

CROATIAN PARLIAMENT

1467

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

DECISION

PROMULGATING THE PLANT HEALTH ACT

I hereby promulgate the Plant Health Act adopted by the Croatian Parliament at its session on 3 June 2005.

No.: 01-081-05-2120/2
Zagreb, 10 June 2005

President
of the Republic of Croatia
Stjepan Mesić, m.p.

PLANT HEALTH ACT

I BASIC PROVISIONS

Contents of the Act Article 1

This Act regulates plant health protection, including biological plant protection; preventive measures against the introduction and spread, as well as the measures for eradication of organisms harmful to plants, plant products and other controlled objects; methods of collection and exchange of data and information; the information system; financing, fees and compensations; organisation and implementation of plant health protection and supervision through inspections.

Plant health Article 2

(1) Plant health covers:

- protection against harmful organisms of plants, plant products and other controlled objects,
- prevention of introduction and spread of harmful organisms and their eradication through application of phytosanitary measures,
- determination of the presence and the kind of harmful organisms,
- enabling the optimum plant production and trade,
- protection of the environment against effects of harmful organisms.

(2) Plant health is implemented by:

- constant surveillance of plants during vegetation, and of plants and plant products in storage and during transport,
- monitoring of harmful organisms, assessment of risks due to them and their eradication,

- phytosanitary control of the introduction and spread of organisms harmful to plants and plant products,
- phytosanitary control at export of consignments of plants and plant products for which other countries have special phytosanitary requirements,
- special monitoring of harmful organisms, in particular by phytosanitary examinations, planned monitoring and surveillance of the state of plant health and systematic investigations,
- plant health examinations of plants and plant products on the territory of the Republic of Croatia and issuance of plant passports, phytosanitary certificates and other official documents and papers,
- implementation of phytosanitary measures,
- implementation of phytosanitary control to determine the phytosanitary condition,
- conducting other activities prescribed by this Act and by regulations adopted under this Act.

Definitions of terms

Article 3

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

1. *Plant health protection* means protection of plants, plant products and other controlled objects through application of plant-health measures.
2. *Biological plant protection* means eradication of harmful organisms in agriculture and forestry through application of living natural enemies, antagonists or competitors, their products and other self-procreating organisms.
3. *Plants* means living plants and living parts thereof, including seeds.
 - a) Living parts of plants are:
 - fruit, in the botanical sense, other than that preserved by deep freezing,
 - vegetables, other than those preserved by deep freezing,
 - tubers, rhizomes, bulbs and other underground reproductive organs,
 - cut flowers,
 - branches with foliage,
 - cut trees retaining foliage,
 - leaves, foliage,
 - plant tissue culture,
 - live pollen,
 - buds, cuttings, grafts,
 - all other plant parts if prescribed.
 - b) Seeds means seeds, in the botanical sense, intended for planting.
4. *Plant products* means products of plant origin, unprocessed or having undergone simple preparation, in so far as these are not plants listed in point 3 of this Article.
Plant product shall also mean wood in so far as it retains all or a part of its natural round surface, with or without bark, or as it is in the form of chips, particles, sawdust, wood waste or scrap, or tonnage, spacers, pallets or packing material which are actually in use in the transport of objects of all kinds, provided it presents a plant health risk.
5. *Planting* means any operation for the placing of plants in soil or other growing medium to ensure their subsequent growth, reproduction or propagation.
6. *Plants intended for planting* means:
 - plants which are already planted and are intended to remain planted or to be replanted after the introduction,
 - plants which are not planted at the time of introduction, but are intended to be planted thereafter.
7. *Other controlled objects* means lands, storage facilities, facilities and plants for processing, packaging, transport vehicles, containers, soil and any other organism, object or material that

might contain or spread a harmful organism and for which phytosanitary measures must be introduced.

8. *Harmful organisms* means the species, varieties or biotypes of plants, animals and other pathogenic organisms that are harmful to plants or plant products.

9. *Endemic species* means the species whose natural environment is a particular ecological system of a particular area.

10. *Foreign species* means nonendemic species whose natural environment is not a particular ecological system of a particular area, but has been deliberately or undeliberately introduced into it.

11. *Consignment* means a quantity of goods accompanied by a single document intended for customs or other formalities, e.g. phytosanitary certificate or some appropriate document or marking.

12. *Batch* means a certain number of units of the same goods characterised by homogenous contents and origin, and which forms an integral part of a consignment.

13. *Plant-health measures* means each legal, administrative or other procedure conducted under this Act with a view of preventing introduction and spread of harmful organisms and their eradication.

14. *Country of origin* means:

– for plants: the country in which the plants were grown,

– for plant products: the country in which the plants had been grown from which plant products were produced,

– for other controlled objects: the country in which they were for the time exposed to infection with harmful organisms.

15. *Movement* means every carrying or transport of plants, plant products and other controlled objects on the territory of the Republic of Croatia, with the exception of movement within the place of production.

16. *Place of production* means each landed property, field or several fields which are a separate production unit, with all associated facilities, machines and equipment.

17. *Introduction from third countries* means every introduction of consignments into the customs territory of the Republic of Croatia, with the exception of introduction for the purpose of transit.

18. *Introduction of a harmful organism* means every entry of a harmful organism into the territory in which it is not present yet or is present in a limited scope.

19. *Point of entry* means the point through which plants, plant products and other controlled objects are for the first time introduced into the customs territory of the Republic of Croatia: airport in air transport, port for sea or river transport, train station for railway transport and the customs office in charge of the point on which a consignment has crossed the border of the Republic of Croatia in cases of other kinds of transport.

20. *Export* means every taking out of consignments from the customs territory of the Republic of Croatia, including re-export and temporary export.

21. *Transit* means every movement of goods under customs control over the customs territory of the Republic of Croatia.

22. *Phytosanitary certificate* means the certificate of health condition of a consignment issued by the official body responsible for plant health protection of the country of origin, accompanying the consignment at import, export or transit.

23. *Phytosanitary certificate for re-export* means the certificate of health condition of a consignment accompanying the consignment at re-export, issued by the official body responsible for plant health protection in the country in which the consignment has been imported and stored, split up, combined with another consignment or its packaging changed.

24. *Plant passport* means the official label, document or other official mark confirming that plants, plant products and other controlled objects moved within the territory of the Republic of Croatia meet plant-health requirements prescribed under this Act and the regulations adopted pursuant to this Act.

25. *Owner of plants, plant products and other controlled objects* (hereinafter: the owner) means a natural or a legal person that owns certain plants, plant products and other controlled objects, or is engaged in their production, processing, sale, or handles them in some other way.

26. *Constant surveillance* means the official process of collecting and recording data on the presence or absence of harmful organisms, on the basis of plant health examination, plant health monitoring, systematic investigation and other procedures and available sources.

27. *Phytosanitary examination* means checks of documents, identity and health condition of plants, plant products and other controlled objects with a view of establishing the presence of harmful organisms or the compliance of a consignment with the provisions of the Act and the regulations adopted pursuant to this Act.

28. *Plant health monitoring* means the process of permanent checking of the state of plant health.

29. *Statement or measure* shall be official if given or taken by:

- the official body responsible for plant health in the Republic of Croatia or, on its behalf, other officials authorised and qualified for the issuance of phytosanitary certificates and phytosanitary certificates for re-export,
- civil servants in responsible government administration bodies of the Republic of Croatia, and legal persons with public authorities, provided they are qualified for the activities they are authorised for and that they have no personal gain from the results of measures they take.

30. *Representative sample* means the sample taken by the responsible inspector, or other natural or legal person, acting on the grounds of authorisation given pursuant to this Act.

31. *Responsible authority* means the interior organisational unit of the Ministry.

II PLANT HEALTH PROTECTION

Implementation of plant health protection

Article 4

(1) Plant health protection shall be implemented by:

- the Republic of Croatia, though responsible government administration bodies,
- legal persons with public authorities in the area of plant health given to them by law (hereinafter: legal persons with public authorities),
- legal and natural persons that provide services of implementation of plant health protection procedures (hereinafter: service providers),
- owners of plants, plant products and other controlled objects, who are in the sense of this Act jointly referred to as implementers of plant health protection.

(2) The responsible authority coordinates and supervises the implementation of activities on plant health protection that arise from this Act and the regulations adopted pursuant to this Act, implements provisions of international conventions, contracts and agreements that relate to the area of plant health and that are binding for the Republic of Croatia, and exchanges information with other national organisations and other implementers of plant health protection.

Obligations of government administration bodies, legal persons with public authorities and service providers

Article 5

(1) With a view of timely detection of harmful organisms, reporting about their appearance and spreading, and their eradication, the responsible government administration bodies, legal persons with public authorities and service providers shall conduct constant surveillance and cooperate in the implementation of constant surveillance of plants, plant products, land, facilities and plants for processing, storage and preservation of plants and plant products, as well as means used for their transport.

(2) Legal and natural persons referred to in paragraph 1 of this Article shall immediately report to the responsible inspector any new or unusual appearance of a harmful organism, and the inspector shall immediately report to the responsible authority.

(3) Apart from this Act, implementers of plant health protection in forestry shall also act in compliance with other acts and regulations that regulate the forestry.

Obligations of owners, reporting and forecasting

Article 6

(1) With a view of detecting the appearance and preventing the spreading of harmful organisms, the owners shall inspect the plants they grow, including land under cultivation, plants that grow freely, plants for plant processing, storage and preservation, means for transport of plants, plant products and other controlled objects, regardless of whether they own them, or use and handle them in some other way.

(2) Owners shall immediately report to the responsible inspector on any new or unusual appearance of a harmful organism, and the inspector shall immediately report to the responsible authority

(3) With a view of preventing the spreading of harmful organisms, the owner of plants shall implement the measures prescribed by the responsible authority.

(4) If the owner should fail to implement measures referred to in paragraph 3 of this Article, the responsible inspector shall entrust service providers referred to in Article 4 with the implementation of such measures at the owner's expense.

(5) Activities on reporting and forecasting shall be performed in order to caution the owners in time against appearance of harmful organisms, and to give recommendations for their eradication.

(6) The Minister shall draw up and implement the programme of activities on reporting and forecasting referred to in paragraph 5 of this Article, and appoint its bearers and implementers.

III PREVENTION OF INTRODUCTION AND SPREAD OF HARMFUL ORGANISMS AND THEIR ERADICATION

A. BASIC PROVISIONS

1. Harmful organisms, plants, plant products and other controlled objects

Lists of harmful organisms

Article 7

(1) Harmful organisms are divided according to the degree of hazard to plants and plant products and to the survival of individual plant species, and according to the hazard of large economic damage they can cause.

(2) Harmful organisms especially hazardous to plants and plant products are listed in the following lists, or parts of the lists:

1. List I, Part A, and List II, Part A, relating to the prohibition of introduction of harmful organisms, and of plants and plant products from third countries into the territory of the Republic of Croatia,

2. List I, Part B, and List II, Part B, relating to the prohibition of introduction of harmful organisms, and of plants and plant products into particular protected areas.

(3) The contents of the lists referred to in paragraph 2 of this Article shall be prescribed by the Minister for agriculture, forestry and water management (hereinafter: the Minister).

Lists of plants, plant products and other controlled objects

Article 8

(1) Plants, plant products and other controlled objects by which harmful organisms referred to in Article 7 of paragraph 2 of this Act can be transmitted are divided in the following lists or parts of the lists:

1. List III, Part A, relating to the prohibition of introduction of plants, plant products and other controlled objects from third countries,
2. List III, Part B, relating to the prohibition of introduction of plants, plant products and other controlled objects into particular protected areas,
3. List IV, Part A, relating to special phytosanitary requirements that must be fulfilled at introduction and movement of plants, plant products and other controlled objects,
4. List IV, Part B, relating to special phytosanitary requirements that must be fulfilled at introduction of plants, plant products and other controlled objects into particular protected areas and movement within such areas,
5. List V, Part A, relating to plants, plant products and other controlled objects which must be examined before movement and comprising:
 - List V, Part A, Section I, relating to plants, plant products and other controlled objects which must be examined before movement within the Republic of Croatia and which must be accompanied by a plant passport,
 - List V, Part A, Section II, relating to plants, plant products and other controlled objects, which must be examined before introduction into particular protected areas and the movement within such areas, and which must be accompanied by a plant passport for the particular protected area,
6. List V, Part B, relating to plants, plant products and other controlled objects which must be examined at introduction from third countries, and comprising:
 - List V, Part B, Section I, relating to plants, plant products and other controlled objects, which must be examined at introduction from third countries, and which can transmit harmful organisms that are important for the entire territory of the Republic of Croatia,
 - List V, Part B, Section II, relating to plants, plant products and other controlled objects which must be examined at introduction into particular protected areas and which can transmit harmful organisms important for such protected areas,
7. List VI, relating to plants and plant products for which special plant health requirements can be prescribed.

(2) The contents of the lists referred to in paragraph 1 of this Article shall be prescribed by the Minister.

Constant surveillance

Article 9

To prevent introduction and spread of harmful organisms, constant surveillance of plants, plant products and other controlled objects, and the measures prescribed by this Act and by other regulations adopted pursuant to this Act shall be carried out.

Detection of the appearance of a harmful organism

Article 10

(1) If the owner or any other persons who, because of the nature of their work, should notice on plants, plant products or other controlled objects a new and unusual appearance of harmful organisms, or the symptoms that can be an indication of an infection with harmful organisms listed in List I, Part A, or List II, Part A, for the protected area: in List I, Part B, or List II, Part B, - such a person shall immediately report to the responsible inspector, and the inspector shall immediately report to the responsible authority.

(2) If there is a doubt as to an infection with a harmful organism referred to in paragraph 1 of this Article, the responsible inspector shall take a representative sample and send it to a laboratory to perform a laboratory analysis and to determine the infection and its agent, or to refute such doubt of an infection with a harmful organism. Representative samples shall be handled in such a way as to ensure the identity of the sample and to avoid the danger of spreading the harmful organism.

(3) The laboratory analysis referred to in paragraph 2 of this Article shall be performed by the Institute for the Protection of Plants in Agriculture and Forestry of the Republic of Croatia (hereinafter: the Institute) and by the Institute of Forestry in Jastrebarsko (hereinafter: the Institute of Forestry), each within the scope of their competencies, or by any other laboratory authorised by the Minister pursuant to Article 65 of this Act.

(4) the manner of reporting referred to in paragraph 1 of this Article shall be prescribed by the Minister.

Measures and procedures in the case of appearance of a harmful organism

Article 11

(1) If it is established that there is an infection with a harmful organism listed in List I, Part A or List II, Part A, or in a protected area: in List I, Part B or List II, Part B, the responsible inspector shall, depending on the circumstances, order one or more measures for the prevention of spreading or fighting a harmful organism, such as treatment, eradication or some other way of removal of the harmful organism, infected plants, plant products or other controlled objects.

(2) In the case of appearance of a harmful organism referred to in paragraph 1 of this Article, the owner shall protect the plants, plant products and other controlled objects against infection, and prevent such infected plants from coming in touch with other plants, plant products and other controlled objects to which the infection can be transmitted.

(3) The scope of the infection with a harmful organism shall be determined by the responsible authority.

(4) The responsible authority shall inform legal persons with public authorities and the owners about the appearance and the hazards of a harmful organism, as well as about the measures by which they can prevent the infection with the harmful organism.

(5) Measures referred to in paragraphs 1 and 4 of this Article shall be prescribed by the Minister.

Records of appearances and findings concerning harmful organisms

Article 12

(1) The responsible authority shall keep records of appearances and findings concerning harmful organisms and other necessary records of constant surveillance, for the purpose of reporting on the national and the international level.

(2) The contents, form and manner of keeping records referred to in paragraph 1 of this Article shall be prescribed by the Minister.

Making public the information on the first appearance of harmful organisms

Article 13

(1) It is forbidden to give or make public without authorisation any information on the first appearance of harmful organisms listed in List I, Part A, and List II, Part A.

(2) The information on the first appearance of harmful organisms listed in List I, Part A, and List II, Part A may be given or made public in the way prescribed by the Minister.

Special monitoring

Article 14

(1) Special monitoring is the official procedure of systematic collecting and keeping the data on the presence of harmful organisms, which includes inspection examinations, plant health monitoring and systematic investigation of infected, endangered and uninfected areas.

(2) The implementation, bearers and implementers of special monitoring, as well as the harmful organisms for which special monitoring is performed shall be determined by the Minister in the annual programme, at the proposal of the head of the responsible authority.

(3) When the presence of a harmful organism is established by special monitoring, the responsible inspector shall mark the location of infection and, depending on the kind of the harmful organism, order the appropriate measures, and inform, in the prescribed way, the owners on whose landed properties the infection has been found. The ordered measures shall be carried out as long as there is the danger of the harmful organism.

(4) The Minister shall set the limits of the infected, endangered and uninfected areas, prescribe measures for detection, prevention of spread and fighting harmful organisms, as well as determine the conditions for lifting the prescribed measures and the way of reporting of the owners.

Protected area

Article 15

(1) The following area can be declared protected:

in which one or more harmful organisms are neither endemic nor established despite favourable conditions for them to establish themselves there, yet which are established in some other part of the Republic of Croatia, in which there is the danger that a particular hazardous organism will establish itself in a culture, in favourable ecological conditions, despite the fact that such organisms are neither endemic nor established in the Republic of Croatia.

(2) A harmful organism shall be considered to be established in an area if it is known to occur there and if either no official measures have been taken there with a view to its eradication or such measures have proved, for a period of at least two successive years, to be ineffective.

(3) In an area in which one or more harmful organisms have not been established despite favourable conditions and which has been declared protected, the responsible authority shall perform regular and systematic investigations, or ensure that they are performed, in the prescribed way, in order to find out whether in that area there are the organisms because of which that area has been declared protected.

(4) The Minister shall declare the protected area referred to in paragraph 1 of this Article, prescribe in more detail the conditions for conducting systematic investigations, and issue lists of protected areas.

2. Prohibitions and limitations

Prohibition of introduction and spread of harmful organisms

Article 16

(1) It is prohibited to introduce into the territory of the Republic of Croatia harmful organisms listed in List I, Part A, and to spread them through plants, plant products and other controlled objects.

(2) It is prohibited to introduce into the territory of the Republic of Croatia plants and plant products listed in List II, Part A, if infected with particular harmful organisms listed in the same part of that List, as well as to spread such harmful organisms through plants, plant products and other controlled objects.

(3) It is prohibited to introduce into a protected area, and to spread within such a protected area:

– harmful organisms listed in List I, Part B,

– plants and plant products listed in List II, Part B, if infected with particular harmful organisms listed in the part of that List.

(4) If the health of plants is endangered, the introduction or spread of the following other kinds of harmful organisms can be prohibited or limited:

– the organisms suspected to be harmful to plants and plant products, yet not listed in Lists I and II,

– the organisms listed in List II that appear on plants and plant products not listed in List II, but suspected to be harmful to plants and plant products,

– the organisms listed in Lists I and II if such organisms are in an isolated state and are considered to be harmful to plants and plant products in that state.

(5) Measures for prevention or limitation of introduction and spread of other kinds of harmful organisms referred to in paragraph 4 of this Article shall be determined by the Minister.

(6) By way of derogation to the provisions contained in paragraphs 1 and 2 of this Article, the Minister may allow the introduction of plants found to be slightly infected with harmful organisms listed in List I, Part A, and List II, Part A, provided that they are not intended for planting, or if certain tolerances for harmful organisms listed in List II, Part A, Section II are found through the assessment of risks from a harmful organism for particular plants intended for planting.

(7) Conditions for introduction of plants referred to in paragraph 6 of this Article shall be prescribed in more detail by the Minister.

Prohibition of introduction of plants, plant products and other controlled objects

Article 17

(1) It is prohibited to introduce into the territory of the Republic of Croatia plants, plant products and other controlled objects listed in List III, Part A, if they originate from the countries listed in the same part of that List.

(2) It is prohibited to introduce plants, plant products and other controlled objects listed in List III, Part B, into particular protected areas from the same part of that List.

(3) By way of derogation to the provisions contained in paragraphs 1 and 2 of this Article, provided that there is no danger from spread of harmful organisms, the Minister may allow introduction of plants and plant products listed in List III, Part A, or plants, plant products and other controlled objects listed in List III, Part B provided they have been grown, produced or used in the border area with a neighbouring country for usage on nearby locations in the border area of the Republic of Croatia. It is obligatory to state the name of the location and the name of the owner in the decision allowing the introduction of the particular plants, plant products or other controlled objects.

(4) Plants, plant products and other controlled objects referred to in paragraph 3 of this Article shall be accompanied by the proof of the place of their origin in writing.

(5) The conditions for introduction of plants, plant products and other controlled objects referred to in paragraph 3 of this Article shall be prescribed by the Minister in more detail.

Prohibition of introduction of plants, plant products and other controlled objects that do not fulfil special plant health requirements

Article 18

(1) It is prohibited to introduce and move the plants, plant products and other controlled objects listed in List IV, Part A, if special plant health requirements from the same Part of that List are not fulfilled.

(2) It is prohibited to introduce plants, plant products and other controlled objects listed in List IV, Part B, into particular protected areas from the same Part of that List, and to move them within such areas if special plant health requirements from the same Part of that List are not fulfilled.

(3) By way of derogation to the provisions contained in paragraphs 1 and 2 of this Article, provided that there is no danger from spread of harmful organisms, the Minister may allow the introduction of plants, plant products and other controlled objects listed in List IV, Part A and B, even if special plant health requirements are not fulfilled, provided they have been grown, produced or used in the border area with a neighbouring country for usage on nearby locations in the border area of the Republic of Croatia. It is obligatory to state the name of the location and the name of the owner in the decision allowing the introduction of the particular plants, plant products or other controlled objects.

(4) Plants, plant products and other controlled objects referred to in paragraph 3 of this Article shall be accompanied by the proof of the place of their origin in writing.

(5) The prohibition referred to in paragraphs 1 and 2 of this Article shall not apply to the movement of small quantities of plants, plant products, foodstuffs or animal feed if the owner or the receiver intends to use them for non-industrial or non-commercial purposes or for consumption during a journey, provided that there is no danger of spread of harmful organisms.

(6) The Minister shall prescribe in more detail the conditions for introduction of plants, plant products and other controlled objects referred to in paragraphs 3 and 5 of this Article, and determine what small quantities are for individual species of plants and plant products.

Exceptions for trial or scientific purposes and for work on varietal selection

Article 19

(1) By way of derogation from the provisions contained in Article 16, paragraphs 1 – 4, Article 17, paragraphs 1 and 2, and Article 18, paragraphs 1 and 2 of this Act, it is allowed, provided that all the prescribed requirements are fulfilled, to introduce from third countries and to move harmful organisms listed in List I, Part A and B, and List II, Part A and B, as well as plants, plant products and other controlled objects listed in List III, Part A and B, and List IV, Part A and B if they are intended for trial or scientific purposes and for work on varietal selection.

(2) The introduction and movement of harmful organisms, as well as of plants, plant products and other controlled objects referred to in paragraph 1 of this Article is allowed if all the prescribed requirements are fulfilled and if the responsible authority has issued all the necessary permits.

(3) The conditions referred to in paragraph 1 of this Article, the manner of issuing and the contents of the application for issuance of a permit referred to in paragraph 2 of this Article shall be prescribed by the Minister.

Records of approved exceptions

Article 20

The responsible authority shall keep records of permits issued pursuant to Article 16, paragraph 6, Article 17, paragraph 3, Article 18, paragraph 3 and Article 19, paragraph 2 of this Act.

3. Register of producers, processors, importers and distributors of plants, plant products and other controlled objects

Register Article 21

(1) Only legal and natural persons that fulfil the requirements prescribed for performing registered activities and enrolled in the Register of producers, processors and distributors of particular plants, plant products and other controlled objects (hereinafter: the Register), which is, pursuant to this Act, to be established and kept by the responsible authority, may be engaged in the production, processing, introduction from third countries or distribution of particular plants, plant products and other controlled objects listed in List V, Parts A and B.

(2) Enrolment in the Register is obligatory for:

- producers, processors and distributors of plants, plant products and other controlled objects listed in List V, Part A,
- importers of plants, plant products and other controlled objects listed in List V, Part B,
- producers of particular species of plants, plant products and other controlled objects that are not listed in List V, Part A, and the owners of joint storages and distribution centres in the production area.

(3) The conditions for the enrolment in the Register, the contents and the manner of keeping the Register, the form, contents and the manner of submitting applications for the enrolment in the Register, as well as the obligations of the persons under obligation to be enrolled in the Register referred to in paragraph 2 of this Article, and the species of plants, plant products and other controlled objects referred to in paragraph 2, item 3 of this Article shall be prescribed by the Minister.

Exceptions from obligatory enrolment in the Register

Article 22

(1) By way of derogation from the provisions contained in Article 21, paragraphs 1 and 2 of this Act, the enrolment in the Register is not obligatory for small producers and processors that are not professionally engaged in the production of plants, and whose entire production of plants, plant products and other controlled objects is intended for end users on local markets, provided that there is no danger of spread of harmful organisms.

(2) The Minister shall prescribe the standards by which it shall be determined who is a small producer or processor, and the term “local market” defined.

B. MOVEMENT OF PLANTS, PLANT PRODUCTS AND OTHER CONTROLLED OBJECTS

Plant health examination related to the movement

Article 23

(1) Plants, plant products and other controlled objects listed in List V, Part A, that are intended to be moved, the packaging in which they are contained and, if necessary, the means of their transport shall be subject to plant health examination, either as a whole or on the basis of a representative sample, in order to check:

- whether they are infected with harmful organisms listed in List I, Part A, Section II, and if they are introduced into particular protected areas also with harmful organisms listed in List I, Part B,

– whether the plants and plant products listed in List II, Part A, Section II, are infected with particular harmful organisms listed in the same Part and Section of that List, and if they are introduced into particular protected areas also with harmful organisms listed in List II, Part B,
– whether plants, plant products and other controlled objects listed in List IV, Part A, Section II, fulfil the relevant special requirements listed in the same Part and Section of that List, and if they are introduced into particular protected areas also the relevant special requirements listed in List IV, Part B.

(2) To the plant health examination referred to in paragraph 1 of this Article shall be subject also particular plants and plant products, including substrate for growing the plants, that are grown, produced, used or are in some other way present on the landed property of the producer or in joint storages and distribution centres in the production area.

(3) Plant health examination referred to in paragraph 1 of this Article shall be performed regularly, in the appropriate time, at least once a year, and at least visually.

(4) If by plant health examination it should be found that there is the danger of spread of harmful organisms, plants, plant products and other controlled objects, or that the prescribed requirements for their movement are not fulfilled, the responsible inspector shall, pursuant to Article 11, paragraph 1 of this Act, order one or more of the following measures:

1. appropriate treatment, followed by the issuance of the appropriate plant passport, if it is considered that after the treatment the requirements for its issuance are fulfilled,
2. movement, under official surveillance, into the areas in which they will not cause additional danger,
3. movement, under official surveillance, to the plant for industrial processing, annihilation.

(5) The conditions and the manner of performing a plant health examination, the circumstances in which it is applied, or a particular measure referred to in paragraph 4 of this Article shall not be applied, as well as the particulars and the conditions for each of these measures shall be prescribed by the Minister in more detail.

Issuance of plant passport

Article 24

(1) Plants, plant products and other controlled objects listed in List V, Part A, may be moved only if the plant passport has been issued for them after the plant health examination performed pursuant to Article 23 of this Act.

(2) The plant passport for plants, plant products and other controlled objects listed in List V, Part A, provided that the plant health examination pursuant to Article 23 of this Act has been performed, shall be issued by:

- the persons enrolled in the Register that are under obligation to be enrolled in it pursuant to Article 21, paragraph 2 of this Act, provided they fulfil the requirements and have the authorisation of the responsible authority (hereinafter: authorised persons),
- the Institute and other legal persons with public authorities,
- the responsible authority when persons under obligation to be enrolled in the Register fail or cannot obtain the permit for issuance of plant passport.

(3) The plant passport shall be attached to plants, plant products and other controlled objects, to their packaging or the means of their transport.

(4) The conditions to be fulfilled by the authorised persons and the way of issuance of the plant passport shall be prescribed by the Minister.

Exceptions from plant health examination and obligations to issue plant passport

Article 25

(1) Phytosanitary examination referred to in Article 23, paragraph 1 of this Act and plant passport are not obligatory for plants, plant products and other controlled objects listed in List V, Part A, if they are produced by producers exempted from the obligation of enrolment in the Register pursuant to Article 22, paragraph 1 of this Act.

(2) Phytosanitary examination referred to in Article 23, paragraph 1 of this Act and plant passport are not obligatory for small quantities of plants and plant products listed in List V, Part A, and foodstuffs and animal feed if the owner or the receiver intends to use them for non-industrial or non-commercial purposes or for consumption during a journey, provided that there is no danger of spread of harmful organisms.

(3) Plants, plant products and other controlled objects listed in List V, Part A, Section II are not subject to phytosanitary examination referred to in Article 23, paragraph 1 of this Act in the sense of examination on the presence of harmful organisms listed in List I, Part B, and List II, Part B, if they are moved from a protected area or are in transit through it; in such cases plants, plant products and other controlled objects listed in List IV, Part B may not fulfil special requirements relating to particular protected areas.

Types and contents of plant passports

Article 26

(1) Types of plant passports are:

- standard plant passport,
- plant passport for a protected area,
- replacement plant passport.

(2) Usage of other official marks considered to be a plant passport can be allowed for special kinds of products.

(3) The contents, the form and the degree of standardisation of plant passports, as well as the forms of other official marks considered to be plant passports shall be prescribed by the Minister.

Plant passport for protected areas

Article 27

(1) Plants, plant products and other controlled objects listed in List V, Part A, Section II, and the seeds listed in List IV, Part A, may be introduced in a particular protected area or moved within it only if the plant passport valid for that protected area has been issued for them.

(2) Plants, plant products and other controlled objects referred to in paragraph 1 of this Article that originate outside a particular protected area and are moved through the concerned protected area to a destination outside it may not have the plant passport for that particular area if moved in accordance with the conditions prescribed by the Minister.

Replacement plant passport

Article 28

(1) When a consignment accompanied by the plant passport is divided in several individual consignments, or when several individual consignments or their parts are joined into a single consignment, or in the case when the health condition of a consignment has been changed, a replacement plant passport shall be issued for the new consignment.

(2) If the health condition of a consignment is changed, the phytosanitary examination is obligatory before the issuance of the plant passport.

Cases when the plant passport shall not be issued

Article 29

(1) Plant passport shall not be issued if it is found by phytosanitary examination that the conditions referred to in Article 23, paragraph 1 of this Act are not fulfilled.

(2) If by phytosanitary examination it is found that a part of plants, plant products and other controlled objects are infected with harmful organisms listed in List I, Part A and B, or List II, Part A and B, the plant passport may be issued for the rest of them if there are no grounds to suspect the infection and if there is no hazard from the spread of harmful organisms.

Giving authorisations for issuance of plant passport

Article 30

(1) At the request of a person under obligation to be enrolled in the Register referred to in Article 21, paragraph 2 of this Act, the responsible authority shall authorise the particular person for issuance of plant passports if the person fulfils the prescribed requirements.

(2) The conditions for obtaining the authorisation referred to in paragraph 1 of this Article, the manner and the time for issuance of plant passports, the form, the contents and the manner of submitting the request for issuance of the authorisation shall be prescribed by the Minister.

Repeal of authorisation to issue plant passports

Article 31

(1) Persons under obligation to be enrolled in the Register referred to in Article 30 paragraph 1 of this Act shall fulfil the prescribed obligations.

(2) If such a person does not fulfil any more the requirements for issuance of plant passports or ceases to fulfil the prescribed obligations, the responsible authority shall repeal the authorisation to issue plant passports.

(3) The authorisation to issue plant passports can be repealed also at request of the authorised person.

(4) The duties of persons under obligation to be enrolled in the Register referred to in paragraph 1 of this Article, and the manner of repealing an authorisation to issue plant passports referred to in paragraphs 2 and 3 of this Article shall be prescribed by the Minister.

Obligations of purchasers

Article 32

(1) The purchasers of plants, plant products and other controlled objects shall, as final users professionally engaged in plant production, keep the related plant passports for one year, and enter the references in their records.

(2) The purchasers referred to in paragraph 1 of this Article shall enable the responsible inspector the access to the plants, plant products and other objects which must be subject at all stages of their production, processing or trade, and also enable every check necessary within an inspection, including checks of plant passports and records.

Occasional checks

Article 33

(1) Within the scope of health monitoring occasional random checks of plants, plant products and substrates for growing plants, regardless of their origin, shall be performed besides the regular phytosanitary examination referred to in Article 23 of this Act. Occasional checks shall be performed at any time and on any places where plants, plant products and other controlled objects are moved, grown, produced, processed, stored, sold or used in any other way, including landed properties of purchasers.

(2) If through checks referred to in paragraph 1 of this Article it should be established that there is a danger of spread of harmful organisms, the measures referred to in Article 23, paragraph 4 of this Act shall be applied to plants, plant products and other controlled objects.

C. INTRODUCTION FROM THIRD COUNTRIES AND EXPORT OF PLANTS, PLANT PRODUCTS AND OTHER CONTROLLED OBJECTS

1. Introduction from third countries

Plant health examination at introduction from third countries

Article 34

(1) Plants, plant products and other controlled objects listed in List V, Part B, introduced from third countries shall, from the moment of their entry into the customs territory of the Republic of Croatia, be under customs surveillance and subject to plant health examination. The customs procedure cannot begin before the completion of phytosanitary examination, with the exception of transit and customs warehouse procedures.

(2) Phytosanitary examination of plants, plant products and other controlled objects referred to in paragraph 1 of this Article shall be performed by phytosanitary inspection. The inspection of wooden material for packaging used at the moment of introduction for transport of those goods that are not plants, plant products or other controlled objects listed in List V, Part B, shall be performed by the responsible customs service at the points of entry.

(3) By phytosanitary examination it is checked in particular:

- whether plants, plant products and other controlled objects are infected with harmful organisms listed in List I, Part A, and if introduced from third countries into particular protected areas also with harmful organisms listed in List I, Part B,
- whether plants and plant products listed in List II, Part A are infected with harmful organisms from the same Part of that List, and if introduced into particular protected areas also with harmful organisms listed in List II, Part B,
- whether plants, plant products and other controlled objects fulfil special requirements listed in List IV, Part A, and if introduced into particular protected areas also special requirements listed in List IV, Part B,
- whether plants, plant products and other controlled objects are accompanied by the original phytosanitary certificate or phytosanitary certificate for re-export.

(4) Plants, plant products and other controlled objects that are subject to phytosanitary examination shall remain under customs surveillance as long as the phytosanitary inspector confirms in the prescribed manner that the phytosanitary examination has been made.

(5) The phytosanitary examination referred to in paragraph 1 of this Article shall cover:

- each registered consignment containing plants, plant products and other controlled objects listed in List V, Part B,
- in the case when a consignment consists of several batches, each batch containing plants, plant products and other controlled objects listed in List V, Part B.

(6) The phytosanitary examination can also cover plants, plant products and other controlled objects that are not listed in List V, Part B.

(7) The phytosanitary examination referred to in paragraph 1 of this Article consists of:

- checks of documents in order to determine whether the consignment or the batch is accompanied by the prescribed phytosanitary certificate,
- checks of identity, by which on the basis of the whole or one or more representative samples it is determined whether the consignment or the batch contains the declared plants, plant products and other controlled objects,
- checks of the state of health, by which on the basis of the whole or one or more representative samples it is determined whether the consignment or the batch, including wooden material for the packaging, and if necessary also the means of transport fulfil the requirements referred to in paragraph 1 of this Article.

(8) The phytosanitary inspector shall perform the phytosanitary examination of a consignment or a batch also in the following cases:

- if there is a serious reason to suspect that a consignment or a batch for which it has not been declared that it contains plants, plant products or other controlled objects listed in List V, Part B, nevertheless contains plants, plant products or other controlled objects,
- when during the customs examination it is found that a consignment or a batch introduced from a third country contains undeclared plants, plant products or other controlled objects listed in List V, Part B,
- when even after the phytosanitary examination it is not possible to determine with certainty the identity of the goods, especially as regards its genus, species or origin.

(9) If there is a danger from spread of harmful organisms, the Minister can prescribe that also that the following plants, plant products and other controlled objects listed in List V, Part B shall be subject to phytosanitary examination:

- those introduced into a free customs zone or a bonded customs warehouse,
- those introduced into the Republic of Croatia for re-export,
- those for which measures of annihilation have been ordered,
- those whose owners have disowned them in favour of the national budget of the Republic of Croatia,
- those that are in transit over the territory of the Republic of Croatia,
- those that are brought into the customs warehouse.

(10) The Minister shall prescribe the manner in which the phytosanitary examination referred to in paragraph 1 of this Article shall be performed, the minimum number and size of samples referred to in paragraph 7, items 2 and 3 of this Article, and shall determine the species of plants, plant products and other controlled objects referred to in paragraph 6 of this Article.

Trial or scientific purposes and work on varietal selection

Article 35

(1) Plants, plant products and other controlled objects listed in List V, Part B, introduced from third countries and intended for trial or scientific purposes or work on varietal selection are subject to phytosanitary examination, and shall be accompanied, apart from the phytosanitary certificate, also by the permit referred to in Article 19, paragraph 2 of this Act.

(2) The manner and the conditions for introduction of plants, plant products and controlled objects referred to in paragraph 1 of this Article shall be prescribed in more detail by the Minister.

Special cases of transit

Article 36

If there is no danger from spread of harmful organisms, the plants, plant products and other controlled objects listed in List V, Part B shall not be subject to phytosanitary examination if:

- moved from one place into another on the territory of the Republic of Croatia, if the transit is made over the territory of some other country without change of their customs status,
- moved from one country into another, or from one place into another within the same country, and the transit over the territory of the Republic of Croatia is performed without change of their customs status.

Reduced frequency of checks

Article 37

(1) The frequency of checks of identity and state of health of plants, plant products or other controlled objects in a consignment or a batch may be reduced in the following cases:

- if the examination has already been made in the country from which the consignment is introduced, on the basis of an agreement with the authority responsible for plant health protection in that particular county,
- if the Minister prescribes that the frequency of the said checks of particular plants, plant products and other controlled objects should be lowered,
- if it is so provided for in the phytosanitary agreement with the country from which the consignment is introduced, and if such arrangement is based on reciprocity of practice.

(2) The conditions under which the checks referred to in paragraph 1 of this Article, the manner of performance of such checks, as well as species of plants, plant products and other controlled objects referred to in paragraph 1, item 2 of this Article can be performed shall be prescribed by the Minister.

Exceptions from plant health examination

Article 38

(1) The phytosanitary examination referred to in Article 34 of this Act and the phytosanitary certificate are not obligatory for small quantities of plants, plant products, foodstuffs or animal feed if the owner or the receiver intends to use them for non-industrial or non-commercial purposes or for consumption during a journey, provided that there is no danger of spread of harmful organisms, with the exception of those listed in List III.

(2) By way of derogation to the provisions contained in Article 34 of this Act, provided that there is no danger from spread of harmful organisms, the Minister may allow introduction of plants and plant products listed in List V, Part B, without phytosanitary examination, provided they have been grown, produced or used in the border area with a neighbouring country for usage on nearby locations in the border area of the Republic of Croatia. It is obligatory to state the name of the location and the name of the owner in the decision allowing the introduction of the particular plants, plant products or other controlled objects.

(3) The Minister shall prescribe the manner and the conditions of introduction of plants and plant products referred to in paragraph 1 and 2 of this Article, and also what are the small quantities referred to in paragraph 1 of this Article for particular species of plants and plant products.

Phytosanitary certificate

Article 39

- (1) Plants, plant products and other controlled objects listed in List V, Part B, shall be accompanied by the original phytosanitary certificate or the phytosanitary certificate for re-export.
- (2) The electronic form of the phytosanitary certificate shall be accepted as equally valid, provided that all the prescribed conditions are fulfilled.
- (3) In exceptional cases, when prescribed by the Minister, the officially authenticated copy of the phytosanitary certificate shall also be acceptable.
- (4) The phytosanitary certificates for plants, plant products and other controlled objects for which special requirements are prescribed in List IV, Parts A and B, shall be issued by the responsible body of the country of origin. When special requirements can be fulfilled outside of the place of origin, then the phytosanitary certificate can be issued in a country that is not the country of origin.
- (5) Plants, plant products and other controlled objects listed in List V, Part B, that have been dispatched from the country of origin, and stored, split up, joined with others, or their packaging changed in another country, shall, apart from the original phytosanitary certificate or its authenticated copy, be accompanied by the phytosanitary certificate for re-export issued in that other country.
- (6) If plants, plant products and other controlled objects listed in List V, Part B were consecutively imported from several different countries, and if several phytosanitary certificates were issued, the last phytosanitary certificate for re-export shall be accompanied by all the previously issued phytosanitary certificates for re-export or their authenticated copies.
- (7) Phytosanitary certificate and phytosanitary certificate for re-export shall be issued in accordance with the model certificates approved under the International Plant Protection Convention (hereinafter: the Convention), and filled in a language to be specified by the Minister.
- (8) By way of derogation referred to in paragraph 7 of this Article, a phytosanitary certificate shall be accepted also if issued in an exporting country that has not ratified the Convention, under the conditions prescribed by the Minister.
- (9) Phytosanitary certificate and phytosanitary certificate for re-export shall cease to be effective if more than 14 days have passed from the day of their issuance until the day when the plants, plant products and other controlled objects for which they had been issued have crossed the border of the country of their issuance.

Point of entry

Article 40

- (1) Consignments containing plants, plant products and other controlled objects listed in List V, Part B may be introduced from third countries only over particular points of entry, on which there are customs service and phytosanitary inspection.
- (2) By way of derogation referred to in paragraph 1 of this Article, consignments of wooden material for packaging may be introduced from third countries also over points of entry on which there is only customs service.
- (3) On the points of entry with established phytosanitary inspection, minimum conditions shall be ensured that are necessary for making plant identity checks and checks of the state of health of consignments.
- (4) The Minister shall specify the points of entry referred to in paragraph 1 of this Article and prescribe the minimum conditions referred to in paragraph 3 of this Article.

Announcements and applications for consignments

Article 41

(1) Importers, customs brokers authorised by them, carriers or other persons who introduce consignments of plants, plant products and other controlled objects listed in List V, Part B from third countries shall announce the consignment and apply for its phytosanitary examination within the prescribed period.

(2) Importers or customs brokers authorised by them shall, on a single customs declaration used for initiating the customs procedure, declare in the prescribed way that those are the plants, plant products and other controlled objects referred to in paragraph 1 of this Article, and specify other prescribed data.

(3) The way and the period for announcing a consignment and applying for the phytosanitary examination, the manner of marking the customs declaration and other documents referred to in paragraph 2 of this Article, as well as the data referred to in paragraph 2 of this Article shall be prescribed by the Minister.

Procedure and conditions for performing a plant health examination

Article 42

(1) Checks of documents and examination referred to in Article 34, paragraph 8 of this Act, as well as the checks to determine whether in consignments there are plants or plant products listed in List III whose introduction from third countries is prohibited shall be performed by phytosanitary inspection or, if so prescribed, by the customs office at the point of entry.

(2) Identity check and the check of the state of plant health shall be performed by phytosanitary inspection at the point of entry, in its own place or some other place in immediate vicinity, as determined or approved by the responsible authority and the Customs Administration, provided that this is not the final destination.

(3) The phytosanitary inspection at the point of entry can let the phytosanitary inspection at the place of destination, provided it agrees to do so, make the entire or just a part of the identity check or the check of the state of health, either in the area of the phytosanitary inspection at the place of destination or on some other place in the immediate vicinity that has been determined or approved by the responsible authority and the Customs Administration, provided that it is not the final destination. If there is no such agreement, the identity check and the check of the state of health shall be made in full by the phytosanitary inspection at the point of entry.

(4) If in certain cases or under certain circumstances, the identity check or the check of the state of health can be made also at the final destination - such as the place of production - which has been approved by the plant health inspection and the customs office responsible for the area in which the final destination is located, provided there are the required warranties and documents that eliminate the danger of spread of harmful organisms during transport of plants, plant products and other controlled objects.

(5) The Minister shall prescribe minimum conditions for checking the state of health, the cases and circumstances referred to in paragraph 4 of this Article, special warranties and documents relating to transport of plants, plant products and other controlled objects to the destination and final destination, special warranties and minimum conditions for appropriateness of the final destination for storage and storage conditions.

Cooperation of official bodies

Article 43

(1) During the procedure of registration and phytosanitary examination of a consignment, the phytosanitary inspection at the point of entry, the phytosanitary inspection at the final destination, the customs office at the point of entry and the customs office at the destination shall cooperate in accordance with the rules prescribed by Minister with concurrence of the Minister for finance.

(2) The rules referred to in paragraph 1 of this Article comprise in particular:

- the form and the contents of the documents relating to that cooperation and the manner of their delivery,
- procedures of information exchange between official bodies referred to in paragraph 1 of this Article,
- measures to insure that the batches and consignments will remain identical, and measures of protection against spread of harmful organisms until the completion of the customs procedure, especially during the transport.

Issuance of plant passport for consignments introduced from third countries

Article 44

(1) Plant passports issued also for plants, plant products and other controlled objects introduced from third countries, except if they are contained in List V, Part B, listed also in List V, Part A, and if by the phytosanitary examination performed in accordance with Article 34 of this Act it has been established that they fulfil the phytosanitary conditions prescribed by this Act and by regulations adopted pursuant to this Act.

(2) After completion of the plant health examination of a consignment, the phytosanitary inspector shall allow the movement of the consignment to the destination in the interior, with phytosanitary certificate of the exporting country, in which it will be stated that it replaces the plant passport.

(3) If the consignment referred to in paragraph 2 of this Article is split up in several individual consignments, or if several individual consignments or their parts are jointed into a single consignment, if the state of the health of the consignment has been changed, the replacement plant passport shall be issued.

(4) The manner of marking referred to in paragraph 2 of this Article shall be prescribed by the Minister.

Certification of documents

Article 45

(1) After completion of phytosanitary examination and individual checks, the phytosanitary inspector shall put on the original of the phytosanitary certificate or its electronic equivalent the prescribed mark of his permission of introduction of a consignment from a third country, or the mark from which it is evident that the phytosanitary examination has not been completed at the point of entry. Apart from the said mark it is obligatory to put the official name of the phytosanitary inspection and the date of the submission of the application referred to in Article 41, paragraph 1 of this Act.

(2) The form and the contents of the mark referred to in paragraph 1 of this Article shall be prescribed by the Minister.

Measures in the case when the prescribed requirements are not fulfilled

Article 46

(1) If it is found by phytosanitary examination that the requirements referred to in Article 34, paragraph 3 of this Act are not fulfilled, the phytosanitary inspector shall stop the consignment, and order one or more of the following official measures:

1. the prohibition of introduction of the entire consignment or its part into the territory of the Republic of Croatia of,
2. the movement to the destination outside the Republic of Croatia, under official supervision during the movement within the Republic of Croatia, in accordance with the applicable customs procedure,
3. removal of the part of the consignment,
4. annihilation,
5. quarantine until the results of laboratory analyses or official tests become known,
6. exceptionally and only in special circumstances: appropriate treatment to fight harmful organisms that are not listed in List I or II if the phytosanitary inspection should estimate that after the treatment the requirements will be fulfilled, and the danger of spread of harmful organisms eliminated.

(2) In the cases when the phytosanitary inspector orders some of the measures referred to in paragraph 1 points 1 to 3 of this Article, he/she shall put the mark of its cancellation on the phytosanitary certificate.

(3) Phytosanitary inspector shall report to the responsible authority as soon as possible of all the cases of the detention of plants, plant products or other controlled objects due to unfulfilment of phytosanitary requirements, stating the reasons for detention, to enable the responsible authority to report to the responsible body of the other country.

(4) The circumstances in which individual measures referred to in paragraph 1 of this Article can be applied or shall not be applied, the details and conditions for each of these measures, and the form and the contents of the mark referred to in paragraph 2 of this Article shall be prescribed by the Minister.

2. Export

Export

Article 47

(1) When the importing country or the country over which a consignment is in transit requires that an exported consignment originating from the Republic of Croatia should be accompanied by the phytosanitary certificate, and if the exporter or its authorised representative submits the application for issuance of the certificate, the plant health inspector shall make the plant health examination of the consignment, and if the phytosanitary requirements of that country are fulfilled, he/she shall issue the phytosanitary certificate.

(2) When the importing country or the country over which a consignment is in transit requires that an exported consignment not originating from the Republic of Croatia, yet stored, split up, jointed with another consignment, or its packaging changed in the Republic of Croatia, should be accompanied by a phytosanitary certificate, and if the exporter or its authorised representative submits the application for issuance of the certificate, the phytosanitary inspector shall make the phytosanitary examination of the consignment, and if the phytosanitary requirements of that country are fulfilled, he/she shall issue the phytosanitary certificate for re-export.

(3) Plants, plant products and other controlled objects intended for export, means of transport, packaging and, if necessary, also warehouses, containers, and land and landed property from which they originate, shall be subject to phytosanitary examination referred to in paragraphs 1 of 2 of this Article.

(4) If by phytosanitary examination it should be found that phytosanitary requirements of the importing country or the country over which a consignment is in transit are not fulfilled, the phytosanitary inspector shall order measures with which these requirements can be fulfilled.

(5) The model of phytosanitary certificate and phytosanitary certificate for re-export, the form of application referred to in paragraphs 1 and 2 of this Article, the manner and the deadline for its filing, and the place and the way in which the phytosanitary examination referred to in paragraphs 1 and 2 of this Article shall be performed shall be prescribed by the Minister.

IV BIOLOGICAL PROTECTION OF PLANTS

Organisms of endemic species

Article 48

(1) Organisms of endemic species can be grown, introduced and used for the purposes of biological protection of plants in a protected area or in the open if the prescribed requirements are fulfilled.

(2) The requirements referred to in paragraph 1 of this Article shall be prescribed by the Minister with concurrence of the minister responsible for environmental protection.

Organisms of foreign species

Article 49

(1) It is allowed to use for the purposes of biological protection of plants in a protected area or in the open, those organisms of foreign species that are listed in the List drawn up by the Minister with concurrence of the minister responsible for environmental protection.

(2) The responsible authority shall issue the permit for introduction and use of organisms referred to in paragraph 1 of this Article in accordance with the assessment of acceptability of such and intervention in the environment made on the basis of regulations that regulate environmental protection.

(3) Scientific and research institutions can be given the permit to introduce and use organisms of foreign species not listed in List referred to in paragraph 1 of this Article if such organisms are intended for trial, scientific or development purposes for the needs of biological protection of plants. The permit shall be issued pursuant to paragraph 2 of this Article.

(4) To obtain the permit referred to in paragraphs 2 and 3 of this Article, the applicant shall fulfil the prescribed requirements regarding space, equipment and qualifications of employees.

(5) The responsible authority shall keep records of the introduction and usage of organisms of foreign species from this Article.

(6) The contents of the application for permit and the requirements referred to in paragraph 4 of this Article shall be prescribed by the Minister with concurrence of the minister responsible for environmental protection.

V SCOPE, ACTIVITIES AND TASKS

A. THE MINISTRY

The Minister

Article 50

For the purpose of implementation of this Act the Minister can order the following measures:

1. forbid the production of particular species, varieties and clones of plants in a certain area,
2. limit or forbid trading in individual plant species,
3. order obligatory cooperation of the owners in fighting harmful organisms and usage of their equipment for that purpose,
4. set the boundaries of the area in which certain measures will be taken,
5. limit or forbid the movement of certain plants within the territory of the Republic of Croatia,
6. limit or forbid the introduction of certain plants into the Republic of Croatia or their transit over the territory of the Republic of Croatia,
7. order other measures and procedures indispensable for implementation of this Act.

Scope and activities of the Ministry

Article 51

For the purpose of the implementation of this Act, the Ministry of Agriculture, Forestry and Water Management (hereinafter: the Ministry) shall have the following tasks and competences:

1. cooperating in the framing and implementation of plant health policy,
2. drafting plant health regulations and take care of their implementation,
3. carrying out constant surveillance of harmful organisms,
4. analysing and assessing the plant health situation in and outside the Republic of Croatia in order to find a possible appearance of a harmful organism and its spread,
5. following the performance of laboratory analyses of plants, plant products and other controlled objects for the purpose of detection of harmful organisms listed in Lists I and II,
6. assessing the degree of danger from the appearance of harmful organisms, and providing expert instructions and appropriate measures,
7. providing specialised materials (documents and information) for setting limits of protected areas and areas under special surveillance,
8. opening and keeping registers, records and lists,
9. preparing programmes of preventive measures for prevention of introduction and spread of harmful organisms, and taking care of their implementation,
10. proposing measures for prevention, fighting and eradication of harmful organisms, coordinating their implementation, and implementing them if necessary,
11. performing expert surveillance of the implementation of activities and tasks of legal persons with public authorities, in accordance with this Act,
12. reporting on appearances, outbreaks of attacks, and spread of harmful organisms in Croatia and abroad,
13. reporting to the exporting countries on retained consignments that do not fulfil the plant health requirements of the Republic of Croatia,
14. preparing reports, analyses, information and other materials related to the appearance and spread of harmful organisms that the Republic of Croatia is obliged to prepare and exchange under the regulations and signed international treaties and agreements concerning plant health,
15. participating in the preparation of international treaties to be concluded by the Government of the Republic of Croatia in the area of plant health, and to take care of their implementation,
16. taking care of informing the public and all the interested on questions related to plant health, as well as of issuing publications,
17. taking care of the implementation of uniform working procedures in accordance with regulations and international requirements,

18. establishing and maintaining the plant health information system,
19. taking care of professional training of the employees,
20. cooperating with other foreign and domestic services, government bodies and organisations in the area of plant health,
21. representing the Republic of Croatia in international bodies and organisations in the area of plant health,
22. issuing plant passports when prescribed by this Act,
23. preparing instructions for performing activities and tasks prescribed by this Act and by regulations adopted pursuant to this Act,
24. performing other activities relating to plant health.

Responsible authority

Article 52

- (1) The responsible authority shall perform the activities referred to in Article 51 of this Act; coordinate the work of implementers of plant health protection, exchange information and report to responsible bodies of other countries, regional and international organisations.
- (2) The Responsible authority shall perform the administrative and other related specialised activities.

Administrative supervision

Article 53

Administrative supervision of implementation of this Act and the regulations adopted pursuant to this Act, and the supervision of work of legal persons with public authorities shall be performed by the Ministry.

Supervision through inspection

Article 54

- (1) Supervision through inspection of implementation of this Act and the regulations adopted pursuant to this Act shall be performed by the phytosanitary inspection and the forestry inspection of the Ministry (hereinafter: the responsible inspections).
- (2) For the purpose of performance of activities from the scope of phytosanitary inspection, regional units of the phytosanitary inspection of the Ministry shall be established.
- (3) The phytosanitary and forestry inspectors (the responsible inspectors), each within the scope of his competences, shall, in implementation of supervision through inspection, manage the procedures, make minutes and decisions in the cases when authorised by this Act and by regulations adopted pursuant to this Act.
- (4) Inspection procedures shall be conducted pursuant to the Act on General Administrative Proceedings, unless specified otherwise by this Act.
- (5) An appeal to the Ministry can be filed against the decision of the responsible inspector. The appeal shall be filed within eight days from the day of the delivery of the decision.
- (6) The appeal against the decision of the responsible inspector shall not suspend its implementation.
- (7) No appeal shall be allowed against the decision of the Ministry made in the first instance pursuant to this Act, but it shall be allowed to instigate administrative proceedings.

Role of responsible inspections

Article 55

(1) Through their actions, the responsible inspections ensure uniform application of working procedures and measures in the area of plant health; monitor the state of health of plants, plant products and other controlled objects, ensure professional training of inspectors, cooperate in preparation of regulation from their scope of work, and perform other activities prescribed by law and other regulations.

(2) In their work, the responsible inspections cooperate with the responsible authority, other inspections, institutions and organisations, and with experts in agriculture and forestry from the Republic of Croatia and abroad.

Rights and responsibilities of inspectors

Article 56

(1) Phytosanitary and forestry inspectors, each within their competences, have the following rights and responsibilities:

1. accessing plants, plant products and other controlled objects during their treatment at any time and on any place where they are produced, processed, stored, sold or used in any other way, including the right to enter the landed property of the purchaser,
2. making examinations of plants, plant products and other controlled objects at any time and on any place where they are produced, processed, stored, sold or used in any other way, including the right to enter the landed property of the purchaser,
3. checking phytosanitary documentation of legal and natural persons,
4. taking samples of plants, plant products and other controlled objects for the needs of laboratory analyses, without compensation for their value,
5. checking whether the producers, processors, importers and distributors of plants, plant products and other controlled objects whose enrolment in the Register is prescribed in Article 21 of this Act are enrolled in the Register,
6. checking whether the persons under obligation to be enrolled in the Register referred to in Article 21 of this Act fulfil the requirements for issuance of plant passports,
7. checking whether the persons under obligation to be enrolled the Register referred to in Article 21 of this Act fulfil the requirements prescribed by this Act and by regulations adopted pursuant to this Act,
8. checking whether legal persons with public authorities and service providers fulfil the requirements prescribed by this Act and by regulations adopted pursuant to this Act,
9. supervising the implementation of tasks to be performed by legal persons with public authorities,
10. issuing plant passports and supervising the issuance of plant passports when issued by the persons under obligation to be enrolled the Register referred to in Article 21 of this Act,
11. ordering phytosanitary measures,
12. checking the registers and inspection records necessary for implementation of supervision,
13. supervising the implementation of measures prescribed by this Act,
14. filing for the institution of minor offence proceedings in the cases defined by this Act,
15. performing other tasks from the plant health area.

(2) Forestry inspections shall have the rights and responsibilities referred to in paragraph 1 of this Article only in the part relating to forest plants, forest nurseries and reproduction materials for forests, with the exception of forest plants and reproduction material that are introduced from third countries, or are in transit or exported.

(3) Besides rights and responsibilities referred to in paragraph 1 of this Article, phytosanitary inspectors shall have the following rights and obligations:

1. accessing the plants, plant products and other controlled objects introduced from third countries, in transit, or exported,
2. examining plants, plant products and other controlled objects introduced from third countries, in transit, or exported,
3. issuing phytosanitary certificates and phytosanitary certificates for re-export,
4. controlling the import, growing and usage of organisms intended for biological protection of plants.

Inspection measures

Article 57

In accordance with the rights and obligations referred to in Article 56 of this Act, the phytosanitary inspector and the forestry inspector have the right to order the following measures:

1. forbidding the introduction from third countries of harmful organisms listed in the lists made pursuant to this Act, as well as of other of harmful organisms,
2. forbidding the introduction from third countries and the movement of plants, plant products and other controlled objects that do not fulfil the requirements from this Act,
3. forbidding for a certain time growing of a particular plant species in the place of production,
4. ordering an appropriate treatment of plants, plant products and other controlled objects that are moved, introduced from third countries or exported, if found to be infected with particular harmful organisms,
5. ordering removal of the infected part of a consignment if there is no danger from spread of a harmful organism,
6. ordering that a consignment should not be delivered to the importer, carrier or the persons who introduce or move plants, plant products and other controlled objects from third countries as long as the phytosanitary examination is not completed or the results of laboratory analysis or official testing known,
7. allowing transport of plants, plant products and other controlled objects, with the exception of seeds and plants intended for growing, into the areas in which there is no danger from their spread or, under supervision, to the plant for their industrial processing,
8. ordering annihilation of a consignment plants, plant products and other controlled objects during their movement or introduction from third countries, when there is the danger of spread of harmful organisms or when the requirements prescribed by this Act are not fulfilled,
9. forbidding temporarily, partly or completely, the activities of the producer or the processor, as well as the issuance of plant passports until the elimination of the danger of spread of harmful organisms,
10. forbidding the issuance of plant passports when the requirements for their issuance are not fulfilled,
11. proposing to the responsible authority to remove from the Register a person under obligation to be enrolled in it if such a person does not fulfil the prescribed obligations,
12. proposing to the responsible authority to revoke the permit to issue plant passports in the case of repeated violation of regulations,
13. forbidding temporarily service providers to perform their business activities if they do not fulfil the prescribed requirements or to propose the revoking of the permit until the final decision is taken,
14. forbidding introduction, growing and use of organisms intended for biological protection of plants if the requirements prescribed by this Act are not fulfilled,
15. ordering measures for elimination of observed irregularities and defects within periods of time they set,

16. ordering indispensable preventive measures and actions for the purpose of prevention of introduction, appearance and spread of harmful organisms and for their eradication, for which they are authorised under this Act and other regulations,
17. ordering other measures in accordance with this Act and with regulations adopted pursuant to this Act.

Enabling supervision through inspection

Article 58

- (1) Legal and natural persons subject to supervision by responsible inspections shall enable the performance of supervision through inspection, give the responsible inspector the required data and information, and ensure him/her of the conditions for undisturbed work.
- (2) At request of the responsible inspection, legal and natural persons referred to in paragraph 1 of this Article shall, within a certain period of time, deliver or prepare the data or information necessary for the performance of surveillance through inspection.
- (3) The time period referred to in paragraph 2 of this Article shall be appropriate to the kind of the request.

Taking the decision

Article 59

- (1) If in the performance of supervision through inspection the responsible inspector should find that the provisions of this Act or the regulations adopted pursuant to this Act have been violated, he/she shall order by a decision that the found irregularities or defects be eliminated within a certain period of time.
- (2) The responsible inspector shall take the decision referred to in paragraph 1 of this Article without delay, within 15 days from the day of the completion of the supervision through inspection.

Temporary measures

Article 60

- (1) The responsible inspector can temporarily, until the decision that a violation has been made is taken, seize the documentation and the objects that could serve as evidence in minor offence or court proceedings.
- (2) A receipt shall be issued for the temporarily seized documentation or objects referred to in paragraph 1 of this Article.

Conditions for appointment

Article 61

- (1) The work of a phytosanitary inspector can be performed by a person with a degree from the faculty of agronomy, agriculture or forestry, with completed appropriate study programme at the appropriate faculty department, and with appropriate special subject of study, with five years of working experience in the profession, and passed state examination in plant health.
- (2) For performance of supervision through inspection under this Act, a forestry inspector shall, among other prescribed conditions, pass a special part of the state examination in the area of plant health.

(3) The particular study, department or programme referred to in paragraph 1 of this Article, and the programme of the special part of the state examination in the area of plant health shall be prescribed by the Minister.

Identification card and mark

Article 62

- (1) The phytosanitary inspector shall have an identification card and mark, to prove his/her identity and authorities.
- (2) The form of the identification card and mark, and the manner of issuance of the card and mark referred to in paragraph 1 of this Article shall be prescribed by the Minister.

B. LEGAL PERSONS WITH PUBLIC AUTHORITIES

The Institute for the Protection of Plants in Agriculture and Forestry of the Republic of Croatia

Article 63

(1) The Institute, founded by the Ministry in accordance with the provisions of the Institutions Act (Official Gazette 76/93, 29/97 and 47/99), shall perform the following activities and tasks:

1. follow the state of plant health during their growth and development in fields, planted plants, facilities and other surfaces, including self-grown plants, for the purpose of collecting the data on the appearance, intensity of the attack, population and spread of organisms harmful to plants and plant products, and to systematically keep records of that,
2. collect biological, meteorological and other data important for forecasting the appearance of harmful organisms,
3. forecast the appearance of harmful organisms, and the development and tendencies in their population, and determine the optimum times for their eradication,
4. detect harmful organisms,
5. perform laboratory analyses and tests of plants, plant products and other controlled objects for determination of harmful organisms and the degree of infection,
6. report on the presence, appearance and spread of harmful organisms,
7. assess risks from harmful organisms,
8. develop and propose preventive measures and measures of eradication of harmful organisms,
9. do scientific and other research in the area of plant health,
10. provide the owners expertise on plant health protection,
11. educate the owners, service providers and other participants in plant health protection about harmful organisms, phytosanitary measures and the manner of performing particular activities in the area of plant health,
12. organise and perform professional training of persons responsible for plant health protection and issuance of plant passports,
13. participate in the professional training of plant health inspectors,
14. develop specialised materials for drafting regulations concerning plant health,
15. participate in the preparation and implementation of the programmes referred to in Article 6, paragraph 6 and Article 14, paragraph 2 of this Act,
16. participate in the introduction and implementation of the information system,
17. perform other specialised and technical activities for which it is authorised by this Act or the regulations adopted pursuant to this Act.

(2) For implementation of the activities and tasks referred to in paragraph 1 of this Article the Institute is responsible to the responsible authority.

(3) The Institute shall report to the responsible authority of the implementation of the activities referred to in paragraph 1 of this Article.

(4) The manner and the deadlines for reporting referred to in paragraph 3 of this Article shall be prescribed by the Minister.

The Institute of Forestry in Jastrebarsko

Article 64

(1) The activities and tasks referred to in Article 63, paragraph 1 items 1 to 11 and items 15 to 17 of this Act, relating to forests, forest nurseries and forest reproduction material shall be performed by the Institute of Forestry.

(2) For the implementation of the activities and tasks referred to in paragraph 1 of this Article the Institute of Forestry shall be responsible to the responsible authority.

(3) The Institute shall report to the responsible authority of the implementation of the activities referred to in paragraph 1 of this Article.

(4) The manner and the deadlines for reporting referred to in paragraph 3 of this Article shall be prescribed by the Minister.

Other legal persons with public authorities

Article 65

(1) For particular activities and tasks from the area of plant health, the Ministry can also authorise other legal persons, experts or scientific institutions first of all.

(2) Legal persons with public authorities obtained pursuant to paragraph 1 of this Article shall act in accordance with the prescribed or particular conditions.

(3) For the implementation of the activities and tasks referred to in paragraph 1 of this Article, legal persons with public authorities shall be responsible to the responsible authority.

(4) Legal persons with public authorities shall report to the responsible authority of the implementation of the activities referred to in paragraph 1 of this Article.

(5) The conditions referred to in paragraph 2 of this Article, and the manner and the deadlines for reporting referred to in paragraph 4 of this Article shall be prescribed by the Minister.

C. SERVICE PROVIDERS

Activities and conditions

Article 66

(1) Service providers performing particular specialised and technical activities for the purpose of implementation of phytosanitary measures provided for by this Act and the regulations adopted pursuant to this Act.

(2) The activities referred to in paragraph 1 of this Article can be performed only by those legal and natural persons that fulfil the prescribed requirements, and that are enrolled in the Register of legal and natural persons that perform particular specialised and technical activities related to the implementation of phytosanitary measures, with the exception of the activities on eradication and annihilation of harmful organisms by application of phytosanitary products to which the provisions of the act regulating the area of phytosanitary products apply.

(3) The contents, the form and the manner of keeping the Register referred to in paragraph 2 of this Article shall be prescribed by the Minister.

(4) The conditions referred to in paragraph 2 of this Article shall be prescribed by the Minister, with concurrence of the minister responsible for environmental protection.

Activities awarded by public invitations to bid

Article 67

(1) The eradication of harmful organisms or annihilation of plants, plant products and other controlled objects for which the measures of annihilation have been ordered shall be awarded by service providers on the basis of a public competition.

(2) The conditions for the award of a contract for activities referred to in paragraph 1 of this Article shall be prescribed by the Minister in the public invitation to bid.

(3) The decision on the award of a contract for performance of the activities referred to in paragraph 1 of this Article shall be taken by the Minister.

D. PLANT HEALTH COMMISSION

Plant Health Commission

Article 68

(1) The Plant Health Commission (hereinafter: the Commission) is the expert advising body of the Ministry for the area of plant health protection.

(2) The members of the Commission shall be appointed by the Minister among the scientific employees specialised in plant health, sciences and education, and among civil servants.

(3) The members of the Commission shall receive a fee for their work in the amount determined the Minister.

(4) The manner of the work and the tasks of the Commission shall be prescribed by the Minister.

VI COLLECTION, USE AND EXCHANGE OF DATA AND INFORMATION

Collection and use of data and information

Article 69

(1) For performing its own activities and tasks, and also for keeping and updating its own data collections, the responsible authority can, in accordance with this Act, collect and use data and information which the Ministry, other government administration bodies, bodies in local and regional self-government units and other legal persons with public authorities collect and use within their own prescribed data collections; this applies in particular to the data and information from:

- the Register of single and family farms,
- records on producers and processors of agricultural products or foodstuffs,
- the Register of spatial units,
- the Register of taxpayers,
- records of places of residence and changes of home address (name, surname, address in the place of permanent or temporary residence),
- land cadastre (plot number, plot boundary, area, the owner),
- land register,
- the Register of corporate entities,

- collections of statistical data on agriculture and forestry,
- collections of customs regulations concerning import, export and transit of plants, plant products and other controlled objects.

(2) The Responsible authority can also use topographic and cadastral maps, the main map of the state, outline and ortophotographic maps and plans.

(3) The persons who manage data collections, plans and maps referred to in paragraphs 1 and 2 of this Article shall enable the responsible authority to use free of charge the data and information they manage if such data and information are necessary for the performance of the activities and tasks within the competence of the responsible authority.

(4) The responsible authority shall, within its scope, connect its own data collections with those of the Ministry and other government bodies.

(5) The manner of connecting with other data collections and of picking data from such collections shall be regulated by a contract that the Minister concludes with the head of the government body responsible for the particular data collection, and in accordance with regulations governing the right of access to information and data protection.

Giving the data for use

Article 70

(1) The responsible authority can give other government bodies the right to use the data and information from its own registers, records and data collections if such bodies should need such data and information for performance of their activities and tasks within their competence as prescribed by law; and also to legal persons with public authorities, and to service providers, if they need them for the performance of the activities and tasks pursuant to this Act, as well as to other persons that express legal interest in that.

(2) The data and information that a responsible authority gives other users for use may be used only for the purpose for which they were given, and shall not be further forwarded without the consent of the responsible authority.

Information system

Article 71

(1) The implementers of plant health protection shall keep and regularly update the prescribed registers, records and data collections, which shall be connected into an information system.

(2) The responsible authority shall establish the information system referred to in paragraph 1 of this Article and connect it to the information system of the Ministry and the international plant health information systems.

(3) The manner of keeping the register, records and data collections referred to in paragraph 1 of this Article, and the manner of connecting the information system referred to in paragraph 1 of this Article to other information systems shall be prescribed by the Minister.

International data and information exchange

Article 72

(1) On the international level, the responsible authority shall exchange mainly the data and information on:

- the responsible plant health service,
- points of entry,
- lists of harmful organisms that shall be controlled,

- presence or appearance of harmful organisms listed in the lists prescribed by this Act in the part of the territory of the Republic of Croatia in which their presence was not known before, and on measures taken for prevention of their spread or for their eradication,
 - appearance, the outbreak of and attack and spread of harmful organisms that are a potential danger,
 - each appearance of harmful organisms in a protected area, because of which the area has been declared protected,
 - results of systematic investigations carried out in a protected area,
 - regulations adopted pursuant to this Act,
 - consignments of plants, plant products and other controlled objects that have been detained because they do not fulfil phytosanitary requirements,
 - other data and information from the area to which the Act applies, if requested by international bodies or organisations.
- (2) The data and information shall be exchanged in accordance with international Conventions and treaties that are binding on the Republic of Croatia.

VII FINANCING, FEES AND COMPENSATIONS

Financing of activities that shall be performed on the basis of public authorities

Article 73

The funds for performance of the activities referred to in Articles 63, 64 and 65 of this Act shall be ensured from the national budget, with the exception of the activities performed at request of legal and natural persons for which such persons pay a fee in accordance with Article 74 of this Act.

Fees and costs

Article 74

(1) Legal and natural persons shall be charged for:

1. laboratory analysis and testing of representative samples of plants, plant products and other controlled objects made at request of the responsible inspector in order to determine the state of plant health, in the case when the result of the analysis or test is not favourable for the legal or natural person concerned, with the exception of cases when prescribed otherwise,
2. phytosanitary examination of plants, plant products and other controlled objects when moved within the Republic of Croatia,
3. phytosanitary examination of plants, plant products and other controlled objects introduced from third countries,
4. phytosanitary examination of plants, plant products and other controlled objects exported from the Republic of Croatia,
5. systematic training of owners of plants and other implementers of phytosanitary protection who do not have public authorities,
6. professional training for acquiring the authorisation to issue plant passports.

(2) The fees referred to in paragraphs 1 points 2, 3 and 4 of this Article shall be the revenue of the national budget of the Republic of Croatia.

(3) The fees referred to in paragraph 1 points 1, 5 and 6 of this Article shall be the revenue of those legal persons with public authorities that have performed the analysis or the test, or carried out the systematic or professional training.

(4) The amounts of fees referred to in paragraph 1 of this Article shall be prescribed by the Minister.

(5) The costs incurred by implementation of phytosanitary measures prescribed by this Act and regulations adopted pursuant to this Act shall be borne by the owner of the plants, with the exception of cases when they shall be borne by the Republic of Croatia.

Compensations

Article 75

(1) The owner of plants engaged in the production or processing of plants, plant products or other controlled objects shall be entitled to compensation:

– if he/she has immediately reported of appearance or a suspicion of appearance of a harmful organism listed in List I, Part A, or List II, Part A, or – in the case of a protected area - in List I, Part B, or List II, Part B, or of an organism not listed in the said Lists, but which represents a danger for plants on the territory of the Republic of Croatia and for which Minister has prescribed measures for its eradication or prevention of its spread,
– if he/she has implemented all the measures for phytosanitary protection ordered by the phytosanitary inspector.

(2) The compensation shall be paid from the national budget of the Republic of Croatia.

(3) The compensation referred to in paragraph 1 of this Article shall not be paid if the harmful organism was found during phytosanitary examination of plants, plant products and other controlled objects introduced into the Republic of Croatia from third countries.

(4) The procedure for payment of compensation shall be initiated at request of the owner of the destroyed or in some other way eliminated plants, plant products and other controlled objects. The claim that the owner submits to the responsible authority shall be accompanied by the decision of the phytosanitary inspector by which he/she orders that the measures related to the subject of the claim shall be implemented.

(5) The amount of the compensation shall be fixed by a special commission to be appointed by the Minister.

(6) The Minister shall make the decision whether the claim is justified and determine the amount of the compensation.

(7) No appeal can be filed and no administrative proceedings can be instigated against the decision referred to in paragraph 6 of this Article. The claimant can propose the competent court to fix the amount of the compensation within 30 days from the day of receipt of the decision referred to in paragraph 6 of this Article.

(8) If the decision referred to in paragraph 6 of this Article has not been issued or delivered to the claimant within 60 days from the day of filing the claim, the owner can propose the competent court to fix the amount of the compensation.

(9) The court shall decide on the proposal referred to in paragraphs 7 and 8 of this Article in an extrajudicial procedure.

(10) The Minister shall prescribe in more detail the standards by which the decision shall be made concerning the right to compensation and its amount.

VIII PUNITIVE PROVISIONS

Minor offences

Article 76

(1) A legal person shall be fined with an amount from HRK 50,000.00 to 100,000.00:

1. if it should fail to carry out the measures ordered by the responsible inspector (Article 11 paragraph 1, Article 23 paragraph 4, Article 33 paragraph 2 and Article 46 paragraph 1),

2. if it should introduce a harmful organism or cause spread of a harmful organism whose introduction and spread is forbidden (Article 16),
 3. if it should introduce or move the plants, plant products and other controlled objects whose introduction or movement is forbidden (Articles 17 and 18),
 4. if it should introduce or move harmful organisms, plants, plant products or other controlled objects contrary to the provisions of Articles 19 and 35 of this Act,
 5. if it should move plants, plant products and other controlled objects listed in List V, Part A, with no plant passport issued (Article 24 paragraph 1, Article 27 paragraph 1 and Article 28 paragraph 1),
 6. if it should introduce from a third country plants, plant products or other controlled objects listed in List V, Part B without phytosanitary examination (Article 34 paragraph 1),
 7. if it should introduce or use organisms of foreign species contrary to the provisions of Article 49, paragraphs 1 and 2 of this Act,
 8. if it should fail to enable the responsible inspector undisturbed surveillance through inspection in accordance with this Act, or it should hinder the inspector in his/her work, insult him/her or not give him/her access to the requested documentation or information (Article 58 paragraphs 1 and 2).
- (2) For an offence referred to in paragraph 1 of this Article also the responsible person in the legal person shall be fined with an amount from HRK 10,000.00 to 15,000.00.
- (3) For an offence referred to in paragraph 1 of this Article also a natural person shall be fined with an amount from HRK 10,000.00 to 15,000.00.

Article 77

- (1) A legal person shall be fined with an amount from HRK 30,000.00 to 50,000.00:
1. if it should fail to act in accordance with the provisions of Article 6 of this Act,
 2. if it should fail to inform the responsible inspector about the appearance of a harmful organism or the symptoms that indicate an infection with harmful organisms (Article 10 paragraph 1),
 3. if it should fail to protect plants, plant products and other controlled objects against infection and prevent contact of infected plants with other plants, plant products and other controlled objects (Article 11 paragraph 2),
 4. if it should give or publish data about the first appearance of harmful organisms listed in List I, Part A, or List II, Part A without authorisation or in a manner contrary to regulations (Article 13.),
 5. if it is engaged in production, processing, introduction from third countries or distribution of plants, plant products and other controlled objects listed in List V, Parts A and B without being enrolled in the Register (Article 21 paragraph 1),
 6. if it should issue a plant passport without authorisation by the responsible authority (Article 24 paragraph 2 indent 1)
 7. if it should issue a plant passport despite the fact that the requirements referred to in Article 23, paragraph 1 of this Act are not fulfilled (Article 29 paragraph 1),
 8. if it should fail to enable the responsible inspector access or checking (Article 32 paragraph 2.),
 9. if it should introduce from third countries consignments containing plants, plant products and other controlled objects listed in List V, Part B over points of entry that are not intended for that purpose (Article 40 paragraph 1),
 10. if it grows, introduces or uses organisms of endemic species without fulfilling the prescribed requirements (Article 48 paragraph 1),
 11. if it acts contrary to the provisions of Article 83, paragraphs 1, 3 and 4 of this Act.

(2) For an offence referred to in paragraph 1 of this Article also the responsible person in the legal person shall be fined with an amount from HRK 6,000.00 to 10,000.00.

(3) For an offence referred to in paragraph 1 of this Article also a natural person shall be fined with an amount from HRK 6,000.00 to 10,000.00.

Article 78

(1) A legal person shall be fined with an amount from HRK 10,000.00 do 30,000.00:

1. if should fail, as the purchaser of plants, plant products and other controlled objects as the final user professionally engaged in plant production, to keep plant passports during the prescribed time period, and enter the references in the records (Article 32 paragraph 1),

2. if in the capacity of a legal person with public authorities it does not act in accordance with regulations or certain requirements (Article 65 paragraph 2),

3. if it should perform specialised and technical activities referred to in Article 66, paragraph 1 of this Act without being enrolled in the Register (Article 66 paragraph 2),

4. if it, as implementer of plant health protection, does not keep and regularly update the prescribed registers, records and data collections, or prevents their connection into an information system (Article 71 paragraph 1).

(2) For an offence referred to in paragraph 1 of this Article also the responsible person in the legal person shall be fined with an amount from HRK 2,000.00 to 6,000.00.

(3) For an offence referred to in paragraph 1 of this Article also a natural person shall be fined with an amount from HRK 2,000.00 to 6,000.00.

IX TRANSITIONAL AND FINAL PROVISIONS

Responsible organisational unit

Article 79

The organisational unit of the Ministry referred to in Article 3 point 31 shall be established not later than 30 June 2006.

Regional units of the plant health inspection

Article 80

(1) Regional units of the plant health inspection shall be established not later than 28 February 2006.

(2) Until the completion of the establishment of regional units referred to in paragraph 1 of this Article, the supervision through inspection in the traffic over the frontier pursuant to this Act and the regulations adopted pursuant to this Act shall be performed by phytosanitary inspection, and in the internal traffic by the agricultural inspection of the Ministry, whose scope is specified in the Plant Protection Act (Official Gazette 10/94, 19/94 and 117/03).

Definitions of terms

Article 81

(1) Until the day of accession of the Republic of Croatia to the European Union movement means the movement within the Republic of Croatia, and from the day of accession of the Republic of Croatia to the European Union the movement means the movement within the Member States of the European Union.

(2) Until the day of accession of the Republic of Croatia to the European Union third countries means all the countries, and from that day on third countries means the countries that are not the Member States of the European Union.

(3) From the day of accession of the Republic of Croatia to the European Union transit in the sense of Article 3 of this Act small mean the movement of goods subject to customs control from one place into another within the customs area of the European Union.

Communication with other European Union Member States

Article 82

From the day of accession of the Republic of Croatia to the European Union, the responsible authority shall deliver communications to other Member States of the European Union and to the European Commission concerning all the measures taken pursuant to this Act and the regulations adopted pursuant to this Act.

Plant health monitoring of seedlings of perennial plants introduced from third countries

Article 83

(1) Until 30 June 2006, the state of health of seedlings of perennial plants introduced from third countries that carry or can carry harmful organisms listed in List I, Part A, and List II, Part A whose presence cannot be determined by plant health examination at the point of entry shall be monitored by the Institute in accordance with the provisions of Article 29 of the Plant Protection Act.

(2) From 1 July 2006 the plant health monitoring referred to in paragraph 1 of this Article shall be performed by the plant health inspection.

(3) During the period referred to in paragraph 2 of this Article, the importer of the seedlings referred to in paragraph 1 of this Article shall, at the introduction of such seedlings from third countries, file with the phytosanitary inspection at the point of entry an entry the form with the prescribed data on the end user.

(4) As long the plant health monitoring is carried out, the seedlings referred to in paragraph 1 of this Article shall not be moved without approval of the responsible authority.

Adoption of subordinate legislation

Article 84

(1) The Minister shall adopt the regulations for whose adoption he/she is authorised pursuant to this Act within two years from entry into force of this Act.

(2) By way of derogation referred to in paragraph 1 of this Article, the Minister shall adopt the regulations for whose adoption he/she is authorised pursuant to Articles 21 and 22 of this Act within twelve months from the commencement of its application.

(3) For the purpose of harmonisation with the regulations of the European Union the Minister can adopt also other regulations needed for the implementation of this Act apart from those provided for in this Act.

Regulations that remain in force

Article 85

Unless contrary to this Act, the regulations adopted pursuant to the Plant Protection Act shall remain in force until adoption of implementing regulations pursuant to this Act.

Termination of validity

Article 86.

On the day of commencement of the application of this Act, the provisions of Articles 1 – 14, Articles 16 – 23, Articles 26 – 28, Articles 29a – 37 and Articles 54 – 79 of the Plant Protection Act in the part relating to plant protection shall cease to be valid, with the exception of provisions of Articles 15, 24, 25 and 29, which shall remain in force until the commencement of the application of provisions of Articles 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 44, Article 51 point 22, Article 56 points 6 and 10, Article 57 points 9, 10 and 12, Article 76 paragraph 1 point 5, Article 77 paragraph 1 points 6 and 7 and Article 78 paragraph 1 point 1 of this Act.

Entry into force and application

Article 87

(1) This Act shall enter into force on the eighth day from its publication in the Official Gazette and shall apply as of 1 January 2006.

(2) The provisions of Articles 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 44, Article 51 point 22, Article 56 points 6 and 10, Article 57 points 9, 10 and 12, Article 76 paragraph 1 point 5, Article 77 paragraph 1 points 6 and 7, and Article 78 paragraph 1 point 1 of this Act shall apply as of 1 January 2008.

Class: 320-20/05-01/02
Zagreb, 3 June 2005

CROATIAN PARLIAMENT

President
of the Croatian Parliament

Vladimir Šeks, m.p.