

Law on Humanitarian Demining

CROATIAN PARLIAMENT
2964

Based on Article 88 of the Constitution of the Republic of Croatia, I have passed the

DECISION

TO DECLARE THE LAW ON HUMANITARIAN DEMINING

I hereby declare the Law on Humanitarian Demining, which was passed by the Croatian Parliament at its session held on December 15, 2005.

No. 01-081-05-3698/2

Zagreb, December 20, 2005

President of the Republic of Croatia
Stjepan Mesić.

LAW ON HUMANITARIAN DEMINING

I. BASIC PROVISIONS

Article 1

This Law regulates activities pertaining to humanitarian demining in the Republic of Croatia, establishes conditions and subjects to carry out humanitarian demining, rights and obligations of employees performing humanitarian demining, as well as supervision over the performance of Law on Humanitarian Demining activities.

Article 2

Law on Humanitarian Demining activities as per this Law is considered of national interest to the Republic of Croatia, as well as for environmental protection and for the good of health of people.

Law on Humanitarian Demining activities are activities of general and technical survey, drafting of project paperwork, searching, demining, supervision and other activities naturally connected therein.

Law on Humanitarian Demining activities are considered activities of demining military buildings by carried out by qualified and equipped units of the Armed Forces of the Republic of Croatia.

Article 3

Law on Humanitarian Demining activities as per this Act do not include activities for disabling or destroying located mine-explosive ordinance (from hereinafter: mines) when it is an emergency situation pertaining to the safety of people, in areas and/or buildings that are not mine suspected in accordance to the stipulations of this Law or in underwater mine areas.

Inasmuch as the authorized departments of the Interior Ministry (from hereinafter: the Ministry) or units of the Armed Forces of the Republic of Croatia, while performing activities as per Paragraph 1 of this Article, establish a mine suspected area, they shall inform the Croatian Mine Action Center (from hereinafter:

CROMAC).

Article 4

At the proposal of the Government of the Republic of Croatia the Croatian Parliament passes the National Mine Action Strategy.

The Government of the Republic of Croatia passes the Humanitarian Demining Plan (from hereinafter: Plan) for an annual and tri-annual period.

The proposed National Mine Action Strategy and the Plan are drafted by CROMAC with the agreement of the Ministry, Ministry of Defense, Ministry of Sea, Tourism, Traffic and Development, Ministry of Culture, Ministry of Environmental Protection, Physical Planning and Construction, and Ministry of Agriculture, Forestry and Water Management.

Article 5

The Plan includes information on:

- Areas and/or buildings determined through general survey as suspected or are not being used due to possible or confirmed existence of mines or unexploded ordinance (from hereinafter: suspicious areas and/or buildings),
- Schedule for implementing the Plan,
- Order of demining and other Law on Humanitarian Demining activities in three-month, six-month, and 12-month periods,
- Necessary means for implementing the Plan.

Means for implementing the Plan are earmarked in the National Budget of the Republic of Croatia and other sources.

CROMAC secures the implementation of the Plan.

The Government of the Republic of Croatia submits an annual report on the implementation of the Plan and spent funding to the Croatian Parliament.

Article 6

The government of the county in which there are suspected areas and/or buildings has the authority to collect information concerning suspected areas and/or buildings from state bodies, legal and physical entities in order to propose priorities for humanitarian demining as per the Plan from Article 4, Paragraph 2 of this Law, in cooperation with CROMAC.

Article 7

CROMAC as a public authority may:

- Perform general and technical survey for collecting and processing data on suspected areas and/or buildings, i.e. mined and/or demined areas and/or buildings, found mines and other technical issues relating to areas suspected of mine infection,
- Handover searched or demined areas and/or buildings after quality control,
- Assess the capabilities of authorized physical entities or tradesmen for carrying out activities of humanitarian demining.

CROMAC also may:

- Mark suspected areas and/or buildings,

- Draft pilot and auxiliary mine search and demining projects, as well as draft technical survey execution projects,
- Carry out a pyrotechnical control inspection,
- Perform quality assurance operations,
- Clear mines for the needs of an on-sight inspection as per the request of an investigating judge,
- Carry out investigations and technology development activities pertaining to demining,
- Offer professional assistance and present necessary data to authorized bodies concerning mines and unexploded ordinance (from hereinafter: UXO),
- Coordinate in acquainting the general population on dangers from mines and take measures for the protection and rescue of residents in cooperation with the National Protection and Rescue Directorate,
- Coordinate aid to mines and UXO victims,
- Cooperate with international subjects in humanitarian demining,
- Draft reports on Plan implementation.

CROMAC may task other legally qualified legal or physical entities with activities as per Paragraph 2 of this Article, except for those stipulated in subparagraphs 1, 2, 3, 4, 7, 10 and 11 in Paragraph 2 of this Article.

When demining is being done for the needs of an investigative judge there is no quality assurance and inspection supervision, while areas and/or buildings are not exempt from mine-suspected areas.

Article 8

Detection and clearing mines may be performed by a domestic or foreign legal entity that has the necessary permits from the Ministry and is registered for detection and clearing mines (from hereinafter: authorized company) or physical entity with permits from the Ministry and is registered as a tradesman for detection and clearing mines (from hereinafter: tradesman).

Article 9

Requests for issuing of permits for humanitarian demining are submitted to the Ministry.

Requests from Paragraph 1 of this Article must include:

- Proof of registration of a legal entity into the court registry or non-governmental association into the association registry, i.e. trade license,
- Contracts of employment for no less than five hired deminers,
- Proof of operating from appropriate buildings capable of storing explosive materials, which is adapted according to all regulations on special buildings and technical conditions for storing explosive materials,
- Information on the responsible person in the legal entity or tradesman,
- General act regulating jobs for employees carrying out humanitarian demining, professional qualifications and job descriptions for each job and the danger levels for those same jobs.

The Ministry is officially obligated to collect evidence on those fulfilled conditions that:

- The responsible person in the legal entity, i.e. tradesman, has not been convicted and sentenced for crimes against the Republic of Croatia, crimes against internationally protected values, crimes against lives and bodies, crimes against property, crimes against the general security of persons and property and crimes against public order,
- The responsible person in the legal entity, i.e. tradesman, has not been convicted and sentenced for misdemeanors involving violence,

– The employer has not been legally punished for misdemeanors as per the Labor Act concerning the payment of salaries.

Article 10

The Ministry shall terminate any permits for humanitarian demining if conditions under which they were issued have ceased.

There is no appeal for permit termination however an administrative suit may be initiated.

Article 11

The procurement of explosive materials needed for humanitarian demining shall be done according to special legislation.

Article 12

The authorized legal entity or tradesman are obligated to report their available capacities for carrying out activities of searching and clearing mines within eight (8) days of receiving their permits to CROMAC and deliver their Standard Operation Procedures (from hereinafter: SOP).

SOP are a group of prescribed operation procedures for humanitarian demining with which the authorized legal entity or tradesman establishes their methods of searching and clearing mines, methods of equipment and means use and, actions to be taken with mines, as well as on the job protective and security measures to be taken.

Along with the report from Paragraph 1 of this Article, the authorized legal entity and tradesman are obligated to deliver proof to CROMAC of facilitating measures in case of accidents as per Article 56 of this Law.

CROMAC is obligated to assess capabilities for performing activities of searching and clearing mines and confirm the SOP within fifteen (15) days of receipt of documentation from paragraphs 1 and 3 of this Article.

The authorized legal entity and tradesman may detection and clear mines only with capacities described in the response offered in the paperwork from their offer and only with work methods and equipment established in the SOP.

Article 13

Detection and clearing mines in areas and/or buildings determined in the Plan shall be given to the authorized legal entities or tradesmen by CROMAC in accordance to the Public Procurement Act.

Physical and legal entities with legal, commercial or security interests may at their own expense and outside of scheduling determined by the Plan request permission from CROMAC to detect and clear mines in areas and/or buildings they are using or intend to use as per special agreement that must include the method of work cession and method of payment.

Inasmuch as physical or legal entities providing funds and other means for demining in a certain area and/or building chooses an authorized legal entity or tradesman for performing humanitarian demining, CROMAC shall allow that legal entity or tradesman to perform activities of humanitarian demining.

Own funding and means secured by legal entities from paragraphs 2 and 3 of this Article are not considered funds earmarked from the National Budget.

Article 14

CROMAC signs contracts for the carrying out of detection and clearing mines with authorized legal entities and tradesmen.

Contracts signed as per Paragraph 1 of this Article establish:

- Area and/or building that is subject of contract,
- Price and method of payment,
- Schedule for completing agreed upon work,
- Guarantee for timely and good quality work,
- Methods for solving disputes and damages payment.

An integral part of the contracts as per Paragraph 1 of this Article are the documentation for offers and projects.

Article 15

The authorized legal entity or tradesman carrying out the search of an area and/or building gives CROMAC a statement of found mines and UXO or of established non-contamination of an area and/or building.

The authorized legal entity or tradesman that carried out demining activities gives CROMAC a statement guaranteeing the area and/or building is clear of mines and UXO up to the depth established by their demining project.

After giving a statement as per paragraphs 1 and 2 of this Article, CROMAC performs a concluding supervision and, depending on its results, either takes over the work area or orders further work therein.

The authorized legal entity or tradesman are obligated to, along with the statement from paragraphs 1 and 2 of this Article, hand in a final report, an elaborate of the geodesic re-measurement and maps with drawn in areas and/or buildings that are clear or uncontaminated, maps with drawn in locations of found mines and UXO, as well as a registry with information on destroyed mines and UXO.

II. ACTIVITIES OF HUMANITARIAN DEMINING

1. Survey of suspected areas and/or buildings

Article 16

The survey of mine suspected areas and/or buildings shall establish the existence of contamination of said areas and/or buildings with mines and UXO.

Survey as per Paragraph 1 of this Article is considered as being:

- General survey of mine suspected areas and/or buildings (from hereinafter: general survey),
- Technical survey of mine suspected areas and/or buildings (from hereinafter: technical survey).

Article 17

General survey is the procedure in which data is collected and processed from a safe surface concerning the contamination of an area and/or building with mines and UXO, as well as establishing the basic technical characteristics of the said area and/or building and marking mine suspicious areas.

Inasmuch as general survey does not establish any contamination to an area and/or building with mines and UXO, the director of CROMAC issues a document certifying that the said uncontaminated area and/or building is excluded from the mine suspected area.

Inasmuch as an area and/or building cannot be excluded from being in a mine suspected area through general survey, either technical survey is performed or a mine search pilot project, i.e. demining pilot project, is drafted.

Article 18

Technical survey is a procedure that establishes the correctness of data collected during general survey in mine suspected areas and serves to collect information on the characteristics of the area, as well as confirming the existence of contamination of a part of the said mine suspected area and/or building from mines and UXO.

During the carrying out of technical survey the disabling and destruction of found mines and UXO may be done only in case of direct danger to the safety and welfare of persons and property as per a decision made by the worksite leader in question. The onsite destruction of mines and UXO is done by a qualified deminer.

In cases outlined in Paragraph 2 of this Article, CROMAC is obligated to establish a registry with data on the destroyed mines and UXO.

A registry with data on destroyed mines and UXO shall also be created by the authorized person or tradesman when, in cases outlined in Paragraph 2 of this Article, they locate and clear mines or UXO.

After technical survey is completed CROMAC drafts a mine search project or demining project proposal.

2. Drafting of project documentation

Article 19

The technical survey execution project, as well as the mine search and demining project proposals, are done by CROMAC, while the mine search and demining execution project is done by the authorized person or tradesman performing the actual searching and demining.

Article 20

The project proposal describes the mine suspected area and/or building and its rudimentary characteristics.

The mine search or demining project proposal is an integral part of the paperwork included in the offer.

The execution project is a collection of harmonized plans and a document that offers a technical solution based on the project proposal and establishes the method of carrying out technical survey, detection and demining of a certain area and/or building.

Article 21

In case that new information is obtained about mine suspected or mined areas that are the subject of the project proposal, CROMAC shall draft changes and amendments to the project proposal.

The authorized person or tradesman performing the activity or detection or clearing mines based on the changes and amendment to the project proposal shall draft changes and amendments to the execution project.

The authorized person or tradesman also drafts changes and amendments to the execution project in cases when they engage additional or change existing capacities or changes to the work method occur.

Article 22

Prior to starting work CROMAC must issue a writ for accepting the execution project for detection and clearing mines, as well as the changes and amendments that have been added.

Appeals against the writ from Paragraph 1 of this Article may be initiated by the authorized person or tradesman to the Ministry through CROMAC.

The mine search or demining project along with the rest of the accompanying paperwork shall be permanently

stored by CROMAC.

Article 23

In case of supplementary location of mines or ERW left over after conducted general survey, CROMAC shall classify such an area as being mine suspected.

In case of supplementary location of mines or UXO or ERW left over after completed supervision, CROMAC shall classify such areas as being mine suspected.

3. Method of conducting mine search and demining

Article 24

The mine search is a procedure that establishes the exactness of collected data from general and technical surveys and establishes the existence of contamination on the entire area determined by the project as mine suspected area and/or building contaminated with mines and UXO.

Demining is the procedure of detecting and marking, as well as disabling and destroying mines and UXO at the worksite.

Article 25

Prior to beginning mine search and demining, CROMAC is obligated to:

- introduce an authorized person or tradesman to the work and make the relevant record about it,
- in the area where there are technical survey, mine search and demining operations in progress, inform the local Ministry organization unit and the local police department, as well as other state authorities and legal entities engaged in humanitarian demining that work has begun in the said area.

Authorized legal entities and tradesmen, prior to beginning of mine search and demining operations, are obligated to inform the appropriate authorized police station.

Authorized legal entities or tradesmen are obligated to mark the worksite before beginning work therein and during their work at the said location, i.e. until the time the worksite is taken over.

The worksite is an area where technical survey, as well as mine search and demining take place with borders defined in the execution project or project proposal.

Article 26

Mine search operations shall be done by an authorized legal entity or tradesman who is obligated to establish the contamination or non-contamination of an area and/or building.

The non-contamination of an area and/or building is the state of an area determined by a final geodesic re-measuring and/or a building that has been searched and in which it has been determined there is no contamination with mines, UXO or ERW up to the depth established by the project.

Demining must be carried out by the authorized person or tradesman to the point of total clearing of the worksite to the depth established in the project.

Total clearance of the worksite and/or building is the state determined by the final geodesic re-measurement and is completely clear of all mines, UXO and ERW to the depth established in the project.

The authorized person or tradesman is obligated to conduct a daily internal control of searched or cleared of mines areas and/or buildings.

The final geodesic re-measurement shall be facilitated by the authorized person or tradesman and shall be conducted by a certified geodesist in the presence of a QA Officer from CROMAC.

Article 27

Technical survey, mine search and demining is carried out by deminers organized in deminer teams with no less than two and no more than ten deminers and a team leader.

The worksite leader leads all activities pertaining to technical survey, mine search and demining at the worksite.

Deminers are obligated to conduct their work so that upon completion they leave behind no mines, UXO or ERW.

The worksite leader and deminer team leader are obligated to conduct their work so that all activities at the worksite, i.e. in deminer teams, are done in accordance to this Law and sub-act regulations.

During working hours, while directly engaged in clearing mines from a minefield, activities of mine search or technical survey, may not work for more than five (5) hours per working day.

In realizing rights to salary and other rights from employment, the working hours as per Paragraph 5 of this Article is considered as fulltime.

Article 28

Authorized legal entities, tradesmen and CROMAC are obligated to facilitate the onsite presence of a medical technician, physician and ambulance vehicle with a driver and the necessary medical equipment during their carrying out of demining, mine search and technical survey, so that emergency medical aid may be given to any possible victims in the shortest possible period of time.

Authorized legal entities, tradesmen and CROMAC must ensure a constant and direct radio link between responsible persons at the worksite, the physician and ambulance vehicle.

Article 29

In Law on Humanitarian Demining activities only equipment certified in accordance to special regulations or normative documents may be used.

Certificates and normative documents from Paragraph 1 of this Article may be obtained from accredited laboratories/centers.

Article 30

The following is considered demining equipment:

- Machines and other technical means for detection, disabling and destroying mines and UXO,
- Protective equipment,
- Dogs trained for finding mines and UXO mines.

Article 31

While on technical survey, mine search and demining, deminers must wear personal protective equipment that includes:

- Protective vest with groin protector,
- Protective helmet with face visor,
- Ear muffs, only while destroying mines and UXO,
- Protective suit, depending on degree of danger.

Deminers and auxiliary personnel that conduct the operations of dog handlers or demining machine operators

(except in a protected demining machine) must wear personal protective equipment including:

- Protective vest with groin protector,
- Protective helmet with face visor.

III. EMPLOYEES WORKING ON HUMANITARIAN DEMINING

Article 32

Humanitarian demining in a legal entity and/or tradesman may be done only by persons authorized to do so.

During technical survey, mine search and demining, deminers are obligated to keep on their person the appropriate documents certifying them as qualified deminers and their personal supervisory booklets in which they must log the times of their work activities and rest periods, subsequently handing them in to the person authorized for supervision over completed Law on Humanitarian Demining activities.

The worksite leader is obligated to have on his/her person while at the worksite, along with his/her deminer permits, documents proving he/she is certified to be a worksite leader, presenting it on demand to the authorized person for supervision over completed Law on Humanitarian Demining activities.

Auxiliary employees are obligated to have on their persons while on the job all permits certifying them as auxiliary workers and are subsequently expected to present the said documents on demand of the authorized person for supervision over completed Law on Humanitarian Demining activities.

Article 33

Education and training of persons for humanitarian demining is implemented by the Ministry – Police Academy.

Education and training programs must be verified by the Ministry of Science, Education and Sports.

After completed education and training there is a professional examination to be taken in the presence of an examination board appointed by the interior minister. The examination board for the professional examination of persons demining military facilities is appointed jointly by the ministers of the interior and defense.

A certificate is issued upon passing the professional examination.

Additional education and the taking of a professional examination is an obligation for all deminers who have not been involved in demining for two years on end.

Article 34

Requests for issuing documents for granting the authority for being a worksite leader, deminer and auxiliary worker are sent to the Ministry.

Those sending requests as per Paragraph 1 of this Article must include:

- Proof of being over 18 years-of-age,
- Proof of graduation from secondary school (deminer, worksite leader) or elementary school (auxiliary worker)
- Proof of not being sentenced for crimes against the Republic of Croatia, crimes against life and body, crimes against property, crimes against values protected by international law or crimes against the general safety of people and property,
- Proof of being mentally and physically capable and in good health issued by a certified healthcare institution,
- Certificate of passing a professional examination as per Article 3, Paragraph 4 of this Law.

Along with meeting the requirements from Paragraph 2 of this Article, worksite leaders must have no less than one (1) year of work experience as a deminer.

No appeals are allowed against rejected requests for authority; however an administrative suit may be initiated.

Article 35

The Ministry shall cancel certificates of authority for worksite leaders, deminers or auxiliary workers if:

- It is established the certificate bearers no longer meet the necessary requirements for certifying authority,
- Authority was granted based on forged information.

No appeals are allowed against rejected requests for authority; however an administrative suit may be initiated.

IV. ACCELERATED RETIREMENT INSURANCE

Article 36

Accelerated retirement insurance is calculated for:

- Deminers who directly perform activities of general survey, technical survey, mine search or demining, QA Officers, QC Monitors, worksite leaders, as 16 months for each year of work,
- Employees of the Ministry authorized for inspection supervision over Law on Humanitarian Demining activities and auxiliary workers in their demining activities as 14 months for each year of work.

Article 37

Persons as per Article 36 of this Law, while carrying out humanitarian demining on the territory of the Republic of Croatia have the right to accelerated retirement insurance only if they have a street address in the Republic of Croatia or are permanent residents in the Republic of Croatia or if they are employed fulltime or part-time that is considered as fulltime as per special regulations.

The employer shall pay any additional taxes incurred as per accelerated retirement insurance according to this Law.

All issues pertaining to the calculation of accelerated retirement insurance not regulated by this Law shall fall under the Accelerated Retirement Insurance Act (National Gazette # 71/99).

V. RIGHTS OF DEMINERS AND PERSONS EQUAL TO THEM IN CASE OF DISABILITY OR DEATH

1. Rights as per Disability

Article 38

Persons as per Article 36 of this Law, in case of injury or incapacitation for work incurred as a consequence of carrying out humanitarian demining are allowed:

1. The right to health insurance,
2. The right to retirement insurance,
- 2a The right to their remaining fitness for work,
- 2b The right to a disability pension.

Rights allowed based on organism damages are:

1. The right to personal disability payments,

2. The right to an orthopedic allowance,
3. The right to a special allowance,
4. The right to an allowance for personal care and aid rendered by another person,
5. The right to medical, i.e. physical rehabilitation.

Article 39

A damaged organism, as per this Law, is considered damage incurred as a consequence of a wound or injury resulting from activities of mine detection, demining, supervision, technical and general surveys.

In order to use the rights as per Article 36 of this Law, they are grouped according to an established percentage of organism damage in ten groups:

- I. group – disability with 100% organism damage that require necessary care and assistance to be rendered by another person in order to live,
- II. group – disability with 100% organism damage,
- III. group – disability with 90% organism damage,
- IV. group – disability with 80% organism damage,
- V. group – disability with 70% organism damage,
- VI. group – disability with 60% organism damage,
- VII. group – disability with 50% organism damage,
- VIII. group – disability with 40% organism damage,
- IX. group – disability with 30% organism damage,
- X. group – disability with 20% organism damage.

Article 40

Persons as per Article 36 of this Law who did not suffer permanent loss of work fitness (general fitness for work) or professional incapacity as a result of wound or injury incurred as a result of performing actions as per Article 39, Paragraph 1 of this Law have the right to a disability pension.

The procedure and establishment of the amount of the disability pension shall be applied as per articles 7, 8 and 11 of the Law on Retirement Pension Rights of Active Military Personnel, Police Officials and Authorized Official Personnel.

Article 41

A personal disability payment is the rudimentary right of victims as per Article 36 of this Law regardless of salary, asset situation or financial census. Personal disability is determined for persons as per Article 36 of this Law according to organism damage group as per Article 39 of this Law and is paid out based on a monthly amount.

The monthly amount of personal disability payment for persons in the I. group of disability is 115% of the established tax base.

The monthly amount of disability payment for persons from groups of disability I – X are determined by a percentage from the personal disability payment of persons in the I. group of disability as follows:

Group	Percentage (%)
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II.	73.00
III.	55.00
IV.	41.00
V.	29.00
VI.	18.00
VII.	12.00
VIII.	6.00
IX.	4.00
X.	3.00

Article 42

The right to an orthopedic allowance as per Article 36 of this Law is reserved for all persons with established organism damage due to serious wounding or injury that had as a direct consequence of the said wounding or injury an extremity amputation, serious extremity function damage or total loss of sight in both eyes.

Organism damage as per Paragraph 1 of this Article is separated into four degrees according to severity, type and cause of damage, in accordance to regulations for establishing organism damage based on which Croatian war disabled from the Homeland War have the right to orthopedic allowances and separate their damages into degrees.

The tax base for determining an orthopedic allowance is a monthly amount of personal disability of a disabled person of the I. group of this Law.

Monthly orthopedic allowance is:

- 1) For I degree 29% of the tax base,
- 2) For II degree 22% of the tax base,
- 3) For III degree 14% of the tax base,
- 4) For IV degree 7% of the tax base.

Orthopedic allowances from Paragraph 4, Line 1 of this Article are increased by 25% for those disabled persons that have two or more I degree damage.

Article 43

The right to a special allowance is for persons as per Article 36 of this Law to the amount of 50% of the associated amount of personal disability, if they are not employed, not receiving a pension or salary, from the day of attaining the right to professional rehabilitation and during the professional rehabilitation period.

Article 44

The right to an allowance for personal care and aid rendered by another person is for:

1. Persons as per Article 36 of this Law – I. group of organism damage,
2. Victims as per Article 36 of this Law – II, III, IV group with organism damage independent of demining activities, but was damaged together with damage due to mine search, demining, supervision, general or technical survey, is equally as serious as organism damage of the disabled from I group.

The tax base for determining an allowance for personal care and aid rendered by another person is a monthly amount of a personal disability payment of I group disabled persons as per Article 41 of this Law.

Article 45

Victims as per Article 36 of this Law with group I to IV organism damage have the right to medical, i.e. physical rehabilitation if they absolutely need it in connection to the organism damage they suffered while mine searching, demining, supervision or general and technical survey.

Article 46

Persons as per Article 36 of this Law, who have after their injuries that resulted directly from activities as per Article 36 of this Law, with some work capabilities left, have the right to right to professional rehabilitation, regardless of whether or not they will have a job open to them after the end of their professional rehabilitation.

Article 47

The right to professional rehabilitation as per Article 46 of this Law is determined by the Croatian Pension Insurance Bureau as per articles 39-51 of the Retirement Insurance Act (National Gazette # 102/98, 127/00, 59/01, 109/01, 147/02, 117/03, 30/04, 177/04 and 92/05).

As of the day the right to professional rehabilitation is realized to being sent to it, as well as during the period of professional rehabilitation, persons as per Article 36 of this Law have the right to payments amounting to the salaries of their jobs, which is paid by the Croatian Pension Insurance Bureau.

Article 48

After the end of professional rehabilitation, persons as per Article 36 of this Law register at the Croatian Employment Service with the right to salary payments as per Article 47, Paragraph 2 of this Law for a period not exceeding 24 months from the day professional rehabilitation was completed and under the condition that within thirty (30) days from the day professional rehabilitation was completed the said persons report to the authorized service and continue to do so on a regular basis in accordance to employment regulations.

The Croatian Pension Insurance Bureau is obligated to direct persons as per Article 36 of this Law to professional rehabilitation no later than thirty (30) days the writ accepting the need for professional rehabilitation become legally valid.

State administrative bodies and other state authorities, judicial authorities, local and regional authorities, public services, non-budgetary funds, legal entities, as well as legal entities owned in whole or in part by the Republic of Croatia, are obligated to accept persons as per Article 36 of this Law sent by Croatian Pension Insurance Bureau to professional rehabilitation.

2. Rights of family members after the death of deminers and persons equal to them

Article 49

Family members of fatally injured persons as per Article 36 of this Law, under the conditions proscribed by this Law, have the right to:

1. Family pension,
2. Family disability payments,
3. Advantage for enrollment in educational institutions,
4. Scholarships,
5. Advantage for obtaining accommodation in pupil and/or student dormitories

6. Free of charge textbooks.

Article 50

Family members of fatally injured persons as per Article 36 of this Law whose death occurred due to injury suffered during carrying out activities of humanitarian demining have the right to a family pension.

The right to a family pension is realized under the conditions prescribed by the Retirement Insurance Act, i.e. the Act of the Rights of Croatian Defenders from the Homeland War and their Family Members (National Gazette # 174/04), if that puts them in a better financial position.

Article 51

Family disability payments are a rudimentary right based on loss of a family member and based on that right all other rights are realized.

Family members of fatally injured persons as per Article 36 of this Law have the right to family disability payments under the conditions of and according to the regulations stipulated in the Act on Croatian Defenders from the Homeland War their Family Members.

Article 52

Children of fatally injured persons as per Article 36 of this Law shall be directly enrolled into secondary school or higher education institution under the condition they pass the point cut of mark, i.e. they pass the secondary school enrollment exam in schools that require it be taken.

Children of fatally injured persons as per Article 36, Paragraph 1 of this Law have the right to a scholarship during their regular studies at higher education institutions under the condition that their regular incomes per household member do not exceed the average net salary of a civil servant in the Republic of Croatia.

The conditions and scale for realizing the rights as per Paragraph 2 of this Article are proscribed by the minister of science, education and sports with the prior agreement of the minister of defenders, family and intergenerational solidarity.

Article 53

Children of fatally injured persons as per Article 36 of this Law have an advantage for accommodation in pupil, i.e. student dormitories, under the condition their regular monthly income per household member does not exceed the average net salary of a civil servant in the Republic of Croatia.

Article 54

Children of fatally injured persons as per Article 36 of this Law have the right to free of charge mandatory textbooks for their regular education in elementary schools and regular or part-time education in secondary schools under the condition they cannot realize this right as per any other regulations or if their regular monthly income per household member does not exceed the net salary of a civil servant in the Republic of Croatia.

Article 55

The amount of finds needed to purchase textbooks as per Article 54 of this Law is paid by the Ministry of Defenders, Family and Intergenerational Solidarity, while requests for said payments to persons as per Paragraph 1 of this Article are requested by them or their legal guardians at state administration offices according to their place or residence.

VI. MANDATORY INSURANCE

Article 56

Authorized legal entities, tradesmen and CROMAC are obligated to provide insurance for employed deminers, auxiliary workers, QA Officers and QC Monitors in case of death amounting to no less than 400,000.00 HRK or injury resulting from humanitarian demining amounting to no less than 600,000.00 HRK.

The insurance company is obligated to report any changes to information in insurance policies for accidents as per Paragraph 1 of this Article to CROMAC and the Ministry, as well as if there are any outstanding premiums therein.

Insurees, i.e. the users of the policies, as per Paragraph 1 of this Article, may only be deminers, auxiliary workers, QA Officers, QC Monitors and their legal representatives.

The Ministry is obligated to take out insurance policies as per Paragraph 1 of this Article for personnel authorized for inspecting Law on Humanitarian Demining activities.

The carrier of the policy as per Paragraph 1 of this Article must give a copy to the insuree.

VII. QUALITY ASSURANCE

Article 57

Quality assurance is supervision carried out by authorized CROMAC employees during mine search and demining activities, as well as supervision after completed mine search and demining.

Quality assurance during mine search and demining activities is done by QA Officers and QC Monitors.

Quality assurance over completed mine search and demining is planned by QA Officers.

The Ministry issues the authorization for carrying out quality assurance to QA Officers and QC Monitors.

Article 58

Requests for issuing authority to QA Officers and QC Monitors are delivered by CROMAC to the Ministry.

Together with the request from Paragraph 1 of this Article for the person the request is being made must also include proof that he/she:

1. Is a Croatian citizen,
2. Meets the requirements of Article 34, Paragraph 2, subparagraphs 3, 4 and 5 of this Law,
3. Has regulated his/her mandatory military service,
4. Has a higher education and one (1) year work experience in humanitarian demining (QA Officer), i.e. secondary school education and three (3) years work experience in humanitarian demining (QC Monitor).

Article 59

The Quality Assurance Officer:

- Inspects and confirms SOP and execution projects from authorized legal entities and tradesmen,
- Performs quality assurance at least once in a seven work day period during work at mine search and demining worksites,
- Plans and applies quality assurance over completed mine search and demining activities,
- Drafts and implements required paperwork.

The Quality Control Monitor:

- Makes daily inspections of mine search and demining activities during the working hours of a work area,
- Searches control samples as per the orders of a QA Officer,
- Inspects searched surfaces during mine search and demining activities at least every third working day,
- Supervises over internal controls,
- Drafts and implements required paperwork.

Persons as per paragraphs 1 and 2 of this Article are obligated to carry out their duties in such a way that they may prohibit mine search and demining activities if said activities are not in accordance to this Law and sub-acts passed based on this Law.

Article 60

The Ministry shall issue a writ to cancel the authority to a QA Officer and/or QC Monitor if it is established that:

- The authority was issued based on false information,
- He/she does not meet the conditions as prescribed in this Law for carrying out the activities expected of a QA Officer or QC Monitor, i.e. if he/she ceases to meet one of the requirements.

Article 61

If QA Officer or QC Monitor notice any improprieties in activities of mine search and demining, they shall demand such activities be performed in accordance to the execution project and contract, or if the improprieties are such that they cannot be removed, they will orally prohibit any further activities thereafter.

In cases stipulated in Paragraph 1 of this Article, the QA Officer must immediately and in no more than three (3) days draft a written document prohibiting any further mine search and demining activities.

The QA Officer or QC Monitor is obligated to notify the Ministry of any noticed improprieties as soon as possible.

Appeals against writs as per Paragraph 2 of this Article may be made to the CROMAC director. Appeals do not postpone the application of said writs.

Administrative suits may be initiated against writs issued by the CROMAC director.

VIII. ADMINISTRATIVE AND INSPECTION SUPERVISION

Article 62

Administrative and inspection supervision over the application of this Law is done by the Ministry.

The Ministry carries out administrative supervision over the application of the public authority of CROMAC.

Article 63

Inspection supervision over completed humanitarian demining is performed by Ministry inspectors (from hereinafter: inspectors).

An inspector must have a certificate of passing a professional examination for deminers.

Those inspectors who performed inspection supervision of Law on Humanitarian Demining activities prior to this Law becoming legally valid are not obligated to take the examination as per Paragraph 2 of this Article.

Official capacity, identity and authority are proven by inspectors by their showing their badges and identification cards.

Article 64

An inspector, while conducting inspection supervision, aside from having the authority of a QA Officer and QC Monitor, also has the right to:

- Request and receive access to general and specific acts of CROMAC, authorized legal entities and tradesmen that pertain to Law on Humanitarian Demining activities,
- Look over business premises with the aim of establishing facts pertaining to Law on Humanitarian Demining activities,
- Check and establish the identities of persons present at work area,
- Temporarily confiscate items when circumstances so warrant if said items are linked to the committing of a misdemeanor or may be used as evidence in procedures applied after inspection supervision.

Article 65

While conducting inspection supervision, an inspector shall issue a writ prohibiting an authorized legal entity or tradesman, QA Officer, QC Monitor, deminer or auxiliary worker from continuing their work until the removal of shortcomings if he/she establishes that:

- There was negligence during technical survey, mine search or demining pertaining to the respecting of the law and other regulations that may have human victims as their consequences.,
- An ambulance vehicle lacks the prescribed and proper medical equipment or parts of equipment,
- A QA Officer, QC Monitor, deminer or auxiliary worker does not have the prescribed authority for carrying out their activities.

In case of prohibiting the continued work of a QA Officer, CROMAC is obligated to send an alternate QA officer to the said work area within twelve (12) hours of receiving information about his/her being prohibited to continue with his/her activities.

An appeal may be made against writs as per Paragraph 1 of this Article to the Appeals Commission of the Ministry within three (3) days of receiving the writ. An appeal does not postpone the application of the said writ.

The Ministry is obligated to make a decision of the appeal no later than eight (8) days after receiving the said appeal.

Article 66

Inasmuch as during conducting inspection supervision an inspector concludes that Law on Humanitarian Demining activities are not being performed in accordance to the stipulations of this Law and regulations passed as a result therein, the inspector shall issue a writ ordering the removal of such established irregularities.

An appeal may be made against the said writ to the Appeals Commission of the Ministry within eight (8) days from when the writ was received.

IX. AUTHORITY FOR PASSING REGULATIONS

Article 67

The Ministry of the Interior passes regulations on the:

- Form of the official identity card and badge of inspectors,
- Form of supervisory booklet,

- Form of authority held by a QA Officer, QC Monitor, worksite leader, deminer and auxiliary worker,
- Method of issuing and recording registrations of issued official identity cards, personal supervisory booklets and authority,
- Education, method of taking professional examinations, program and appearance of certificates of successfully passed professional examinations.

Article 68

The minister of the interior, with the prior opinion of the director of CROMAC, passes regulations on the:

- Method of performing general and technical survey,
- Method of performing mine search and demining activities,
- Method of marking mine suspected areas,
- Method of performing auxiliary demining activities,
- Method of performing quality assurance.

Article 69

The director of CROMAC passes regulations on the:

- Method of assessing the capability of authorized legal entities and tradesmen for performing Law on Humanitarian Demining activities,
- Form of statements as per Article 15, paragraphs 1 and 2, as well as the registry as per Article 15, Paragraph 4 of this Law.

The director of CROMAC, with the prior opinion of the head of the supervisory body for metrology, passes regulations on the technical requirements and testing procedures for equipment, devices and machines meant for Law on Humanitarian Demining activities.

The director of CROMAC, with the agreement of the minister of the interior, passes regulations on the method of drafting project documentation.

Article 70

The minister of health and welfare, with prior agreement from the minister of the interior, passes regulations on the:

- Criteria and method of establishing the sanity, corporal and health capabilities of a QA Officer, QC Monitor, deminer and auxiliary worker,
- Required level of equipment of medical teams and ambulance vehicles as per Article 28 of this Law

X. PENALTY CLAUSE

Article 71

A fine amounting between 15,000.00 to 100,000.00 HRK shall be imposed on authorized legal entities or tradesmen for:

- Performing mine search and/or demining activities without being registered for demining activities based on permits issued by the Ministry (Article 8),
- Performing mine search and/or demining activities with capacities that have not been included the initial offer

documentation, as well as the methods of work and equipment that was not included in the SOP (Article 13, Paragraph 5),

- Performing mine search and/or demining activities without a signed contract with CROMAC (Article 14, Paragraph 1),
- Discovering left over mines or UXO after the statement as per Article 15, paragraphs 1 and 2 of this Law,
- Not keeping a record with data on destroyed mines or UXO (Article 18, Paragraph 4),
- Performing activities without a authorized implementation plan or without authorized changes and amendments of the implementation plan (Article 22, Paragraph 1),
- Not notifying the appropriate police station and local and regional authorities prior to beginning detection and/or demining activities (Article 25, Paragraph 3),
- Not performing daily internal controls (Article 26, Paragraph 5),
- Not performing mine search and/or demining activities with deminers organized in groups or if the said groups are not led by a deminer group leader (Article 27, Paragraph 1),
- Deminers in their employ who during their working hours in one working day spent more than five (5) hours performing activities of mine search and/or demining in a minefield (Article 27, Paragraph 5),
- Not facilitating a medical technician, physician and necessary equipment for emergency medical aid during the period of performing mine search and/or demining activities or for not establishing a communications network (Article 28),
- Using equipment that lacks proof of being appropriately certified for use in humanitarian demining (Article 29),
- Deminers and auxiliary workers performing mine search and/or demining activities without personal protective equipment (Article 31),
- Allowing persons lacking the prescribed authority to perform mine search and/or demining activities (Article 32),
- Not facilitating insurance for their employees in case of accident (Article 56, Paragraph 1),
- Not reporting to CROMAC and the Ministry of all changed and amendments to data in insurance policies for accidents or not reporting any possible non-payment of outstanding premiums (Article 56, Paragraph 2),
- Continuing to perform mine search and/or demining activities after being prohibited from doing so by a QA Officer, QC Monitor or inspector (Article 61, paragraphs 1 and 2, and Article 65, Paragraph 1),
- Preventing a QA Officer, QC Monitor and inspector from carrying out inspection activities (articles 59 and 64),
- Not acting upon a writ issued by an inspector (Article 66).

In cases as per Paragraph 1, subparagraph 4 of this Article misdemeanor proceedings may not be initiated if ten (10) years have passed since the said misdemeanor took place.

For repeated misdemeanors from Paragraph 1, sub-paragraphs 4 and 15 of this Article a protective measure a preventative ban of operations is imposed for a period of six months to one year.

The responsible person in a legal entity, for misdemeanors as per Paragraph 1 of this Article, shall be punished with a fine of between 5,000.00 to 15,000.00 HRK.

Article 72

A fine of between 2,000.00 to 10,000.00 HRK shall be imposed for the following misdemeanors:

- Deminer if mines, UXO or ERW are found after activities of detection or demining (Article 27, Paragraph 3),

- Worksite leader, leader of deminer team, QA Officer and QC Monitor if they allow activities that are contrary to this Law and sub-acts (Article 27, Paragraph 4 and Article 59, Paragraph 3),
- QA Officer and QC Monitor if they do not act in accordance to the provisions in Article 61 of this Law,
- Deminers and auxiliary workers that carry out their work contrary to this Law and sub-acts,
- A person removing or destroying signs that warn of mined areas and/or buildings or if he/she enters a minefield or mine suspected area without the proper authorization to do so (articles 7 and 25),
- A person with information about the contamination of an area and/or building with mines or UXO, but refuses to divulge such information to a body as per Article 6 of this Law.

In cases as per Paragraph 1, Sub-paragraph 1 of this Article, no misdemeanor charges can be pressed if ten (10) years have passed since the day the said misdemeanor had taken place.

For repeated misdemeanors as per Paragraph 1, Sub-paragraph 1 of this Article, perpetrators shall be punished with a work ban for a period of three months to one year.

For repeated misdemeanors as per Paragraph 1, sub-paragraphs 2, 3 and 4 of this Article, a QA Officer, QC Monitor, worksite leader, deminer and auxiliary worker may be protectively banned from working for a period between thirty (30) days and one year.

A fine of 1,000.00HRK shall be imposed for the following misdemeanor:

- If the worksite leader, deminer and auxiliary worker does not have documents of authority on his/her person or if he/she fails to show his/her to supervisory personnel upon request. (Article 32)

XI. TRANSITIONAL AND CONCLUDING PROVISIONS

Article 73

All procedures as per this Law fall under the Law on General Administrative Procedure, unless otherwise stipulated in this Law.

Article 74

CROMAC, authorized legal entities and tradesmen are obligated to harmonize their work with this Law within one year from the day this Law comes into force.

The ministry shall cancel issued permits for conducting humanitarian demining work for all legal entities and tradesmen that do not harmonize their work with the stipulations of this Law within the time prescribed in Paragraph 1 of this Article.

Employees of the Ministry delegated for inspection supervision over Law on Humanitarian Demining activities are obligated to obtain the certificate as per Article 63, Paragraph 2 of this Law no later than one year from the day this Law comes to force.

Article 75

Regulations, to be passed by authorized heads of state administrative bodies and the director of CROMAC, shall be passed no later than one year from the day this Law comes to force.

Article 76

Provisions of this Law shall be appropriately applied to the humanitarian demining of military facilities, except as prescribed in articles 71 and 72 of this Law.

Sub-acts determine:

- Passing plans for humanitarian demining of military facilities in a one-year period,
- General and technical survey of mine suspected areas in military facilities,
- Drafting of project documentation,
- Method of carrying out mine search and demining activities, as well as auxiliary activities therein,
- Method of performing quality assurance and internal control,
- Contents and method of performing inspection supervision,
- Education, training and method of taking a professional examination of persons for performing Law on Humanitarian Demining activities in military facilities are chosen by the defense minister.

Article 77

The statement guaranteeing military facilities are not contaminated and the statement guaranteeing a military facility has been cleared of mines and UXO is issued by the Ministry of Defense.

Article 78

Activities begin prior to the coming to force of this Law shall be completed according to the provisions on this Law.

Article 79

Regulations passed based on the Law on Humanitarian Demining (National Gazette # 19/96, 86/98 and 64/00) shall stay in effect inasmuch as they are not contrary to regulations of this Law until the time of passing regulations as per articles 67, 68, 69 and 70 of this Law.

Article 80

The Law on Humanitarian Demining (National Gazette # 19/96, 86/98 and 64/00) shall cease to be valid upon the coming into force of this Law.

Article 81

This Law comes into force on the eighth (8) day after its publication in the National Gazette.

Class: 213-04/05-01/01

Zagreb, December 15, 2005.

CROATIAN PARLIAMENT

Speaker of the
Croatian Parliament

Vladimir Šeks, v. r.