats having unique dynamics (from river flow and river banks, through wetland habitats and wet meadows to alluvial forests). As such, the conservation of natural river flow is a prerequisite for conserving the diversity of these habitats and the diversity of the plant and animal species within. It is necessary to conduct a strategic environmental impact assessment and nature impact assessment of the programmes and plans for implementation of the energy development strategy (in progress) in order to establish which of the planned hydropower plants will have a strong negative impact on the species and habitats in the ecological network area.

The requirement of an environmental impact assessment procedure and nature impact assessment has been prescribed in the hydropower plant construction planning process.

Three hydropower plants on the Drava River, the HP Varaždin, HP Čakovec and HP Dubrava, were the first to receive ISO 9001 and ISO 14001 certificates. This certification (in particular ISO 14001 standard) should also be obtained for the remaining hydropower plants in Croatia.

Power transmission lines

Numerous studies have shown that overhead power transmission lines present a serious threat to many bird species which are killed either in direct collision with the wires themselves or as a result of electric shock (electrocution).

As the power line network becomes increasingly dense over time, the risk of bird fatalities on power lines and negative impacts on threatened bird populations increase. Nowadays, for many bird species (storks, cranes, eagles, griffon vultures, horned owl), fatal bird accidents due to electric shock represent one of the major causes of threat to populations. At the Seventh Meeting of member states that are signatories to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) held in Bonn in 2002, a resolution addressing this issue was adopted (Resolution 7.4: Electrocution of Migratory Birds). This Resolution imposes an obligation upon signatory countries to take various measures to minimise bird fatalities due to electrocution. Pursuant to this, the Nature Protection Act has imposed measures for the protection of birds against electrocution.

When planning the construction of new lines, it is very important to conduct a high-quality environment impact study, and give a realistic assessment of the negative impacts of a planned project on bird populations and incorporate protection measures where necessary. The same issues should be taken into account at the time of replacement of worn-out lines.

Biofuels

In recent years, discussions on biofuels have been held at all levels and within different sectors, however, the conclusions and decisions adopted under the Convention on Biological Diversity are relevant for biodiversity. The scientific body set up within the framework of the Convention has examined and determined the "positive and negative impacts of biofuels on biodiversity over their entire life cycle from production to end use". Biofuels include various products of plant and animal origin and municipal waste. Although advocates of biofuel argue strongly in its favour as a clean energy source, opponents claim that biofuels pose a threat to biodiversity and suggest that the growth of crops for the production of biofuels can create greater greenhouse emissions than their impact on the reduction of greenhouse emissions (e.g. bioethanol from corn). Furthermore, the growth of certain cultures (e.g. rapeseed, corn) and use of agricultural land for the production of biofuel means a reduction in farmland traditionally used for food production. Genetically modified crops are often used for the production of biofuel, thereby introducing alien species, which is completely unacceptable for the conservation of

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 develop and implement a certification system that enables tracing 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' lodgings, houses and shelters, telemetric fire-fighting stations, park administration buildings and other infrastructure. Some facilities are not connected to the electrical distribution network, either because it has not been built in the vicinity or because the installation of poles for the electricity distribution network is not permitted, and therefore must use generators driven by fossil fuels, which presents problems.

STRATEGIC OBJECTIVE

Use of energy sources with the minimal potential impact on biodiversity

Strategic guidelines

6.10.1 Base exploitation and management activities in the energy sector upon the principles of conservation of components of biological and landscape diversity, with special emphasis on protected areas, ecological network areas and future NATURA 2000 areas

Action plans

6.10.1.1 Prior to development of plans and programmes within the framework of the energy development strategy, conduct a nature impact assessment as part of the strategic environmental impact assessment

6.10.1.2 Continue to incorporate nature protection requirements and measures, and ecological network conservation guidelines when planning locations of power supply/distribution facilities in spatial plans

6.10.1.3 Strengthen the principles of conservation of biological and landscape diversity in the course of development of the environmental impact study in relation to the potential impact of construction of power plants and other energy supply/distribution facilities on overall biological and landscape diversity, particularly in the ecological network area

6.10.1.4 When designating sites for wind farms, avoid ornithological reserves, flight corridors and areas important as gathering places of a large number of birds during migration

6.10.1.5 When designating sites for wind farms, avoid nationally or regionally important habitats and corridors for the seasonal and/or daily migrations of bats

6.10.1.6 When planning and building wind farms, and in the course of their operation, implement bird and bat protection measures

6.10.1.7 Define the protocol for monitoring the impact of wind farms on species and habitats through co-operation between the energy and nature protection sectors

6.10.1.8 Develop an action plan for monitoring birds of prey in the Central Dalmatia area in order to establish the cumulative impact of planned wind farms on their populations

6.10.1.9 Apply technical solutions in the course of construction of overhead power transmission lines and replacement of worn-out electricity poles and lines within the existing network in order to minimise bird mortality (collisions, electrocution)

6.10.1.10 Conduct the certification process for all hydropower plants in the Republic of Croatia

6.10.1.11 Conduct pilot projects on the use of renewable energy sources in protected areas

6.11 Mining

The territory of the Republic of Croatia has an extremely high diversity of rocks, which form the foundation for developed exploitation of various mineral raw materials. Pursuant to the Mining Act, mineral riches are resources of national interest for the Republic of Croatia, they enjoy particular state protection and are exploited under the conditions and in the manner stipulated by the said Act. Mineral riches, which are the property of the Republic of Croatia, are deemed to be all organic and inorganic mineral raw materials in solid, liquid or gaseous state in their original beds, deposits, tip heaps, slag or natural solutions.

Mineral raw materials are divided into the following groups:

1. energy-producing mineral raw materials;
2. mineral raw materials for the manufacture of metals and their alloys
3. non-metal mineral raw materials;
4. architectural/construction stone;
5. all types of salt and saline waters;
6. mineral and geothermal waters;
7. technical/construction stone, construction sand and gravel, and brick clay.

The exploitation of mineral raw materials is deemed to be extraction from a deposit and refinement of mineral raw materials. In terms of nature protection, exploitation of the group of mineral raw materials that includes technical/construction stone, construction sand, gravel and brick clay has the greatest negative impact on both landscape and biological diversity. This primarily relates to opencast mining – quarries, gravel pits, clay pits and sand pits.

Exploitation of solid mineral raw materials takes place at a total of 584 approved fields (the average exploitation field has an area of 34 hectares), covering a total area of approximately 21 877 hectares, or accounting for 0.38% of the total land area of

the Republic of Croatia. The greatest number of fields (86) has been approved in Split-Dalmatia County and occupies 0.68% of the county land area. From the statistical perspective, mineral raw material exploitation fields do not cover a large area of Croatia, but given the manner in which raw materials are obtained, they have a significant impact on nature, specifically on biological and landscape diversity. Any opencast mining, oil or gas field or any other project related to exploitation of mineral raw materials, regardless of the high environmental protection standards applied also has negative impacts, and the most significant of which is the change of the original appearance of the landscape.

Furthermore, the fragmentation of rock massifs, whereby overlying sediments are removed (fertile soil, forests, meadows, etc.) and mineral substance extracted, directly affects biodiversity conservation. There is little to no devastation of fertile soil or forests in the process of exploitation of liquid and gaseous energy sources. Existing open pit surfaces are the result of past exploitations. A number of “quarries”, “gravel pits”, “clay pits” and other “mining structures” have been opened in accordance with the needs of the construction trade, however, there were no environment-friendly reclamation or maintenance programmes, as no attention has been paid to restructuring and reclassification of excavated areas.

A total of 92 open pits were recorded during a review of the active and inactive open-cast mines in protected areas (nature parks, national parks and important landscape).

Table: Overview of active and inactive open-cast mines in protected areas (source: Report – Supervision of exploitation of mineral raw materials in protected areas, SIO, MEPPPC, July 2003)

Protection category	Name	No. of recorded pits
1. National park	Plitvice Lakes	14
	Risnjak	2
	North Velebit	1
	Papuk	10
	Medvednica	14
2. Nature park	Žumberak-Samoborsko gorje	23
	Učka	12
	Velebit	14
	Saplunara – Mljet	1
3. Protected landscape	Kalnik	1
TOTAL		92

These pits include a large number of abandoned quarries for which the legal successor has not been identified, whereas a number are owned by the company Croatian Forests (Hrvatske šume). The majority are not recorded as exploitation sites within the meaning of the Mining Act and the previous practice was not in accordance with the rules of the mining profession, which caused serious devastation of the area. These sites represent “open wounds” and erosion hotbeds. For these

reasons, it is difficult to transform them into acceptable-purpose facilities and as such they are often used for illegal exploitation.

STRATEGIC OBJECTIVE

Ensure sustainable exploitation of mineral raw materials by incorporating biological and landscape diversity conservation measures and through co-operation between the mining and nature protection sectors

Strategic guidelines

6.11.1 Improve co-operation between relevant sectors at the national and local level with regard to planned and sustainable use of mineral riches, while observing biodiversity conservation measures

6.11.2 Plan exploitation with parallel area reclamation, and reclamation or reclassification of all abandoned (unreclaimed) pits

6.11.3 Improve co-operation between the mining and nature inspection sectors

Action plans

6.11.1.1 Organise professional gatherings and seminars and ensure participation of representatives of all relevant sectors

6.11.1.2 Organise professional gatherings and seminars and ensure participation of representatives of competent inspection authorities

6.11.1.3 Incorporate nature protection measures and requirements into legislation and documents in the field of mining

6.11.1.4 Initiate the development of a cadastre of all mines and pits (both legal and illegal) in protected areas and ecological network areas by the competent government authority in charge of mining activities

6.11.2.1 Initiate development and implementation of a pilot project on the reclamation of abandoned pits in a nature park

6.11.2.2 Impose the obligation to ensure successive biological and technical reclamation, insist on a clear specification of purpose of exploitation fields following pit closure, and designate the time limit for completion of pit reclamation within protected areas and the ecological network

6.11.3.1 Organise joint supervision of all pits in protected areas, keep records and establish the terms for continuous on-site control

7. LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

7.1.1.2 Continue the process of legislation alignment in the field of environmental protection, physical planning, agriculture, marine and freshwater fisheries, animal protection, 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.



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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, agriculture, fisheries, forestry, hunting, energy, transport, 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 also specifies the environmental protection objectives, including: protection of flora and fauna, protection of biological and 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

For the purpose of securing additional funds for financing of projects, programmes and similar activities related to con-

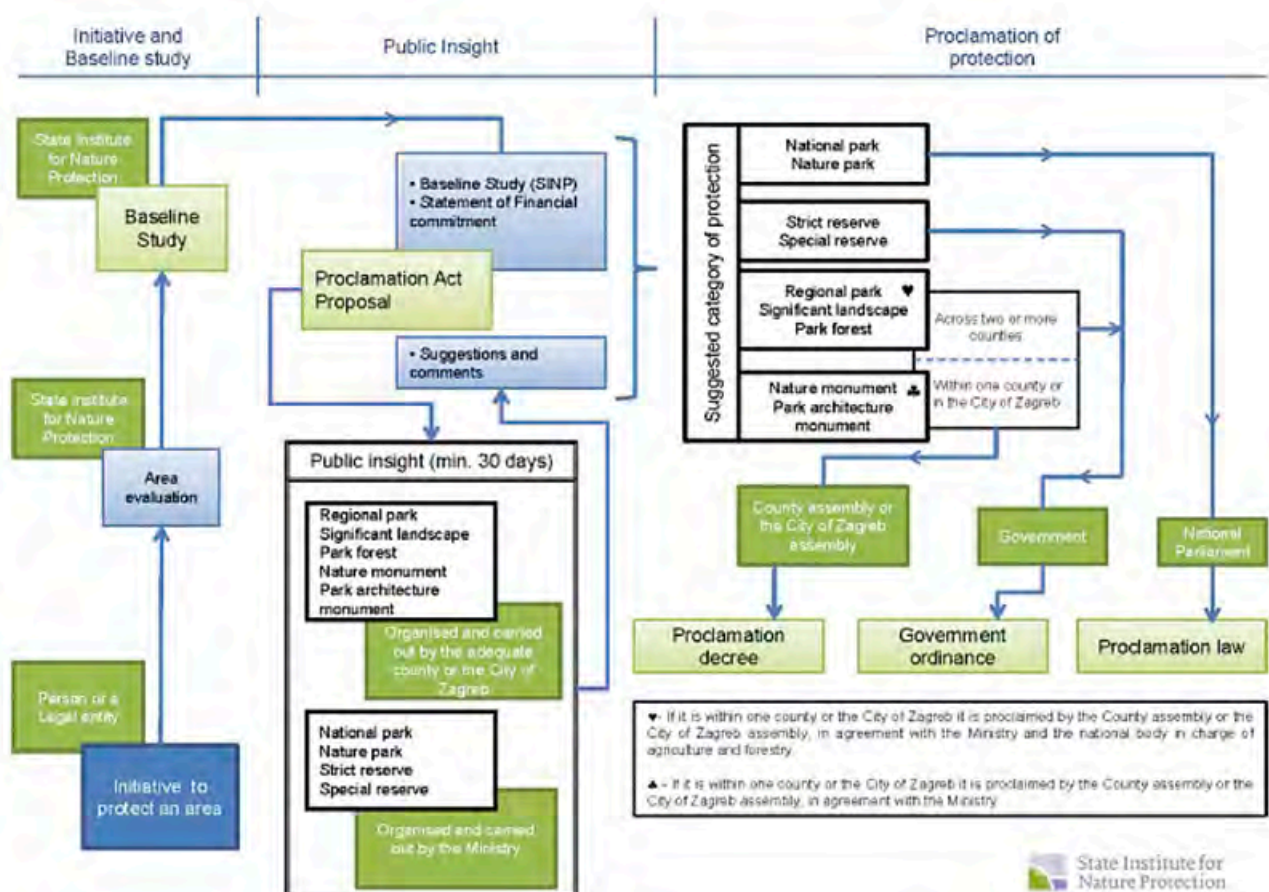
servation, sustainable use, protection and improvement of the environment, the Environmental Protection and Energy Efficiency Fund was established in 2004. Establishment of the Fund represents significant progress in the method of financing nature protection activities, as a proportion of the funds is earmarked for financing projects and programmes for the protection and conservation of biological and landscape diversity. It is expected that the level of funds allocated by the Fund for biological and landscape diversity protection projects will be gradually increased.

Action plans

9.2.2.2 Increase the share of financing of nature protection projects by the Environmental Protection and Energy Efficiency Fund.

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/>), the Regional Activity Centre for Specially Protected Areas (UNEP/MAP – RAC/SPA) and the Center for Mediterranean Cooperation of the International Union for the Conservation of Nature (IUCN-Med) organized national workshops on MPAs legal and institutional frameworks in Albania, Croatia and Montenegro.

In Croatia, the national consultation took place in Zagreb on June 2013.

OBJECTIVE

The objective of those workshops was to review with national stakeholders, experts and NGOs the findings of the study conducted in the countries concerning the assessment of the Legal, Policy and Institutional Framework for MPAs, then to examine options for improving the declaration and management of marine protected areas, including participatory mechanisms.

Outputs of the national consultations carried out in the countries by mean of those workshops will be used to finalize the more comprehensive country reports expected at the end of November 2013:

— “CROATIA AND MARINE PROTECTED AREAS: Legal and Institutional framework assessment for conservation of

coastal and marine biodiversity and the establishment of MPAs”

— “ALBANIA AND MARINE PROTECTED AREAS: Legal and Institutional framework assessment for conservation of coastal and marine biodiversity and the establishment of MPAs”

— “MONTENEGRO AND MARINE PROTECTED AREAS: Legal and Institutional framework assessment for conservation of coastal and marine biodiversity and the establishment of MPAs”.

PARTICIPANTS

Representatives of the relevant ministries and of the national environmental agencies, MPA managers and public institutions in charge of MPA management (and if not specific to MPA, Protected Area), relevant bilateral or multilateral programme agencies, research institutes and academics, relevant NGOs and experts were invited. The three workshops were able to gather fifty two persons (see attendance lists below).

In Croatia (44 invitations/15 participants)

1. Zeljka Rajkovic, National Technical Coordinator for MedMPAnet Project
2. Ivna Vuksic, Ministry of Environment and Nature Protection, Nature Protection Directorate, Service for International Cooperation in Nature Protection
3. Jelena Uros, Ministry of Environment and Nature Protection, Nature Protection Directorate, Service for International Cooperation in Nature Protection
4. Blanka Belosevic, Ministry of Tourism, Sector for International Cooperation
5. Senka Daniel, Ministry of Tourism, Unit for Multilateral Cooperation
6. Jelena Sobot, Ministry of Tourism, Unit for Sustainable Development (Resource Protection)

7. Gordana Kolacko, Croatian Environment Agency, Nature Unit
8. Sonja Sisic, County of Primorje-Gorski Kotar, Priroda
9. Morana Bacic, CPI Natura Jadra
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

Notes for Croatia: this workshop was the first conducted for 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 of the national authority for fisheries or maritime affairs, all of 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. The existing system for stakeholders participation in the identification, establishment and management of MPAs
3. The presentation of a general stakeholder participation toolkit
4. A priority needs diagnosis and options for improvement

The time dedicated to each topic during the day was adapted to each country necessity (for example, in Croatia, participants didn't feel the need to spend much time on stakeholder participation toolkit while in Montenegro, consultation process being more advanced, much effort was dedicated to the Priority needs diagnosis).

See Agendas of the workshops hereafter.

Agenda Croatia, Zagreb, 14 June 2013
8:30 Registration of participants at the Grand Salon
9:00-9:15 Opening: Presentation of the study and objectives of the workshop <i>Souha El Asmi, RAC/SPA and Alain Jeudy de Grissac, IUCN-Med</i>
9:15-10:30 Session 1 : Findings of the study (state of the art) <i>Alain Jeudy de Grissac, IUCN-Med and Sarah Lucas, IUCN ELC</i>
10:30-11:00 Coffee break
11:00-13:00 Session 2: Stakeholder participation toolkit <i>Alain Jeudy de Grissac, IUCN-Med and Sarah Lucas, IUCN ELC</i>
13:00-14:00 Lunch
14:00-16:00 Session 3: Priority needs diagnosis <i>3 working groups: 1. Legal, Policy & Institutional; 2. MPA system planning & Management plan; 3. Other matters of interest (networking, sustainable financing...)</i>
16:00-16:20 Coffee Break
16:20-17:30 Session 3: Recommendations of the 3 working groups on Priority needs diagnosis <i>Souha El Asmi, RAC/SPA, Alain Jeudy de Grissac, IUCN-Med and Sarah Lucas, IUCN ELC</i>
17:30-18:00 Closure of the workshop

CONTENTS

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

In Croatia, where no previous workshop had taken place in 2012, Sarah Lucas from the Environmental Law Center of IUCN (IUCN-ELC) and Souha El Asmi, RAC/SPA joined IUCN-Med to present the process to national stakeholders. Presentations were done which summarized the findings of the first phase of the study. The first phase was basically a bibliographical research and brief analysis based on legal documents in order to draft a state-of-the art. Those findings had previously been sent for revision to all countries' National Focal Points for SPA (in Croatia: Nature Protection Directorate of the Ministry of environment and nature protection) and some key national stakeholders (other governmental agencies and NGOs).

The following three working documents were distributed to the participants prior to all meetings for comments and review:

- Legal and Institutional country assessment for MPAs;
- Matrix summarizing the existing framework and identifying priority needs to improve the establishment and management of MPAs;
- General Stakeholder Participation Toolkit.

COMMENTS OF WORKSHOPS' PARTICIPANTS ON THE WORKING DOCUMENTS

In Croatia:

The following general comments were made by the participants during the workshops:

The following general comments were done by the participants during the workshops:

- Very poor enforcement of the law. Fines are very low and judges are not very aware of PA legislation. Park rangers are trained but are not allowed to establish the infraction and pass the fine. There is no support from the police. Coast guards need to be trained.
- Main issue: no cooperation with fisheries at institutional level
- Issues with the implementation of internationally designated sites because they are not transposed into national legislation, for instance World Heritage sites and Ramsar sites—they are managed as PAs
- Only one internationally designated site for Ramsar
- Existence of oyster aquaculture inside MPAs (in 2 special reserves)
- Governance types in Croatia only refer to State-owned-controlled PA. Delegation of responsibility is possible to county level only
- Huge difficulty to designate MPAs due to poor understanding of decision-makers
- Ministry of Agriculture does not officially recognize MPAs as a special tool.
- No point in establishing new MPAs if there isn't yet good management for the existing ones.
- Lack of coordination with different institutions involved.

- Problem of recognition of fisheries reserves as MPAs
- Missing participation/public consultation in the identification of the site.

Another issue was that IUCN had sometimes "mistranslated from Croatian to English when reading national law. Indeed, for example, in the country assessment document, IUCN had written that "governance plans were an obligation for Protected Areas". In fact, IUCN should have written "management plans".

CONCLUSIONS and NEXT STEPS

For Croatia

Considering that the context in Croatia was very specific, that the Country was to enter the EU soon and that the Nature Protection Act (main legal instrument for MPAs) was under revision, national stakeholders considered that a national legal expert should be recruited to assist in the process of document revision and finalization of the country report.

Next step: IUCN has already identified a Croatian member of the WCEL. This expert should be contracted by IUCN-Med.

Once revised by national legal expert and IUCN-Med, the draft of the national report should be sent to participants of the workshop for final review. The final version will be then translated in Croatian and revised by National SPA Focal point.

Next step: IUCN should identify translator. Possibly interpreters of the workshop as they proposed it.



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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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