



HRVATSKI SABOR

KLASA: 022-03/20-01/163

URBROJ: 65-20-02

Zagreb, 17. prosinca 2020.



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**ZASTUPNICAMA I ZASTUPNICIMA
HRVATSKOGA SABORA**

**PREDSJEDNICAMA I PREDSJEDNICIMA
RADNIH TIJELA**

Na temelju članaka 178. i 192. Poslovnika Hrvatskoga sabora u prilogu upućujem *Prijedlog zakona o izmjenama i dopunama Zakona o sustavu civilne zaštite, s Konačnim prijedlogom zakona*, koji je predsjedniku Hrvatskoga sabora podnijela Vlada Republike Hrvatske, aktom od 17. prosinca 2020. godine uz prijedlog da se sukladno članku 206. Poslovnika Hrvatskoga sabora predloženi Zakon donese po hitnom postupku.

Ovim zakonskim prijedlogom usklađuje se zakonodavstvo Republike Hrvatske sa zakonodavstvom Europske unije, te se u prilogu dostavlja i Izjava o njegovoj usklađenosti s pravnom stečevinom Europske unije.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila potpredsjednika Vlade Republike Hrvatske i ministra unutarnjih poslova dr. sc. Davora Božinovića i državne tajnike Žarka Katića, Tereziju Gras i dr. sc. Irenu Petrijevcanin Vuksanović.

PREDSJEDNIK

Gordan Jandroković



VLADA REPUBLIKE HRVATSKE

KLASA: 022-03/20-01/127

URBROJ: 50301-29/09-20-4

Zagreb, 17. prosinca 2020.

PREDSJEDNIKU HRVATSKOGA SABORA

PREDMET: Prijedlog zakona o izmjenama i dopunama Zakona o sustavu civilne zaštite, s Konačnim prijedlogom zakona

Na temelju članka 85. Ustava Republike Hrvatske (Narodne novine, br. 85/10 - pročišćeni tekst i 5/14 - Odluka Ustavnog suda Republike Hrvatske) i članaka 172., 204. i 206. Poslovnika Hrvatskoga sabora (Narodne novine, br. 81/13, 113/16, 69/17, 29/18, 53/20, 119/20 - Odluka Ustavnog suda Republike Hrvatske i 123/20), Vlada Republike Hrvatske podnosi Prijedlog zakona o izmjenama i dopunama Zakona o sustavu civilne zaštite, s Konačnim prijedlogom zakona za hitni postupak.

Ovim zakonskim prijedlogom usklađuje se zakonodavstvo Republike Hrvatske sa zakonodavstvom Europske unije, te se u prilogu dostavlja i Izjava o njegovoj usklađenosti s pravnom stečevinom Europske unije.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila potpredsjednika Vlade Republike Hrvatske i ministra unutarnjih poslova dr. sc. Davora Božinovića te državne tajnike Žarka Katića, Tereziju Gras i dr. sc. Irenu Petrijevčanin Vuksanović.



VLADA REPUBLIKE HRVATSKE

**PRIJEDLOG ZAKONA O IZMJENAMA I DOPUNAMA
ZAKONA O SUSTAVU CIVILNE ZAŠTITE,
S KONAČNIM PRIJEDLOGOM ZAKONA**

Zagreb, prosinac 2020.

PRIJEDLOG ZAKONA O IZMJENAMA I DOPUNAMA ZAKONA O SUSTAVU CIVILNE ZAŠTITE

I. USTAVNA OSNOVA ZA DONOŠENJE ZAKONA

Ustavna osnova za donošenje Zakona sadržana je u odredbi članka 2. stavka 4. podstavaka 1. i 2. Ustava Republike Hrvatske (Narodne novine, br. 85/10 - pročišćeni tekst i 5/14 - Odluka Ustavnog suda Republike Hrvatske).

II. OCJENA STANJA I OSNOVNA PITANJA KOJA SE TREBAJU UREDITI ZAKONOM TE POSLJEDICE KOJE ĆE PROISTEĆI DONOŠENJEM ZAKONA

Zakon o sustavu civilne zaštite (Narodne novine, br. 82/15, 118/18 i 31/20) stupio je na snagu 1. kolovoza 2015. Zakonom se uređuje sustav i djelovanje civilne zaštite, prava i obveze tijela državne uprave, jedinica lokalne i područne (regionalne) samouprave, pravnih i fizičkih osoba, osposobljavanje za potrebe sustava civilne zaštite, financiranje civilne zaštite, upravni i inspekcijski nadzor nad provedbom tog Zakona i druga pitanja važna za sustav civilne zaštite.

Zakonom o sustavu civilne zaštite se u pravni poredak Republike Hrvatske prenosi Direktiva 2012/18/EU Europskog parlamenta i Vijeća od 4. srpnja 2012. godine o kontroli opasnosti od velikih nesreća koje uključuju opasne tvari, o izmjeni i kasnijem stavljanju izvan snage Direktive Vijeća 96/82/EZ (Tekst značajan za EPG) (SL L 197, 24. 7. 2012.).

Europska komisija pokrenula je postupak povrede prava, pismo službene obavijesti povreda br. 2019/2273, zbog neispravnog prenošenja u nacionalni pravni sustav članka 3. točaka 5., 7. i 8., članka 6. stavka 3., članka 10. stavka 3., članka 11., članka 12. stavaka 1., 2. i 3. te stavaka 5., 6. i 7., članka 13. stavaka 1. i 2., članka 14. stavaka 2. i 4., članka 15., članka 17., članka 19. stavka 1. i članka 20. stavaka 2., 3., 4. i 5. te stavaka 7. i 8. navedene Direktive. Nadležnosti koje su prenesene na Ministarstvo unutarnjih poslova sadržane su u člancima 12. i 14. Direktive.

Predloženim izmjenama i dopunama Zakona o sustavu civilne zaštite uklonit će se nepravilnosti u prenošenju navedene Direktive te izvršiti dodatno usklađivanje iz područja nadležnosti Ministarstva unutarnjih poslova.

S time u vezi potrebno je u Zakon o sustavu civilne zaštite uvrstiti definicije pojmova: domino-efekt, opasna tvar, operater, područje postrojenja i Vanjski plan, propisati obvezu donošenja Odluke o izradi Vanjskog plana bez odgađanja, obvezu pravovremenog dostavljanja usklađenih podataka od strane operatera, kao i uspostaviti nadzor nad pravovremenošću donošenja Vanjskog plana. Jasnije se razrađuje obveza pružanja preispitanih i usklađenih informacija svim osobama koje bi mogle biti pogođene velikom nesrećom, određuje se nadležno tijelo za pružanje tih informacija te propisuje obveza obavješćivanja druge države o obrazloženoj odluci da nema prekogranične opasnosti od velike nesreće i obvezi izrade Vanjskog plana.

III. OCJENA POTREBNIH SREDSTAVA ZA PROVEDBU ZAKONA

Za provedbu ovoga Zakona nije potrebno osigurati dodatna financijska sredstva u državnom proračunu Republike Hrvatske.

IV. PRIJEDLOG ZA DONOŠENJE ZAKONA PO HITNOM POSTUPKU

U skladu s člankom 206. Poslovnika Hrvatskoga sabora (Narodne novine, br. 81/13, 113/16 67/19, 29/18, 53/20, 119/20 – Odluka Ustavnog suda Republike Hrvatske i 123/30) predlaže se donošenje ovoga Zakona po hitnom postupku kako bi se preuzela pravna stečevina EU. S obzirom da je Europska komisija uputila Republici Hrvatskoj pismo službene obavijesti, prema kojem u nacionalni pravni sustav nisu prenesene određene odredbe Direktive 2012/18/EU o kontroli opasnosti od velikih nesreća, s ciljem izbjegavanja nastavka daljnjeg postupka po povredi prava Europske unije, predlaže se donošenje ovoga Zakona po hitnom postupku.

KONAČNI PRIJEDLOG ZAKONA O IZMJENAMA I DOPUNAMA ZAKONA O SUSTAVU CIVILNE ZAŠTITE

Članak 1.

U Zakonu o sustavu civilne zaštite (Narodne novine, br. 82/15, 118/18 i 31/20) u članku 3. iza točke 5. dodaje se točka 5a) koja glasi:

„5a) *Domino-efekt* je niz povezanih učinaka koji zbog međusobnog razmještaja i blizine područja postrojenja, postrojenja, odnosno dijelova postrojenja ili grupe postrojenja i količina opasnih tvari prisutnih u tim područjima postrojenja povećavaju mogućnost izbijanja velike nesreće ili pogoršavaju posljedice nastale nesreće.“

Iza točke 14. dodaju se točke 14a) i 14b) koje glase:

„14a) *Opasna tvar* je tvar, smjesa ili pripravak definirana propisima o zaštiti okoliša i o sprječavanju velikih nesreća koje uključuju opasne tvari.

14b) *Operater* je pravna ili fizička osoba koja upravlja ili posjeduje neko područje postrojenja ili postrojenje ili ima odlučujuću ekonomsku ulogu u tehničkom upravljanju područjem postrojenja.“

Iza točke 17. dodaje se točka 17a) koja glasi:

„17a) *Područje postrojenja* označava cijelo područje koje je pod kontrolom operatera i u kojem su prisutne opasne tvari u jednom ili više postrojenja, uključujući zajedničku ili s njima povezanu infrastrukturu ili djelatnosti.“

Iza točke 32. dodaje se točka 32a) koja glasi:

„32a) *Vanjski plan civilne zaštite u slučaju nesreća koje uključuju opasne tvari* (u daljnjem tekstu: Vanjski plan) je plan mjera i aktivnosti koje će se poduzeti izvan područja postrojenja, a donosi ga izvršno tijelo jedinice područne (regionalne) samouprave kako bi upravljalo rizicima i vanjskim posljedicama scenarija koji uključuju opasne tvari.“

Članak 2.

U članku 12. podstavak 19. mijenja se i glasi:

„- donosi odluku o izradi Vanjskog plana ili izradi izmjena i dopuna Vanjskog plana, u roku od mjesec dana od primitka potrebne dokumentacije od operatera za njegovo područje postrojenja“.

Podstavak 20. mijenja se i glasi:

„- daje suglasnost jedinicama područne (regionalne) samouprave na Vanjske planove i na njihove izmjene i dopune te na metodologiju izrade procjene rizika“.

Iza podstavka 20. dodaje se novi podstavak 21. koji glasi:

„- nadzire pravovremenost izrade i donošenja Vanjskog plana ili njegovih izmjena i dopuna, koji se moraju donijeti u roku od dvije godine od datuma izdavanja suglasnosti tijela državne uprave nadležnog za zaštitu okoliša na dokumente operatera, odnosno njegovog područja postrojenja, koji je dužan izraditi izvješće o sigurnosti na temelju propisa iz područja zaštite okoliša“.

Dosadašnji podstavci 21. do 29., postaju podstavci 22. do 30.

Članak 3.

U članku 17. stavak 5. mijenja se i glasi:

„(5) Izvršno tijelo jedinice područne (regionalne) samouprave, pored poslova navedenih u stavku 3. ovoga članka, donosi Vanjski plan ili njegove izmjene i dopune za područje postrojenja ili grupu područja postrojenja koju određuje tijelo državne uprave nadležno za zaštitu okoliša zbog mogućeg domino-efekta, u roku od godinu dana od donošenja odluke Ministarstva o izradi Vanjskog plana ili njegovih izmjena i dopuna te svim osobama koje bi mogle imati značajne materijalne i zdravstvene posljedice zbog nastanka velike nesreće u području postrojenja ili grupi područja postrojenja, a da za to ne trebaju podnositi posebne zahtjeve, pruža redovito i u najprimjerenijem obliku jasne i lako razumljive, preispitane i usklađene informacije o sigurnosnim mjerama i nužnom ponašanju u slučaju velike nesreće na području svoje nadležnosti.“.

Članak 4.

U članku 36. stavak 3. mijenja se i glasi:

„(3) Pravne osobe koje obavljaju djelatnost korištenjem opasnih tvari, a nisu obveznici izrade izvješća o sigurnosti sukladno propisima iz područja zaštite okoliša, dužne su izraditi procjene rizika i operativne planove sukladno propisanoj metodologiji.“.

Stavak 4. mijenja se i glasi:

„(4) Pravna osoba dužna je Ministarstvu i jedinicama lokalne i područne (regionalne) samouprave bez naknade dostavljati podatke potrebne za izradu procjene rizika i plana djelovanja civilne zaštite.“.

Iza stavka 4. dodaju se novi stavci 5. i 6. koji glase:

„(5) Operater je dužan za svoje područje postrojenja Ministarstvu i jedinicama područne (regionalne) samouprave bez naknade dostaviti podatke potrebne za izradu Vanjskog plana u

roku od najviše dva mjeseca od primitka suglasnosti tijela državne uprave nadležnog za zaštitu okoliša na izvješće o sigurnosti.

(6) Operater je dužan za svoje područje postrojenja u slučaju izmjene u području postrojenja, postrojenju, skladištu ili procesu ili vrsti ili fizičkom obliku ili količini opasne tvari koja bi mogla imati značajne posljedice za opasnosti od velikih nesreća obavijestiti Ministarstvo o pojedinostima tih ažuriranja prije te izmjene.“.

Dosadašnji stavci 5., 6., i 7. postaju stavci 7., 8. i 9.

Članak 5.

U članku 38. stavku 1. iza riječi: „operateri“ dodaju se riječi: „za svoje područje postrojenja“.

Članak 6.

Iza članka 68. dodaje se članak 68.a koji glasi:

„Članak 68.a

(1) Ministarstvo će, na temelju analize procjene rizika, donijeti odluku o nepostojanju prekogranične opasnosti od velike nesreće u području postrojenja u blizini državnog područja druge države članice.

(2) Ministarstvo će o odluci iz stavka 1. ovoga članka obavijestiti drugu državu članicu.“.

Članak 7.

U članku 80. stavku 2. podstavak 1. mijenja se i glasi:

„- izradu, donošenje, dopunu i ažuriranje procjena rizika, planova djelovanja civilne zaštite, operativnih planova i Vanjskih planova sukladno ovom Zakonu i propisanoj metodologiji“.

Podstavak 9. mijenja se i glasi:

„- dostavljanje podataka potrebnih za izradu procjene rizika, planova djelovanja civilne zaštite i Vanjskih planova“.

Članak 8.

Članak 86. mijenja se i glasi:

„Novčanom kaznom od 10.000,00 do 30.000,00 kuna kaznit će se za prekršaj izvršno tijelo jedinice lokalne i područne (regionalne) samouprave ako:

- ne donese plan djelovanja civilne zaštite (članak 17. stavak 3. podstavak 1.)
- ne donese plan vježbi civilne zaštite (članak 17. stavak 3. podstavak 2.)
- ne dostavi predstavničkom tijelu prijedlog odluke o određivanju pravnih osoba od interesa za sustav civilne zaštite i prijedlog odluke o osnivanju postrojbi civilne zaštite (članak 17. stavak 3. podstavak 3.)
- kod donošenja godišnjeg plana nabave sredstava civilne zaštite ne uključi materijalna sredstva i opremu snaga civilne zaštite (članak 17. stavak 3. podstavak 4.)
- ne osigura uvjete za raspoređivanje pripadnika u postrojbe i na dužnosti povjerenika civilne zaštite te vođenje evidencije raspoređenih pripadnika (članak 17. stavak 3. podstavak 9.)
- ne osigura uvjete za vođenje i ažuriranje baze podataka o pripadnicima, sposobnostima i resursima operativnih snaga sustava civilne zaštite (članak 17. stavak 3. podstavak 10.)
- ne završi program osposobljavanja za obavljanje poslova civilne zaštite prema programu koji provodi tijelo državne uprave nadležno za poslove civilne zaštite (članak 17. stavak 6.)
- ne donese odluku o osnivanju stožera civilne zaštite i ne imenuje načelnika, zamjenika i članove stožera (članak 23. stavak 1. i članak 24. stavak 1.)
- ne imenuje povjerenika i zamjenika civilne zaštite (članak 34. stavak 1.).“

Članak 9.

Članak 87. mijenja se i glasi:

„Novčanom kaznom od 20.000,00 do 70.000,00 kuna kaznit će se za prekršaj izvršno tijelo jedinice lokalne i područne (regionalne) samouprave ako:

- ne osnuje, ne financira, ne oprema, ne osposobljava te ne uvježbava operativne snage sukladno usvojenim smjernicama i planu razvoja sustava civilne zaštite (članak 17. stavak 3. podstavak 6.)
- ne izradi i ne predloži predstavničkom tijelu procjenu rizika od velikih nesreća i redovito ne ažurira procjene rizika i plan djelovanja civilne zaštite (članak 17. stavak 3. podstavak 7.)
- ne osigura uvjete za premještanje, sklanjanje, evakuaciju i zbrinjavanje te izvršavanje zadaća u provedbi drugih mjera civilne zaštite u zaštiti i spašavanju građana, materijalnih i kulturnih dobara i okoliša (članak 17. stavak 3. podstavak 8.)
- ne donese Vanjski plan ili njegove izmjene i dopune za područje postrojenja, odnosno grupu područja postrojenja koju određuje tijelo državne uprave nadležno za zaštitu okoliša zbog mogućeg domino-efekta, u roku od godinu dana od donošenja odluke Ministarstva o izradi Vanjskog plana ili njegovih izmjena i dopuna te svim osobama koje bi mogle imati značajne

materijalne i zdravstvene posljedice zbog nastanka velike nesreće u području postrojenja ili grupi područja postrojenja, ne pruži redovito i u najprimjerenijem obliku jasne i lako razumljive, preispitane i usklađene informacije o sigurnosnim mjerama i nužnom ponašanju u slučaju velike nesreće na području svoje nadležnosti (članak 17. stavak 5.).“.

Članak 10.

U članku 88. stavku 1. podstavku 2. riječi: „(članak 36. stavak 5.)“ zamjenjuju se riječima: „(članak 36. stavak 7.)“.

Članak 11.

U članku 89. stavak 1. mijenja se i glasi:

„(1) Novčanom kaznom od 20.000,00 do 70.000,00 kuna kaznit će se za prekršaj pravna osoba ako:

- Ministarstvu i jedinicama lokalne i područne (regionalne) samouprave bez naknade ne dostavi podatke potrebne za izradu procjene rizika i plana djelovanja civilne zaštite (članak 36. stavak 4.)
- Ministarstvu i jedinicama područne (regionalne) samouprave u roku do najviše dva mjeseca od primitka suglasnosti tijela državne uprave nadležnog za zaštitu okoliša na izvješće o sigurnosti ne dostavi bez naknade podatke potrebne za izradu Vanjskog plana (članak 36. stavak 5.)
- u slučaju izmjene u području postrojenja, postrojenju, skladištu ili procesu ili vrsti ili fizičkom obliku ili količini opasne tvari koja bi mogla imati značajne posljedice za opasnosti od velikih nesreća ne obavijesti Ministarstvo o pojedinostima tih ažuriranja prije te izmjene (članak 36. stavak 6.)
- ne postupi po zahtjevu načelnika stožera civilne zaštite jedinice lokalne i područne (regionalne) samouprave i načelnika Stožera civilne zaštite Republike Hrvatske i ne sudjeluje s ljudskim snagama i materijalnim resursima u provedbi mjera i aktivnosti u sustavu civilne zaštite (članak 36. stavak 8.)
- ne uspostavi upravljanje i nadzor nad sirenama svog sustava za uzbunjivanje iz operativnog središta pravne osobe i iz nadležnog centra 112 te ako ne snosi troškove uspostavljanja i korištenja komunikacijske veze za potrebe upravljanja i nadzora sirenama iz nadležnog centra 112 (članak 38. stavak 3.).“.

PRIJELAZNE I ZAVRŠNE ODREDBE

Članak 12.

Ministar nadležan za unutarnje poslove uskladit će Pravilnik o nositeljima, sadržaju i postupcima izrade planskih dokumenata u civilnoj zaštiti te načinu informiranja javnosti u postupku njihovog donošenja (Narodne novine, broj 49/17) s odredbama ovoga Zakona u roku od 30 dana od dana njegovog stupanja na snagu.

Članak 13.

Ovaj Zakon stupa na snagu osmoga dana od dana objave u Narodnim novinama.

OBRAZLOŽENJE

Članak 1.

Članak 3. važećeg Zakona o sustavu civilne zaštite dopunjuje se pojmovima domino-efekt, opasna tvar, operater, područje postrojenja te Vanjski plan civilne zaštite u slučaju nesreća koje uključuju opasne tvari (Vanjski plan) radi usklađivanja s Direktivom 2012/18/EU Europskog parlamenta i Vijeća od 4. srpnja 2012. godine o kontroli opasnosti od velikih nesreća koje uključuju opasne tvari, o izmjeni i kasnijem stavljanju izvan snage Direktive Vijeća 96/82/EZ (u daljnjem tekstu: Seveso direktiva).

Članak 2.

Člankom 12. važećeg Zakona o sustavu civilne zaštite propisane su nadležnosti Ministarstva unutarnjih poslova koje je tijelo državne uprave nadležno za poslove civilne zaštite. Radi ispravnog prenošenja članka 12. Seveso direktive potrebno je izmijeniti podstavke 19. i 20. te dodati novi podstavak 21. i utvrditi rok u kojem je država članica dužna izraditi Vanjski plan. Iako se zbrajanjem propisanih rokova dobiva kraće vrijeme izrade Vanjskog plana u odnosu na zahtjev iz Direktive, ovo je dodano radi formalnog zadovoljavanja komentara EU.

Članak 3.

Člankom 17. važećeg Zakona o sustavu civilne zaštite propisane su zadaće predstavničkog i izvršnog tijela jedinice lokalne i područne (regionalne) samouprave. Stavkom 5. ovog članka propisane su zadaće izvršnog tijela jedinice područne (regionalne) samouprave. Na temelju odredbe članka 17. stavka 5. važećeg Zakona izvršno tijelo jedinice područne (regionalne) samouprave donosi Vanjski plan u skladu s odredbama Pravilnika o nositeljima, sadržaju i postupcima izrade planskih dokumenata u civilnoj zaštiti te načinu informiranja javnosti u postupku njihovog donošenja (Narodne novine, broj 49/17) i Pravilniku o uvjetima koje moraju ispunjavati ovlaštene osobe za obavljanje stručnih poslova u području planiranja civilne zaštite (Narodne novine, broj 57/16). U praksi, izvršna tijela u 14 jedinica područne (regionalne) samouprave (u kojima se nalaze područja postrojenja odnosno grupe područja postrojenja) izvršavaju obvezu izrade i donošenja Vanjskog plana.

Ovim člankom predložena je izmjena članka 17. stavka 5. radi jasnijeg definiranja načina donošenja Vanjskog plana. Uz navedeno, u skladu sa zahtjevima Europske komisije, propisuje se obveza izvršnog tijela jedinice područne (regionalne) samouprave da svim osobama koje bi mogle imati značajne materijalne i zdravstvene posljedice zbog nastanka velike nesreće u području postrojenja ili grupi područja postrojenja pruži informacije o sigurnosnim mjerama i nužnom ponašanju u slučaju velike nesreće na području njihove nadležnosti.

Članak 4.

Člankom 36. važećeg Zakona o sustavu civilne zaštite propisana su dužnosti i prava pravnih osoba u sustavu civilne zaštite. Predloženim izmjenama i dopunama članka 36. usklađuju se nazivi dokumenata sukladno ovom Zakonu i propisima iz područja zaštite okoliša. Propisuje se

dužnost operatera postrojenja da dostavi potrebne podatke u roku koji iznosi najviše dva mjeseca od primitka suglasnosti Ministarstva unutarnjih poslova. Također se dodaje dužnost operatera obavijestiti Ministarstvo o svim izmjenama u području postrojenja, postrojenju, skladištu ili procesu ili vrsti ili fizičkom obliku ili količini opasne tvari koja bi mogla imati značajne posljedice za opasnost od velikih nesreća.

Članak 5.

Članak 38. važećeg Zakona dopunjuje se pojmovno radi usklađivanja cjelokupnog naziva sa Seveso direktivom.

Članak 6.

Radi pravilnog prenošenja odredbi iz članka 14. stavka 4. Seveso direktive, dodaje se novi članak 68.a kojim se propisuje način obavješćivanja država članica Europske unije o nepostojanju prekogranične opasnosti od velike nesreće u području postrojenja u blizini državnog područja druge države članice.

Članak 7.

Člankom 80. stavkom 2. važećeg Zakona o sustavu civilne zaštite propisano je postupanje inspektora civilne zaštite tijekom obavljanja inspekcijskog nadzora. Podstavci 1. i 9. izmijenjeni su radi njihovog pojmovnog usklađivanja s odredbama ovog Zakona.

Članci 8., 9., 10. i 11.

Člancima 86., 87., 88. i 89. važećeg Zakona o sustavu civilne zaštite propisani su prekršaji i njihovo sankcioniranje koje mogu počinuti izvršna tijela jedinica lokalne i područne (regionalne) samouprave te pravne i fizičke osobe za postupanje protivno odredbama ovog Zakona ili nepostupanje po istima. S obzirom da je prekršajnim odredbama potrebno propisati prekršaje i utvrditi sankcije u odnosu na novopredložene odredbe ovog Zakona izmijenjeni su članci 86., 87., 88. stavak 1. i 89. stavak 1. kojom prilikom su izvršeni i nomotehnički ispravci istih. Visine novčanih kazni za utvrđene prekršaje nisu se izmijenile.

Odredbe članka 86. preciznije su propisane i usklađene s materijalnim odredbama te je ispravljena odredba podstavka 7. koja se pogrešno pozivala na materijalnu odredbu.

Odredbe članka 87. preciznije su propisane i usklađene s materijalnim odredbama te je dodana prekršajna odredba za članak 17. stavak 5.

Odredba članka 88. stavka 1. podstavka 2. izmijenjena je radi izmjena članka 36. u kojem su dodani novi stavci pa je došlo do pomicanja numeracije preostalih stavaka.

Odredbe članka 89. stavka 1. preciznije su propisane i usklađene s materijalnim odredbama te su dodane nove prekršajne odredbe za članak 36. stavke 5. i 6.

Članak 12.

Ovim člankom propisuje se rok u kojem će se Pravilnik o nositeljima, sadržaju i postupcima izrade planskih dokumenata u civilnoj zaštiti te načinu informiranja javnosti u postupku njihovog donošenja (Narodne novine, broj 49/17) uskladiti s odredbama ovoga Zakona.

Članak 13.

Ovim člankom propisuje se stupanje na snagu ovoga Zakona.

TEKST ODREDBI VAŽEĆEG ZAKONA KOJE SE MIJENJAJU, ODNOSNO DOPUNJUJU

Članak 3.

Pojedini izrazi u smislu ovoga Zakona imaju sljedeće značenje:

- 1) *Aktivnost* je poduzimanje istovrsnih djelovanja koja su usmjerena ostvarenju određenog cilja primjenom mjera civilne zaštite.
- 2) *Aktiviranje* znači postupke pokretanja žurnih službi, operativnih snaga sustava civilne zaštite i građana.
- 3) *Asanacija animalna* je postupak prikupljanja, zbrinjavanja, uklanjanja i ukopa životinjskih leševa i namirnica životinjskog porijekla.
- 4) *Asanacija humana* je postupak uklanjanja, identifikacije i ukopa posmrtnih ostataka žrtava.
- 5) *Asanacija terena* je skup organiziranih i koordiniranih tehničkih, zdravstvenih i poljoprivrednih mjera i postupaka radi uklanjanja izvora širenja društveno opasnih bolesti.
- 6) *Evakuacija znači* premještanje ugroženih osoba, životinja i pokretne imovine iz ugroženih objekata ili područja.
- 7) *Izvanredni događaj* znači događaj za čije saniranje je potrebno djelovanje žurnih službi te potencijalno uključivanje operativnih snaga sustava civilne zaštite.
- 8) *Katastrofa* je stanje izazvano prirodnim i/ili tehničko-tehnološkim događajem koji opsegom, intenzitetom i neočekivanošću ugrožava zdravlje i živote većeg broja ljudi, imovinu veće vrijednosti i okoliš, a čiji nastanak nije moguće spriječiti ili posljedice otkloniti djelovanjem svih operativnih snaga sustava civilne zaštite područne (regionalne) samouprave na čijem je području događaj nastao te posljedice nastale terorizmom i ratnim djelovanjem.
- 9) *Kemijsko-biološko-radiološko-nuklearna zaštita* (u daljnjem tekstu: KBRN zaštita) je skup organiziranih postupaka koji obuhvaćaju detekciju, uzimanje uzoraka i identifikaciju kemijskih, bioloških, radioloških i nuklearnih sredstava i/ili tvari te obilježavanje i dekontaminaciju opasnih područja.
- 10) *Koordinacija* je usklađivanje djelovanja sudionika sustava civilne zaštite kako bi se ostvarili ciljevi sustava civilne zaštite.
- 11) *Koordinator na lokaciji u slučaju velike nesreće i katastrofe* je osoba koja koordinira aktivnosti operativnih snaga sustava civilne zaštite na mjestu intervencije.
- 12) *Međunarodne aktivnosti pripadnika operativnih snaga sustava civilne zaštite* znače pružanje žurne međunarodne pomoći, sudjelovanje u međunarodnim programima osposobljavanja i vježbama.
- 13) *Mobilizacija* je postupak kojim se po nalogu nadležnog tijela obavlja pozivanje, prihvata i opremanje sudionika sustava civilne zaštite i dovodi ih u spremnost za provođenje zadaća civilne zaštite.
- 14) *Obrazovanje u sustavu civilne zaštite* je organizirano stjecanje stručnih znanja, vještina i sposobnosti i provodi se, sukladno posebnim propisima, kao formalno obrazovanje (putem osposobljavanja i usavršavanja, a polaznicima se izdaje javna isprava) i neformalno obrazovanje.

- 15) *Osposobljavanje u sustavu civilne zaštite* je organizirano stjecanje stručnih znanja i vještina sa svrhom podizanja spremnosti operativnih snaga sustava civilne zaštite i građana za djelovanje u velikoj nesreći i katastrofi.
- 16) *Operativne snage sustava civilne zaštite* su sve prikladne i raspoložive sposobnosti i resursi operativnih snaga namijenjeni provođenju mjera civilne zaštite.
- 17) *Osobna i uzajamna zaštita* je temeljni oblik organiziranja građana za vlastitu zaštitu te pružanje pomoći drugim osobama kojima je zaštita potrebna.
- 18) *Prevenција* izražava koncept i namjeru potpunog izbjegavanja potencijalnih negativnih utjecaja akcijom koja se unaprijed poduzima.
- 19) *Pripravnost* je stanje spremnosti operativnih snaga i sudionika sustava civilne zaštite za operativno djelovanje.
- 20) *Procjena rizika* je određivanje kvantitativne i/ili kvalitativne vrijednosti rizika.
- 21) *Pružanje međunarodne žurne pomoći u civilnoj zaštiti* je upućivanje operativnih snaga sustava civilne zaštite i materijalne pomoći u državu pogođenu velikom nesrećom ili katastrofom koja je zatražila međunarodnu pomoć.
- 22) *Prva pomoć* je skup postupaka kojima se pomaže ozlijeđenoj ili oboljeloj osobi na mjestu događaja, prije dolaska hitne medicinske službe ili drugih kvalificiranih zdravstvenih djelatnika.
- 23) *Reagiranje* znači pružanje usluga u izvanrednim situacijama i pomoć za vrijeme velike nesreće i katastrofe ili odmah po njezinom završetku radi spašavanja života, smanjenja utjecaja na zdravlje, javne sigurnosti i zadovoljenja osnovnih dnevnih potreba ugroženih građana.
- 24) *Rizik* je odnos posljedice nekog događaja i vjerojatnosti njegovog izbijanja.
- 25) *Rukovođenje* znači aktivnosti planiranja, organiziranja i vođenja operativnih snaga sustava civilne zaštite prema ostvarivanju postavljenih ciljeva (izvršna funkcija upravljanja).
- 26) *Sklanjanje* je organizirano upućivanje građana u najbližu namjensku građevinu za sklanjanje ili u drugi pogodan prostor koji omogućava optimalnu zaštitu sa ili bez prilagodbe (podrumske i druge prostorije u građevinama koje su prilagođene za sklanjanje te komunalne i druge građevine ispod površine tla namijenjene javnoj uporabi kao što su garaže, trgovine i drugi pogodni prostori).
- 27) *Spašavanje materijalnih i kulturnih dobara* je skup organiziranih i koordiniranih aktivnosti koje se provode radi sprječavanja oštećivanja i/ili uništavanja materijalnih i kulturnih dobara.
- 28) *Spašavanje stanovništva* je skup organiziranih i koordiniranih aktivnosti koje se provode radi očuvanja života i zdravlja ljudi.
- 29) *Temeljne operativne snage u sustavu civilne zaštite* su snage koje posjeduju spremnost za žurno i kvalitetno operativno djelovanje u provođenju mjera i aktivnosti sustava civilne zaštite u velikim nesrećama i katastrofama: operativne snage vatrogastva, Hrvatske gorske službe spašavanja i Hrvatskog Crvenog križa.
- 30) *Uzbunjivanje i obavješćivanje* je skretanje pozornosti na opasnost korištenjem propisanih znakova za uzbunjivanje te pružanje pravodobnih i nužnih informacija radi poduzimanja aktivnosti za učinkovitu zaštitu.
- 31) *Upravljanje* je određivanje temeljnog cilja sustava civilne zaštite, plansko povezivanje dijelova sustava civilne zaštite i njihovih zadaća, mjera i aktivnosti u jedinstvenu cjelinu radi postizanja ciljeva sustava civilne zaštite.

32) *Upravljanje rizicima* znači preventivne i planske aktivnosti usmjerene na umanjivanje ranjivosti i ublažavanje negativnih učinaka rizika.

33) *Velika nesreća* je događaj koji je prouzročen iznenadnim djelovanjem prirodnih sila, tehničko-tehnoloških ili drugih čimbenika s posljedicom ugrožavanja zdravlja i života građana, materijalnih i kulturnih dobara i okoliša na mjestu nastanka događaja ili širem području, čije se posljedice ne mogu sanirati samo djelovanjem žurnih službi na području njezina nastanka.

34) *Zahtjevi sustava civilne zaštite u području prostornog uređenja* znače preventivne aktivnosti i mjere koje moraju sadržavati dokumenti prostornog uređenja jedinica lokalne i područne (regionalne) samouprave.

35) *Zaštita i spašavanje* znači organizirano provođenje mjera i aktivnosti u sustavu civilne zaštite.

36) *Zaštita od požara* je sustav mjera i radnji utvrđenih posebnim propisima.

37) *Zbrinjavanje* je osiguravanje hitnog, privremenog smještaja i opskrbe osnovnim životnim namirnicama i predmetima za osobnu higijenu za ugrožene građane koji se evakuiraju, odnosno premještaju s ugroženog područja.

Članak 12.

Ministarstvo je nadležno za sljedeće poslove:

- koordinira djelovanje sustava civilne zaštite u Republici Hrvatskoj
- obavlja poslove analize, obrade i dostave informacija i podataka o svim vrstama opasnosti i mogućim posljedicama velikih nesreća i katastrofa
- uspostavlja i upravlja jedinstvenim sustavom uzbunjivanja u Republici Hrvatskoj i provodi uzbunjivanje i obavješćivanje stanovništva
- daje suglasnost pravnim osobama na projekte sustava za uzbunjivanje
- putem jedinstvenog europskog broja za hitne službe 112 (u daljnjem tekstu: broj 112) prima sve vrste žurnih poziva, prosljeđuje informacije nadležnim službama, komunikacijski koordinira njihovo međusobno djelovanje i objedinjuje povratne informacije o provedenim aktivnostima
- izrađuje i dostavlja Vladi Republike Hrvatske na donošenje propise i planske dokumente za provedbu ovog Zakona
- aktivira operativne snage sustava civilne zaštite i koordinira njihovo djelovanje
- predlaže i provodi međunarodne ugovore iz područja civilne zaštite
- razmjenjuje informacije i podatke s drugim državama, međunarodnim organizacijama i regionalnim inicijativama
- u suradnji s nadležnim tijelima Republike Hrvatske i drugih država te međunarodnih organizacija provodi primanje, pružanje ili tranzit žurne humanitarne pomoći
- priprema i provodi međunarodne konferencije, seminare, tečajeve, radionice, vježbe i projekte iz područja civilne zaštite
- provodi osposobljavanje pripadnika operativnih snaga sustava civilne zaštite i drugih sudionika u sustavu civilne zaštite

- utvrđuje stručne, materijalno-tehničke i druge uvjete koje moraju ispunjavati javne ustanove i druge pravne osobe za izvođenje programa formalnog i neformalnog obrazovanja u sustavu civilne zaštite
- daje i oduzima suglasnost javnim ustanovama i pravnim osobama za provođenje osposobljavanja u sustavu civilne zaštite
- provodi osposobljavanje instruktora/vježbatelja koji mogu sudjelovati u provođenju obrazovanja u sustavu civilne zaštite
- ispituje opremu i sredstva za civilnu zaštitu i podnosi prijedlog za donošenje hrvatskih normi u tom području
- daje i oduzima suglasnost pravnim osobama za obavljanje djelatnosti u području ispitivanja tehničke ispravnosti opreme i sredstva za civilnu zaštitu
- objedinjava i vodi jedinstvenu informacijsku bazu podataka o operativnim snagama sustava civilne zaštite, materijalnim sredstvima i opremi te spremnosti za operativno djelovanje
- donosi odluku o izradi vanjskog plana zaštite i spašavanja u slučaju nesreća koje uključuju opasne tvari koji donosi jedinica područne (regionalne) samouprave
- daje suglasnost jedinicama područne (regionalne) samouprave na metodologiju izrade procjene rizika i vanjske planove zaštite i spašavanja u slučaju nesreća koje uključuju opasne tvari
- daje suglasnost jedinicama lokalne i područne (regionalne) samouprave na planirane mjere zaštite i spašavanja u dokumentima prostornog uređenja i usklađenost s procjenama rizika
- daje suglasnost pravnim osobama (ovlaštenicima) za obavljanje stručnih poslova za izradu planskih dokumenata u području civilne zaštite i vodi očevidnik o izdanim suglasnostima
- daje suglasnost na odluke izvršnih tijela jedinica lokalne i područne (regionalne) samouprave o određivanju pravnih osoba od interesa za sustav civilne zaštite
- sudjeluje u predlaganju bilance državnih robnih zaliha
- nositelj je izrade Strategije smanjenja rizika od katastrofa
- dostavlja Vladi Republike Hrvatske objedinjeni prijedlog središnjih tijela državne uprave, znanstvenih institucija, ustanova i javnih poduzeća te udruga za imenovanje zamjenika načelnika i članova Stožera civilne zaštite Republike Hrvatske
- koordinira rad središnjih i drugih tijela državne uprave pri izradi Procjene rizika od katastrofa za Republiku Hrvatsku
- provodi upravni i inspekcijski nadzor nad provedbom ovog Zakona i drugih posebnih propisa
- obavlja i druge poslove utvrđene posebnim zakonom.

Članak 17.

- (1) Predstavničko tijelo, na prijedlog izvršnog tijela jedinice lokalne i područne (regionalne) samouprave, izvršava sljedeće zadaće:
- u postupku donošenja proračuna razmatra i usvaja godišnju analizu stanja i godišnji plan razvoja sustava civilne zaštite s financijskim učincima za trogodišnje razdoblje te smjernice za organizaciju i razvoj sustava koje se razmatraju i usvajaju svake četiri godine
 - donosi procjenu rizika od velikih nesreća

- donosi odluku o određivanju pravnih osoba od interesa za sustav civilne zaštite
 - donosi odluku o osnivanju postrojbi civilne zaštite
 - osigurava financijska sredstva za izvršavanje odluka o financiranju aktivnosti civilne zaštite u velikoj nesreći i katastrofi prema načelu solidarnosti.
- (2) Iznimno od stavka 1. ovoga članka, jedinice lokalne samouprave u kojima nema izraženih rizika te temeljem njihove veličine i drugih kriterija uređenih odredbama pravilnika iz članka 49. stavka 2. ovoga Zakona, nisu u obvezi izraditi i donijeti procjenu rizika od velikih nesreća.
- (3) Izvršno tijelo jedinice lokalne samouprave izvršava sljedeće zadaće:
- donosi plan djelovanja civilne zaštite
 - donosi plan vježbi civilne zaštite
 - priprema i dostavlja predstavničkom tijelu prijedlog odluke o određivanju pravnih osoba od interesa za sustav civilne zaštite i prijedlog odluke o osnivanju postrojbi civilne zaštite
 - kod donošenja godišnjeg plana nabave u plan uključuje materijalna sredstva i opremu snaga civilne zaštite
 - donosi odluke iz svog samoupravnog djelokruga radi osiguravanja materijalnih, financijskih i drugih uvjeta za financiranje i opremanje operativnih snaga sustava civilne zaštite
 - odgovorno je za osnivanje, razvoj i financiranje, opremanje, osposobljavanje i uvježbavanje operativnih snaga sukladno usvojenim smjernicama i planu razvoja sustava civilne zaštite
 - izrađuje i dostavlja predstavničkom tijelu prijedlog procjene rizika od velikih nesreća i redovito ažurira procjenu rizika i plan djelovanja civilne zaštite
 - osigurava uvjete za premještanje, sklanjanje, evakuaciju i zbrinjavanje te izvršavanje zadaća u provedbi drugih mjera civilne zaštite u zaštiti i spašavanju građana, materijalnih i kulturnih dobara i okoliša
 - osigurava uvjete za raspoređivanje pripadnika u postrojbe i na dužnost povjerenika civilne zaštite te vođenje evidencije raspoređenih pripadnika
 - osigurava uvjete za vođenje i ažuriranje baze podataka o pripadnicima, sposobnostima i resursima operativnih snaga sustava civilne zaštite
 - uspostavlja vođenje evidencije stradalih osoba u velikim nesrećama i katastrofama.
- (4) Izvršno tijelo jedinice lokalne i područne (regionalne) samouprave koordinira djelovanje operativnih snaga sustava civilne zaštite osnovanih za područje te jedinice u velikim nesrećama i katastrofama uz stručnu potporu nadležnog stožera civilne zaštite.
- (5) Izvršno tijelo jedinice područne (regionalne) samouprave, pored poslova navedenih u stavku 3. ovog članka, donosi vanjski plan zaštite i spašavanja u slučaju nesreća koje uključuju opasne tvari, u roku od godine dana od dana primitka odluke Ministarstva o obvezi izrade vanjskog plana za postrojenje ili industrijsku zonu.
- (6) Općinski načelnik, gradonačelnik i župan dužni su se osposobiti za obavljanje poslova civilne zaštite u roku od šest mjeseci od stupanja na dužnost, prema programu osposobljavanja koji provodi Ministarstvo.

(1) U slučaju prijetnje, nastanka i posljedica velikih nesreća i katastrofa pravne osobe, osobito pravne osobe u većinskom vlasništvu Republike Hrvatske i pravne osobe koje su odlukom nadležnog središnjeg tijela državne uprave određene kao operativne snage sustava civilne zaštite od posebnog interesa na državnoj razini te pravne osobe koje su odlukama izvršnih tijela jedinica lokalne i područne (regionalne) samouprave određene od interesa za sustav civilne zaštite, dužne su u operativnim planovima izraditi plan o načinu organiziranja provedbe mjera i aktivnosti u sustavu civilne zaštite sukladno odredbama ovog Zakona, posebnih propisa i njihovih općih akata.

(2) Pravne osobe posebno važne za obranu mogu biti određene za pravne osobe od interesa za sustav civilne zaštite i koristiti se u provođenju mjera civilne zaštite u velikim nesrećama i katastrofama na temelju odluke nadležnog središnjeg tijela državne uprave.

(3) Pravne osobe koje obavljaju djelatnost korištenjem opasnih tvari dužne su izraditi procjene rizika i operativne planove sukladno metodologiji koju donosi ministar.

(4) Pravna osoba dužna je Ministarstvu i jedinicama lokalne i područne (regionalne) samouprave bez naknade dostavljati podatke potrebne za izradu procjene rizika, plana djelovanja civilne zaštite i vanjskog plana zaštite i spašavanja u slučaju nesreće koja uključuje opasne tvari.

(5) Pravna osoba koja u području svoje nadležnosti utvrdi prijetnju za nastanak izvanrednog događaja, velike nesreće i/ili katastrofe dužna je o tome bez odgode obavijestiti nadležni centar 112.

(6) Pravna osoba dužna je odazvati se zahtjevu načelnika stožera civilne zaštite jedinice lokalne i područne (regionalne) samouprave i načelnika Stožera civilne zaštite Republike Hrvatske te sudjelovati s ljudskim snagama i materijalnim resursima u provedbi mjera i aktivnosti u sustavu civilne zaštite.

(7) Stvarno nastali troškovi djelovanja pravnih osoba u situacijama iz stavka 6. ovog članka podmiruju se iz proračuna jedinica lokalne i područne (regionalne) samouprave i državnog proračuna Republike Hrvatske.

Članak 38.

(1) Pravne osobe – operateri dužni su uspostaviti i održavati sustav uzbunjivanja u perimetru stvarnih rizika za građane, i to:

– pravne osobe koje se bave djelatnošću koja svojom naravi može ugroziti život i zdravlje građana, materijalna i kulturna dobra i okoliš, a koje koriste velike količine opasnih tvari propisane posebnim propisima na području zaštite okoliša te su dužne izrađivati izvješća o sigurnosti

– pravne osobe koje su vlasnici ili upravljaju akumulacijama vode i vodnim kanalima za proizvodnju električne energije i opskrbu vodom

– pravne osobe koje se bave djelatnošću koja svojom naravi može ugroziti život i zdravlje građana, materijalnih i kulturnih dobara i okoliša, a posluju unutar industrijske zone koja je prema aktima središnjeg tijela državne uprave nadležnog za zaštitu okoliša ugrožena domino-efektom.

(2) Više pravnih osoba iz stavka 1. ovoga članka koje obavljaju djelatnost na istom području mogu sporazumno uspostaviti i održavati zajednički sustav za uzbunjivanje i obavješćivanje građana u svojoj okolini.

(3) Pravne osobe iz stavaka 1. i 2. ovoga članka dužne su uspostaviti upravljanje i nadzor nad sirenama svog sustava za uzbunjivanje iz operativnog središta pravne osobe i iz nadležnog centra 112 te snositi troškove uspostavljanja i korištenja komunikacijske veze za potrebe upravljanja i nadzora sirenama iz nadležnog centra 112.

(4) Pravne osobe iz stavaka 1. i 2. ovoga članka dužne su na idejni projekt sustava za uzbunjivanje prije instaliranja vlastitog sustava za uzbunjivanje ishoditi suglasnost Ministarstva.

Članak 68.

Mediji putem kojih se objavljuju informacije iz članka 67. ovog Zakona dužni su u slučaju prijetnje ili nastanka velike nesreće i katastrofe bez naknade ustupiti korištenje usluga svoje komunikacijske mreže / komunikacijskog sustava za prijenos signala i obavijesti i objaviti službena priopćenja.

Članak 80.

(1) Ako je ovim ili drugim zakonom predviđeno da se u slučaju utvrđene nezakonitosti donosi određena mjera, inspektor je dužan donijeti rješenje kojim će izreći takvu mjeru.

(2) Ako inspektor tijekom obavljanja inspeksijskoga nadzora uoči i u zapisniku konstatira nezakonitosti ili nepravilnosti u provedbi ovog Zakona, donijet će rješenje kojim će fizičkim i pravnim osobama, tijelima jedinica lokalne i područne (regionalne) samouprave i drugim nadziranim osobama naložiti sljedeće mjere:

– izradu, donošenje, dopunu i ažuriranje procjena rizika, planova djelovanja civilne zaštite, operativnih planova i vanjskih planova zaštite i spašavanja u slučaju nesreća koje uključuju opasne tvari sukladno ovom Zakonu i propisanoj metodologiji

– razmatranje stanja i analize sustava civilne zaštite u cjelini za prethodno razdoblje, donošenje smjernica za organizaciju i plan razvoj sustava civilne zaštite za svoje područje za tekuću godinu

– osnivanje, popunu, razvoj i financiranje opremanja, osposobljavanja i uvježbavanja operativnih snaga civilne zaštite sukladno usvojenim planskim dokumentima, smjernicama i planu razvoja sustava civilne zaštite

- osiguravanje financijskih sredstava za razvoj i opremanje snaga civilne zaštite, kao i za financiranje aktivnosti operativnih snaga sustava civilne zaštite u velikim nesrećama i katastrofama
- izvršenje propisa o ustrojavanju stožera civilne zaštite, imenovanju tijela i povjerenika civilne zaštite te provedbe njihova osposobljavanja
- donošenje odluke o određivanju pravnih osoba od interesa za sustav civilne zaštite
- izradu i donošenje plana vježbi operativnih snaga sustava civilne zaštite
- osiguravanje uvjeta za premještanje, zbrinjavanje, sklanjanje, evakuaciju i druge mjere i aktivnosti u sustavu civilne zaštite radi zaštite i spašavanja ljudi i imovine
- dostavljanje podataka potrebnih za izradu procjene rizika, planova djelovanja civilne zaštite i vanjskih planova zaštite i spašavanje u slučaju nesreća koje uključuju opasne tvari
- izradu, donošenje i ažuriranje operativnog plana te organiziranje i provedbu mjera i aktivnosti u sustavu civilne zaštite određenih planom djelovanja civilne zaštite
- uspostavu i održavanje odgovarajućeg internog sustava obavješćivanja građana
- izradu projekta te uspostavu, održavanje i uvezivanje sustava uzbunjivanja građana u perimetru stvarnih rizika za građane u svojoj okolini
- nabavu i postavljanje jedinstvenog plakata s prikazom grafičkih znakova za uzbunjivanje u objektima te obavijesti o jedinstvenom europskom broju za hitne službe 112
- otklanjanje nepravilnosti radi ispunjavanja stručnih, materijalno-tehničkih i drugih posebnih uvjeta za izvođenje programa formalnog i neformalnog obrazovanja u sustavu civilne zaštite
- otklanjanje drugih uočenih nepravilnosti i nedostataka u provedbi ovog Zakona utvrđenih inspekcijskim nadzorom.

Članak 86.

Novčanom kaznom od 10.000,00 do 30.000,00 kuna kaznit će se za prekršaj izvršno tijelo jedinice lokalne i područne (regionalne) samouprave ako:

- ne donese plan djelovanja civilne zaštite (članak 17. stavak 3.)
- ne donese plan vježbi civilne zaštite (članak 17. stavak 3.)
- ne dostavi predstavničkom tijelu prijedlog odluke o određivanju pravnih osoba od interesa za sustav civilne zaštite i prijedlog odluke o osnivanju postrojbi civilne zaštite (članak 17. stavak 3.)
- kod donošenja godišnjeg plana nabave sredstava civilne zaštite ne uključi materijalna sredstva i opremu snaga civilne zaštite (članak 17. stavak 3.)

- ne osigura uvjete za vođenje i ažuriranje baze podataka o pripadnicima, sposobnostima i resursima operativnih snaga sustava civilne zaštite (članak 17. stavak 3.)
- ne osigura uvjete za raspoređivanje pripadnika u postrojbe i na dužnosti povjerenika civilne zaštite te vođenje evidencije raspoređenih pripadnika (članak 17. stavak 3.)
- ne donese odluku o osnivanju stožera civilne zaštite i ne imenuje načelnika, zamjenika i članove stožera (članak 23. stavak 1. i članak 24. stavak 1.)
- ne završi program osposobljavanja za obavljanje poslova civilne zaštite prema programu koji provodi središnje tijelo državne uprave nadležno za poslove civilne zaštite (članak 17. stavak 5.)
- ne imenuje povjerenika i zamjenika civilne zaštite (članak 34. stavak 1.)
- ne omogući provedbu inspekcijskog nadzora, ne predoči sve dokumente i ne osigura uvjete za neometan rad inspektora (članak 78. stavak 5.).

Članak 87.

Novčanom kaznom od 20.000,00 do 70.000,00 kuna kaznit će se za prekršaj izvršno tijelo jedinice lokalne i područne (regionalne) samouprave ako:

- ne izradi i ne predloži predstavničkom tijelu procjenu rizika od velikih nesreća i redovito ne ažurira procjene rizika i plan djelovanja civilne zaštite (članak 17. stavak 3.)
- ne osigura uvjete za premještanje, sklanjanje, evakuaciju i zbrinjavanje te izvršavanje zadaća u provedbi drugih mjera civilne zaštite u zaštiti i spašavanju građana, materijalnih i kulturnih dobara i okoliša (članak 17. stavak 3.)
- ako ne osnuje, ne financira, ne oprema, ne osposobljava te ne uvježbava operativne snage sukladno usvojenim smjernicama i planu razvoja sustava civilne zaštite (članak 17. stavak 3.)
- ne donese vanjski plan zaštite i spašavanja u slučaju nesreća koje uključuju opasne tvari (članak 17. stavak 5.).

Članak 88.

(1) Novčanom kaznom od 20.000,00 do 50.000,00 kuna kaznit će se za prekršaj pravna osoba ako:

- ne planira način organiziranja provedbe mjera i aktivnosti u sustavu civilne zaštite (članak 36. stavak 1.)
- ne dostavi centru 112 podatke o prijetnji za nastanak izvanrednog događaja, velike nesreće i katastrofe (članak 36. stavak 5.)

- bez opravdanog razloga ne omogući sudjelovanje u provedbi mjera i aktivnosti u sustavu civilne zaštite zaposlenicima koji su raspoređeni u operativne snage civilne zaštite (članak 37.)
- ne uspostavi i ne održava sustav uzbunjivanja (članak 38. stavak 1.)
- ne ishodi suglasnost Državne uprave na idejni projekt vlastitog sustava za uzbunjivanje prije instaliranja (članak 38. stavak 4.)
- na vidljivom mjestu u javnim telefonskim govornicama ne istakne obavijest o jedinstvenom europskom broju za hitne službe 112 (članak 41. stavak 1.)
- ne istakne obavijest o jedinstvenom europskom broju za hitne službe 112 i znakovima za uzbunjivanje (članak 41. stavak 3.)
- ne omogući provedbu inspekcijskog nadzora, ne predoči sve dokumente i akte koje inspektor zatraži i ne osigura prostorne i druge uvjete za neometan rad inspektora (članak 78. stavak 5.).

(2) Za prekršaj iz stavka 1. ovog članka kaznit će se novčanom kaznom od 10.000,00 do 20.000,00 kuna i odgovorna osoba u pravnoj osobi.

Članak 89.

(1) Novčanom kaznom od 20.000,00 do 70.000,00 kuna kaznit će se za prekršaj pravna osoba ako:

- ne dostavi podatke Ministarstvu i jedinicama lokalne i područne (regionalne) samouprave za izradu procjene rizika, planova djelovanja civilne zaštite i vanjskog plana civilne zaštite u slučaju nesreće koje uključuju opasne tvari (članak 36. stavak 4.)
- ne postupi po zahtjevu načelnika stožera civilne zaštite jedinice lokalne, područne (regionalne) samouprave i načelnika Stožera civilne zaštite Republike Hrvatske i ne sudjeluje u provedbi mjera i aktivnosti sustava civilne zaštite (članak 36. stavak 6.)
- ne uspostavi ili ne podmiri troškove uspostavljanja i korištenja komunikacijske veze za potrebe upravljanja i nadzora sirenama iz nadležnog centra 112 (članak 38. stavak 3.).

(2) Za prekršaj iz stavka 1. ovog članka kaznit će se novčanom kaznom od 10.000,00 do 20.000,00 kuna i odgovorna osoba u pravnoj osobi.

- PRILOZI**
- **Izvješće o provedenom savjetovanju sa zainteresiranom javnošću**
 - **Izjava o usklađenosti prijedloga propisa s pravnom stečevinom Europske unije**
 - **Usporedni prikaz podudaranja odredbi propisa Europske unije s prijedlogom propisa**

OBRAZAC IZVJEŠĆA O PROVEDENOM SAVJETOVANJU SA ZAINTERESIRANOM JAVNOŠĆU	
Naslov dokumenta	Izvješće o provedenom savjetovanju za PRIJEDLOG ZAKONA O IZMJENAMA I DOPUNAMA ZAKONA O SUSTAVU CIVILNE ZAŠTITE, S KONAČNIM PRIJEDLOGOM ZAKONA
Stvaratelj dokumenta, tijelo koje provodi savjetovanje	Ministarstvo unutarnjih poslova
Svrha dokumenta	Izvješće o provedenom savjetovanju
Datum dokumenta	9.12.2020.
Verzija dokumenta	I.
Vrsta dokumenta	Izvješće
Naziv nacrt zakona, drugog propisa ili akta	PRIJEDLOG ZAKONA O IZMJENAMA I DOPUNAMA ZAKONA O SUSTAVU CIVILNE ZAŠTITE, S KONAČNIM PRIJEDLOGOM ZAKONA
Jedinstvena oznaka iz Plana donošenja zakona, drugih propisa i akata objavljenog na internetskim stranicama Vlade	-
Naziv tijela nadležnog za izradu nacrt	Ministarstvo unutarnjih poslova
Koji su predstavnici zainteresirane javnosti bili uključeni u postupak izrade odnosno u rad stručne radne skupine za izradu nacrt?	-
Je li nacrt bio objavljen na internetskim stranicama ili na drugi odgovarajući način? Ako jest, kada je nacrt objavljen, na kojoj internetskoj stranici i koliko je vremena ostavljeno za savjetovanje? Ako nije, zašto?	Da, na portalu e-savjetovanje. Savjetovanje je bilo objavljeno 26.11.2020. godine u trajanju od sedam dana.
Koji su predstavnici zainteresirane javnosti dostavili svoja očitovanja?	Komentare (3) su dostavila dva pojedinca i jedna jedinica lokalne i područne samouprave.
ANALIZA DOSTAVLJENIH PRIMJEDBI Primjedbe koje su prihvaćene Primjedbe koje nisu prihvaćene i obrazloženje razloga za neprihvatanje	Analiza dostavljenih primjedbi se nalazi u zasebnom dokumentu.

Troškovi provedenog savjetovanja	Savjetovanje nije iziskivalo troškove.

Izvrješće o provedenom savjetovanju - PRIJEDLOG ZAKONA O IZMJENAMA I DOPUNAMA ZAKONA O SUSTAVU CIVILNE ZAŠTITE, S KONAČNIM PRIJEDLOGOM ZAKONA

Redni broj	Korisnik/Sekcija/Komentar	Odgovor
1	<p>Renato Kalac KONAČNI PRIJEDLOG ZAKONA O IZMJENAMA I DOPUNAMA ZAKONA O SUSTAVU CIVILNE ZAŠTITE</p> <p>1. Podržavam veći dio navedenog u komentaru Umaga. 2. Predlažem da se članak 18. stavak 3. alineja 7. dopuni na način da glasi "izrađuje i dostavlja predstavničkom tijelu prijedlog procjena rizika od velikih nesreća uz prethodnu suglasnost tijela nadležnog za poslove CZ i redovito ažurira procjenu rizika i plan djelovanja civilne zaštite" (mislim na tijelo Ravnateljstva CZ - Služba CZ ili PUCZ za gradove i općine). Isto predlažem temeljem dugogodišnjeg iskustva sagledavajući potrebu izrade, cjelovite, kvalitetne i prije svega realne Procjene rizika kao temeljnog preduvjeta za pravilno utvrđivanje najoptimalnijeg načina sprečavanja nastanka i odgovora na eventualno nastalu nesreću, a što naročito uključuje potrebne snage, resurse i kapacitete, (određivanje operativnih snaga, pravnih osoba od interesa za sustav CZ i dr). 3. Predlažem također da se jasnije i nedvosmisleno zakonski utvrdi funkcija Stožera CZ na lokalnoj i područnoj (regionalnoj) razini. Naime u nekim je segmentima ona stručna, operativna (provedbena) i koordinativna - članak 21. stavak 2., a u drugom je dijelu ona izvršna (zapovjedna) - članak 26. važećeg zakona. Po mom mišljenju zapovijedanje je izvršna funkcija upravljanja i trebala bi biti isključivo u ingerenciji izvršnih tijela JLPR (S), posebno ako isto promatramo u kontekstu stvaranja troškova prilikom djelovanja, a koje u pravilu plaća J L ili P(R)S. 4. Predlažem također da Zakonom precizno definira kako na čelu Stožera CZ na razini lokalne i područne samouprave trebaju biti predstavnici J L i P (R) S u osobi Zamjenika župana, Gradonačelnika ili Načelnika. Postojeća je praksa pokazala kako su na čelu pojedinih Stožera zapovjednici temeljnih operativnih snaga koji usput pokrivaju i dužnost načelnika stožera u 2, 3 ili čak 8 JLS. Pitanje je kako će u slučaju velike nesreće ili katastrofe ta ista osoba zapovijedati i rukovoditi operativnom snagom na čijem je čelu i za što je direktno odgovoran te istovremeno rukovoditi sa više Stožera CZ gradova i općina. Zamjenik gradonačelnika ili načelnika je osoba izabrana na demokratskim izborima, dio je izvršne vlasti i im određenu razinu odgovornosti, treba ga naučiti stožerni proces, a za sve stručne poslove u stožeru ima stručnjake iz područja vatrogastva, policije, GSS, zdravstva i dr.) pa nema nikakvih zapreka da bude na čelu stožera. 3. Predlažem također da se u članku 3. pojam</p>	<p>NE PRIHVACA SE.</p> <p>Usklađivanje navedenih odredbi Zakona o sustavu civilne zaštite nije predmet žurnih izmjena i dopuna koje su vezane uz prenošenje određenih odredbi Direktive 2012/18/EU, ali će se uzeti u obzir kod izrade novog Zakona.</p>

	<p>„zajedničkog tijela ili službe za zajedničko obavljanje poslova CZ iz samoupravnog djelokruga“ , a što je omogućeno člankom 18. postojećeg Zakona. Praksa je pokazala da se ovaj članak ne povezuje sa odredbama Zakona o lokalnoj i područnoj (regionalnoj) samoupravi u onom djelu koji regulira obavljanje poslova CZ iz samoupravnog djelokruga J L i P (R) S, te predlažem isto konkretizirati. 4. Predlažem također da se u članku 3. postojećeg Zakona definira pojam "pravne osobe". Naime Jednostavno trgovačko društvo ili obrt spadaju u kategoriju "pravnih osoba". U manjim općinama oni mogu biti iznimno važni u sustavu CZ, i na neki su način već uključeni u sustav (primjerice kroz održavanje prometnica u zimskim uvjetima, ili pak u pripremi PP sezone), ali u praksi postoje razmimoilaženja po pitanju određivanja Obrta ili JTD kao pravnih osoba od interesa za CZ</p>	
<p>2</p>	<p>Grad Umag KONAČNI PRIJEDLOG ZAKONA O IZMJENAMA I DOPUNAMA ZAKONA O SUSTAVU CIVILNE ZAŠTITE Rok za savjetovanje je neprimjereno kratak, a da nema nikakvog obrazloženja zbog čega je rok savjetovanja skraćen. Znači, apsolutno se ne poštuju odredbe Zakona o pravu na pristup informacijama. Nakon svih nevolja s epidemijom koronavirusa očekivali smo da se napravi jedna opsežnija intervencija u Zakon o sustavu civilne zaštite kako bi se u isti ugradila nova rješenja temeljena na iskustvima sustava (kako pozitivna, tako i negativna) u borbi protiv epidemije. U siječnju 2018. godine, a zatim i za vrijeme savjetovanja kod izmjena Zakona (NN 118/18) ukazivali smo na potrebu usklađenja članka 17. stavak 1. podstavak 3. s člankom 12. stavak 1. podstavak 23. Zakona o sustavu civilne zaštite kako bi se jasno i nedvojbeno utvrdilo koje je tijelo nadležno za donošenje odluke o određivanju pravnih osoba od interesa za sustav civilne zaštite? Prvo nam je rečeno da će se naša primjedba uvažiti kod prvih idućih izmjena i dopuna Zakona, kada su došle na red prve sljedeće izmjene i dopune rečeno nam je da navedeno pitanje nije predmet aktualnih izmjena i dopuna, a vidimo da je konačno uređenje tog pitanja izostavljeno i ovoga puta.</p>	<p>NE PRIHVAĆA SE.</p> <p>Usklađivanje navedenih odredbi Zakona o sustavu civilne zaštite nije predmet žurnih izmjena i dopuna koje su vezane uz prenošenje određenih odredbi Direktive 2012/18/EU, ali će se uzeti u obzir kod izrade novog Zakona.</p>
<p>3</p>	<p>TIHOMIR KLEMENT KONAČNI PRIJEDLOG ZAKONA O IZMJENAMA I DOPUNAMA ZAKONA O SUSTAVU CIVILNE ZAŠTITE, Članak 3. Termin PANDEMIJA bi svakako trebalo staviti na popis izraza, a samim time i pojasniti aktivnosti vezane za taj termin.</p>	<p>NE PRIHVAĆA SE.</p> <p>Usklađivanje navedenih odredbi Zakona o sustavu civilne zaštite nije predmet žurnih izmjena i dopuna koje su vezane uz prenošenje određenih odredbi Direktive 2012/18/EU, ali će se uzeti u obzir kod izrade novog Zakona.</p>

IZJAVA O USKLAĐENOSTI PRIJEDLOGA PROPISA S PRAVNOM STEČEVINOM EUROPSKE UNIJE

1. Naziv prijedloga propisa

Zakon o izmjenama i dopunama zakona o sustavu civilne zaštite

2. Stručni nositelj izrade prijedloga propisa

MINISTARSTVO UNUTARNJIH POSLOVA

3. Veza s Programom Vlade Republike Hrvatske za preuzimanje i provedbu pravne stečevine Europske unije

Predviđeno Programom Vlade Republike Hrvatske za preuzimanje i provedbu pravne stečevine Europske unije za 2020. godinu.

Rok: IV. kvartal 2020.

4. Preuzimanje odnosno provedba pravne stečevine Europske unije

a) Odredbe primarnih izvora prava Europske unije

Ugovor o funkcioniranju Europske unije
članak/članci čl. 4. stavak 2. točka (e), čl.191.

b) Sekundarni izvori prava Europske unije

Direktiva 2012/18/EU Europskog parlamenta i Vijeća od 4. srpnja 2012. o kontroli opasnosti od velikih nesreća koje uključuju opasne tvari, o izmjeni i kasnijem stavljanju izvan snage Direktive Vijeća 96/82/EZ (SL L 197, 24.7.2012.)

32012L0018

- Članci 1., 3., 7., 8., 9., 11., 12., 14., 15., 18., 21. i 30., Prilog 1. preuzeto: Uredba o izmjenama i dopunama Uredbe o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 31/17)
- Članci 2., 3., 6., 7., 8., 9., 11., 12., 13., 14., 16., 20. i 22., Prilog 1. preuzeto: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14)
- Članci 1., 2., 3., 5., 7., 8., 9., 10., 11., 12., 13., 14., 15., 16., 17., 18., 19., 20., 21., 22., i 23. preuzeto: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18)
- Članci 5., 12., 14. i 20. Prilog 1. preuzeto: Zakon o sustavu civilne zaštite (NN 82/15, 118/18, 31/20)
- Članak 12. preuzeto: PRAVILNIK O NOSITELJIMA, SADRŽAJU I POSTUPCIMA IZRADE PLANSKIH DOKUMENATA U CIVILNOJ ZAŠTITI TE NAČINU

5. Prilog: tablice usporednih prikaza za propise kojima se preuzimaju odredbe sekundarnih izvora prava Europske unije u zakonodavstvo Republike Hrvatske

Da.

Potpis EU koordinatora stručnog nositelja izrade prijedloga propisa, datum i pečat

Terezija Gras

Državna tajnica za europske i međunarodne poslove i fondove Europske unije



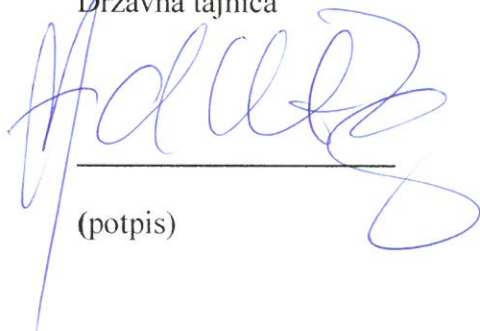
19. 12. 2020.

(datum i pečat)

Potpis EU koordinatora Ministarstva vanjskih i europskih poslova, datum i pečat

Andreja Metelko-Zgombić

Državna tajnica



(potpis)

14. 12. 2020



AM
SD

USPOREDNI PRIKAZ PODUDARANJA ODREDBI PROPISA EUROPSKE UNIJE S PRIJEDLOGOM PROPISA

1. Naziv propisa Europske unije

Direktiva 2012/18/EU Europskog parlamenta i Vijeća od 4. srpnja 2012. o kontroli opasnosti od velikih nesreća koje uključuju opasne tvari, o izmjeni i kasnijem stavljanju izvan snage Direktive Vijeća 96/82/E

2. Naziv prijedloga propisa

Zakon o izmjenama i dopunama zakona o sustavu civilne zaštite

3. Usklađenost odredbi propisa Europske unije (sekundarni izvori prava) s odredbama prijedloga propisa

a)	b)	c)	d)
Odredbe propisa Europske unije	Odredbe prijedloga propisa	Je li sadržaj odredbe propisa Europske unije u potpunosti preuzet u odredbu prijedloga propisa?	Obrazloženje (ako sadržaj odredbe propisa Europske unije nije preuzet ili je djelomično preuzet u odredbu prijedloga propisa)

<p>Article 1</p> <p>Subject matter</p> <p>This Directive lays down rules for the prevention of major accidents which involve dangerous substances, and the limitation of their consequences for human health and the environment, with a view to ensuring a high level of protection throughout the Union in a consistent and effective manner.</p>	-	Nije preuzeto	Preuzeto u: Uredba o izmjenama i dopunama Uredbe o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 31/17) članak/članci članak 1.
	-	Nije preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci članak 1.
<p>Article 2</p> <p>Scope</p> <p>1. This Directive shall apply to establishments as defined in Article 3(1).</p> <p>2. This Directive shall not apply to any of the following:</p> <p>(a) military establishments, installations or storage facilities;</p> <p>(b) hazards created by ionising radiation originating from substances;</p> <p>(c) the transport of dangerous substances and directly related intermediate temporary storage by road, rail, internal waterways, sea or air, outside the establishments covered by this Directive, including loading and unloading and transport to and from another means of transport at docks, wharves or marshalling yards;</p>		Nije preuzeto	Preuzeto u: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14) članak/članci Članak 4. stavak 1.
		Nije preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci Članak 123.

<p>(d)the transport of dangerous substances in pipelines, including pumping stations, outside establishments covered by this Directive;</p> <p>(e)the exploitation, namely the exploration, extraction and processing, of minerals in mines and quarries, including by means of boreholes;</p> <p>(f)the offshore exploration and exploitation of minerals, including hydrocarbons;</p> <p>(g)the storage of gas at underground offshore sites including both dedicated storage sites and sites where exploration and exploitation of minerals, including hydrocarbons are also carried out;</p> <p>(h)waste land-fill sites, including underground waste storage.</p> <p>Notwithstanding points (e) and (h) of the first subparagraph, onshore underground gas storage in natural strata, aquifers, salt cavities and disused mines and chemical and thermal processing operations and storage related to those operations which involve dangerous substances, as well as operational tailings disposal facilities, including tailing ponds or dams, containing dangerous substances shall be included within the scope of this Directive.</p>			
<p>Article 3</p> <p>Definitions</p> <p>For the purposes of this Directive the following definitions shall apply:</p> <p>1. 'establishment' means the whole location under the control of an operator where dangerous substances are present in one or more installations, including common or related infrastructures or activities; establishments are either lower-tier establishments or</p>	<p>Članak 1.</p> <p>U Zakonu o sustavu civilne zaštite (Narodne novine, br. 82/15, 118/18, 31/20) u članku 3. stavku 1. iza točke 5. dodaje se točka 5a) koja glasi:</p> <p>„5a) Domino-efekt je niz povezanih učinaka koji zbog međusobnog razmještaja i</p>	<p>Djelomično preuzeto</p>	<p>Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci Članak 4., članak 120., članak 228.</p>

<p>upper-tier establishments;</p> <p>2. 'lower-tier establishment' means an establishment where dangerous substances are present in quantities equal to or in excess of the quantities listed in Column 2 of Part 1 or in Column 2 of Part 2 of Annex I, but less than the quantities listed in Column 3 of Part 1 or in Column 3 of Part 2 of Annex I, where applicable using the summation rule laid down in note 4 to Annex I;</p> <p>3. 'upper-tier establishment' means an establishment where dangerous substances are present in quantities equal to or in excess of the quantities listed in Column 3 of Part 1 or in Column 3 of Part 2 of Annex I, where applicable using the summation rule laid down in note 4 to Annex I;</p> <p>4. 'neighbouring establishment' means an establishment that is located in such proximity to another establishment so as to increase the risk or consequences of a major accident;</p> <p>5. 'new establishment' means</p> <p>(a) an establishment that enters into operation or is constructed, on or after 1 June 2015; or</p> <p>(b) a site of operation that falls within the scope of this Directive, or a lower-tier establishment that becomes an upper-tier establishment or vice versa, on or after 1 June 2015 due to modifications to its installations or activities resulting in a change in its inventory of dangerous substances;</p> <p>6. 'existing establishment' means an establishment that on 31 May 2015 falls within the scope of Directive 96/82/EC and from 1 June 2015 falls within the scope of this Directive without changing its classification as a lower-tier establishment or upper-tier establishment;</p> <p>7. 'other establishment' means a site of operation that falls within the scope of this Directive, or a lower-tier establishment that becomes an upper-tier establishment or vice versa, on or after 1 June 2015 for reasons other than those referred to in point 5;</p>	<p>blizine područja postrojenja, postrojenja, odnosno dijelova postrojenja ili grupe postrojenja i količina opasnih tvari prisutnih u tim područjima postrojenja povećavaju mogućnost izbijanja velike nesreće ili pogoršavaju posljedice nastale nesreće.“.</p> <p>Iza točke 14. dodaju se točke 14a) i 14b) koje glase:</p> <p>„14a) Opasna tvar je tvar, smjesa ili pripravak definirana propisima o zaštiti okoliša i o sprječavanju velikih nesreća koje uključuju opasne tvari.</p> <p>14b) Operater je pravna ili fizička osoba koja upravlja ili posjeduje neko područje postrojenja ili postrojenje ili ima odlučujuću ekonomsku ulogu u tehničkom upravljanju područjem postrojenja.“.</p> <p>Iza točke 17. dodaje se točka 17a) koja glasi:</p> <p>„17a) Područje postrojenja označava cijelo područje koje</p>		
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<p>8. 'installation' means a technical unit within an establishment and whether at or below ground level, in which dangerous substances are produced, used, handled or stored; it includes all the equipment, structures, pipework, machinery, tools, private railway sidings, docks, unloading quays serving the installation, jetties, warehouses or similar structures, floating or otherwise, necessary for the operation of that installation;</p>	<p>je pod kontrolom operatera i u kojem su prisutne opasne tvari u jednom ili više postrojenja, uključujući zajedničku ili s njima povezanu infrastrukturu ili djelatnosti.“.</p>		
<p>9. 'operator' means any natural or legal person who operates or controls an establishment or installation or, where provided for by national legislation, to whom the decisive economic or decision-making power over the technical functioning of the establishment or installation has been delegated;</p>	-	Djelomično preuzeto	Preuzeto u: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14) članak/članci Članak 3., 4., 28. st.2., 32., 36.
<p>10. 'dangerous substance' means a substance or mixture covered by Part 1 or listed in Part 2 of Annex I, including in the form of a raw material, product, by-product, residue or intermediate;</p>			
<p>11. 'mixture' means a mixture or solution composed of two or more substances;</p>			
<p>12. 'presence of dangerous substances' means the actual or anticipated presence of dangerous substances in the establishment, or of dangerous substances which it is reasonable to foresee may be generated during loss of control of the processes, including storage activities, in any installation within the establishment, in quantities equal to or exceeding the qualifying quantities set out in Part 1 or Part 2 of Annex I;</p>	-	Djelomično preuzeto	Preuzeto u: Uredba o izmjenama i dopunama Uredbe o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 31/17) članak/članci Članak 3.
<p>13. 'major accident' means an occurrence such as a major emission, fire, or explosion resulting from uncontrolled developments in the course of the operation of any establishment covered by this Directive, and leading to serious danger to human health or the environment, immediate or delayed, inside or outside the establishment, and involving one or more dangerous substances;</p>	-	Djelomično preuzeto	Preuzeto u: Zakon o provedbi Uredbe (EZ) br. 1272/2008 Europskoga parlamenta i Vijeća od 16. prosinca 2008. o razvrstavanju, označavanju i pakiranju tvari i smjesa, kojom se izmjenjuju, dopunjuju i ukidaju Direktiva 67/548/EEZ i direktiva 1999/45/EZ i izmjenjuje i
<p>14. 'hazard' means the intrinsic property of a dangerous substance or physical situation, with a potential for creating damage to human health or the environment;</p>			

<p>15. 'risk' means the likelihood of a specific effect occurring within a specified period or in specified circumstances;</p> <p>16. 'storage' means the presence of a quantity of dangerous substances for the purposes of warehousing, depositing in safe custody or keeping in stock;</p> <p>17. 'the public' means one or more natural or legal persons and, in accordance with national law or practice, their associations, organisations or groups;</p> <p>18. 'the public concerned' means the public affected or likely to be affected by, or having an interest in, the taking of a decision on any of the matters covered by Article 15(1); for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any applicable requirements under national law shall be deemed to have an interest;</p> <p>19. 'inspection' means all actions, including site visits, checks of internal measures, systems and reports and follow-up documents, and any necessary follow-up, undertaken by or on behalf of the competent authority to check and promote compliance of establishments with the requirements of this Directive.</p>			<p>dopunjuje Uredba (EZ) br. 1907/2006 (NN 50/12, 18/13, 115/18, 127/19) članak/članci Članak 2.</p>
<p>Article 4</p> <p>Assessment of major-accident hazards for a particular dangerous substance</p> <p>1. The Commission shall assess, where appropriate or in any event on the basis of a notification by a Member State in accordance with paragraph 2, whether it is impossible in practice for a particular dangerous substance covered by Part 1 or listed in Part 2 of Annex I, to cause a release of matter or energy that could create a major accident under both normal and abnormal conditions which can reasonably be foreseen. That assessment shall take into account the information referred to in paragraph 3, and shall be based on one or more of the following characteristics:</p>		<p>Nije potrebno preuzimanje</p>	<p>Člankom 4. Direktive se propisuje Procjena opasnosti od velikih nesreća za određenu opasnu tvar, kojom država članica obavještava Europsku komisiju da je u praksi nemoguće da određena opasna tvar sukladno Prilogu I. Direktive uzrokuje ispuštanje tvari ili energije koje bi moglo dovesti do velike nesreće, što država članica mora dokazati. Na temelju toga Europska Komisija može predložiti isključivanje te tvari iz</p>

<p>(a)the physical form of the dangerous substance under normal processing or handling conditions or in an unplanned loss of containment;</p> <p>(b)the inherent properties of the dangerous substance, in particular those related to dispersive behaviour in a major-accident scenario, such as molecular mass and saturated vapour pressure;</p> <p>(c)the maximum concentration of the substances in the case of mixtures.</p> <p>For the purposes of the first subparagraph, the containment and generic packing of the dangerous substance should, where appropriate, also be taken into account, including in particular where covered under specific Union legislation.</p> <p>2. Where a Member State considers that a dangerous substance does not present a major-accident hazard in accordance with paragraph 1, it shall notify the Commission together with supporting justification, including the information referred to in paragraph 3.</p> <p>3. For the purposes of paragraphs 1 and 2, information necessary for assessing the health, physical and environmental hazard properties of the dangerous substance concerned shall include:</p> <p>(a)a comprehensive list of properties necessary to assess the dangerous substance's potential for causing physical, health or environmental harm;</p> <p>(b)physical and chemical properties (for instance molecular mass, saturated vapour pressure, inherent toxicity, boiling point, reactivity, viscosity, solubility and other relevant properties);</p> <p>(c)health and physical hazard properties (for instance reactivity, flammability, toxicity together with additional factors such as mode of attack on the body, injury to fatality ratio, and long-term effects, and other properties as relevant);</p> <p>(d)environmental hazard properties (for instance ecotoxicity,</p>			<p>primjene Direktive. U hrvatskom zakonodavstvu nisu prenesene odredbe članka 4., odnosno ne predviđa se mogućnost isključivanja opasne tvari iz područja primjene Direktive što je strože od Direktive.</p>
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<p>persistence, bio-accumulation, potential for long-range environmental transport, and other properties as relevant); (e)where available, the Union classification of the substance or mixture; (f)information about substance-specific operating conditions (for instance temperature, pressure and other conditions as relevant) under which the dangerous substance is stored, used and/or may be present in the event of foreseeable abnormal operations or an accident such as fire.</p> <p>4. Following the assessment referred to in paragraph 1, the Commission shall, if appropriate, present a legislative proposal to the European Parliament and to the Council to exclude the dangerous substance concerned from the scope of this Directive.</p>			
<p>Article 5</p> <p>General obligations of the operator</p> <p>1. Member States shall ensure that the operator is obliged to take all necessary measures to prevent major accidents and to limit their consequences for human health and the environment.</p> <p>2. Member States shall ensure that the operator is required to prove to the competent authority referred to in Article 6, at any time, in particular for the purposes of inspections and controls referred to in Article 20, that the operator has taken all necessary measures as specified in this Directive.</p>		Nije preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci Članak 121.
		Nije preuzeto	Preuzeto u: Zakon o sustavu civilne zaštite (NN 82/15, 118/18, 31/20) članak/članci Članak 78. stavak 4. i stavak 5., članak 80.

<p>Article 6</p> <p>Competent authority</p> <p>1. Without prejudice to the operator's responsibilities, Member States shall set up or appoint the competent authority or authorities responsible for carrying out the duties laid down in this Directive ('the competent authority') and, if necessary, bodies to assist the competent authority at technical level. Member States which set up or appoint more than one competent authority shall ensure that the procedures for carrying out their duties are fully coordinated.</p> <p>2. The competent authorities and the Commission shall cooperate in activities in support of implementation of this Directive, involving stakeholders as appropriate.</p> <p>3. Member States shall ensure that competent authorities accept equivalent information submitted by operators in accordance with other relevant Union legislation, which fulfils any of the requirements of this Directive, for the purposes of this Directive. In such cases the competent authorities shall ensure that the requirements of this Directive are complied with.</p>		Nije preuzeto	Preuzeto u: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14) članak/članci članak 3. stavak 1. točka 5., članak 30. stavci 1. i 2.
<p>Article 7</p> <p>Notification</p> <p>1. Member States shall require the operator to send a notification to the competent authority containing the following information:</p> <p>(a) the name and/or trade name of the operator and the full address</p>		Nije preuzeto	Preuzeto u: Uredba o izmjenama i dopunama Uredbe o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 31/17) članak/članci Članak 9., Prilog II.B

<p>of the establishment concerned;</p> <p>(b)the registered place of business of the operator, with the full address;</p> <p>(c)the name and position of the person in charge of the establishment, if different from point (a);</p> <p>(d)information sufficient to identify the dangerous substances and category of substances involved or likely to be present;</p> <p>(e)the quantity and physical form of the dangerous substance or substances concerned;</p>		Nije preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci Članak 121. stavak 3. točka 1. i točka 2.
<p>(f)the activity or proposed activity of the installation or storage facility;</p> <p>(g)the immediate environment of the establishment, and factors likely to cause a major accident or to aggravate the consequences thereof including, where available, details of neighbouring establishments, of sites that fall outside the scope of this Directive, areas and developments that could be the source of or increase the risk or consequences of a major accident and of domino effects.</p> <p>2. The notification or its update shall be sent to the competent authority within the following time-limits:</p> <p>(a)for new establishments, a reasonable period of time prior to the start of construction or operation, or prior to the modifications leading to a change in the inventory of dangerous substances;</p> <p>(b)for all other cases, one year from the date from which this Directive applies to the establishment concerned.</p> <p>3. Paragraphs 1 and 2 shall not apply if the operator has already sent a notification to the competent authority under the requirements of national legislation before 1 June 2015, and the information contained therein complies with paragraph 1 and has remained unchanged.</p> <p>4. The operator shall inform the competent authority in advance</p>		Nije preuzeto	Preuzeto u: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14) članak/članci Članak 9., Prilog II.B

<p>of the following events:</p> <p>(a) any significant increase or decrease in the quantity or significant change in the nature or physical form of the dangerous substance present, as indicated in the notification provided by the operator pursuant to paragraph 1, or a significant change in the processes employing it;</p> <p>(b) modification of an establishment or an installation which could have significant consequences in terms of major-accident hazards;</p> <p>(c) the permanent closure of the establishment or its de-commissioning; or</p> <p>(d) changes in the information referred to in points (a), (b) or (c) of paragraph 1.</p>			
<p>Article 8</p> <p>Major-accident prevention policy</p> <p>1. Member States shall require the operator to draw up a document in writing setting out the major-accident prevention policy (MAPP) and to ensure that it is properly implemented. The MAPP shall be designed to ensure a high level of protection of human health and the environment. It shall be proportionate to the major-accident hazards. It shall include the operator's overall aims and principles of action, the role and responsibility of management, as well as the commitment towards continuously improving the control of major-accident hazards, and ensuring a high level of protection.</p> <p>2. The MAPP shall be drawn up and, where required by national law, sent to the competent authority within the following time-limits:</p> <p>(a) for new establishments, a reasonable period of time prior to the</p>	<p>Članak 3.</p> <p>U članku 17. stavak 5. mijenja se i glasi:</p> <p>„(5) Izvršno tijelo jedinice područne (regionalne) samouprave, pored poslova navedenih u stavku 3. ovog članka, donosi Vanjski plan ili njegove izmjene i dopune za područje postrojenja ili grupu područja postrojenja koju određuje tijelo državne uprave nadležno za zaštitu okoliša zbog mogućeg domino-efekta, u roku od godinu dana od donošenja odluke Ministarstva o izradi Vanjskog plana ili njegovih izmjena i dopuna te svim</p>	<p>Djelomično preuzeto</p>	<p>Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci Članak 121.</p>

<p>start of construction or operation, or prior to the modifications leading to a change in the inventory of dangerous substances;</p> <p>(b) for all other cases, one year from the date from which this Directive applies to the establishment concerned.</p> <p>3. Paragraphs 1 and 2 shall not apply if the operator has already established the MAPP and, where required by national law, sent it to the competent authority before 1 June 2015, and the information contained therein complies with paragraph 1 and has remained unchanged.</p> <p>4. Without prejudice to Article 11, the operator shall periodically review and where necessary update the MAPP, at least every five years. Where required by national law the updated MAPP shall be sent to the competent authority without delay.</p> <p>5. The MAPP shall be implemented by appropriate means, structures and by a safety management system, in accordance with Annex III, proportionate to the major-accident hazards, and the complexity of the organisation or the activities of the establishment. For lower-tier establishments, the obligation to implement the MAPP may be fulfilled by other appropriate means, structures and management systems, proportionate to major-accident hazards, taking into account the principles set out in Annex III.</p>	<p>osobama koje bi mogle imati značajne materijalne i zdravstvene posljedice zbog nastanka velike nesreće u području postrojenja ili grupi područja postrojenja, a da za to ne trebaju podnositi posebne zahtjeve, pruža redovito i u najprimjerenijem obliku jasne i lako razumljive, preispitane i usklađene informacije o sigurnosnim mjerama i nužnom ponašanju u slučaju velike nesreće na području svoje nadležnosti.“.</p>		
		<p>Nije preuzeto</p>	<p>Preuzeto u: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14) članak/članci članak 3. točka 10., Članak 14 stavak 1. točka 2., Članak 15 stavak 2. točka 1., Članak 19. stavak 1.</p>

		Nije preuzeto	Preuzeto u: Uredba o izmjenama i dopunama Uredbe o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 31/17) članak/članci Članak 12., Članak 15.
<p>Article 9</p> <p>Domino effects</p> <p>1. Member States shall ensure that the competent authority, using the information received from the operators in accordance with Articles 7 and 10, or following a request for additional information from the competent authority, or through inspections pursuant to Article 20, identifies all lower-tier and upper-tier establishments or groups of establishments where the risk or consequences of a major accident may be increased because of the geographical position and the proximity of such establishments, and their inventories of dangerous substances.</p> <p>2. Where the competent authority has additional information to that provided by the operator pursuant to point (g) of Article 7(1), it shall make this information available to that operator, if it is necessary for the application of this Article.</p> <p>3. Member States shall ensure that operators of the establishments identified in accordance with paragraph 1:</p> <p>(a) exchange suitable information to enable those establishments to</p>	<p>Članak 1.</p> <p>U Zakonu o sustavu civilne zaštite (Narodne novine, br. 82/15, 118/18, 31/20) u članku 3. stavku 1. iza točke 5. dodaje se točka 5a) koja glasi:</p> <p>„5a) Domino-efekt je niz povezanih učinaka koji zbog međusobnog razmještaja i blizine područja postrojenja, postrojenja, odnosno dijelova postrojenja ili grupe postrojenja i količina opasnih tvari prisutnih u tim područjima postrojenja povećavaju mogućnost izbijanja velike nesreće ili pogoršavaju posljedice nastale nesreće.“.</p>	Djelomično preuzeto	Preuzeto u: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14) članak/članci članak 26. stavak 1. i stavak 2., članak 27. stavak 1. stavak 2.

<p>take account of the nature and extent of the overall hazard of a major accident in their MAPP, safety management systems, safety reports and internal emergency plans, as appropriate;</p> <p>(b) cooperate in informing the public and neighbouring sites that fall outside the scope of this Directive, and in supplying information to the authority responsible for the preparation of external emergency plans.</p>		Nije preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci članak 125., članak 130.
		Nije preuzeto	Preuzeto u: Uredba o izmjenama i dopunama Uredbe o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 31/17) članak/članci članak 22.
<p>Article 10</p> <p>Safety report</p> <p>1. Member States shall require the operator of an upper-tier establishment to produce a safety report for the purposes of:</p> <p>(a) demonstrating that a MAPP and a safety management system for implementing it have been put into effect in accordance with the information set out in Annex III;</p> <p>(b) demonstrating that major-accident hazards and possible major-accident scenarios have been identified and that the necessary measures have been taken to prevent such accidents and to limit their consequences for human health and the environment;</p> <p>(c) demonstrating that adequate safety and reliability have been taken into account in the design, construction, operation and maintenance of any installation, storage facility, equipment and</p>	<p>Članak 4.</p> <p>U članku 36. stavak 3. mijenja se i glasi:</p> <p>„(3) Pravne osobe koje obavljaju djelatnost korištenjem opasnih tvari, a nisu obveznici izrade izvješća o sigurnosti sukladno propisima iz područja zaštite okoliša, dužne su izraditi procjene rizika i operative planove sukladno propisanoj metodologiji.“</p> <p>Stavak 4. mijenja se i glasi:</p>	Djelomično preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci Članak 122. stavak 1., članak 233. stavak 2., članak 124., 125., 127.

<p>infrastructure connected with its operation which are linked to major-accident hazards inside the establishment;</p> <p>(d) demonstrating that internal emergency plans have been drawn up and supplying information to enable the external emergency plan to be drawn up;</p> <p>(e) providing sufficient information to the competent authority to enable decisions to be made regarding the siting of new activities or developments around existing establishments.</p> <p>2. The safety report shall contain at least the data and information listed in Annex II. It shall name the relevant organisations involved in the drawing up of the report.</p> <p>3. The safety report shall be sent to the competent authority within the following time-limits:</p> <p>(a) for new establishments, a reasonable period of time prior to the start of construction or operation, or prior to the modifications leading to a change in the inventory of dangerous substances;</p> <p>(b) for existing upper-tier establishments, 1 June 2016;</p> <p>(c) for other establishments, two years from the date from which this Directive applies to the establishment concerned.</p> <p>4. Paragraphs 1, 2 and 3 shall not apply if the operator has already sent the safety report to the competent authority under the requirements of national law before 1 June 2015, and the information contained therein complies with paragraphs 1 and 2 and has remained unchanged. In order to comply with paragraphs 1 and 2, the operator shall submit any changed parts of the safety report in the format agreed by the competent authority, subject to the time-limits referred to in paragraph 3.</p> <p>5. Without prejudice to Article 11, the operator shall periodically review and where necessary update the safety report at least every five years.</p>	<p>„(4) Pravna osoba dužna je Ministarstvu i jedinicama lokalne i područne (regionalne) samouprave bez naknade dostavljati podatke potrebne za izradu procjene rizika i plana djelovanja civilne zaštite.“</p> <p>Iza stavka 4. dodaju se novi stavci 5. i 6. koji glase:</p> <p>„(5) Operater je dužan za svoje područje postrojenja Ministarstvu i jedinicama područne (regionalne) samouprave bez naknade dostaviti podatke potrebne za izradu Vanjskog plana u roku od najviše dva mjeseca od primitka suglasnosti tijela državne uprave nadležnog za zaštitu okoliša na izvješće o sigurnosti.</p> <p>(6) Operater je dužan za svoje područje postrojenja u slučaju izmjene u području postrojenja, postrojenju, skladištu ili procesu ili vrsti ili fizičkom obliku ili količini opasne tvari koja bi mogla imati značajne posljedice za opasnosti od velikih nesreća obavijestiti Ministarstvo o pojedinostima tih ažuriranja</p>		
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<p>The operator shall also review and where necessary update the safety report following a major accident at its establishment, and at any other time at the initiative of the operator or at the request of the competent authority, where justified by new facts or by new technological knowledge about safety matters, including knowledge arising from analysis of accidents or, as far as possible, ‘near misses’, and by developments in knowledge concerning the assessment of hazards.</p>	<p>prije te izmjene.“.</p> <p>Dosadašnji stavci 5., 6., i 7. postaju stavci 7., 8. i 9.</p>		
<p>The updated safety report or updated parts thereof shall be sent to the competent authority without delay.</p> <p>6. Before the operator commences construction or operation, or in the cases referred to in points (b) and (c) of paragraph 3 and in paragraph 5 of this Article, the competent authority shall within a reasonable period of receipt of the report communicate the conclusions of its examination of the safety report to the operator and, where appropriate, in accordance with Article 19, prohibit the bringing into use, or the continued use, of the establishment concerned.</p>	<p>-</p>	<p>Djelomično preuzeto</p>	<p>Preuzeto u: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14) članak/članci članak 3., članak 15. stavci 1. i 2., članak 16. stavci 8. i 9., članak 18., članak 19. stavci 1. i 2., članak 22., članak 34. stavak 3.</p>
<p>Article 11</p> <p>Modification of an installation, an establishment or a storage facility</p> <p>In the event of the modification of an installation, establishment, storage facility, or process or of the nature or physical form or quantity of dangerous substances which could have significant</p>		<p>Nije preuzeto</p>	<p>Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci članak 127.</p>

<p>consequences for major-accident hazards, or could result in a lower-tier establishment becoming an upper-tier establishment or vice versa, Member States shall ensure that the operator reviews, and where necessary updates the notification, the MAPP, the safety management system and the safety report and informs the competent authority of the details of those updates in advance of that modification.</p>		Nije preuzeto	Preuzeto u: Uredba o izmjenama i dopunama Uredbe o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 31/17) članak/članci Čl. 12. st. 1.
		Nije preuzeto	Preuzeto u: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14) članak/članci članak 14.
<p>Article 12</p> <p>Emergency plans</p> <p>1. Member States shall ensure that, for all upper-tier establishments:</p> <p>(a) the operator draws up an internal emergency plan for the measures to be taken inside the establishment;</p> <p>(b) the operator supplies the necessary information to the competent authority, to enable the latter to draw up external emergency plans;</p> <p>(c) the authorities designated for that purpose by the Member State draw up an external emergency plan for the measures to be taken outside the establishment within two years following receipt of the necessary information from the operator pursuant to point (b).</p>	<p>Članak 1.</p> <p>U Zakonu o sustavu civilne zaštite (Narodne novine, br. 82/15, 118/18, 31/20) u članku 3. stavku 1. iza točke 32. dodaje se točka 32a) koja glasi:</p> <p>„32a) <i>Vanjski plan civilne zaštite u slučaju nesreća koje uključuju opasne tvari</i> (u daljnjem tekstu: Vanjski plan) je plan mjera i aktivnosti koje će se poduzeti izvan područja postrojenja, a donosi ga izvršno tijelo jedinice područne (regionalne)</p>	Djelomično preuzeto	Preuzeto u: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14) članak/članci članak 3. stavak 1. točka 17., članak 8., članak 9. točke 6, 7. i 8., članak 15., 16. i 17., članak 18., članak 34. stavak 2., Prilog IV.b, V

<p>2. Operators shall comply with the obligations set out in points (a) and (b) of paragraph 1 within the following time-limits:</p> <p>(a) for new establishments, a reasonable period of time prior to the start of operation, or prior to the modifications leading to a change in the inventory of dangerous substances;</p> <p>(b) for existing upper-tier establishments, by 1 June 2016 unless the internal emergency plan drawn up under the requirements of national law before that date, and the information contained therein, and the information referred to in point (b) of paragraph 1, complies with this Article and has remained unchanged;</p> <p>(c) for other establishments, two years from the date from which this Directive applies to the establishment concerned.</p> <p>3. The emergency plans shall be established with the following objectives:</p> <p>(a) containing and controlling incidents so as to minimise the effects, and to limit damage to human health, the environment and property;</p> <p>(b) implementing the necessary measures to protect human health and the environment from the effects of major accidents;</p> <p>(c) communicating the necessary information to the public and to the services or authorities concerned in the area;</p> <p>(d) providing for the restoration and clean-up of the environment following a major accident.</p> <p>Emergency plans shall contain the information set out in Annex IV.</p> <p>4. Member States shall ensure that the internal emergency plans provided for in this Directive are drawn up in consultation with the personnel working inside the establishment, including long-term</p>	<p>samouprave kako bi upravljalo rizicima i vanjskim posljedicama scenarija koji uključuju opasne tvari.“.</p> <p>Članak 2.</p> <p>U članku 12. podstavak 19. mijenja se i glasi:</p> <p>„- donosi odluku o izradi Vanjskog plana ili izradi izmjena i dopuna Vanjskog plana, u roku od mjesec dana od primitka potrebne dokumentacije od operatera za njegovo područje postrojenja“.</p> <p>Podstavak 20. mijenja se i glasi:</p> <p>„- daje suglasnost jedinicama područne (regionalne) samouprave na Vanjske planove i na njihove izmjene i dopune te na metodologiju izrade procjene rizika“.</p> <p>Iza podstavka 20. dodaje se novi podstavak 21. koji glasi:</p> <p>„- nadzire pravovremenost izrade i donošenja Vanjskog plana ili njegovih izmjena i</p>		
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<p>relevant subcontracted personnel.</p> <p>5. Member States shall ensure that the public concerned is given early opportunity to give its opinion on external emergency plans when they are being established or substantially modified.</p> <p>6. Member States shall ensure that internal and external emergency plans are reviewed, tested, and where necessary updated by the operators and designated authorities respectively at suitable intervals of no longer than three years. The review shall take into account changes occurring in the establishments concerned or within the emergency services concerned, new technical knowledge, and knowledge concerning the response to major accidents.</p> <p>With regard to external emergency plans, Member States shall take into account the need to facilitate enhanced cooperation in civil protection assistance in major emergencies.</p> <p>7. Member States shall ensure that emergency plans are put into effect without delay by the operator and, if necessary, by the competent authority designated for this purpose when a major accident occurs, or when an uncontrolled event occurs which by its nature could reasonably be expected to lead to a major accident.</p> <p>8. The competent authority may decide, giving reasons for their decision, in view of the information contained in the safety report, that the requirement to produce an external emergency plan under paragraph 1 shall not apply.</p>	<p>dopuna, koji se moraju donijeti u roku od dvije godine od datuma izdavanja suglasnosti tijela državne uprave nadležnog za zaštitu okoliša na dokumente operatera, odnosno njegovog područja postrojenja, koji je dužan izraditi izvješće o sigurnosti na temelju propisa iz područja zaštite okoliša“.</p> <p>Dosadašnji podstavci 21. do 29., postaju podstavci 22. do 30..</p> <p style="text-align: center;">Članak 3.</p> <p>U članku 17. stavak 5. mijenja se i glasi:</p> <p>„(5) Izvršno tijelo jedinice područne (regionalne) samouprave, pored poslova navedenih u stavku 3. ovog članka, donosi Vanjski plan ili njegove izmjene i dopune za područje postrojenja ili grupu područja postrojenja koju određuje tijelo državne uprave nadležno za zaštitu okoliša zbog mogućeg domino-efekta, u roku od godinu dana od donošenja odluke Ministarstva o izradi</p>		
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	<p>Vanjskog plana ili njegovih izmjena i dopuna te svim osobama koje bi mogle imati značajne materijalne i zdravstvene posljedice zbog nastanka velike nesreće u području postrojenja ili grupi područja postrojenja, a da za to ne trebaju podnositi posebne zahtjeve, pruža redovito i u najprimjerenijem obliku jasne i lako razumljive, preispitane i usklađene informacije o sigurnosnim mjerama i nužnom ponašanju u slučaju velike nesreće na području svoje nadležnosti.“.</p>		
	-	Djelomično preuzeto	Preuzeto u: Uredba o izmjenama i dopunama Uredbe o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 31/17) članak/članci članak 14., Prilog III

	-	Djelomično preuzeto	Preuzeto u: Zakon o sustavu civilne zaštite (NN 82/15, 118/18, 31/20) članak/članci članak 12., 17., 36., 49.
	-	Djelomično preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci članak 126., 127. stavak 2., članak 129., članak 234.
	-	Djelomično preuzeto	Preuzeto u: PRAVILNIK O NOSITELJIMA, SADRŽAJU I POSTUPCIMA IZRADE PLANSKIH DOKUMENATA U CIVILNOJ ZAŠTITI TE NAČINU INFORMIRANJA JAVNOSTI U POSTUPKU NJIHOVOG DONOŠENJA (NN 49/17) članak/članci članak 38., članak 39. i članak 46.

<p>Article 13</p> <p>Land-use planning</p> <p>1. Member States shall ensure that the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment are taken into account in their land-use policies or other relevant policies. They shall pursue those objectives through controls on:</p>		Nije preuzeto	Preuzeto u: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14) članak/članci Članak 14. stavak 1. točka 3, članak 29.
<p>(a) the siting of new establishments;</p> <p>(b) modifications to establishments covered by Article 11;</p> <p>(c) new developments including transport routes, locations of public use and residential areas in the vicinity of establishments, where the siting or developments may be the source of or increase the risk or consequences of a major accident.</p>		Nije preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci Članak 133. stavak 2.
<p>2. Member States shall ensure that their land-use or other relevant policies and the procedures for implementing those policies take account of the need, in the long term:</p> <p>(a) to maintain appropriate safety distances between establishments covered by this Directive and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes;</p> <p>(b) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures;</p> <p>(c) in the case of existing establishments, to take additional technical measures in accordance with Article 5 so as not to increase the risks to human health and the environment.</p>		Nije preuzeto	Preuzeto u: Pravilnik o mjerama zaštite od elementarnih nepogoda i ratnih opasnosti u prostornom planiranju i uređivanju prostora (NN 29/83, 36/85, 42/86) članak/članci Čl., 1., 2. i 3.
<p>(a) to maintain appropriate safety distances between establishments covered by this Directive and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes;</p> <p>(b) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures;</p> <p>(c) in the case of existing establishments, to take additional technical measures in accordance with Article 5 so as not to increase the risks to human health and the environment.</p> <p>3. Member States shall ensure that all competent authorities and planning authorities responsible for decisions in this area set up appropriate consultation procedures to facilitate implementation of</p>		Nije preuzeto	Preuzeto u: Pravilnik o sadržaju, mjerilima katrografskih prikaza, obveznim prostornim pokazateljima i standardu elaborata prostornih planova (NN 106/98, 39/04, 45/04) članak/članci glava II. SADRŽAJ PROSTORNIH PLANOVA

<p>the policies established under paragraph 1. The procedures shall be designed to ensure that operators provide sufficient information on the risks arising from the establishment and that technical advice on those risks is available, either on a case-by-case or on a generic basis, when decisions are taken.</p>			
<p>Member States shall ensure that operators of lower-tier establishments provide, at the request of the competent authority, sufficient information on the risks arising from the establishment necessary for land-use planning purposes.</p> <p>4. The requirements of paragraphs 1, 2 and 3 of this Article shall apply without prejudice to the provisions of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (15), Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (16) and other relevant Union legislation. Member States may provide for coordinated or joint procedures in order to fulfil the requirements of this Article and the requirements of that legislation, inter alia, to avoid duplication of assessment or consultations.</p>		Nije preuzeto	Preuzeto u: Uredba o strateškoj procjeni utjecaja strategije, plana i programa na okoliš (NN 3/17) članak/članci Prilog III
<p>Article 14</p> <p>Information to the public</p> <p>1. Member States shall ensure that the information referred to in Annex V is permanently available to the public, including electronically. The information shall be kept updated, where necessary, including in the event of modifications covered by Article 11.</p>	<p>Članak 2.</p> <p>U članku 12. podstavak 19. mijenja se i glasi:</p> <p>„- donosi odluku o izradi Vanjskog plana ili izradi izmjena i dopuna Vanjskog plana, u roku od mjesec dana od primitka potrebne</p>	Djelomično preuzeto	Preuzeto u: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14) članak/članci Članak 10. stavak 3., članak 26., Prilog VI. Dio 1. točka 4., Članak 30. stavak 2.

<p>2. For upper-tier establishments, Member States shall also ensure that:</p> <p>(a) all persons likely to be affected by a major accident receive regularly and in the most appropriate form, without having to request it, clear and intelligible information on safety measures and requisite behaviour in the event of a major accident;</p> <p>(b) the safety report is made available to the public upon request subject to Article 22(3); where Article 22(3) applies, an amended report, for instance in the form of a non-technical summary, which shall include at least general information on major-accident hazards and on potential effects on human health and the environment in the event of a major accident, shall be made available;</p> <p>(c) the inventory of dangerous substances is made available to the public upon request subject to Article 22(3).</p> <p>The information to be supplied under point (a) of the first subparagraph of this paragraph shall include at least the information referred to in Annex V. That information shall likewise be supplied to all buildings and areas of public use, including schools and hospitals, and to all neighbouring establishments in the case of establishments covered by Article 9. Member States shall ensure that the information is supplied at least every five years and periodically reviewed and where necessary, updated, including in the event of modifications covered by Article 11.</p> <p>3. Member States shall, with respect to the possibility of a major accident with transboundary effects originating in an upper-tier establishment, provide sufficient information to the potentially affected Member States so that all relevant provisions contained in Articles 12 and 13 and in this Article can be applied, where</p>	<p>dokumentacije od operatera za njegovo područje postrojenja“.</p> <p>Podstavak 20. mijenja se i glasi:</p> <p>„- daje suglasnost jedinicama područne (regionalne) samouprave na Vanjske planove i na njihove izmjene i dopune te na metodologiju izrade procjene rizika“.</p> <p>Iza podstavka 20. dodaje se novi podstavak 21. koji glasi:</p> <p>„- nadzire pravovremenost izrade i donošenja Vanjskog plana ili njegovih izmjena i dopuna, koji se moraju donijeti u roku od dvije godine od datuma izdavanja suglasnosti tijela državne uprave nadležnog za zaštitu okoliša na dokumente operatera, odnosno njegovog područja postrojenja, koji je dužan izraditi izvješće o sigurnosti na temelju propisa iz područja zaštite okoliša“.</p> <p>Dosadašnji podstavci 21. do 29., postaju podstavci 22. do 30..</p>		
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<p>applicable, by the potentially affected Member States.</p> <p>4. Where the Member State concerned has decided that an establishment close to the territory of another Member State is incapable of creating a major-accident hazard beyond its boundary for the purposes of Article 12(8) and is not therefore required to produce an external emergency plan under Article 12(1), it shall inform the other Member State of its reasoned decision.</p>	<p style="text-align: center;">Članak 3.</p> <p style="text-align: center;">U članku 17. stavak 5. mijenja se i glasi:</p> <p>„(5) Izvršno tijelo jedinice područne (regionalne) samouprave, pored poslova navedenih u stavku 3. ovog članka, donosi Vanjski plan ili njegove izmjene i dopune za područje postrojenja ili grupu područja postrojenja koju određuje tijelo državne uprave nadležno za zaštitu okoliša zbog mogućeg domino-efekta, u roku od godinu dana od donošenja odluke Ministarstva o izradi Vanjskog plana ili njegovih izmjena i dopuna te svim osobama koje bi mogle imati značajne materijalne i zdravstvene posljedice zbog nastanka velike nesreće u području postrojenja ili grupi područja postrojenja, a da za to ne trebaju podnositi posebne zahtjeve, pruža redovito i u najprimjerenijem obliku jasne i lako razumljive, preispitane i usklađene informacije o sigurnosnim mjerama i nužnom ponašanju</p>		
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	<p>u slučaju velike nesreće na području svoje nadležnosti.“.</p> <p style="text-align: center;">Članak 6.</p> <p>Iza članka 68. dodaje se članak 68.a koji glasi:</p> <p style="text-align: center;">„Članak 68.a</p> <p>(1) Ministarstvo će, na temelju analize procjene rizika, donijeti odluku o nepostojanju prekogranične opasnosti od velike nesreće u području postrojenja u blizini državnog područja druge države članice.</p> <p>(2) Ministarstvo će o odluci iz stavka 1. ovog članka obavijestiti drugu državu članicu.“.</p>		
	-	Djelomično preuzeto	Preuzeto u: Uredba o izmjenama i dopunama Uredbe o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 31/17) članak/članci članak 22.

-	Djelomično preuzeto	Preuzeto u: Zakon o sustavu civilne zaštite (NN 82/15, 118/18, 31/20) članak/članci članak 14. stavak 1., članak 67.,
-	Djelomično preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci članak 128., članak 139.
-	Djelomično preuzeto	Preuzeto u: Uredba o informiranju i sudjelovanju javnosti i zainteresirane javnosti u pitanjima zaštite okoliša (NN 64/08) članak/članci Članak 11 stavak 2. točka 4.
<p>Članak 12.</p> <p>Ministar nadležan za unutarne poslove uskladit će Pravilnik o nositeljima, sadržaju i postupcima izrade planskih dokumenata u civilnoj zaštiti te načinu informiranja javnosti u</p>	Nije preuzeto	Bit će preuzeto u: Pravilnik o nositeljima, sadržaju i postupcima izrade planskih dokumenata u civilnoj zaštiti te načinu informiranja javnosti u postupku (02.02.2021)

	postupku njihovog donošenja (Narodne novine, br. 49/17) s odredbama ovog Zakona u roku od 30 dana od dana njegovog stupanja na snagu.		
Article 15 Public consultation and participation in decision-making 1. Member States shall ensure that the public concerned is given an early opportunity to give its opinion on specific individual projects relating to: (a) planning for new establishments pursuant to Article 13; (b) significant modifications to establishments under Article 11, where such modifications are subject to obligations provided for in Article 13; (c) new developments around establishments where the siting or developments may increase the risk or consequences of a major accident pursuant to Article 13. 2. With regard to the specific individual projects referred to in paragraph 1, the public shall be informed by public notices or other appropriate means, including electronic media where available, of the following matters early in the procedure for the taking of a decision or, at the latest, as soon as the information can reasonably be provided: (a) the subject of the specific project; (b) where applicable, the fact that a project is subject to a national or transboundary environmental impact assessment or to		Nije preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci Članak 2., 4. stavak 1. točka 2., Članak 63. stavak 1. alineja 1., Članak 80. stavak 3., Članak 89. stavak 4., 162. stavak 2.
		Nije preuzeto	Preuzeto u: Uredba o izmjenama i dopunama Uredbe o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 31/17) članak/članci članak 18.
		Nije preuzeto	Preuzeto u: Uredba o informiranju i sudjelovanju javnosti i zainteresirane javnosti u pitanjima zaštite okoliša (NN 64/08) članak/članci Članak 3., Članak 4. stavak 1., Članak 6. stavak 1. točka 6., članak 11., Članak 8., članak 18., članak 21.,

<p>consultations between Member States in accordance with Article 14(3);</p> <p>(c) details of the competent authority responsible for taking the decision, from which relevant information can be obtained and to which comments or questions can be submitted, and details of the time schedule for transmitting comments or questions;</p> <p>(d) the nature of possible decisions or, where there is one, the draft decision;</p> <p>(e) an indication of the times and places where, or means by which, the relevant information will be made available;</p> <p>(f) details of the arrangements for public participation and consultation made pursuant to paragraph 7 of this Article.</p>			
<p>3. With regard to the specific individual projects referred to in paragraph 1, Member States shall ensure that, within appropriate time-frames, the following is made available to the public concerned:</p>		Nije preuzeto	Preuzeto u: Zakon o prostornom uređenju (NN 153/13, 65/17, 114/18, 39/19, 98/19) članak/članci članak 53., članak 94.,
<p>(a) in accordance with national legislation, the main reports and advice issued to the competent authority at the time when the public concerned was informed pursuant to paragraph 2;</p> <p>(b) in accordance with the provisions of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (17), information other than that referred to in paragraph 2 of this Article which is relevant for the decision in question and which only becomes available after the public concerned was informed in accordance with that paragraph.</p> <p>4. Member States shall ensure that the public concerned is entitled to express comments and opinions to the competent authority before a decision is taken on a specific individual project as referred to in paragraph 1, and that the results of the consultations held pursuant to paragraph 1 are duly taken into account in the taking of a decision.</p>		Nije preuzeto	Preuzeto u: Uredba o procjeni utjecaja zahvata na okoliš (NN 61/14, 3/17) članak/članci članak 20.

<p>5. Member States shall ensure that when the relevant decisions are taken, the competent authority shall make available to the public:</p> <p>(a) the content of the decision and the reasons on which it is based, including any subsequent updates;</p> <p>(b) the results of the consultations held before the decision was taken and an explanation of how they were taken into account in that decision.</p> <p>6. Where general plans or programmes are being established relating to the matters referred to in points (a) or (c) of paragraph 1, Member States shall ensure that the public is given early and effective opportunities to participate in their preparation and modification or review using the procedures set out in Article 2(2) of Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment (18).</p> <p>Member States shall identify the public entitled to participate for the purposes of this paragraph, including relevant non-governmental organisations meeting any relevant requirements imposed under national law, such as those promoting environmental protection.</p> <p>This paragraph shall not apply to plans and programmes for which a public participation procedure is carried out under Directive 2001/42/EC.</p> <p>7. The detailed arrangements for informing the public and consulting the public concerned shall be determined by the Member States.</p> <p>Reasonable time-frames for the different phases shall be provided,</p>			
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<p>allowing sufficient time for informing the public and for the public concerned to prepare and participate effectively in environmental decision-making subject to the provisions of this Article.</p>			
<p>Article 16</p> <p>Information to be supplied by the operator and actions to be taken following a major accident</p> <p>Member States shall ensure that, as soon as practicable following a major accident, the operator shall be required, using the most appropriate means to:</p> <p>(a) inform the competent authority;</p> <p>(b) provide the competent authority with the following information as soon as it becomes available:</p> <p>(i) the circumstances of the accident;</p> <p>(ii) the dangerous substances involved;</p> <p>(iii) the data available for assessing the effects of the accident on human health, the environment and property;</p> <p>(iv) the emergency measures taken;</p>		<p>Nije preuzeto</p>	<p>Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci članak 129.,</p>
		<p>Nije preuzeto</p>	<p>Preuzeto u: Pravilnik o registru postrojenja u kojima su prisutne opasne tvari i o očevidniku prijavljenih velikih nesreća (NN 139/14) članak/članci Čl. 15. st. 2. i Prilog I</p>

<p>(c)inform the competent authority of the steps envisaged to:</p> <p>(i)mitigate the medium-term and long-term effects of the accident;</p> <p>(ii) prevent any recurrence of such an accident;</p> <p>(d)update the information provided if further investigation reveals additional facts which alter that information or the conclusions drawn.</p>		Nije preuzeto	Preuzeto u: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14) članak/članci Članak 7. stavak 2.
<p>Article 17</p> <p>Action to be taken by the competent authority following a major accident</p> <p>Following a major accident, Member States shall require the competent authority to:</p> <p>(a)ensure that any urgent, medium-term and long-term measures which may prove necessary are taken;</p> <p>(b)collect, by inspection, investigation or other appropriate means, the information necessary for a full analysis of the technical, organisational and managerial aspects of the accident;</p> <p>(c)take appropriate action to ensure that the operator takes any necessary remedial measures;</p> <p>(d)make recommendations on future preventive measures; and</p> <p>(e)inform the persons likely to be affected, of the accident which has occurred and, where relevant, of the measures undertaken to mitigate its consequences.</p>		Nije preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci Članak 231. stavak 4., članak 227., članak 234., Članak 244. stavak 1. , Članak 129. stavak 2., Članak 262. stavak 1. točka 7.
	-	Nije preuzeto	Preuzeto u: Zakon o zaštiti od požara (NN 92/2010) članak/članci čl. 57.

<p>Article 18</p> <p>Information to be supplied by the Member States following a major accident</p> <p>1. For the purpose of prevention and mitigation of major accidents, Member States shall inform the Commission of major accidents meeting the criteria of Annex VI which have occurred within their territory. They shall provide it with the following details:</p>		Nije preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci članak 36a., članak 152.
<p>(a) the Member State, the name and address of the authority responsible for the report;</p> <p>(b) the date, time and place of the accident, including the full name of the operator and the address of the establishment involved;</p> <p>(c) a brief description of the circumstances of the accident, including the dangerous substances involved, and the immediate effects on human health and the environment;</p>		Nije preuzeto	Preuzeto u: Uredba o izmjenama i dopunama Uredbe o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 31/17) članak/članci Prilog VII. toč. II.
<p>(d) a brief description of the emergency measures taken and of the immediate precautions necessary to prevent recurrence;</p> <p>(e) the results of their analysis and recommendations.</p> <p>2. The information referred to in paragraph 1 of this Article shall be provided as soon as practicable and at the latest within one year of the date of the accident, using the database referred to in Article 21(4). Where only preliminary information under point (e) of paragraph 1 can be provided within this time-limit for inclusion in the database, the information shall be updated once the results of further analysis and recommendations are available.</p>		Nije preuzeto	Preuzeto u: Pravilnik o registru postrojenja u kojima su prisutne opasne tvari i o očevidniku prijavljenih velikih nesreća (NN 139/14) članak/članci Čl. 12. st. 1., čl. 20. st. 1., Prilog I.
<p>Reporting of the information referred to in point (e) of paragraph 1 by Member States may be delayed to allow for the completion of judicial proceedings where such reporting may affect those</p>	vezano za rok iz stavka 2.	Nije preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci članak 36.a. i članak 152.

<p>proceedings.</p> <p>3. For the purposes of providing the information referred to in paragraph 1 of this Article by Member States, a report form shall be established in the form of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).</p> <p>4. Member States shall inform the Commission of the name and address of any body which might have relevant information on major accidents and which is able to advise the competent authorities of other Member States which have to intervene in the event of such an accident.</p>		Nije preuzeto	Preuzeto u: Pravilnik o registru postrojenja u kojima su prisutne opasne tvari i o očevidniku prijavljenih velikih nesreća (NN 139/14) članak/članci Čl. 12. st. 1., čl. 20. st. 1., Prilog I.
<p>Article 19</p> <p>Prohibition of use</p> <p>1. Member States shall prohibit the use or bringing into use of any establishment, installation or storage facility, or any part thereof where the measures taken by the operator for the prevention and mitigation of major accidents are seriously deficient. To this end, Member States shall, inter alia, take into account serious failures to take the necessary actions identified in the inspection report.</p> <p>Member States may prohibit the use or bringing into use of any establishment, installation or storage facility, or any part thereof if the operator has not submitted the notification, reports or other information required by this Directive within the specified period.</p> <p>2. Member States shall ensure that operators may appeal against a prohibition order by a competent authority under paragraph 1 to an</p>		Nije preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci Čl. 231. st.1., st. 3., st. 4., podstavak 1., 2., 3., 4., 5., 6., 8., 10., 11., 12. I 14. i st. 9. čl. 233. st. 1. i st. 2., članak 250.

<p>appropriate body determined by national law and procedures.</p>			
<p>Article 20</p> <p>Inspections</p> <p>1. Member States shall ensure that the competent authorities organise a system of inspections.</p> <p>2. Inspections shall be appropriate to the type of establishment concerned. They shall not be dependent upon receipt of the safety report or any other report submitted. They shall be sufficient for a planned and systematic examination of the systems being employed at the establishment, whether of a technical, organisational or managerial nature, so as to ensure in particular that:</p> <p>(a) the operator can demonstrate that he has taken appropriate measures, in connection with the various activities of the establishment, to prevent major accidents;</p> <p>(b) the operator can demonstrate that he has provided appropriate means for limiting the consequences of major accidents, on-site and off-site;</p> <p>(c) the data and information contained in the safety report, or any</p>	<p>Članak 7.</p> <p>U članku 80. stavku 2. podstavak 1. mijenja se i glasi:</p> <p>„- izradu, donošenje, dopunu i ažuriranje procjena rizika, planova djelovanja civilne zaštite, operativnih planova i Vanjskih planova sukladno ovom Zakonu i propisanoj metodologiji“.</p> <p>Podstavak 9. mijenja se i glasi:</p> <p>„- dostavljanje podataka potrebnih za izradu procjene rizika, planova djelovanja civilne zaštite i Vanjskih planova“.</p>	<p>Djelomično preuzeto</p>	<p>Preuzeto u: Zakon o sustavu civilne zaštite (NN 82/15, 118/18, 31/20) članak/članci članak 78., članak 80.</p>

<p>other report submitted, adequately reflects the conditions in the establishment;</p> <p>(d) information has been supplied to the public pursuant to Article 14.</p> <p>3. Member States shall ensure that all establishments are covered by an inspection plan at national, regional or local level and shall ensure that this plan is regularly reviewed and, where appropriate, updated.</p>	-	Djelomično preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci čl. 224. st. 3., čl. 227. st. 1., st.2., st. 3. i st 4., čl. 228., čl. 231.
<p>Each inspection plan shall include the following:</p> <p>(a) a general assessment of relevant safety issues;</p> <p>(b) the geographical area covered by the inspection plan;</p> <p>(c) a list of the establishments covered by the plan;</p> <p>(d) a list of groups of establishments with possible domino effects pursuant to Article 9;</p> <p>(e) a list of establishments where particular external risks or hazard sources could increase the risk or consequences of a major accident;</p> <p>(f) procedures for routine inspections, including the programmes for such inspections pursuant to paragraph 4;</p> <p>(g) procedures for non-routine inspections pursuant to paragraph 6;</p> <p>(h) provisions on the co-operation between different inspection authorities.</p>	-	Djelomično preuzeto	Preuzeto u: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14) članak/članci Čl. 28. stavci 1.-3., članak 30., članak 4.
<p>4. Based on the inspection plans referred to in paragraph 3, the competent authority shall regularly draw up programmes for routine inspections for all establishments including the frequency of site visits for different types of establishments.</p> <p>The period between two consecutive site visits shall not exceed one year for upper-tier establishments and three years for lower-tier establishments, unless the competent authority has drawn up an inspection programme based on a systematic appraisal of major-</p>	-	Djelomično preuzeto	Preuzeto u: Pravilnik o stručnom vijeću (NN 121/2014) članak/članci čl. 9. i 10.

<p>accident hazards of the establishments concerned.</p> <p>5. The systematic appraisal of the hazards of the establishments concerned shall be based on at least the following criteria:</p> <p>(a) the potential impacts of the establishments concerned on human health and the environment;</p> <p>(b) the record of compliance with the requirements of this Directive.</p> <p>Where appropriate, relevant findings of inspections carried out under other Union legislation shall also be taken into account.</p> <p>6. Non-routine inspections shall be carried out to investigate serious complaints, serious accidents and ‘near misses’, incidents and occurrences of non-compliance as soon as possible.</p> <p>7. Within four months after each inspection, the competent authority shall communicate the conclusions of the inspection and all the necessary actions identified to the operator. The competent authority shall ensure that the operator takes all those necessary actions within a reasonable period after receipt of the communication.</p> <p>8. If an inspection has identified an important case of non-compliance with this Directive, an additional inspection shall be carried out within six months.</p> <p>9. Inspections shall, where possible, be coordinated with inspections under other Union legislation and combined, where appropriate.</p> <p>10. Member States shall encourage the competent authorities to provide mechanisms and tools for exchanging experience and consolidating knowledge, and to participate in such mechanisms at</p>			
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<p>Union level where appropriate.</p> <p>11. Member States shall ensure that operators provide the competent authorities with all necessary assistance to enable those authorities to carry out any inspection and to gather any information necessary for the performance of their duties for the purposes of this Directive, in particular to allow the authorities to fully assess the possibility of a major accident and to determine the scope of possible increased probability or aggravation of major accidents, to prepare an external emergency plan and to take into account substances which, due to their physical form, particular conditions or location, may require additional consideration.</p>			
<p>Article 21</p> <p>Information system and exchanges</p> <p>1. Member States and the Commission shall exchange information on the experience acquired with regard to the prevention of major accidents and the limitation of their consequences. This information shall concern, in particular, the functioning of the measures provided for in this Directive.</p> <p>2. By 30 September 2019, and every four years thereafter, Member States shall provide the Commission with a report on the implementation of this Directive.</p> <p>3. For establishments covered by this Directive, Member States shall supply the Commission with at least the following</p>		Nije preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci članak 36a., članak 152. stavak 1.
		Nije preuzeto	Preuzeto u: Uredba o izmjenama i dopunama Uredbe o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 31/17) članak/članci Prilog VII

<p>information:</p> <p>(a) the name or trade name of the operator and the full address of the establishment concerned;</p> <p>(b) the activity or activities of the establishment.</p> <p>The Commission shall set up and keep up to date a database containing the information supplied by the Member States. Access to the database shall be restricted to persons authorised by the Commission or the competent authorities of the Member States.</p>		Nije preuzeto	Preuzeto u: Pravilnik o registru postrojenja u kojima su prisutne opasne tvari i o očevidniku prijavljenih velikih nesreća (NN 139/14) članak/članci Čl. 12. i 20
<p>4. The Commission shall set up and keep at the disposal of Member States a database containing, in particular, details of the major accidents which have occurred within the territory of Member States, for the purpose of:</p>		Nije potrebno preuzimanje	Stavke 4.-7. članka 21. Direktive 2012/18 nije potrebno preuzimati jer se radi o obvezi Komisije
<p>(a) the rapid dissemination of the information supplied by Member States pursuant to Article 18(1) and (2) among all competent authorities;</p> <p>(b) distribution to competent authorities of an analysis of the causes of major accidents and the lessons learned from them;</p> <p>(c) supply of information to competent authorities on preventive measures;</p> <p>(d) provision of information on organisations able to provide advice or relevant information on the occurrence, prevention and mitigation of major accidents.</p>	/	Nije preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci članak 36.a. i članak 152. stavak 1.
<p>5. The Commission shall, by 1 January 2015, adopt implementing acts to establish the formats for communicating the information referred to in paragraphs 2 and 3 of this Article from Member States and the relevant databases referred to in paragraphs 3 and 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).</p>		Nije preuzeto	Preuzeto u: Pravilnik o registru postrojenja u kojima su prisutne opasne tvari i o očevidniku prijavljenih velikih nesreća (NN 139/14) članak/članci članak 20. stavak 3.

<p>6. The databases referred to in paragraph 4 shall contain, at least:</p> <p>(a) the information supplied by Member States in accordance with Article 18(1) and (2);</p> <p>(b) an analysis of the causes of the accidents;</p> <p>(c) the lessons learned from the accidents;</p> <p>(d) the preventive measures necessary to prevent a recurrence.</p> <p>7. The Commission shall make publicly available the non-confidential part of the data.</p>			
<p>Article 22</p> <p>Access to information and confidentiality</p> <p>1. Member States shall ensure, in the interests of transparency, that the competent authority is required to make any information held pursuant to this Directive available to any natural or legal person who so requests in accordance with Directive 2003/4/EC.</p> <p>2. Disclosure of any information required under this Directive, including under Article 14, may be refused or restricted by the competent authority where the conditions laid down in Article 4 of Directive 2003/4/EC are fulfilled.</p> <p>3. Disclosure of the complete information referred to in points (b) and (c) of Article 14(2) held by the competent authority may be refused by that competent authority, without prejudice to paragraph 2 of this Article, if the operator has requested not to disclose certain parts of the safety report or the inventory of dangerous substances for the reasons provided for in Article 4 of Directive 2003/4/EC.</p> <p>The competent authority may also decide for the same reasons that</p>		Nije preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci članak 154., članak 157., članak 158.
		Nije preuzeto	Preuzeto u: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14) članak/članci članak 13.

<p>certain parts of the report or inventory shall not be disclosed. In such cases, and on approval of that authority, the operator shall supply to the competent authority an amended report or inventory excluding those parts.</p>			
<p>Article 23</p> <p>Access to justice</p> <p>Member States shall ensure that:</p> <p>(a) any applicant requesting information pursuant to points (b) or (c) of Article 14(2) or Article 22(1) of this Directive is able to seek a review in accordance with Article 6 of Directive 2003/4/EC of the acts or omissions of a competent authority in relation to such a request;</p> <p>(b) in their respective national legal system, members of the public concerned have access to the review procedures set up in Article 11 of Directive 2011/92/EU for cases subject to Article 15(1) of this Directive.</p>		<p>Nije preuzeto</p>	<p>Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci članak 158., članak 19.</p>
<p>Article 24</p> <p>Guidance</p> <p>The Commission may develop guidance on safety distance and domino effects.</p>		<p>Nije potrebno preuzimanje</p>	<p>Radi se o obvezi Komisije</p>

<p>Article 25</p> <p>Amendment of Annexes</p> <p>The Commission shall be empowered to adopt delegated acts in accordance with Article 26 in order to adapt Annexes II to VI to technical progress. Such adaptations shall not result in substantial changes in the obligations of the Member States and the operators as laid down in this Directive.</p>		Nije potrebno preuzimanje	Obveza Komisije
<p>Article 26</p> <p>Exercise of the delegation</p> <p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p> <p>2. The power to adopt delegated acts referred to in Article 25 shall be conferred on the Commission for a period of five years from 13 August 2012. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than four months before the end of each period.</p> <p>3. The delegation of power referred to in Article 25 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p>		Nije potrebno preuzimanje	Obveza Komisije

<p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>5. A delegated act adopted pursuant to Article 25 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</p>			
<p>Article 27</p> <p>Committee procedure</p> <p>1. The Commission shall be assisted by the Committee established by Directive 96/82/EC. That Committee is a committee within the meaning of Regulation (EU) No 182/2011.</p> <p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>		Nije potrebno preuzimanje	Obveza Komisije
<p>Article 28</p> <p>Penalties</p> <p>Member States shall determine penalties applicable to infringements of the national provisions adopted pursuant to this Directive. The penalties thus provided for shall be effective, proportionate and dissuasive. Member States shall notify those</p>	<p>Članak 8.</p> <p>Članak 86. mijenja se i glasi:</p> <p>„Novčanom kaznom od 10.000,00 do 30.000,00 kuna kaznit će se za prekršaj izvršno tijelo jedinice lokalne</p>	Djelomično preuzeto	Preuzeto u: Zakon o zaštiti okoliša (NN 80/13, 78/15, 12/18, 118/18) članak/članci Članak 260. stavak 1. podstavci 13.-18. , članak 260. stavak 2. i stavak 3., Članak 262. stavak 1. podstavci 3.-6. , Članak 262. stavak 2. i stavak 3.

<p>provisions to the Commission by 1 June 2015 and shall notify it without delay of any subsequent amendment affecting them.</p>	<p>i područje (regionalne) samouprave ako:</p> <ul style="list-style-type: none"> - ne donese plan djelovanja civilne zaštite (članak 17. stavak 3. podstavak 1.) - ne donese plan vježbi civilne zaštite (članak 17. stavak 3. podstavak 2.) - ne dostavi predstavničkom tijelu prijedlog odluke o određivanju pravnih osoba od interesa za sustav civilne zaštite i prijedlog odluke o osnivanju postrojbi civilne zaštite (članak 17. stavak 3. podstavak 3.) - kod donošenja godišnjeg plana nabave sredstava civilne zaštite ne uključi materijalna sredstva i opremu snaga civilne zaštite (članak 17. stavak 3. podstavak 4.) - ne osigura uvjete za raspoređivanje pripadnika u postrojbe i na dužnosti povjerenika civilne zaštite te vođenje evidencije raspoređenih pripadnika (članak 17. stavak 3. podstavak 9.) - ne osigura uvjete za vođenje 		
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	<p>i ažuriranje baze podataka o pripadnicima, sposobnostima i resursima operativnih snaga sustava civilne zaštite (članak 17. stavak 3. podstavak 10.)</p> <ul style="list-style-type: none">- ne završi program osposobljavanja za obavljanje poslova civilne zaštite prema programu koji provodi tijelo državne uprave nadležno za poslove civilne zaštite (članak 17. stavak 6.)- ne donese odluku o osnivanju stožera civilne zaštite i ne imenuje načelnika, zamjenika i članove stožera (članak 23. stavak 1. i članak 24. stavak 1.)- ne imenuje povjerenika i zamjenika civilne zaštite (članak 34. stavak 1.).“. <p style="text-align: center;">Članak 9.</p> <p>Članak 87. mijenja se i glasi:</p> <p style="padding-left: 40px;">„Novčanom kaznom od 20.000,00 do 70.000,00 kuna kaznit će se za prekršaj izvršno tijelo jedinice lokalne</p>		
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	<p>i područne (regionalne) samouprave ako:</p> <ul style="list-style-type: none">- ne osnuje, ne financira, ne oprema, ne osposobljava te ne uvježbava operativne snage sukladno usvojenim smjernicama i planu razvoja sustava civilne zaštite (članak 17. stavak 3. podstavak 6.)- ne izradi i ne predloži predstavničkom tijelu procjenu rizika od velikih nesreća i redovito ne ažurira procjene rizika i plan djelovanja civilne zaštite (članak 17. stavak 3. podstavak 7.)- ne osigura uvjete za premještanje, sklanjanje, evakuaciju i zbrinjavanje te izvršavanje zadaća u provedbi drugih mjera civilne zaštite u zaštiti i spašavanju građana, materijalnih i kulturnih dobara i okoliša (članak 17. stavak 3. podstavak 8.)- ne donese Vanjski plan ili njegove izmjene i dopune za područje postrojenja, odnosno grupu područja postrojenja koju određuje tijelo državne uprave nadležno za zaštitu		
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okoliša zbog mogućeg domino-efekta, u roku od godinu dana od donošenja odluke Ministarstva o izradi Vanjskog plana ili njegovih izmjena i dopuna te svim osobama koje bi mogle imati značajne materijalne i zdravstvene posljedice zbog nastanka velike nesreće u području postrojenja ili grupi područja postrojenja, ne pruži redovito i u najprimjerenijem obliku jasne i lako razumljive, preispitane i usklađene informacije o sigurnosnim mjerama i nužnom ponašanju u slučaju velike nesreće na području svoje nadležnosti (članak 17. stavak 5.).“.

Članak 11.

U članku 89. stavak 1. mijenja se i glasi:

„(1) Novčanom kaznom od 20.000,00 do 70.000,00 kuna kaznit će se za prekršaj pravna osoba ako:

- Ministarstvu i jedinicama lokalne i područne (regionalne) samouprave bez naknade ne dostavi podatke potrebne za izradu procjene

	<p>rizika i plana djelovanja civilne zaštite (članak 36. stavak 4.)</p> <ul style="list-style-type: none"> - Ministarstvu i jedinicama područne (regionalne) samouprave u roku do najviše dva mjeseca od primitka suglasnosti tijela državne uprave nadležnog za zaštitu okoliša na izvješće o sigurnosti ne dostavi bez naknade podatke potrebne za izradu Vanjskog plana (članak 36. stavak 5.) - u slučaju izmjene u području postrojenja, postrojenju, skladištu ili procesu ili vrsti ili fizičkom obliku ili količini opasne tvari koja bi mogla imati značajne posljedice za opasnosti od velikih nesreća ne obavijesti Ministarstvo o pojedinostima tih ažuriranja prije te izmjene (članak 36. stavak 6.) - ne postupi po zahtjevu načelnika stožera civilne zaštite jedinice lokalne i područne (regionalne) samouprave i načelnika Stožera civilne zaštite Republike Hrvatske i ne sudjeluje s ljudskim snagama 		
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	<p>i materijalnim resursima u provedbi mjera i aktivnosti u sustavu civilne zaštite (članak 36. stavak 8.)</p> <p>- ne uspostavi upravljanje i nadzor nad sirenama svog sustava za uzbunjivanje iz operativnog središta pravne osobe i iz nadležnog centra 112 te ako ne snosi troškove uspostavljanja i korištenja komunikacijske veze za potrebe upravljanja i nadzora sirenama iz nadležnog centra 112 (članak 38. stavak 3.).“.</p>		
<p>Article 29</p> <p>Reporting and review</p> <p>1. By 30 September 2020, and every four years thereafter, the Commission, on the basis of information submitted by Member States in accordance with Article 18 and Article 21(2) and of information held in databases, as referred to in Article 21(3) and (4), and taking into account the implementation of Article 4, shall submit to the European Parliament and to the Council a report on the implementation and efficient functioning of this Directive, including information on major accidents that have occurred within the Union and their potential impact upon the implementation of this Directive. The Commission shall include in the first of those reports an assessment of the need to amend the scope of this Directive. Any report may, where appropriate, be accompanied by a legislative proposal.</p>		<p>Nije potrebno preuzimanje</p>	<p>Obveza Komisije</p>

<p>2. In the context of relevant Union legislation, the Commission may examine the need to address the issue of financial responsibilities of the operator in relation to major accidents, including issues related to insurance.</p>			
<p>Article 30</p> <p>Amendment of Directive 96/82/EC</p> <p>In Directive 96/82/EC, the words ‘(d) heavy fuel oils’ are added to the heading ‘Petroleum products’ in Part 1 of Annex I.</p>		<p>Nije preuzeto</p>	<p>Preuzeto u: Uredba o izmjenama i dopunama Uredbe o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 31/17) članak/članci Prilog I.A, Dio2., stupac 1.,točka 34.</p>
<p>Article 31</p> <p>Transposition</p> <p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 May 2015. They shall apply those measures from 1 June 2015.</p> <p>Notwithstanding the first subparagraph, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 30 of this Directive by 14 February 2014. They shall apply those measures from 15 February 2014.</p> <p>They shall forthwith communicate to the Commission the text of those provisions.</p>		<p>Nije potrebno preuzimanje</p>	<p>Prijelazne i završne odredbe.</p>

<p>When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.</p> <p>2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</p>			
<p>Article 32</p> <p>Repeal</p> <p>1. Directive 96/82/EC is repealed with effect from 1 June 2015.</p> <p>2. References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex VII.</p>		<p>Nije potrebno preuzimanje</p>	<p>Prijelazne i završne odredbe</p>
<p>Article 33</p> <p>Entry into force</p> <p>This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p>		<p>Nije potrebno preuzimanje</p>	<p>Prijelazne i završne odredbe</p>

<p>Article 34</p> <p>Addressees</p> <p>This Directive is addressed to the Member States.</p>		<p>Nije potrebno preuzimanje</p>	<p>Prijelazne i završne odredbe</p>
<p>LIST OF ANNEXES</p> <p>Annex —Dangerous substances</p> <p>I</p> <p>Annex —Minimum data and information to be considered in the</p> <p>II safety report referred to in Article 10</p> <p>Annex —Information referred to in Article 8(5) and Article 10 on</p> <p>III the safety management system and the organisation of the establishment with a view to the prevention of major accidents</p> <p>Annex —Data and information to be included in the emergency</p> <p>IV plans referred to in Article 12</p> <p>Annex —Items of information to the public as provided for in</p> <p>V Article 14(1) and in point (a) of Article 14(2)</p> <p>Annex —Criteria for the notification of a major accident to the</p> <p>VI Commission as provided for in Article 18(1)</p> <p>Annex —Correlation table</p> <p>VII</p> <p>ANNEX I</p> <p>DANGEROUS SUBSTANCES</p> <p>Dangerous substances covered by the hazard categories listed in Column 1 of Part 1 of this Annex are subject to the qualifying quantities set out in Columns 2 and 3 of Part 1.</p>		<p>Nije preuzeto</p>	<p>Preuzeto u: Uredba o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 44/14) članak/članci Prilozi IB, II, IV, V,</p>
	<p>Nije preuzeto</p>	<p>Preuzeto u: Uredba o izmjenama i dopunama Uredbe o sprječavanju velikih nesreća koje uključuju opasne tvari (NN 31/17) članak/članci Prilozi IA, III i VII</p>	
	<p>Nije preuzeto</p>	<p>Preuzeto u: Zakon o sustavu civilne zaštite (NN 82/15, 118/18, 31/20) članak/članci Članak 38. stavak 2., članak 67. stavak 1. i stavak 3.</p>	

Where a dangerous substance is covered by Part 1 of this Annex and is also listed in Part 2, the qualifying quantities set out in Columns 2 and 3 of Part 2 apply.

PART 1

Categories of dangerous substances

This Part covers all dangerous substances falling under the hazard categories listed in Column 1:

Column 1 Hazard categories in accordance with Regulation (EC) No 1272/2008	Column 2 Qualifying quantity (tonnes) of dangerous substances as referred to in Article 3(10) for the application of Lower-tier requirements	Column 3 Upper-tier requirements
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Section 'H' –

HEALTH HAZARDS

H1 ACUTE TOXIC Category 1, all exposure routes	5	20
H2 ACUTE TOXIC —Category 2, all exposure routes —Category 3, inhalation exposure route (see note 7)	50	200
H3 STOT SPECIFIC TARGET ORGAN TOXICITY – SINGLE EXPOSURE	50	200

STOT SE Category 1

Section 'P' –

PHYSICAL HAZARDS					
P1a EXPLOSIVES (see note 8)	10	50			
— Unstable explosives or					
—Explosives, Division 1.1, 1.2, 1.3, 1.5 or 1.6, or					
—Substances or mixtures having explosive properties according to method A.14 of Regulation (EC) No 440/2008 (see note 9) and do not belong to the hazard classes Organic peroxides or Self-reactive substances and mixtures					
P1b EXPLOSIVES (see note 8)	50	200			
Explosives, Division 1.4 (see note 10)					
P2 FLAMMABLE GASES	10	50			
Flammable gases, Category 1 or 2					
P3a FLAMMABLE AEROSOLS (see note 11.1)	150 (net)	500 (net)			
‘Flammable’ aerosols Category 1 or 2, containing flammable gases					
Category 1 or 2 or flammable liquids Category 1					
P3b FLAMMABLE AEROSOLS (see note 11.1)	5 000(net)	50 000(net)			
‘Flammable’ aerosols Category 1 or 2, not containing flammable gases Category 1 or 2 nor					

flammable liquids category 1 (see note 11.2)			
P4 OXIDISING GASES	50	200	
Oxidising gases, Category 1			
P5a FLAMMABLE LIQUIDS	10	50	
—Flammable liquids, Category 1, or —Flammable liquids Category 2 or 3 maintained at a temperature above their boiling point, or —Other liquids with a flash point ≤ 60 °C, maintained at a temperature above their boiling point (see note 12)			
P5b FLAMMABLE LIQUIDS	50	200	
—Flammable liquids Category 2 or 3 where particular processing conditions, such as high pressure or high temperature, may create major- accident hazards, or —Other liquids with a flash point ≤ 60 °C where particular processing conditions, such as high pressure or high temperature, may create major- accident hazards (see note 12)			
P5c FLAMMABLE LIQUIDS	5 000	50 000	
Flammable liquids, Categories 2 or 3 not covered by P5a and P5b			

P6a SELF-REACTIVE SUBSTANCES AND MIXTURES and ORGANIC PEROXIDES	10	50		
Self-reactive substances and mixtures, Type A or B or organic peroxides, Type A or B				
P6b SELF-REACTIVE SUBSTANCES AND MIXTURES and ORGANIC PEROXIDES	50	200		
Self-reactive substances and mixtures, Type C, D, E or F or organic peroxides, Type C, D, E, or F				
P7 PYROPHORIC LIQUIDS AND SOLIDS	50	200		
Pyrophoric liquids, Category 1 Pyrophoric solids, Category 1				
P8 OXIDISING LIQUIDS AND SOLIDS	50	200		
Oxidising Liquids, Category 1, 2 or 3, or Oxidising Solids, Category 1, 2 or 3 Section 'E' –				
ENVIRONMENTAL HAZARDS				
E1 Hazardous to the Aquatic Environment in Category Acute 1 or Chronic 1	100	200		

E2 Hazardous to the Aquatic Environment in Category Chronic 2	200	500			
Section 'O' –					
OTHER HAZARDS					
O1 Substances or mixtures with hazard statement EUH014	100	500			
O2 Substances and mixtures which in contact with water emit flammable gases, Category 1	100	500			
O3 Substances or mixtures with hazard statement EUH029	50	200			
PART 2					
Named dangerous substances					
Column 1	CAS number	Column 2	Column 3		
Dangerous substances	(1)	Qualifying quantity (tonnes) for the application of Lower-tier requirements	Upper-tier requirements		
1. Ammonium nitrate (see note 13)	—	5 000	10 000		
2. Ammonium nitrate (see note 14)	—	1 250	5 000		
3. Ammonium nitrate (see note 15)	—	350	2 500		
4. Ammonium nitrate (see note 16)	—	10	50		
5. Potassium nitrate (see note 17)	—	5 000	10 000		
6. Potassium nitrate (see note	—	1 250	5 000		

18)				
7. Arsenic pentoxide, arsenic (V) acid and/or salts	1303-28-2	1	2	
8. Arsenic trioxide, arsenious (III) acid and/or salts	1327-53-3		0,1	
9. Bromine	7726-95-6	20	100	
10. Chlorine	7782-50-5	10	25	
11. Nickel compounds in inhalable powder form: nickel monoxide, nickel dioxide, nickel sulphide, trinickel disulphide, dinickel trioxide	—		1	
12. Ethyleneimine	151-56-4	10	20	
13. Fluorine	7782-41-4	10	20	
14. Formaldehyde (concentration $\geq 90\%$)	50-00-0	5	50	
15. Hydrogen	1333-74-0	5	50	
16. Hydrogen chloride (liquefied gas)	7647-01-0	25	250	
17. Lead alkyls	—	5	50	
18. Liquefied flammable gases, Category 1 or 2 (including LPG) and natural gas (see note 19)	—	50	200	
19. Acetylene	74-86-2	5	50	
20. Ethylene oxide	75-21-8	5	50	
21. Propylene oxide	75-56-9	5	50	
22. Methanol	67-56-1	500	5 000	
23. 4, 4'-Methylene bis (2-chloraniline) and/or salts, in powder form	101-14-4		0,01	
24. Methylisocyanate	624-83-9		0,15	
25. Oxygen	7782-44-7	200	2 000	

26.2,4 -Toluene diisocyanate	584-84-9	10	100			
2,6 -Toluene diisocyanate	91-08-7					
27. Carbonyl dichloride (phosgene)	75-44-5	0,3	0,75			
28. Arsine (arsenic trihydride)	7784-42-1	0,2	1			
29. Phosphine (phosphorus trihydride)	7803-51-2	0,2	1			
30. Sulphur dichloride	10545-99- 0		1			
31. Sulphur trioxide	7446-11-9	15	75			
32. Polychlorodibenzofurans and polychlorodibenzodioxins (including TCDD), calculated in TCDD equivalent (see note 20)	—		0,001			
33. The following CARCINOGENS or the mixtures containing the following carcinogens at concentrations above 5 % by weight:	—	0,5	2			
4-Aminobiphenyl and/or its salts, Benzotrichloride, Benzidine and/or salts, Bis (chloromethyl) ether, Chloromethyl methyl ether, 1,2-Dibromoethane, Diethyl sulphate, Dimethyl sulphate, Dimethylcarbamoyl chloride, 1,2-Dibromo-3- chloropropane, 1,2-						

Dimethylhydrazine, Dimethylnitrosamine, Hexamethylphosphoric triamide, Hydrazine, 2- Naphthylamine and/or salts, 4-Nitrodiphenyl, and 1,3 Propanesultone			
34. Petroleum products and alternative fuels	—	2 500	25 000
(a) gasolines and naphthas, (b) kerosenes (including jet fuels), (c) gas oils (including diesel fuels, home heating oils and gas oil blending streams) (d) heavy fuel oils (e) alternative fuels serving the same purposes and with similar properties as regards flammability and environmental hazards as the products referred to in points (a) to (d)			
35. Anhydrous Ammonia	7664-41-7	50	200
36. Boron trifluoride	7637-07-2	5	20
37. Hydrogen sulphide	7783-06-4	5	20
38. Piperidine	110-89-4	50	200
39. Bis(2- dimethylaminoethyl) (methyl)amin	3030-47-5	50	200
40.3-(2-	5397-31-9	50	200

Ethylhexyloxy)propylamin				
41. Mixtures (2) of sodium hypochlorite classified as Aquatic Acute Category 1 [H400] containing less than 5 % active chlorine and not classified under any of the other hazard categories in Part 1 of Annex I.	200	500		
42. Propylamine (see note 21)	107-10-8	500	2 000	
43. Tert-butyl acrylate (see note 21)	1663-39-4	200	500	
44. 2-Methyl-3-butenitrile (see note 21)	16529-56-9	500	2 000	
45. Tetrahydro-3,5-dimethyl-1,3,5,-thiadiazine-2-thione (Dazomet) (see note 21)	533-74-4	100	200	
46. Methyl acrylate (see note 21)	96-33-3	500	2 000	
47. 3-Methylpyridine (see note 21)	108-99-6	500	2 000	
48. 1-Bromo-3-chloropropane (see note 21)	109-70-6	500	2 000	
NOTES TO ANNEX I				
1. Substances and mixtures are classified in accordance with Regulation (EC) No 1272/2008.				
2. Mixtures shall be treated in the same way as pure substances provided they remain within concentration limits set according to their properties under Regulation (EC) No 1272/2008, or its latest adaptation to technical progress, unless a percentage composition or other description is specifically given.				
3. The qualifying quantities set out above relate to each				

establishment.

The quantities to be considered for the application of the relevant Articles are the maximum quantities which are present or are likely to be present at any one time. Dangerous substances present at an establishment only in quantities equal to or less than 2 % of the relevant qualifying quantity shall be ignored for the purposes of calculating the total quantity present if their location within an establishment is such that it cannot act as an initiator of a major accident elsewhere at that establishment.

4. The following rules governing the addition of dangerous substances, or categories of dangerous substances, shall apply where appropriate:

In the case of an establishment where no individual dangerous substance is present in a quantity above or equal to the relevant qualifying quantities, the following rule shall be applied to determine whether the establishment is covered by the relevant requirements of this Directive.

This Directive shall apply to upper-tier establishments if the sum:

$q1/QU1 + q2/QU2 + q3/QU3 + q4/QU4 + q5/QU5 + \dots$ is greater than or equal to 1,

where q_x = the quantity of dangerous substance x (or category of dangerous substances) falling within Part 1 or Part 2 of this Annex,

and QU_x = the relevant qualifying quantity for dangerous substance or category x from Column 3 of Part 1 or from Column 3 of Part 2 of this Annex.

This Directive shall apply to lower-tier establishments if the sum:

$q1/QL1 + q2/QL2 + q3/QL3 + q4/QL4 + q5/QL5 + \dots$ is greater than or equal to 1,

where q_x = the quantity of dangerous substance x (or category of dangerous substances) falling within Part 1 or Part 2 of this Annex,

and QLX = the relevant qualifying quantity for dangerous substance or category x from Column 2 of Part 1 or from Column 2 of Part 2 of this Annex.

This rule shall be used to assess the health hazards, physical hazards and environmental hazards. It must therefore be applied three times:

- (a) for the addition of dangerous substances listed in Part 2 that fall within acute toxicity category 1, 2 or 3 (inhalation route) or STOT SE category 1, together with dangerous substances falling within section H, entries H1 to H3 of Part 1;
- (b) for the addition of dangerous substances listed in Part 2 that are explosives, flammable gases, flammable aerosols, oxidising gases, flammable liquids, self-reactive substances and mixtures, organic peroxides, pyrophoric liquids and solids, oxidising liquids and solids, together with dangerous substances falling within section P, entries P1 to P8 of Part 1;
- (c) for the addition of dangerous substances listed in Part 2 that fall within hazardous to the aquatic environment acute category 1, chronic category 1 or chronic category 2, together with dangerous substances falling within section E, entries E1 and E2 of Part 1.

The relevant provisions of this Directive apply where any of the sums obtained by (a), (b) or (c) is greater than or equal to 1.

5. In the case of dangerous substances which are not covered by Regulation (EC) No 1272/2008, including waste, but which

<p>nevertheless are present, or are likely to be present, in an establishment and which possess or are likely to possess, under the conditions found at the establishment, equivalent properties in terms of major-accident potential, these shall be provisionally assigned to the most analogous category or named dangerous substance falling within the scope of this Directive.</p> <p>6. In the case of dangerous substances with properties giving rise to more than one classification, for the purposes of this Directive the lowest qualifying quantities shall apply. However, for the application of the rule in Note 4, the lowest qualifying quantity for each group of categories in Notes 4(a), 4(b) and 4(c) corresponding to the classification concerned shall be used.</p> <p>7. Dangerous substances that fall within Acute Toxic Category 3 via the oral route (H 301) shall fall under entry H2 ACUTE TOXIC in those cases where neither acute inhalation toxicity classification nor acute dermal toxicity classification can be derived, for example due to lack of conclusive inhalation and dermal toxicity data.</p> <p>8. The hazard class Explosives includes explosive articles (see Section 2.1 of Annex I to Regulation (EC) No 1272/2008). If the quantity of the explosive substance or mixture contained in the article is known, that quantity shall be considered for the purposes of this Directive. If the quantity of the explosive substance or mixture contained in the article is not known, then, for the purposes of this Directive, the whole article shall be treated as explosive.</p> <p>9. Testing for explosive properties of substances and mixtures is only necessary if the screening procedure according to Appendix 6, Part 3 of the UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria (UN Manual of Tests and Criteria) (3) identifies the substance or mixture as potentially having explosive properties.</p> <p>10. If Explosives of Division 1.4 are unpacked or repacked, they shall be assigned to the entry P1a, unless the hazard is shown to</p>			
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still correspond to Division 1.4, in accordance with Regulation (EC) No 1272/2008.

- 11.1. Flammable aerosols are classified in accordance with the Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers (4) (Aerosol Dispensers Directive). ‘Extremely flammable’ and ‘Flammable’ aerosols of Directive 75/324/EEC correspond to Flammable Aerosols Category 1 or 2 respectively of Regulation (EC) No 1272/2008.
- 11.2. In order to use this entry, it must be documented that the aerosol dispenser does not contain Flammable Gas Category 1 or 2 nor Flammable Liquid Category 1.
12. According to paragraph 2.6.4.5 in Annex I to Regulation (EC) No 1272/2008, liquids with a flash point of more than 35 °C need not be classified in Category 3 if negative results have been obtained in the sustained combustibility test L.2, Part III, section 32 of the UN Manual of Tests and Criteria. This is however not valid under elevated conditions such as high temperature or pressure, and therefore such liquids are included in this entry.
13. Ammonium nitrate (5 000 / 10 000): fertilisers capable of self-sustaining decomposition

This applies to ammonium nitrate-based compound/composite fertilisers (compound/composite fertilisers contain ammonium nitrate with phosphate and/or potash) which are capable of self-sustaining decomposition according to the UN Trough Test (see UN Manual of Tests and Criteria, Part III, subsection 38.2), and in which the nitrogen content as a result of ammonium nitrate is

—between 15,75 % (5) and 24,5 % (6) by weight, and either with not more than 0,4 % total combustible/organic materials or which fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003 of the European Parliament and of the

<p>Council of 13 October 2003 relating to fertilisers (7), —15,75 % by weight or less and unrestricted combustible materials.</p> <p>14. Ammonium nitrate (1 250 / 5 000): fertiliser grade</p> <p>This applies to straight ammonium nitrate-based fertilisers and to ammonium nitrate-based compound/composite fertilisers which fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003 and in which the nitrogen content as a result of ammonium nitrate is</p> <ul style="list-style-type: none"> —more than 24,5 % by weight, except for mixtures of straight ammonium nitrate-based fertilisers with dolomite, limestone and/or calcium carbonate with a purity of at least 90 %, —more than 15,75 % by weight for mixtures of ammonium nitrate and ammonium sulphate, —more than 28 % (8) by weight for mixtures of straight ammonium nitrate-based fertilisers with dolomite, limestone and/or calcium carbonate with a purity of at least 90 %. <p>15. Ammonium nitrate (350 / 2 500): technical grade</p> <p>This applies to ammonium nitrate and mixtures of ammonium nitrate in which the nitrogen content as a result of the ammonium nitrate is</p> <ul style="list-style-type: none"> —between 24,5 % and 28 % by weight, and which contain not more than 0,4 % combustible substances, —more than 28 % by weight, and which contain not more than 0,2 % combustible substances. <p>It also applies to aqueous ammonium nitrate solutions in which the concentration of ammonium nitrate is more than 80 % by weight.</p> <p>16. Ammonium nitrate (10 / 50): ‘off-specs’ material and fertilisers</p>			
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<p>not fulfilling the detonation test</p> <p>This applies to</p> <ul style="list-style-type: none"> —material rejected during the manufacturing process and to ammonium nitrate and mixtures of ammonium nitrate, straight ammonium nitrate-based fertilisers and ammonium nitrate-based compound/composite fertilisers referred to in Notes 14 and 15, that are being or have been returned from the final user to a manufacturer, temporary storage or reprocessing plant for reworking, recycling or treatment for safe use, because they no longer comply with the specifications of Notes 14 and 15, —fertilisers referred to in first indent of Note 13, and Note 14 to this Annex which do not fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003. <p>17. Potassium nitrate (5 000 / 10 000)</p> <p>This applies to those composite potassium-nitrate based fertilisers (in prilled/granular form) which have the same hazardous properties as pure potassium nitrate.</p> <p>18. Potassium nitrate (1 250 / 5 000)</p> <p>This applies to those composite potassium-nitrate based fertilisers (in crystalline form) which have the same hazardous properties as pure potassium nitrate.</p> <p>19. Upgraded biogas</p> <p>For the purpose of the implementation of this Directive, upgraded biogas may be classified under entry 18 of Part 2 of Annex I where it has been processed in accordance with applicable standards for purified and upgraded biogas ensuring a quality equivalent to that</p>			
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of natural gas, including the content of Methane, and which has a maximum of 1 % Oxygen.

20. Polychlorodibenzofurans and polychlorodibenzodioxins

The quantities of polychlorodibenzofurans and polychlorodibenzodioxins are calculated using the following factors:

WHO 2005 TEF

2,3,7,8-TCDD	1	2,3,7,8-TCDF	0,1
1,2,3,7,8-PeCDD	1	2,3,4,7,8-PeCDF	0,3
		1,2,3,7,8-PeCDF	0,03

1,2,3,4,7,8-HxCDD	0,1		
1,2,3,6,7,8-HxCDD	0,1	1,2,3,4,7,8-HxCDF	0,1
1,2,3,7,8,9-HxCDD	0,1	1,2,3,7,8,9-HxCDF	0,1
		1,2,3,6,7,8-HxCDF	0,1
1,2,3,4,6,7,8-HpCDD	0,01	2,3,4,6,7,8-HxCDF	0,1

OCDD	0,0003	1,2,3,4,6,7,8-HpCDF	0,01
		1,2,3,4,7,8,9-HpCDF	0,01

OCDF 0,0003

(T = tetra, P = penta, Hx = hexa, Hp = hepta, O = octa)

Reference — Van den Berg et al: The 2005 World Health Organisation Re-evaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-like Compounds

21. In cases where this dangerous substance falls within category P5a Flammable liquids or P5b Flammable liquids, then for the purposes of this Directive the lowest qualifying quantities shall apply.

<p>(1) The CAS number is shown only for indication.</p> <p>(2) Provided that the mixture in the absence of sodium hypochlorite would not be classified as Aquatic Acute Category 1 [H400].</p> <p>(3) More guidance on waiving of the test can be found in the A.14 method description, see Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142, 31.5.2008, p. 1).</p> <p>(4) OJ L 147, 9.6.1975, p. 40.</p> <p>(5) 15,75 % nitrogen content by weight as a result of ammonium nitrate corresponds to 45 % ammonium nitrate.</p> <p>(6) 24,5 % nitrogen content by weight as a result of ammonium nitrate corresponds to 70 % ammonium nitrate.</p> <p>(7) OJ L 304, 21.11.2003, p. 1.</p> <p>(8) 28 % nitrogen content by weight as a result of ammonium nitrate corresponds to 80 % ammonium nitrate.</p> <p>ANNEX II</p> <p>Minimum data and information to be considered in the safety report referred to in Article 10</p> <p>1.Information on the management system and on the organisation of the establishment with a view to major-accident prevention.</p> <p>This information shall contain the elements indicated in Annex</p>			
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<p>III.</p> <p>2.Presentation of the environment of the establishment:</p> <p>(a)description of the establishment and its environment including the geographical location, meteorological, geological, hydrographic conditions and, if necessary, its history;</p> <p>(b)identification of installations and other activities of the establishment which could present a major-accident hazard;</p> <p>(c)on the basis of available information, identification of neighbouring establishments, as well as sites that fall outside the scope of this Directive, areas and developments that could be the source of, or increase the risk or consequences of a major accident and of domino effects;</p> <p>(d) description of areas where a major accident may occur.</p> <p>3.Description of the installation:</p> <p>(a)description of the main activities and products of the parts of the establishment which are important from the point of view of safety, sources of major-accident risks and conditions under which such a major accident could happen, together with a description of proposed preventive measures;</p> <p>(b)description of processes, in particular the operating methods; where applicable, taking into account available information on best practices;</p> <p>(c)description of dangerous substances:</p> <p>(i)inventory of dangerous substances including:</p> <ul style="list-style-type: none"> —the identification of dangerous substances: chemical name, CAS number, name according to IUPAC nomenclature, —the maximum quantity of dangerous substances present or likely to be present; <p>(ii)physical, chemical, toxicological characteristics and indication of the hazards, both immediate and delayed for</p>			
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<p>human health and the environment;</p> <p>(iii) physical and chemical behaviour under normal conditions of use or under foreseeable accidental conditions.</p> <p>4. Identification and accidental risks analysis and prevention methods:</p> <p>(a) detailed description of the possible major-accident scenarios and their probability or the conditions under which they occur including a summary of the events which may play a role in triggering each of these scenarios, the causes being internal or external to the installation; including in particular:</p> <p>(i) operational causes;</p> <p>(ii) external causes, such as those related to domino effects, sites that fall outside the scope of this Directive, areas and developments that could be the source of, or increase the risk or consequences of a major accident;</p> <p>(iii) natural causes, for example earthquakes or floods;</p> <p>(b) assessment of the extent and severity of the consequences of identified major accidents including maps, images or, as appropriate, equivalent descriptions, showing areas which are likely to be affected by such accidents arising from the establishment;</p> <p>(c) review of past accidents and incidents with the same substances and processes used, consideration of lessons learned from these, and explicit reference to specific measures taken to prevent such accidents;</p> <p>(d) description of technical parameters and equipment used for the safety of installations.</p> <p>5. Measures of protection and intervention to limit the consequences of a major accident:</p> <p>(a) description of the equipment installed in the plant to limit the consequences of major accidents for human health and environment, including for example detection/protection</p>			
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<p>systems, technical devices for limiting the size of accidental releases, including water spray; vapour screens; emergency catch pots or collection vessels; shut-off-valves; inerting systems; fire water retention;</p> <p>(b) organisation of alert and intervention;</p> <p>(c) description of mobilisable resources, internal or external;</p> <p>(d) description of any technical and non-technical measures relevant for the reduction of the impact of a major accident.</p> <p>ANNEX III</p> <p>Information referred to in Article 8(5) and Article 10 on the safety management system and the organisation of the establishment with a view to the prevention of major accidents</p> <p>For the purpose of implementing the operator's safety management system, account shall be taken of the following elements:</p> <p>(a) the safety management system shall be proportionate to the hazards, industrial activities and complexity of the organisation in the establishment and be based on assessment of the risks; it should include the part of the general management system which includes the organisational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the major-accident prevention policy (MAPP);</p> <p>(b) the following issues shall be addressed by the safety management system:</p> <p>(i) organisation and personnel — the roles and responsibilities of personnel involved in the management of major hazards at all levels in the organisation, together with the measures taken to raise awareness of the need for continuous improvement. The identification of training needs of such personnel and the provision of the training so identified. The involvement of</p>			
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<p>employees and of subcontracted personnel working in the establishment which are important from the point of view of safety;</p> <p>(ii) identification and evaluation of major hazards — adoption and implementation of procedures for systematically identifying major hazards arising from normal and abnormal operation including subcontracted activities where applicable and the assessment of their likelihood and severity;</p> <p>(iii) operational control — adoption and implementation of procedures and instructions for safe operation, including maintenance, of plant, processes and equipment, and for alarm management and temporary stoppages; taking into account available information on best practices for monitoring and control, with a view to reducing the risk of system failure; management and control of the risks associated with ageing equipment installed in the establishment and corrosion; inventory of the establishment's equipment, strategy and methodology for monitoring and control of the condition of the equipment; appropriate follow-up actions and any necessary countermeasures;</p> <p>(iv) management of change — adoption and implementation of procedures for planning modifications to, or the design of new installations, processes or storage facilities;</p> <p>(v) planning for emergencies — adoption and implementation of procedures to identify foreseeable emergencies by systematic analysis, to prepare, test and review emergency plans to respond to such emergencies and to provide specific training for the staff concerned. Such training shall be given to all personnel working in the establishment, including relevant subcontracted personnel;</p> <p>(vi) monitoring performance — adoption and implementation of procedures for the ongoing assessment of compliance with the objectives set by the operator's MAPP and safety</p>			
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management system, and the mechanisms for investigation and taking corrective action in case of non-compliance. The procedures shall cover the operator's system for reporting major accidents or 'near misses', particularly those involving failure of protective measures, and their investigation and follow-up on the basis of lessons learnt. The procedures could also include performance indicators such as safety performance indicators (SPIs) and/or other relevant indicators;

- (vii) audit and review — adoption and implementation of procedures for periodic systematic assessment of the MAPP and the effectiveness and suitability of the safety management system; the documented review of performance of the policy and safety management system and its updating by senior management, including consideration and incorporation of necessary changes indicated by the audit and review.

ANNEX IV

Data and information to be included in the emergency plans referred to in Article 12

1. Internal emergency plans:

- (a) Names or positions of persons authorised to set emergency procedures in motion and the person in charge of and coordinating the on-site mitigatory action;
- (b) Name or position of the person with responsibility for liaising with the authority responsible for the external emergency plan;
- (c) For foreseeable conditions or events which could be significant in bringing about a major accident, a description of the action which should be taken to control the conditions or events and to limit their consequences, including a description

<p>of the safety equipment and the resources available;</p> <p>(d)Arrangements for limiting the risks to persons on site including how warnings are to be given and the actions persons are expected to take on receipt of a warning;</p> <p>(e)Arrangements for providing early warning of the incident to the authority responsible for setting the external emergency plan in motion, the type of information which should be contained in an initial warning and the arrangements for the provision of more detailed information as it becomes available;</p> <p>(f)where necessary, arrangements for training staff in the duties they will be expected to perform and, as appropriate, coordinating this with off-site emergency services;</p> <p>(g)Arrangements for providing assistance with off-site mitigatory action.</p> <p>2.External emergency plans:</p> <p>(a)Names or positions of persons authorised to set emergency procedures in motion and of persons authorised to take charge of and coordinate off-site action;</p> <p>(b)Arrangements for receiving early warning of incidents, and alert and call-out procedures;</p> <p>(c)Arrangements for coordinating resources necessary to implement the external emergency plan;</p> <p>(d)Arrangements for providing assistance with on-site mitigatory action;</p> <p>(e)Arrangements for off-site mitigatory action, including responses to major-accident scenarios as set out in the safety report and considering possible domino effects, including those having an impact on the environment;</p> <p>(f)Arrangements for providing the public and any neighbouring establishments or sites that fall outside the scope of this Directive in accordance with Article 9 with specific information relating to the accident and the behaviour which</p>			
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should be adopted;
(g) Arrangements for the provision of information to the emergency services of other Member States in the event of a major accident with possible transboundary consequences.

ANNEX V

Items of information to the public as provided for in Article 14(1) and in point (a) of Article 14(2)

PART 1

For all establishments covered by this Directive:

1. Name or trade name of the operator and the full address of the establishment concerned.
2. Confirmation that the establishment is subject to the regulations and/or administrative provisions implementing this Directive and that the notification referred to in Article 7(1) or the safety report referred to in Article 10(1) has been submitted to the competent authority.
3. An explanation in simple terms of the activity or activities undertaken at the establishment.
4. The common names or, in the case of dangerous substances covered by Part 1 of Annex I, the generic names or the hazard classification of the relevant dangerous substances involved at the establishment which could give rise to a major accident, with an indication of their principal dangerous characteristics in simple terms.
5. General information about how the public concerned will be warned, if necessary; adequate information about the appropriate behaviour in the event of a major accident or indication of where that information can be accessed electronically.
6. The date of the last site visit in accordance with Article 20(4), or reference to where that information can be accessed

<p>electronically; information on where more detailed information about the inspection and the related inspection plan can be obtained upon request, subject to the requirements of Article 22.</p> <p>7.Details of where further relevant information can be obtained, subject to the requirements of Article 22.</p> <p>PART 2</p> <p>For upper-tier establishments, in addition to the information referred to in Part 1 of this Annex:</p> <ol style="list-style-type: none"> 1.General information relating to the nature of the major-accident hazards, including their potential effects on human health and the environment and summary details of the main types of major-accident scenarios and the control measures to address them. 2.Confirmation that the operator is required to make adequate arrangements on site, in particular liaison with the emergency services, to deal with major accidents and to minimise their effects. 3.Appropriate information from the external emergency plan drawn up to cope with any off-site effects from an accident. This should include advice to cooperate with any instructions or requests from the emergency services at the time of an accident. 4.Where applicable, indication whether the establishment is close to the territory of another Member State with the possibility of a major accident with transboundary effects under the Convention of the United Nations Economic Commission for Europe on the Transboundary Effects of Industrial Accidents. <p>ANNEX VI</p> <p>Criteria for the notification of a major accident to the Commission as provided for in Article 18(1)</p> <p>I. Any major accident covered by paragraph 1 or having at least</p>			
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<p>one of the consequences described in paragraphs 2, 3, 4 and 5 must be notified to the Commission.</p> <p>1. Dangerous substances involved</p> <p>Any fire or explosion or accidental discharge of a dangerous substance involving a quantity of at least 5 % of the qualifying quantity laid down in Column 3 of Part 1 or in Column 3 of Part 2 of Annex I.</p> <p>2. Injury to persons and damage to real estate:</p> <p>(a) a death;</p> <p>(b) six persons injured within the establishment and hospitalised for at least 24 hours;</p> <p>(c) one person outside the establishment hospitalised for at least 24 hours;</p> <p>(d) dwelling(s) outside the establishment damaged and unusable as a result of the accident;</p> <p>(e) the evacuation or confinement of persons for more than 2 hours (persons × hours): the value is at least 500;</p> <p>(f) the interruption of drinking water, electricity, gas or telephone services for more than 2 hours (persons × hours): the value is at least 1 000.</p> <p>3. Immediate damage to the environment:</p> <p>(a) permanent or long-term damage to terrestrial habitats:</p> <p>(i) 0,5 ha or more of a habitat of environmental or conservation importance protected by legislation;</p> <p>(ii) 10 or more hectares of more widespread habitat, including agricultural land;</p> <p>(b) significant or long-term damage to freshwater and marine</p>			
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<p>habitats:</p> <ul style="list-style-type: none"> (i) 10 km or more of river or canal; (ii) 1 ha or more of a lake or pond; (iii) 2 ha or more of delta; (iv) 2 ha or more of a coastline or open sea; <p>(c) significant damage to an aquifer or underground water: 1 ha or more.</p> <p>4. Damage to property:</p> <ul style="list-style-type: none"> (a) damage to property in the establishment: at least EUR 2 000 000; (b) damage to property outside the establishment: at least EUR 500 000. <p>5. Cross-border damage</p> <p>Any major accident directly involving a dangerous substance giving rise to effects outside the territory of the Member State concerned.</p> <p>II. Accidents or ‘near misses’ which Member States regard as being of particular technical interest for preventing major accidents and limiting their consequences and which do not meet the quantitative criteria above should be notified to the Commission.</p> <p>ANNEX VII</p> <p>CORRELATION TABLE</p> <table border="0"> <tr> <td>Directive 96/82/EC</td> <td>This Directive</td> </tr> <tr> <td>Article 1</td> <td>Article 1</td> </tr> <tr> <td>Article 2(1), first subparagraph</td> <td>Article 2(1) and Article 3(2) and (3)</td> </tr> </table>	Directive 96/82/EC	This Directive	Article 1	Article 1	Article 2(1), first subparagraph	Article 2(1) and Article 3(2) and (3)			
Directive 96/82/EC	This Directive								
Article 1	Article 1								
Article 2(1), first subparagraph	Article 2(1) and Article 3(2) and (3)								

Article 2(1), second subparagraph	Article 3(12)			
Article 2(2)	—			
Article 3(1)	Article 3(1)			
Article 3(2)	Article 3(8)			
Article 3(3)	Article 3(9)			
Article 3(4)	Article 3(10)			
Article 3(5)	Article 3(13)			
Article 3(6)	Article 3(14)			
Article 3(7)	Article 3(15)			
Article 3(8)	Article 3(16)			
—	Article 3(2) to (7), Article 3(11) and (12) and Article 3(17) to (19)			
Article 4	Article 2(2), first subparagraph, points (a) to (f) and (h)			
—	Article 2(2), first subparagraph, point (g) and Article 2(2), second subparagraph			
—	Article 4			
Article 5	Article 5			
Article 6(1)	Article 7(2)			
Article 6(2), points (a) to (g)	Article 7(1), points (a) to (g)			
Article 6(3)	Article 7(3)			
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