

CROATIAN PARLIAMENT

4154

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

DECISION

TO DECLARE THE CHANGES AND AMENDMENTS TO THE LAW ON HUMANITARIAN DEMINING

I hereby declare the Changes and Amendments to the Law on Humanitarian Demining, which was passed by Croatian Parliament at its session held on December 15, 2008

Class: 011-01/08-01/191

Reg.No: 71-05-03/1-08-2

Zagreb, December 18, 2008

President of the Republic of Croatia
Stjepan Mesić

LAW

ON CHANGES AND AMENDMENTS TO THE LAW ON HUMANITARIAN DEMINING

Article 1

In the Law on Humanitarian Demining (National Gazette, No. 153/05 and 63/07) Article 3 is changed and now reads:

»If professionally trained and equipped personnel for anti-explosion protection of the Ministry of Interior (hereinafter: personnel for anti-explosion protection of the Ministry) or units of Armed Forces of the Republic of Croatia establish during the conduct of humanitarian demining operations that the operations are being performed on mine suspected area, they will inform the Croatian Mine Action Centre (hereinafter: CROMAC) about it. CROMAC is obliged to include such area into mine suspected area or facility.«

Article 2

In Article 4, Paragraph 3 is changed and now reads:

»The draft National Mine Action Strategy and draft Plan are made by CROMAC with the consent of the Ministry of Interior, Ministry of Defence, Ministry of Sea, Transport and Infrastructure, Ministry of Tourism, Ministry of Culture, Ministry of Environment Protection, Physical Planning and Construction,

Ministry of Agriculture, Fisheries and Rural Development and Ministry of Regional Development, Forestry and Water Management.«

After Paragraph 3, the Paragraph 4 is added and

reads:

»National Mine Action Strategy and Plan will be made in the period of six month starting from the date on which this Law enters into force.«

Article 3

In Article 6, the words: »County Government« are replaced by the word: »County« and the word: »Authorised« changes its case ending in Croatian and now reads: »ovlaštena« instead of »ovlašteno«.

Article 4

In Article 9, Paragraph 2 is changed and now reads:

»There should be the following documents submitted with the request from the Paragraph 1 of this Article:

- Proof of Permanent Employment Contract for 5 deminers at least,
- Proof of having an adequate storehouse for explosive ordinance disposal organized according to relevant regulations on special spatial and technical requirements for explosive ordinance disposal,
- Information on responsible officer at legal entity or tradesman,
- General Act defining positions of humanitarian demining staff, qualifications and job description for each position stated in the General Act.«

In Paragraph 3, Sub-paragraph 3, words: »stipulated by Labour Act« are erased.

After Sub-paragraph 3, Sub-paragraph 4 is added and reads:

»– is the legal entity registered in the court registry or the nongovernmental organization registered in the associations registry or the actual entity with trade licence.«

Article 5

In Article 12, after Paragraph 4, the Paragraph 5 is added that reads:

»Authorised legal entity or tradesman are obliged to conduct mine search and/or demining operations in accordance with the verified SOP.«

Article 6

In Article 15 after Paragraph 3, new Paragraphs are added. Paragraphs 4 and 5 read:

»CROMAC will order authorised legal entity or tradesman to repeat the operations on the area for which the Certificate on mine and UXO clearance or the Certificate on non-contamination of the area and/or facility have already been issued if, during quality control over completed mine search and/or demining operations, mines or UXO and/or ERW are found on the area searched by manual detection.

If during quality control over completed mine search and/or demining operations UXO and/or UXO fragments of 20 mm calibre or bigger are found on the areas searched by methods other than manual method, CROMAC will order authorised legal entity or tradesman to repeat the operations by manual method on the area around detected ERW, 20 m in diameter.«

Former Paragraph 4 now becomes Paragraph 6.

Article 7

In Article 21, Paragraph 3, words: »or changes to the work methods« are erased.

Article 8

Article 23 is changed and now reads:

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

Article 9

After Article 23, Paragraph 23a is added and reads:

»Paragraph 23 a

»In case of supplementary location of mines, UXO or ERW on the area certified by the authorised legal entity or tradesman by issuing the Demining Certificate or the Statement on Established Non-Contamination of the Area and/or Building, and the same documents are issued by CROMAC in line with the provisions of this Law, CROMAC is obligated to perform removal and/or destruction of supplementary located mines, UXO and ERW.«

Article 10

In Article 24, Paragraph 1, words: »or UXO« are replaced with words: »and removes the UXO detected.«

After Paragraph 2, Paragraph 3 is added and reads:

»Mine search and demining operations at sea, on the rivers, lakes and other underwater areas are not considered humanitarian demining operations.«

Article 11

In Article 26, Paragraph 2, after words: »with mines« comma is erased and words:»UXO or ERW« are replaced with words: »or ERW«.

In Paragraph 6, after the word: »re-measurement« the following words are added: »and elaboration production«.

Article 12

In Article 32, Paragraph 1 is changed and now reads:

»Humanitarian demining at a legal entity and tradesman may be done by persons authorized to do so that have the humanitarian demining identity card, based on the contract of employment.«

Article 13

In Article 33, Paragraph 7 is erased.

Article 14

Article 34 is changed and now reads:

»Request for issuing documents for granting the accreditation for being the work site leader, deminer and auxiliary worker is submitted to the Ministry.

The Ministry will issue accreditations for work site leader, deminer and auxiliary worker if the request submitter:

– is over 18 years-of-age,

– has the proof of graduation from secondary school (deminer, work site leader), i.e. proof of graduation from the elementary school and at least 5 years work experience in performing technical survey, mine search and/or demining operations under the condition of acquiring secondary school diploma in the period of 4 years since the accreditation issuance (deminer), or elementary school diploma (auxiliary worker),

– has the proof of not being sentenced for crimes against the Republic of Croatia, crimes against life and body, crimes against property, crimes against value protected by international law or crimes against the general safety of people and property if these crimes are criminally prosecuted ex officio or if no criminal proceedings are conducted against the request submitter for the aforesaid crimes,

- has the proof of being mentally and physically capable and in good health issued by a healthcare institution authorised by the minister responsible for health care in the Republic of Croatia,

– has the certificate of passing professional examination as per Article 33, Paragraph 5 of this Law.

Along with meeting the requirements from Paragraph 2 of this Article, work site leader must have no less than one year of work experience as a deminer.

The Ministry will provide evidence of meeting the requirements from the Paragraph 2, Sub-paragraphs 1, 3 and 5 of this Article ex officio.

No appeal against a resolution on request denial is allowed, but entering an administrative dispute is.«

Article 15

Article 35a is added after Article 35 and reads:

»Article 35 a

Persons trained for the conduct of humanitarian demining operations according to foreign regulations are allowed to perform humanitarian demining operations on the basis of a work permit issued in the Republic of Croatia if they meet the requirements established by regulations defining the work of foreigners in the Republic of Croatia and if they have the proof of being mentally and physically capable and in good health issued by the healthcare institution authorised by the minister responsible for health care in the Republic of Croatia.

Persons from the Paragraph 1 of this Article performing the work of the work site leader have to have a proper accreditation and humanitarian demining identity card for the work site leader issued in line with provisions of this Law.

Croatian citizen with domicile abroad and with another citizenship aside from Croatian will be recognized the training programme finished abroad.«

Article 16

In Article 36, Sub-paragraph 1 words: »as 16 months« are replaced with words: »as 18 months«.

In Sub-paragraph 2 words: »as 14 months« are replaced with words: »as 16 months«.

Article 17

In Article 39, Paragraph 1, comma is added after the word: »wound« and the following words: »or injury resulting from« are replaced with words: »wound or occupational disease resulting from«.

Article 18

In Article 40, Paragraph 1 after the word: »injury« the following words are added: »i.e. occupational disease«.

Article 19

In Article 41, Paragraph 1, words: »victims as per Article 36 of this Law« are replaced with words: »persons from the Article 36 of this Law who are victims or have an occupational disease«.

Article 20

In Article 58, Paragraph 2 is changed and now reads:

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

1. is mentally and physically capable and in good health issued by the healthcare institution authorised by the minister responsible for health care in the Republic of Croatia,
2. has a higher education minimum and is an "expert/specialist" or "bachelor/baccalaureus" with a minimum of one year work experience in humanitarian demining (QA Officer) i.e. secondary school education and three years work experience in humanitarian demining (QA Monitor)

Paragraph 3 is added after Paragraph 2 and reads:

»The Ministry will acquire ex officio the proof that the person the request is being made:

1. is a Croatian citizen,
2. has the proof of not being sentenced for crimes against the Republic of Croatia, crimes against life and body, crimes against property, crimes against value protected by international law or crimes against the general safety of people and property if these crimes are criminally prosecuted ex officio or if no criminal proceedings are conducted against him/her for the aforesaid crimes,
3. has the certificate of passing professional examination as per Article 33, Paragraph 5 of this Law and proof of passing professional examination for deminer.«

Article 21

Article 65 a is erased.

Article 22

In Article 67, Sub-paragraph 6 is added that reads:

»– uniform appearance of Ministry's inspector.«

Article 23

In Article 71, Sub-paragraph 2 is changed and now reads:

»– performs mine search and/or demining that have not been specified in the verified implementation project (Article 20, Paragraph 3),«.

Sub-paragraph 4 is changed and reads:

»– discovering left over mines and UXO after the statement as per Article 15, Paragraph 1 i.e. discovering left over mines, UXO and ERW after the statement from the Article 15, Paragraph 2,«.

In Sub-paragraph 6, word: »Plan« is replaced with the word »Project«.

Article 24

In Article 72a, Paragraph 1 is changed and reads:

»If after deminers have completed their operations and mines, UXO or ERW are found, the Ministry shall issue a writ to suspend the authority of the said deminer for a period of 30 days to one year and deprive the deminer of humanitarian demining identity card for deminers and for worksite leaders, if he possess one.«

In Paragraph 2, word: »authority« is replaced by words: »humanitarian demining identity card«, and words: »sending them to retake their education and training for performing humanitarian demining activities« are replaced by words: »to retake their professional exam«.

Article 25

Operations from the Article 9 of this Law will be started upon harmonization and organization of technical conditions required and not later than three months after this Law enters into force.

Article 26

It is delegated to Croatian Parliament Legislation Committee to determine and publish consolidated text of Law on Humanitarian Demining.

Article 27

This Law comes into force eight (8) days after its publication in the National Gazette.

Class: 213-04/08-01/03

Zagreb, December 15, 2008

CROATIAN PARLIAMENT

Speaker of the Croatian Parliament

Luka Bebić