

THE CROATIAN PARLIAMENT

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

DECISION

PROMULGATING THE BUILDING INSPECTION ACT

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

Class: 011-01/13-01/293

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

Zagreb, 12 December 2013

The President
of the Republic
of Croatia

Ivo Josipović,
m.p.

BUILDING INSPECTION ACT

I GENERAL PROVISIONS

Scope and purpose of the Act

Article 1

This Act regulates the organisation of the building inspection, performance of inspectional supervision of construction activities, maintenance and use of construction works, implementation of building surveillance, implementation of interventions in space other than construction and maintenance of construction works by local self-government units, for the purpose of protecting public interest in the implementation of laws and other legislation regulating the administrative fields of construction and physical planning.

Competence for performance of supervision

Article 2

(1) Pursuant to this Act, inspectional supervision shall be carried out by building inspectors employed by the ministry competent for construction and physical planning (hereinafter: Ministry), whereas supervision of construction activities and interventions in space other than construction shall be carried out by the administrative body of a local self-government unit competent for utility services, or by a single administrative department in whose territory the construction activities or interventions in space are carried out (hereinafter: administrative body).

(2) Building inspectors shall carry out inspectional supervision of construction activities, implementation of building surveillance, maintenance and use of construction works, with the exception of the construction works the construction of which is supervised by an administrative body.

(3) Administrative bodies shall carry out supervision related to the construction and performance of works which, pursuant to a special regulation governing construction, are carried out:

1. on the basis of a decision passed pursuant to regulations governing utility services and
2. without a building permit, main design or other related documents.

(4) Administrative bodies shall perform supervision related to the following:

1. removal of rubble
2. rectification of damaged front sides and coverings of existing buildings other than load-bearing constructions
3. implementation of interventions in space other than construction, with the exception of mining works
4. completion of buildings as regards their exterior and development of the building plot in line with the building permit
5. implementation of a decision on temporary suspension of works issued by the representative body of a local self-government unit on the basis of a special act regulating construction
6. display of an energy performance certificate.

Article 3

In relation to the implementation of this Act, the minister in charge of construction and physical planning (hereinafter: minister) shall, by way of instructions, prescribe the method of work of the building inspection, administrative bodies and municipal service officers.

Terms and expressions

Article 4

(1) For the purpose of this Act, terms shall have the meaning as defined by special regulations governing administrative fields of construction and physical planning and by other special regulations, unless otherwise prescribed by this Act.

(2) For the purpose of this Act and regulations and legal acts adopted on the basis thereof, the investor is a legal or natural person on behalf of whom/which construction works are being or have been constructed or an intervention in space which is not construction is being or has been carried out.

(3) Gender-specific expressions in this Act shall be used neutrally and shall refer to both male and female persons.

II ORGANISATION OF BUILDING INSPECTION AND PERFORMANCE OF INSPECTIONAL SUPERVISION

Building inspection

Article 5

(1) For the performance of inspectional supervision carried out by a building inspector, the building inspection shall be set up as an internal organisational unit within the Ministry – Directorate for Inspectional Affairs.

(2) In addition to the headquarters in Zagreb, the Directorate for Inspectional Affairs shall have branch offices in Zagreb and Split and branch units in county seats.

Building inspectors

Article 6

(1) Building inspectors shall be civil servants authorised to perform inspectional supervision at the Ministry headquarters, branch offices and branch units.

(2) Work posts with the authority to perform the inspectional supervision referred to in paragraph 1 of this Article shall be as follows: chief building inspector, senior building inspector – specialist, senior building inspector, building inspector and building supervisor with building inspector's authorities (hereinafter referred to as: building inspector).

(3) Inspectional supervision activities shall entail special working conditions.

Article 7

(1) Posts with the authority to perform inspectional supervision, requirements to be met by persons employed at such posts and their powers shall be prescribed by the minister by way of ordinance on the internal organisation of the Ministry.

(2) The material and technical working conditions of building inspectors shall be prescribed in detail by the minister by way of ordinance.

Article 8

(1) With a view to achieving more efficient performance of inspectional supervision, a building inspector from the Ministry headquarters, a branch office or a branch unit may be ordered in writing to temporarily perform inspectional supervision in the area of another branch office or another branch unit.

(2) Temporary performance of inspectional supervision in the area of another branch unit referred to in paragraph 1 of this Article may last up to a maximum of sixty days.

III POWERS AND OBLIGATIONS OF BUILDING INSPECTORS AND OBLIGATIONS OF PARTIES AND PUBLIC-LEGAL BODIES

Powers and obligations of building inspectors

Article 9

(1) Building inspectors shall prove their official capacity, identity and powers by an official identity card and a badge.

(2) The shape, content and method of issuance, use and keeping of a registry of issued identity cards and the design of the badge shall be prescribed by the minister by ordinance.

Article 10

(1) When implementing inspectional supervision, a building inspector shall be authorised to determine legality of the construction, implementation of building surveillance, maintenance and use of construction works, and to order measures prescribed by this Act.

(2) When implementing inspectional supervision, a building inspector shall be authorised to:

1. request and inspect identification papers (identity cards, passports, etc.), on the basis of which the identity of the party and other persons present in the course of inspectional supervision may be established

2. enter the construction site, temporary construction site, forest, agricultural and other lands, enter the construction works, including buildings, their special parts, the building plot and the accompanying land, regardless of their purpose, and inspect them

3. order the investor or the owner to remove the trees, other plants, animals and other objects within the required radius, if they interfere with the performance of inspectional supervision

4. order the investor or the owner to temporarily suspend the work, the operation of the machinery and the business operations at the construction works during inspectional supervision if the facts cannot be determined or inspectional supervision performed otherwise

5. inspect the documents which provide insight into the operations of the party for the purpose of inspectional supervision

6. take statements from parties and responsible persons, and from other persons, in order to obtain evidence regarding the facts that cannot be determined directly
7. request from the party accurate and complete information and documentation in writing which is necessary for the performance of inspectional supervision
8. collect evidence and establish facts visually and by other appropriate methods (photographs, camera recording, video recording, etc.)
9. request sampling and testing of construction products, or parts of construction works, through an authorised person,
10. request a written report from the party on the taking of measures ordered during inspectional supervision and
11. perform other actions with the purpose of implementing inspectional supervision.

(3) When performing inspectional supervision, a building inspector may, until a misdemeanour decision or court decision has become final temporarily seize documents and objects which in the misdemeanour or court proceedings could be used as evidence; in such a case, the inspector shall issue a certificate thereof containing accurate information on the seized documents and objects.

Article 11

- (1) If the party has proved that data represent a business secret, a building inspector shall handle such data in accordance with special regulations.
- (2) Costs of the sampling analysis referred to in Article 10 paragraph 2 subparagraph 9 of this Act shall be covered by the party if the sampling results show deviations from stipulated requirements; otherwise the costs shall be settled from the State Budget of the Republic of Croatia.

Article 12

- (1) If in the course of inspectional supervision inspectors identify irregularities in relation to which they are not authorised to act or which fall within the competence of another authority, they shall immediately notify the competent authority thereof.
- (2) If in the course of inspectional supervision building inspectors establish violation of regulations governing construction or physical planning in the part they are obliged to supervise, they shall have the right and obligation to file an indictment or press criminal charges.

Obligations of public-legal bodies and parties

Article 13

Public-legal bodies and parties shall, with no compensation for work and expenses, be obliged to enable a building inspector to implement inspectional supervision within the time period

they determine, and to secure conditions for undisturbed operations within the scope of the authorisations prescribed in Article 10 of this Act.

Article 14

The police shall, in line with their powers, provide assistance to the authorised claimant – the building inspector, if in the course of supervision or enforcement of a decision the inspector faces physical resistance, or if such resistance is reasonably expected.

Article 15

If a public-legal body or a party has not enabled a building inspector to implement inspectional supervision or has not secured the conditions for undisturbed operation within the meaning of Articles 10 and 13 of this Act, and physical resistance is not involved, they shall be forced to enable implementation of the supervision or to secure conditions for undisturbed operations by way of a decision enforceable through fines amounting to HRK 2,000.00 until the decision has been executed.

IV INSPECTIONAL SUPERVISION PROCEDURE

Institution and suspension of an administrative inspection procedure

Article 16

(1) Where building inspectors implementing inspectional supervision have established violation of the regulations the enforcement of which they are authorised to supervise, they shall institute an administrative procedure *ex officio* and order appropriate inspectional measures in line with this Act.

(2) Where building inspectors implementing inspectional supervision have established that the regulations the enforcement of which they are authorised to supervise have not been violated and that therefore no conditions are met for institution of an administrative procedure, they shall notify in writing the known petitioner within eight days from the day when the facts were established.

(3) When implementing inspectional supervision, building inspectors shall act within the meaning of paragraph 1 of this Article also in cases when the construction works have been registered in a cadastral operate or entered into a land register, regardless of the time of registration or entering of the construction works and regardless whether there is a remark pertaining to whether or not a legal act or document prescribed by law governing the construction-related administrative field has been enclosed to the request for registration of the construction works.

Article 17

If a party has fulfilled the obligation determined in an inspection decision, or if for some other reason the obligation to enforce the inspection decision has ceased to exist, an inspector shall suspend the decision enforcement procedure *ex officio*, by way of a decision.

Parties in an inspectional supervision procedure

Article 18

The following persons may appear as parties in an inspectional supervision procedure: participants in the construction, owner of the construction works, owner of the land on which the construction works are being or have been constructed, and holder of other real rights on the land or the construction works in question.

Building inspector's decision

Article 19

- (1) The investor, owner of construction works or other parties prescribed by this Act shall be ordered to take the inspectional and other measures prescribed by this Act by way of a decision.
- (2) If the investor or the owner of construction works cannot be established, the decision on the removal of the construction works and suspension of construction activities shall be issued against an unknown person.
- (3) A decision on the basis of this Act shall be issued by a building inspector.
- (4) If a building inspector implementing inspectional supervision has established violation of the regulations the enforcement of which they are authorised to supervise, they may pass a decision without hearing the parties.

Delivery of decisions and conclusions

Article 20

- (1) If a party in an inspectional supervision procedure is unknown or of unknown residence, a decision, or conclusion, shall be delivered by display on the notice board of the Ministry, the branch office or the branch unit. A notification in that regard shall be left at the construction site or construction works and published on the web site of the Ministry
- (2) In the case of delivery referred to in paragraph 1 of this Article, the decision, or conclusion, shall be considered delivered upon the expiry of the eighth day following the day of its display on the notice board.
- (3) If a known party has not received the decision, or conclusion, after an attempted delivery, the delivery shall be carried out in the manner referred to in paragraphs 1 and 2 of this Article.

Article 21

- (1) A decision shall be delivered to state administration bodies for information purposes in the cases prescribed by this Act.
- (2) When an inspection decision has become enforceable, a building inspector shall notify the known petitioner in writing on the passing of the decision.

Legal remedies

Article 22

(1) No appeal may be filed against a decision passed by a building inspector, but an administrative dispute may be initiated.

(2) Where an administrative dispute has been initiated against a building inspector's decision, the Ministry may, prior to termination of the dispute, annul or amend its decision for those reasons for which the court might annul such a decision.

Recording and announcement of decisions

Article 23

(1) The fact that due to illegal construction on a certain piece of land a decision has been passed ordering a specific inspectional measure to be taken, along with the class number, register number and the date of passing the decision, shall be recorded and announced in the physical planning information system after the decision in question has become enforceable.

(2) The data referred to in paragraph 1 of this Article shall be deleted from the physical planning information system on the basis of an enforceable decision by which the inspectional procedure or execution of the inspectional decision is suspended.

V INSPECTIONAL MEASURES

Article 24

In line with this Act, when implementing inspectional supervision, a building inspector shall have the right and obligation to order the following inspectional measures to be taken:

1. rectification of irregularities in the construction process
2. prohibition of installation of a construction product
3. rectification of damage to existing construction works
4. harmonisation of construction activities
5. removal of construction works
6. prohibition of removal of construction works
7. suspension of construction activities.

1. Rectification of irregularities in the construction process

Article 25

(1) When implementing inspectional supervision, a building inspector shall, by way of a decision, order participants in the construction process to rectify irregularities identified in the course of construction within an appropriate deadline.

(2) Within the meaning of paragraph 1 of this Article, irregularities imply actions of participants in the course of construction which are contrary to construction-related regulations or to rules of professional conduct, or failure to act in line with those regulations or rules, for which irregularities other inspectional measures have not been prescribed by this Act.

(3) Prior to the passing of the decision referred to in paragraph 1 of this Article, a building inspector shall also order the investor the measure of suspension of construction until the identified irregularities have been rectified, which shall be determined in the same decision.

(4) If irregularities identified in the course of construction are of minor significance and do not affect compliance with basic construction requirements, a building inspector may, instead of ordering suspension of construction, warn the investor in writing that the said measure will be ordered by way of a separate decision if the investor does not act in line with the decision referred to in paragraph 1 of this Article.

Prohibition of installation of a construction product

Article 26

(1) When implementing inspectional supervision, a building inspector shall, by way of a decision, prohibit the contractor and investor to install the construction product the use of which is forbidden or the construction product that is being installed without evidence of its fitness for use.

(2) By way of the decision referred to in paragraph 1 of this Article, a building inspector shall order the contractor and investor to remove the construction works, or parts thereof in which the construction product the installation of which is prohibited is installed.

(3) By way of the decision referred to in paragraph 1 of this Article, a building inspector shall also order the contractor the measure of suspension of construction until the construction works, or parts thereof in which the construction product the installation of which is prohibited is installed, has been removed, which shall be determined in the same decision.

3. Rectification of damage to existing construction works

Article 27

(1) While implementing inspectional supervision, a building inspector shall, by way of a decision, order the owner of construction works to rectify damage to the existing construction works which may present a danger to the life of people, the environment, other construction works or stability of the soil on the surrounding land, within a specified deadline.

(2) By way of the decision referred to in paragraph 1 of this Article, the owner shall also be ordered the following:

1. to appropriately mark the construction works as dangerous until the damage has been rectified and, if necessary, to prohibit the use of the construction works until the damage has been rectified, and

2. to remove the construction works, or parts thereof likely to cause danger, if the damage has not been rectified within the specified deadline.

(3) The decision referred to in paragraph 1 of this Article shall determine the method of enforcing the decision through a third party as regards the obligations and measures referred to in paragraph 2 of this Article.

(4) By way of the decision referred to in paragraph 1 of this Article, the owner shall also be warned about the following:

1. that the enforcement of the decision on the removal of the construction works or parts thereof will be initiated through a third party if it has been established that the owner has not acted according to the decision within the specified deadline

2. that the enforcement of the decision through a third party will be carried out at the responsibility and expense of the enforcer.

(5) Unless otherwise prescribed by this Act, the decision referred to in paragraph 1 of this Article shall be enforced through a third party by means of removal of the dangerous part of the construction works, and the owner of the construction works may rectify the damage by repairing or removing the dangerous part or the entire construction works.

(6) It shall be deemed that by passing the decision referred to in paragraph 1 of this Article, the building inspector has acted in accordance with Article 383 of the Act on Ownership and Other Real Rights (Official Gazette 91/96, 68/98, 137/99, 22/00, 73/00, 129/00, 114/01, 79/06, 141/06, 146/08, 38/09, 153/09 and 143/12).

Article 28

(1) A decision ordering rectification of damage on individual construction works entered into the Register of Cultural Heritage of the Republic of Croatia or on construction works located on a cultural-historic estate entered into the mentioned Register shall be delivered to the state administration body competent for cultural heritage protection.

(2) The state administration body referred to in paragraph 1 of this Article shall, within thirty days from the receipt of the decision, determine the method of rectification of the damage and respond with regard to the possibility of removal of the damaged individual construction works entered into the Register of Cultural Heritage of the Republic of Croatia, parts thereof, or construction works located on a cultural-historic estate entered into the mentioned Register, and shall notify the owner of the construction works and the building inspection thereof.

(3) If the state administration body referred to in paragraph 1 of this Article does not determine the method of rectification of the damage and respond with regard to the possibility of removal of the damaged individual construction works entered into the Register of Cultural Heritage of the Republic of Croatia, parts thereof, or construction works located on a cultural-historic estate entered into the mentioned Register within the prescribed deadline, and if it

does not notify the owner of the construction works and the building inspection thereof, the inspection procedure shall be suspended by a decision and the construction works or parts thereof shall be treated in accordance with a special act regulating the protection and preservation of cultural heritage.

(4) The decision on the suspension of the inspection procedure referred to in paragraph 3 of this Article shall be delivered for information purposes to the state administration body competent for cultural heritage protection.

Harmonisation of construction activities

Article 29

(1) When implementing inspectional supervision, a building inspector shall, by way of a decision, order the investor or owner of construction works the deadline within which they are required to harmonise:

1. construction activities with the building permit, if it has been established that the construction works are built contrary to the building permit
2. construction works with the main design, spatial plan and other regulations or rules of professional conduct referring to building of the construction works, if it has been established that the construction works which may be built without a building permit are being built contrary to the mentioned design, regulations or rules
3. construction works built contrary to the building permit or main design with the regulations governing construction.

(2) Prior to the passing of the decision referred to in paragraph 1 subparagraphs 1 and 2 of this Article, a building inspector shall order the investor or owner of the construction works to suspend construction activities until they have been harmonised with the building permit or with the main design, other regulations or rules of professional conduct, which shall be determined in the same decision.

(3) By way of the decision referred to in paragraph 1 of this Article, the building inspector shall also order the investor to take measures to remove the construction works or parts thereof if the construction activities or the construction works have not been harmonised within the specified deadline in the manner prescribed by the decision.

(4) By way of derogation from paragraph 1 subparagraphs 1 and 2 of this Article, harmonisation of construction activities with the building permit, main design, spatial plan and other regulations and rules of professional conduct referring to construction of the construction works shall not be ordered if irregularities impossible to rectify have been identified, which endanger the stability of the construction works and the stability of surrounding construction works, or which in any other manner endanger the life of people.

Removal of construction works

Article 30

(1) When implementing inspectional supervision, a building inspector shall, by way of a decision, order the investor or owner to remove construction works, or parts thereof, within a specified period of time in the following cases:

1. if the construction works are being or have been built without an enforceable building permit
2. if they are being or have been built without a main design or other relevant documents
3. if, in the course of construction, it has been established that there are irregularities impossible to rectify, which endanger the stability of the construction works, stability of surrounding construction works and stability of the soil, or which in any other manner endanger the life of people
4. if the construction works have not been removed within the deadline specified in a special act governing construction
5. in other cases prescribed by this Act (Article 26 paragraph 2, Article 27 paragraph 2 subparagraph 2 and Article 29 paragraph 3).

(2) Prior to the passing of the decision referred to in paragraph 1 subparagraphs 1, 2 and 3 of this Article, a building inspector shall order the investor or owner of the construction works to suspend construction activities if they are underway, which shall be determined in the same decision.

(3) By way of the decision referred to in paragraph 1 of this Article, the investor or owner shall be warned about the following:

1. that the enforcement of the decision shall be carried out by means of coercive measures if they do not act accordingly, notifying them about the method of enforcing the said decision
2. that the enforcement of the decision through a third party shall be carried out at the responsibility and expense of the enforcer, notifying them about the obligations and consequences referred to in Article 38 paragraphs 2 and 3 of this Act
3. that without passing of a supplementary or new decision, the parts of the construction works referred to in Article 33 of this Act shall also be removed, if there are any.

(4) By way of derogation from paragraph 1 of this Article, building inspectors shall not order removal of the construction works or parts thereof (retaining walls, underground garages in the immediate vicinity of other construction works, etc.) if such removal would endanger the life of people, other construction works or stability of the soil on the surrounding land, but they shall mark such construction works as dangerous until their harmonisation with regulations governing construction.

Article 31

(1) A decision ordering removal of construction works, or parts thereof, shall be enforced through a third party.

(2) The deadline within which an enforcee is obliged to act in line with the decision referred to in paragraph 1 of this Article may not be shorter than ninety days.

(3) Prior to initiating the enforcement of the decision referred to in paragraph 1 of this Article through a third party, six fines shall be imposed on the enforcee with a view to enforcing the decision.

Article 32

(1) By way of derogation from Article 31 of this Act, the decision ordering removal of construction works, or parts thereof, which are being built or have been built outside of a building area, or in a specially protected area, the decision on removal of construction works in the cases referred to in Article 26 paragraph 2, Article 27 paragraph 2 and Article 30 paragraph 1 subparagraph 3 and 4 of this Act, and the decision on removal issued to an unknown person, regardless of the area in which the construction works are located, shall be enforced through a third party without the prior imposing of fines.

(2) Within the meaning of paragraph 1 of this Article, specially protected areas are:

1. areas outside of a building area in a national park or nature park or outside of traditional settlements
2. regional parks, forest parks, strict nature reserves, special nature reserves, natural monuments, park architecture monuments
3. planned, explored or built corridors and surfaces of traffic structures, power plant structures and water construction works
4. special water protection areas
5. drinking water sanitary protection zones where, pursuant to special regulations, it is forbidden to build
6. archaeological sites or zones, areas within spatial boundaries of immobile cultural heritage or cultural-historical estates entered into the Register of Cultural Heritage of the Republic of Croatia
7. maritime estate
8. water estate.

(3) By way of derogation from Article 31 paragraph 2 of this Act, the deadline within which an enforcee must act in accordance with the decision referred to in paragraph 1 of this Article may not be longer than eight days.

Article 33

On the basis of the decision ordering the removal of construction works, without the passing of a supplementary or special decision, it shall also be necessary to remove the part of the construction works which:

1. might, after removal of the part of the construction works the removal of which has been ordered, endanger the life of people, other construction works or the stability of the soil on the surrounding land
2. after removal of the part of the construction works the removal of which has been ordered, does not comply with basic requirements of mechanical resistance and stability
3. was built after the suspension of the construction activities.

Article 34

(1) In the case of individual construction works entered in the Register of Cultural Heritage of the Republic of Croatia, or construction works located on a cultural-historic estate entered in the mentioned Register, a building inspector shall, prior to the passing of a decision ordering removal of an illegally reconstructed part thereof, request from the state administration body competent for cultural heritage protection to give their consent for the passing of such a decision.

(2) If the state administration body referred to in paragraph 1 of this Article has not, within sixty days, issued the consent for the passing of a decision ordering removal of the construction works or parts thereof, the inspection procedure shall be suspended and the construction works or parts thereof shall be dealt with pursuant to a special act regulating protection and preservation of cultural heritage.

(3) The decision on suspension of the inspection procedure referred to in paragraph 2 of this Article shall be delivered for information purposes to the state administration body competent for cultural heritage protection.

Prohibition of removal of construction works

Article 35

(1) When implementing inspectional supervision, a building inspector shall, by way of a decision, prohibit the investor or owner from removing construction works, or parts thereof, if the construction works or parts thereof are being removed without a project for construction works removal or contrary to a special act governing the construction-related administrative field.

(2) Prior to the passing of the decision referred to in paragraph 1 of this Article, a building inspector shall also order a measure to suspend construction, which shall be determined in the same decision.

Suspension of construction activities

Article 36

(1) When implementing inspectional supervision, a building inspector shall, by way of a decision, order the investor or owner and contractor to suspend construction activities if their commencement, or continuation, has not been reported.

(2) Suspension of construction shall be determined by way of a decision ordering another inspection measure in the cases referred to in Article 25 paragraph 3, Article 26 paragraph 3, Article 29 paragraph 2, Article 30 paragraph 2 and Article 35 paragraph 2 of this Act.

(3) A building inspector shall carry out suspension of construction activities by closing the construction site and by placing a special official sign on the construction site or the construction works.

(4) After closing a construction site, a special official sign shall be used to prohibit any construction activities at the closed construction site, with the exception of works carried out in order to enforce the building inspector's decision.

(5) If the investor or owner and/or contractor continue with construction activities after the construction site has been closed by means of a special official sign, a building inspector shall prevent further construction activities by imposing fines.

(6) The method of closing and marking of a closed construction site by a building inspector shall be prescribed by the minister by ordinance.

Article 37

(1) If the investor or owner has not suspended construction activities after their suspension, the enforcement of the decision on the removal of the construction works, or parts thereof, may be initiated even prior to the expiry of the deadline within which the enforcer is obliged to act in line with the decision.

(2) Suspension of construction activities shall cease to have effect once the decision on the suspension of the inspection procedure becomes enforceable, that is, once it has been enforced.

VI DECISION ENFORCEMENT THROUGH A THIRD PARTY

Liability of an enforcer

Article 38

(1) A decision on the removal of construction works, or parts thereof, shall be enforced through a third party, at the responsibility of the party that has been ordered removal by way of an inspection decision (hereinafter: enforcer).

(2) It shall be considered that the enforcer that has not acted pursuant to the decision on the removal of construction works, or parts thereof, is abandoning possession of the building products from which the construction works which are being removed are built from, and that the enforcer is waiving ownership rights to them without compensation and without the right to damages.

(3) The enforcer shall remove items from the construction works which are the subject matter of the decision on the removal, or from a part thereof, within the deadline determined in the

decision for acting pursuant to that decision, and if the enforcer fails to do so, it shall be considered that they are abandoning possession of the items which have not been removed and that they are waiving ownership rights to them without compensation and without the right to damages.

Costs of enforcement

Article 39

- (1) Costs of enforcement of the decision through a third party, including the costs of construction waste disposal and treatment shall be covered by the enforcer.
- (2) Costs of enforcement of the decision shall be covered from the State Budget until they have been settled by the enforcer.
- (3) By way of derogation from paragraph 2 of this Article, costs of enforcement of the decision through a third party carried out at the request of the local self-government unit in the area of which the enforcement is carried out shall be covered from the budget of that unit until they have been settled by the enforcer.
- (4) In the case referred to in paragraph 3 of this Article, the expenses of enforcement of the decision shall be compensated by the enforcer to the benefit of the budget of the local self-government unit.

Article 40

- (1) The amount of the enforcement costs and the enforcer's obligation to settle them shall be established in a decision passed after enforcement of the decision through a third party.
- (2) The decision referred to in paragraph 1 of this Article shall also be passed in case of enforcement through a third party of the decision by which an unknown person is ordered to remove construction works or close a construction site, if in the course of the decision enforcement or within ten years from the day of commencement of the enforcement the investor or owner of the construction works which have been entirely or partially removed has been identified.

Statute of limitations of enforcement

Article 41

A decision may no longer be enforced after expiry of a ten-year period from the day when it became enforceable, but a new decision may be passed.

VII POWERS AND OBLIGATIONS OF MUNICIPAL SERVICE OFFICERS AND OBLIGATIONS OF PARTIES AND PUBLIC-LEGAL BODIES

Municipal service officers

Article 42

Supervision-related activities which, pursuant to this Act, are to be performed by an administrative body shall be carried out by municipal service officers authorised to perform supervision as prescribed by this Act.

Article 43

When implementing supervision, a municipal service officer shall be authorised to determine the legality of construction activities and implementation of interventions in space other than construction falling within the scope of competence of the administrative body, and to order measures prescribed by this Act.

(2) When implementing supervision, a municipal service officer shall be authorised to do the following:

1. ask for and inspect identification papers (identity cards, passports, etc.), on the basis of which the identity of the party and other persons present in the course of supervision may be established
2. enter the building plot or accompanying land of the building or other construction works, enter the construction site, temporary construction site, forest, agricultural and other land, regardless of their purpose, and inspect them
3. order the investor or owner to remove the trees, other plants, animals and other objects within the required radius, if they interfere with the performance of supervision
4. take statements from responsible persons, and from other persons present in the course of supervision, in order to obtain evidence on the facts that cannot be determined directly
5. request in writing from the party accurate and complete information and documentation necessary for performance of supervision
6. collect evidence and establish the facts visually and by other appropriate methods (photographs, camera recording, video recording, etc.)
7. perform other actions for the purpose of implementing supervision.

Article 44

(1) Where in the course of supervision a municipal service officer has identified irregularities in relation to which they are not authorised to act or which fall within the competence of another authority, they shall immediately contact the competent authority.

(2) Where in the course of supervision a municipal service officer has established violation of regulations governing construction or physical planning in the part they are obliged to supervise, they shall be entitled and obliged to file an indictment or press criminal charges.

Obligations of public-legal bodies and parties

Article 45

Public-legal bodies and parties shall, with no compensation for the work and expenses, be obliged to enable a municipal service officer to implement supervision within the deadline they determine, and to secure the conditions for undisturbed operations within the scope of the authorisations stipulated in Article 43 of this Act.

Article 46

The police shall, in line with their powers, provide assistance to the authorised claimant – the administrative body, if in the course of supervision or enforcement of a decision physical resistance appears, or if such resistance is reasonably expected.

VIII SUPERVISION PROCEDURE BY MUNICIPAL SERVICE OFFICERS

Institution and suspension of an administrative supervision procedure

Article 47

(1) Where municipal service officers have established violation of the regulations whose enforcement they are obliged to supervise, they shall institute an administrative procedure *ex officio* and order appropriate measures in line with this Act.

(2) Where municipal service officers have established that regulations have not been violated and that therefore no conditions are met for institution of an administrative procedure, they shall notify in writing the known petitioner within eight days from the day when the facts were established.

Article 48

If a party has fulfilled the obligation referred to in the municipal service officer's decision, or if for some other reason the obligation to enforce the decision has ceased to exist, the municipal service officer shall suspend the decision enforcement procedure *ex officio*, by way of a decision.

Municipal service officer's decision

Article 49

(1) A municipal service officer shall, by way of a decision, order the measures prescribed by this Act to the investor, owner of construction works, or other parties established by this Act.

(2) If the investor or owner cannot be established, the decision shall be issued against an unknown person.

(3) If a municipal service officer has established violation of the regulations the enforcement of which they are obliged to supervise, they may pass a decision without hearing the parties.

Legal remedies

Article 50

(1) The administrative body of the regional self-government unit competent for second instance affairs related to utility services shall decide on an appeal lodged against a municipal service officer's decision, and the Ministry shall render a decision if the appeal is lodged against a decision of a municipal service officer of the City of Zagreb.

(2) An appeal lodged against a municipal service officer's decision shall not postpone its enforcement unless otherwise prescribed by this Act.

IX MEASURES OF MUNICIPAL SERVICE OFFICERS

Article 51

In line with this Act, when implementing supervision, a municipal service officer shall have the right and obligation to order the taking of the following measures:

1. removal of rubble
2. rectification of damaged front sides and coverings of existing buildings other than load-bearing constructions
3. removal of construction works
4. harmonisation of implementation of interventions in space other than construction
5. removal of interventions in space other than construction
6. temporary suspension of execution of works
7. completion of the exterior of a building
8. display of an energy performance certificate.

Removal of rubble

Article 52

(1) When implementing supervision, a municipal service officer shall, by way of a decision, order the land owner or holder of the right to build to remove rubble.

(2) By way of the decision referred to in paragraph 1 of this Article, the following shall be determined:

1. the deadline within which the owner or holder of the right to build is obliged to act in line with the decision and

2. the method of enforcing the decision through a third party.

(3) The decision referred to in paragraph 1 of this Article shall warn the owner or the holder of the right to build about the following:

1. that the enforcement of the decision through a third party shall be initiated if it has been established that they have not acted pursuant to the decision within a specified deadline

2. that the enforcement of the decision through a third party will be carried out at the responsibility and expense of the enforcer.

(4) The rubble referred to in paragraph 1 of this Article are remains of a building which, due to damage or lack of individual parts, has lost its properties and is therefore inappropriate for use in accordance with its purpose, and which has for this reason not been used for at least five years.

(5) The decision referred to in paragraph 1 of this Article shall be enforced through a third party upon its legal finality.

(6) Paragraph 1 of this Article shall not refer to rubble entered in the Register of Cultural Heritage of the Republic of Croatia, or rubble located on a cultural-historic estate entered in the mentioned Register, or located at an archaeological site.

Rectification of damaged front sides and coverings of existing buildings other than load-bearing constructions

Article 53

(1) When implementing supervision, a municipal service officer shall, by way of a decision, order the owner to rectify damage on front sides and/or coverings of existing buildings other than load-bearing constructions, which are likely to endanger the health and life of people.

(2) By way of the decision referred to in paragraph 1 of this Article, the owner shall also be ordered to appropriately mark buildings as dangerous until the damage has been rectified.

(3) By way of the decision referred to in paragraph 1 of this Article, the following shall be determined:

1. the deadline within which the owner must act pursuant to the decision and

2. the method of enforcement of the decision through a third party.

(4) By way of the decision referred to in paragraph 1 of this Article, the owner shall be warned about the following:

1. that the enforcement of the decision through a third party shall be initiated if it has been established that the owner has not acted in line with the decision within a specified deadline

2. that the enforcement of the decision through a third party will be carried out at the responsibility and expense of the enforcer.

(5) The decision referred to in paragraph 1 of this Article shall be enforced through a third party by means of removal of the dangerous part of the building, whereas the owner of the building may rectify damage by repairing or removing the dangerous part of the building, unless otherwise prescribed by this Act.

Article 54

(1) The municipal service officer's decision ordering rectification of damage on an individual building entered in the Register of Cultural Heritage of the Republic of Croatia or an individual building located on a cultural-historic estate entered in the mentioned Register shall be delivered to the state administration body competent for cultural heritage protection.

(2) The state administration body referred to in paragraph 1 of this Article shall, within thirty days from the receipt of the decision, determine the method of damage rectification and respond with regard to the possibility of removal of the damaged part of an individual building entered in the Register of Cultural Heritage of the Republic of Croatia, or a building located on a cultural-historic estate entered in the mentioned Register, and shall notify the owner of the building and the administrative body thereof.

(3) If the state administration body referred to in paragraph 1 of this Article does not determine the method for rectifying the damage and respond with regard to the possibility of removal of the damaged part of an individual building entered in the Register of Cultural Heritage of the Republic of Croatia or a building located on a cultural-historic estate entered in the mentioned Register within the prescribed deadline, and if it does not notify the owner of the construction works and the administration body thereof, the supervision procedure shall be suspended by a decision and the construction works or parts thereof shall be dealt with in accordance with a special act regulating protection and preservation of cultural heritage.

(4) The decision on the suspension of the supervision procedure referred to in paragraph 3 of this Article shall be delivered for information purposes to the state administration body competent for cultural heritage protection.

Removal of construction works

Article 55

(1) When implementing supervision, a municipal service officer shall, by way of a decision, order the investor to remove construction works the building of which may, pursuant to special regulations, be initiated on the basis of a decision passed on the basis of regulations governing utility services, or parts thereof, if they are being built without that decision or contrary thereto.

(2) When implementing supervision, a municipal service officer shall, by way of a decision, order the investor or owner to remove the construction works or parts thereof the building of which may, pursuant to special regulations, be initiated without a building permit, main design, standard design or other documents, if they are being built contrary to the physical plan, regulations governing utility services or other regulations.

(3) By way of the decision referred to in paragraphs 1 and 2 of this Article, the following shall be determined:

1. the deadline within which the investor or owner is obliged to act in line with the decision and

2. the method of enforcement of the decision through a third party.

(4) The decision referred to in paragraphs 1 and 2 of this Article shall warn the investor or owner about the following:

1. that the enforcement of the decision through a third party shall be initiated if it has been established that they have not acted in line with the decision

2. that the enforcement of the decision through a third party shall be carried out at the responsibility and expense of the enforcer.

Harmonisation of implementation of interventions in space other than construction

Article 56

(1) When implementing supervision, a municipal service officer shall, by way of a decision, order the investor to harmonise the implementation of interventions in space other than construction with the location permit.

(2) By way of the decision referred to in paragraph 1 of this Article, a municipal service officer shall also order the investor to take measures of removal of interventions in space other than construction, unless the implementation of interventions has been harmonised with the location permit within a specified deadline.

Removal of interventions in space other than construction

Article 57

(1) When implementing supervision, a municipal service officer shall, by way of a decision, order the investor or owner to remove interventions in space other than construction or a part thereof:

1. if it is being or has been carried out without an enforceable location permit

2. in the case referred to in Article 56 paragraph 2 of this Act.

(2) By way of the decision referred to in paragraph 1 of this Article, the following shall be determined:

1. the deadline within which the investor or owner is obliged to act in line with the decision and

2. the method of enforcement of the decision through a third party.

(3) The decision referred to in paragraph 1 of this Article shall warn the investor or owner about the following:

1. that the enforcement of the decision through a third party shall be initiated if it has been established that they have not acted in line with the decision within a specified deadline
2. that the enforcement of the decision through a third party shall be carried out at the responsibility and expense of the enforcer.

Temporary suspension of execution of works

Article 58

- (1) When implementing supervision, a municipal service officer shall, by way of a decision, order the investor to temporarily suspend execution of earthworks and/or works on the building of structure of construction works if they are being carried out contrary to the decision on temporary suspension of execution of works, which is adopted by the representative body of a local self-governmental unit on the basis of a special act governing the construction-related administrative field.
- (2) Upon temporary suspension of works, it shall be forbidden to carry out earthworks and works on the building of structure of construction works.
- (3) If the investor continues to carry out earthworks and/or works on the building of structure of construction works after receiving the decision referred to in paragraph 1 of this Article, a municipal service officer shall prevent further building by imposing fines.
- (4) The fines referred to in paragraph 3 of this Article shall be a source of income to the budget of the local self-government unit.

Completion of the exterior of a building

Article 59

- (1) When implementing supervision, a municipal service officer shall, by way of a decision, order the investor or owner to complete the building as regards the exterior and development of the building plot, if it has not been completed within the deadline prescribed by a special act governing the construction-related administrative field.
- (2) If the investor, or owner, fails to act pursuant to the decision referred to in paragraph 1 of this Article, the enforcement shall be imposed through fines.
- (3) The fines referred to in paragraph 2 of this Article shall be a source of income to the budget of the local self-government unit.

Display of an energy performance certificate

Article 60

- (1) When implementing supervision, a municipal service officer shall, by way of a decision, order the owner of a public purpose building to display an energy performance certificate on a visible place in the building, which is easily accessible to all visitors to the building in cases prescribed by a special act governing construction.

(2) If the owner of the building fails to act pursuant to the decision referred to in paragraph 1 of this Article, the enforcement shall be imposed on them through fines.

X SUPERVISION

Article 61

Supervision of implementation of this Act shall be performed by the Ministry.

XI TRANSITIONAL AND FINAL PROVISIONS

Article 62

(1) Administrative proceedings instituted pursuant to the provisions of the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) prior to the entry into force of this Act, which are implemented by the building inspection and municipal service officers, shall be completed pursuant to the provisions of the mentioned Act, whereas proceedings implemented by the urban development inspection shall be suspended.

(2) Inspectional supervision of construction works built on the basis of building documents issued on the basis of acts that had effect prior to the entry into force of this Act, if no administrative proceedings have been instituted until the day of the entry into force of this Act, shall be implemented on the basis of this Act.

(3) Documents related to the inspectional supervision referred to in paragraph 2 of this Article, which were issued on the basis of the acts that had effect prior to the entry into force of this Act and on the basis of which construction may be initiated within the meaning of this Act, shall be considered building permits.

Article 63

(1) On the day of the entry into force of this Act, civil servants employed at building inspector posts within the Inspection Affairs Directorate of the Ministry shall be considered building inspectors within the meaning of this Act, and civil servants employed at urban development inspector posts shall be re-assigned to appropriate posts within the Ministry.

(2) The Appeals Commission of the Ministry, referred to in Article 290 of the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12), appointed by the Decision on the appointment of the Commission passed by the minister of the Ministry, Class: 080-03/12-01/3, Reg. No.: 531-01-12-1 of 22 February 2012, shall continue with its work until completion of the proceedings referred to in Article 62 of this Act.

Article 64

(1) The Government of the Republic of Croatia shall align the Regulation on the internal organisation of the Ministry of Construction and Physical Planning (Official Gazette 27/12) with this Act within ninety days from the day of the entry into force of this Act.

(2) The minister shall adopt the ordinances referred to in Article 7 paragraph 2, Article 9 paragraph 2 and Article 36 paragraph 6 within ninety days from the day of the entry into force of this Act.

Article 65

Until the entry into force of the ordinances adopted on the basis of powers arising from this Act, in the part not contrary to the provisions of this Act, the following ordinances shall apply:

1. Ordinance on the method of closing and marking of a closed construction site (Official Gazette 47/12)
2. Ordinance on the official identity card and the emblem of a building inspector (Official Gazette 47/12)
3. Ordinance on material and technical conditions for the work of building inspectors and inspectors' supervisors (Official Gazette 2/00).

Article 66

On the date of the entry into force of this Act, the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) shall cease to have effect in the part referring to inspectional supervision.

Article 67

This Act shall be published in the Official Gazette and shall enter into force on 1 January 2014.

Class: 022-03/13-01/209

Zagreb, 6 December 2013

THE CROATIAN PARLIAMENT

The President
of the Croatian
Parliament

Josip Leko, m.p.