



INZRAK

Enhanced environmental protection inspection for efficient control of air quality monitoring and of all entities under obligation within system of greenhouse gas emission allowance trading, in order to achieve better quality of air in Republic of Croatia



REPUBLIKA HRVATSKA

MINISTARSTVO ZAŠTITE
OKOLIŠA I ENERGETIKE



EKONERG



SREDIŠNJA AGENCIJA ZA
FINANCIARANJE I UGOVARANJE



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Energy Research and Environmental Protection Institute



11. INSPECTION MONITORING

11.8 discussion based on Cl. 33 APA – examples in practice

The case study referred to the expansion of unpleasant odour and smoke from the unknown source in Istria will be shown as incentives to discussion.

11.9 Conducting in case of identified irregularities

WHO?

- Inspection monitoring according to the **Environmental Protection Act** and provisions of the **Air Protection Act** is conducted by the MEPE's environmental protection inspectors

WHO DO THEY MONITOR?

- Persons who are obliged to carry out the environmental protection measures and activities

HOW?

- By monitoring the fulfilment of operation conditions of monitored persons,
- By direct insight into general and individual acts,
- By taking measures when it is needed to prevent and reduce the pollution,

AND

- Removal of consequences of environmental pollution

11.9 Conducting in case of identified irregularities

- Inspection monitoring according to the **Environmental Protection Act** and provisions of the **Air Protection Act** is conducted by the MEPE's environmental protection inspectors.

Pursuant to **Cl. 228 of the Environmental Protection Act**, the inspector monitors persons who are obliged to carry out the environmental protection measures and activities, to fulfil the operation conditions of monitored persons, carries out a direct insight into general and individual acts and takes measures stipulated by this Act and regulations adopted based on this Act, when it is found needed to prevent and reduce the pollution, and removal of consequences of environmental pollution.

He also monitors plants for which an obligation to obtain environmental permit has been prescribed, as well as the plants in which there are dangerous substances in amounts that may cause major accidents.

11.9 Conducting in case of identified irregularities

In inspection monitoring, inspector monitors particularly :

- implementation of measures related to environmental protection and environmental monitoring defined by the decision on environmental acceptability of the project,
- compliance of implemented techniques in plant operation with conditions defined in environmental permit,
- significant changes in plant operation or reconstruction,
- implementation of operator's obligations in relation to preparation and implementation of measures and activities from the Safety Report,
- fulfilment of prescribed conditions, activities and safety measures pursuant to issued approvals of Safety Report,
- implementation of operator's obligations in relation to preparation and implementation of the Policy of prevention of major accidents,
- **submission of data and reports for the purpose of environmental protection information system,**
- **submission of report on environmental monitoring,**

11.9 Conducting in case of identified irregularities

- keeping of Register on environment and submission of data for polluter register,
- **preparation, implementation and monitoring of effects of measures from recovery programme,**
- **fulfilment of prescribed conditions of the environmental protection professional activities holder,**
- **implementation of environment quality standard,** i.e. technical environmental protection standards for certain products, plants, facilities or devices, equipment and production processes that may cause a risk or danger for environment,
- duly application of eco-label for products, processes or services,
- implementation of ratified international treaties referred to environmental protection.

11.9 Conducting in case of identified irregularities

- **If inspector during inspection monitoring identifies a breach of provisions of the Environmental Protection Act and regulations adopted based on this Act, it shall initiate an administrative procedure ex officio and order the supervised person by means of a decision to comply with the provisions prescribed by the Act and the regulations passed on the basis of this Act with an appropriate period of execution. If inspection of the plant for which an environmental permit obligation is prescribed is found to be incompatible with the permissible requirements, environmental inspectors and other inspectors responsible for each constituent and/or environmental load shall take the prescribed measures and within six months from the date of the finding of non-compliance with the conditions of the permits carry out a re-inspection of such plant.**
- **If inspector identifies a breach of provisions of the Act and regulations adopted based on this Act, it may brought the inspection decision even without the party hearing.**

11.9 Conducting in case of identified irregularities

Inspector shall order based on decision:

- prohibition on plant operation, i.e. its part and equipment and/or performance of activity,
- prohibition on performance of activity in production process,
- prohibition on dangerous substances management,
- taking of appropriate preventive and other environmental protection measures referred to dangerous substances,
- **in case of major accident, taking of measures and procedures in accordance with Safety Report and Policy on prevention of major accidents as well as measures for recovery and prevention of environmental pollution expansion,**
- **removal of consequences caused by environmental pollution, i.e. implementation of recovery programme measures,**
- plant compliance with conditions defined by environmental permit, i.e. removal of identified irregularities,
- **removal of identified irregularities in implementation,**
- preparation of plant compliance plan with technical environmental protection standards, environmental studies,

11.9 Conducting in case of identified irregularities

- preparation of Safety Report,
- preparation of Policy on prevention of major accidents,
- **submission of prescribed information or notifications,**
- **implementation of environmental protection measures and environmental monitoring,**
- termination of plant operation,
- prohibition of using EMAS label,
- prohibition of using environmental protection label,
- prohibition of using EU Ecolabel.

11.9 Conducting in case of identified irregularities

In case of **immediate life and health danger**, inspector may order a party to take **emergency measures** in order to prevent further environmental pollution and to ensure of immediate danger, i.e. to **forbid the plant operation** until the order execution when it is required, may report and ask of other competent inspections to conduct according to special environmental regulations, as well as to take other required measures.

Inspector shall **immediately inform** the central body of state administration **competent for protection and rescue** as well as the **competent police** administration.

A written copy of decision shall be delivered rješenja mora se otpremiti stranci u **roku od osam dana** od dana donošenja usmenog rješenja.

11.10 Conducting in case of unidentified polluter

From EPA Cl. 252

If pollution is caused by **unidentified polluter**, the party in inspection procedure is the **local self-government unit** in which area the pollution happened.

If it is determined that pollution represents an **immediate danger for humans and environment**, inspector shall order the local self-government unit measures for reduction, i.e. removal of pollution by **another person**, i.e. if local self-government unit does not provide it within the deadline, the measures shall be carried out by the county on account of the local self-government unit budget.

11.10 Conducting in case of unidentified polluter

From EPA Cl. 33

If inspector establishes that there is a suspicion, expressed by citizens' notification, that there was an air pollution which quality may harm the human health, living quality and/or have a harmful impact on any environment component, the executive body of the City of Zagreb, city and municipality shall identify the justification of suspicion and shall make a decision not later than five days on implementation of the special-purpose measurement, i.e. the assessment of pollution level.

The aforementioned decision contains a period of measurement or assessment of pollution level and method of payment of costs occurred during special measurements or assessment of pollution level.

11.10 Conducting in case of unidentified polluter

From EPA Cl. 33

If it is determined that there was no major pollution or there was a major pollution and the polluter is not identified, the costs are borne by the local self-government unit which executive body has brought the decision.

If it is determined that there was a major air pollution and the polluter is identified, the costs of measurement or assessment are borne by the polluter.

If executive body of the City of Zagreb, city and municipality brings no decision, the Ministry shall provide measurements of special purpose or assessments of pollution level on account of the local self-government unit which executive body has brought the decision.

11.11 Environmental inspection and judiciary and state attorney system

In Article 258 of the **Environmental Protection Act**, it is prescribed that **in case when inspection monitoring determines that the Environmental Protection Act has been breached and /or regulation adopted based on this Act, the Ministry shall submit an indictment against the Misdemeanor Act if it is a misdemeanor, or filing a criminal complaint with the competent body for the criminal offense** and take other measures and carry out other acts authorized to undertake and execute under the Act and the special provision. The same obligation, pursuant to Article 258 of the **Environmental Protection Act**, have **inspection services authorized to carry out the environmental monitoring if it is determined in coordinated inspection monitoring that the Act and/or regulation based on this Act have been breached** in a part related to an individual environment component and environmental impact protection.

11.11 Environmental inspection and judiciary and state attorney system

Monitoring carried out by environmental inspection is of crucial importance for identification of breaching of environmental protection regulations, as well as the breaching that represents misdemeanour or criminal acts against the environment.

If it is determined that the **Environmental Protection Act** and/or regulations based on that act have been breached, the Ministry shall:

- submit an indictment against the Misdemeanor Act,
- file a criminal complaint with the competent body for the criminal offense,
- take other measures and activities authorized to carry out based on EPA and special regulation.

In this way, subjects on inspection monitoring in the field of environmental protection are transferred into the field of state attorney and judiciary system

11.11 Environmental inspection and judiciary and state attorney system

Criminal or misdemeanour act?

According to Head XIV of the **Air Protection Act**, there are misdemeanour acts prescribed as well as the sanctions against the breach of provisions of the **Air Protection Act** based on which the physical and legal persons are being punished for misdemeanours identified during administrative or inspection monitoring.

Criminal acts against the environment, as prescribed in Head XX of the **Criminal Act**, belong to the category of criminal acts for which the prosecution is carried out ex officio. The state attorney is the authorized prosecutor who carries out the prosecution ex officio in public interest.

11.11 Environmental inspection and judiciary and state attorney system

Criminal or misdemeanour act?

A proposal for carrying out the misdemeanour or criminal act is made by EPI after illegal conducting was determined in the inspection monitoring. Although in **AQM there are rarely such unlawfulness** present which would require a criminal file, still there can be a doubt whether to initiate the criminal or misdemeanour proceeding or not. If this is the situation, inspector should be primarily consulted within the EPI with his superior. If there is still a doubt, inspector should be consulted with the state attorney and then made a decision.

If it is decided to initiate the criminal proceeding and state attorney concludes that it however concerns the misdemeanour act, then the state attorney shall file a request to initiate the misdemeanour proceeding.

11.11 Environmental inspection and judiciary and state attorney system

Misdemeanour acts related to AQM

According to Head XIV MISDEMEANOUR PROVISIONS of the **Air Protection Act**, misdemeanour acts have been prescribed as well as sanctions for breaching the provisions of the **Air Protection Act** by which the physical and legal persons are punished for misdemeanours determined during administrative and inspection monitoring for all target groups of this project. Since we have already discussed this part, we shall only list and identify the related target group.

11.11 Environmental inspection and judiciary and state attorney system

Misdemeanour acts related to AQM

Article 145

(1) A legal person shall be punished in amount of HRK 300,000.00 to 600,000.00 for misdemeanour if:

– there is no air quality monitoring based on the decision on environmental acceptability of the project or decision on integrated environmental protection requirements (Article 32 paragraph 1),

POLLUTER

– no measures for reduction of air pollution have been taken and financed, as specified in action plan for air quality improvement (Article 46 paragraph 8), **LSGU**

– no measures for reduction of pollutant emissions have been taken and financed, as specified in a short-term action plan (Article 47 paragraph 7) **POLLUTER**

(2) As regarding the misdemeanours indicated in paragraph 1 of this Article, a **responsible person** in legal person shall be punished as well in amount of HRK 40,000.00 to 70,000.00.

(3) As regarding the misdemeanours indicated in paragraph 1 of this Article, a **physical person** – craftsman shall be punished in amount of HRK 100,000.00 to 250,000.00.

11.11 Environmental inspection and judiciary and state attorney system

Misdemeanour acts related to AQM

Article 146

(1) A legal person shall be punished in amount of HRK 100,000.00 to 300,000.00 for misdemeanour if:

- original and validated data on performed air quality measurements specified in decision on environmental acceptability of the project or decision on integrated environmental protection requirements and report on pollution levels and air quality assessment have not been submitted to the competent administrative body of the county, city of Zagreb and city by 31 March of current year for the past calendar year (Article 32 paragraph 2), **POLLUTER**
- no air quality monitoring has been conducted in a way prescribed by the regulation in Article 52 of this Act (Article 52), **TESTING AND REFERENCE LABORATORY**
- air quality monitoring, monitoring of pollutant emissions from stationary sources and verification of validity of measuring system for continuous measurement of pollutant emissions from stationary sources have been carried out without the Ministry permission (Article 54 and 57 paragraph 1), **TESTING AND REFERENCE LABORATORY**

11.11 Environmental inspection and judiciary and state attorney system

Misdemeanour acts related to AQM

- air quality monitoring, monitoring of pollutant emissions from stationary sources and verification of validity of measuring system for continuous measurement of pollutant emissions from stationary sources have been carried out based on the reference measurement method, i.e. another measurement method for which no Ministry permission has been obtained (Article 55 paragraph 6), **TESTING AND REFERENCE LABORATORY**
- activities of the reference laboratory from Article 60 paragraph 2 of this Act are not being carried out in a way as prescribed by the regulation in Article 52 of this Act (Article 60 paragraph 4), **REFERENCE LABORATORY**
- measurement quality assurance and air quality data assurance are carried out without the Ministry permission (Article 61 paragraph 1), **REFERENCE LABORATORY**

11.11 Environmental inspection and judiciary and state attorney system

Misdemeanour acts related to AQM

(2) As regarding the misdemeanours indicated in paragraph 1 of this Article, a **responsible person** in legal person shall be punished as well in amount of HRK 25,000.00 to 50,000.00.

(3) As regarding the misdemeanours indicated in paragraph 1 of this Article, a **physical person** — craftsman shall be punished in amount of HRK 70,000.00 to 150,000.00.

11.11 Environmental inspection and judiciary and state attorney system

Misdemeanour acts related to AQM

Article 148

(1) The **county, City of Zagreb, i.e. major city** shall be punished in amount of HRK 100,000.00 to 500,000.00 for misdemeanour if:

- no Programme has been brought and published (Article 12 paragraphs 1 and 2),
- no report on Programme implementation has been brought for the period of four years (Article 14 paragraph 1).

(2) The **county, City of Zagreb, i.e. city** shall be punished in amount of HRK 100,000.00 to 500,000.00 for misdemeanour if:

- no original and validated data on air quality monitoring and report on pollution levels and air quality assessment have been submitted to the Agency by 30 April of the current year for the past calendar year (Article 31 paragraph 5),
- no original and validated data on air quality monitoring and report on pollution levels and air quality assessment have been submitted to the Agency by 30 April of the current year for the past calendar year (Article 32 paragraph 3).

11.11 Environmental inspection and judiciary and state attorney system

Misdemeanour acts related to AQM

(3) The **City of Zagreb, city, i.e. municipality** shall be punished in amount of HRK 100,000.00 to 500,000.00 for misdemeanour if:

- no implementation of special measures for human health protection has been ordered as well as the method of their implementation (Article 26 paragraph 1),
- no public has been informed on alert threshold or informing threshold (Article 26 paragraph 4),
- no decision has been made on special purpose measurements or assessment of pollution level (Article 33 paragraph 2),
- no action plan for air quality improvement has been brought (Article 46 paragraph 1),
- no short-term action plan has been brought (Article 47 paragraph 1).

(4) As regarding the misdemeanours indicated in paragraph 1, 2 and 3 of this Article, a **responsible person** in the county, City of Zagreb, major city, city and municipality shall be punished as well in amount of HRK 15,000.00 to 25,000.00.

11.11 Environmental inspection and judiciary and state attorney system

Misdemeanour acts related to AQM

Article 148a

(1) The **Meteorological and Hydrological Service** shall be punished in amount of HRK 100,000.00 to 300,000.00 for misdemeanour if:

- no implementation of air quality monitoring has been provided on stations in state network (Article 28 paragraph 1),
- no permit from Article 61 paragraph 1 of this Act has been obtained (Article 28 paragraph 2),
- no original and validated data and report on pollution levels and air quality assessment have been submitted to the Ministry and Agency by 30 April of the current year for the past calendar year (Article 28 paragraph 6).

11.11 Environmental inspection and judiciary and state attorney system

Misdemeanour acts related to AQM

(2) The **Institute for Medical Research and Occupational Health** shall be punished in amount of HRK 100,000.00 to 300,000.00 for misdemeanour if:
– no permit from Article 61 paragraph 1 of this Act has been obtained (Article 28 paragraph 3).

(3) As regarding the misdemeanours indicated in paragraph 1 and 2 of this Article, a **responsible person** in the **Meteorological and Hydrological Service** and in the **Institute for Medical Research and Occupational Health** shall be punished as well in amount of HRK 15,000.00 to 25,000.00.

11.11 Environmental inspection and judiciary and state attorney system

Criminal acts related to AQM

AQM and air pollution in general is sanctioned by general criminal acts against the environment

Criminal acts against the environment, as prescribed in Head XX of the **Criminal Act**, belong to the category of criminal acts for which the **prosecution is carried out ex officio**. **The state attorney is the authorized prosecutor who carries out the prosecution ex officio in public interest.**

Pursuant to Article 204 paragraph 1 of the **Criminal Proceeding Act**, everyone is obliged to report on criminal act for which the proceeding is carried out ex officio.

11.11 Environmental inspection and judiciary and state attorney system

Criminal acts related to AQM

In the Republic of Croatia there are no specialized police units dealing with environmental criminal nor there is a special department for environmental criminal within the state attorney office. A criminal prosecution, since for the majority of criminal acts from Head XX of the **Criminal Act** the imprisonment of up to five years is being prescribed, for criminal acts against the environment, a criminal proceeding with simplified process forms will be conducted in general. It means that for these criminal acts no investigations is carried out, but the state attorney may order the investigator to carry out the evidence-based activities purposeful for indictment. Investigation, as the special stage of criminal proceeding, can be carried out for the criminal act of environmental pollution, Article 193 paragraph 2 of the **Criminal Act**, when there was human life and health endangered and for the forms of heavy criminal acts against the environment prescribed in Article 214 paragraph 1, 2 and 5 of the **Criminal Act**. Investigation is not obliged for none of these criminal acts and state attorney may, pursuant to Article 341 paragraph 3 of the **Criminal Proceeding Act**, file an immediate indictment.

11.11 Environmental inspection and judiciary and state attorney system

Criminal acts related to AQM

As regarding the prosecution of criminal acts against the environment, it is **of extreme significance to file detailed and qualitative criminal files**, along with indication of **all evidence available to the competent administrative bodies**, as well as the undertaking of all required activities **to keep the trails of criminal act** and other evidence, all **pursuant to Article 204 of the Criminal Proceeding Act**.

11.11 Environmental inspection and judiciary and state attorney system

Criminal acts related to AQM

For criminal acts in this Head of the **Criminal Act** it is not possible to carry out special activities referred to in Article 332 CPA, which include, *among other things*, surveillance and technical recording of conversations and other remote communication, interception, collecting and recording of computer data, etc., unless these criminal acts were not committed within the criminal organization. At criminal acts against the environment, it will be required to carry out the expertise in general, i.e. to require the **expert's finding and opinion in order to determine the existence of criminal act and guilt of accused**. Legal description of criminal acts against the environment contains terms which should be interpreted by the experts, for example, biochemist and meteorologist, depending on a type of criminal act, i.e. which component of environment or air is endangered.

11.11 Environmental inspection and judiciary and state attorney system

Criminal acts related to AQM

Criminal acts against the environment are in general the criminal acts of endangering, which means that for criminal act it is not necessary that there is a breach of protected legal property, i.e. environment. The prosecutor shall prove that the activity endangered the environment and guilt of polluter. For these criminal acts, a punishment for negligence is assumed, since it will mostly concern the acts with this type of guilt.

11.11 Environmental inspection and judiciary and state attorney system

Criminal acts related to AQM

Criminal act related to environmental pollution from Article 193 of the **Criminal Act** prescribes that **whoever against the regulations discharges, intakes or drains out the substances** or ionizing radiation to the **air**, soil, underground, water or sea, which may **permanently or significantly** endanger their quality or which may to a significant extent or in wider area endanger animals, plants or mushrooms or human life and health, it shall be imprisoned from six months to five years.

Whoever **discharges, intakes or drains out the substances** or ionizing radiation to the **air**, soil, underground, water or sea and thus **endangers human life and health**, it shall be imprisoned from one to eight years.

Who commits the criminal act from paragraph 1 of this Article 193 as **of negligence**, it shall be imprisoned up to two years and for criminal act from paragraph 2 of this Article, it shall be imprisoned up to three years.

11.11 Environmental inspection and judiciary and state attorney system

Criminal acts related to AQM

- The criminal act related to the plant-based endangerment of environment from Article 197 of the **Criminal Act** prescribes that whoever **against the regulations handles the plant** in which **dangerous processes** are carried out or in which there are **dangerous substances or preparations** stored or used which could permanently or significantly **endanger the quality of air**, soil, underground, water or sea, or which may to a significant extent or in wider area endanger animals, plants or mushrooms or **human life and health**, it shall be imprisoned from six months to five years. Whoever commits the criminal act as of negligence, it shall be imprisoned up to two years.

11.11 Environmental inspection and judiciary and state attorney system

Criminal acts related to AQM

- The criminal act related to the radioactive **substances-based endangerment of environment** from Article 198 of the **Criminal Act** prescribes that whoever **against the regulations** produces, processes, handles, uses, owns, stores, transports, imports, exports or disposes nuclear material or other dangerous radioactive substances which could permanently or significantly endanger the **quality of air**, soil, underground, water or sea, or which may to a **significant extent or in wider area** endanger animals, plants or mushrooms or human life and health, it shall be imprisoned from six months to five years.
- Whoever commits the criminal act from paragraph 1 of this Article as of negligence, it shall be imprisoned up to two years.

11.11 Environmental inspection and judiciary and state attorney system

Criminal acts related to AQM

- **The Criminal Act** in Article 214 prescribes as **heavy criminal acts**, i.e. as qualified criminal acts from **Article 193, Article 197, Article 198** of the **Criminal Act** based on which the **heavy physical injury of one or more persons has been caused**, or changes caused by pollution **cannot be removed for a longer period or major accident occurs**, the perpetrator shall be imprisoned from one to ten years.
- If criminal acts caused a **death of one or more persons**, the perpetrator shall be imprisoned from three to fifteen years.

11.5 Example of criminal act related to AQM

Criminal acts related to AQM

The City of Sisak initiated the claim proceeding against responsible persons in INA due to environmental pollution.

In February 2007, the City of Sisak submitted a claim before the Municipal Court against responsible persons in INA due to exceeding air pollution.

According to the first claim, Sisak asked for termination of pollution and facility reconstruction. In the second claim, Sisak asked of INA indemnity in amount of HRK 11 million.

In November 2011, the claim was rejected.

11.5 Example of criminal act related to AQM

Criminal acts related to AQM

It is particularly interesting the case of Karlovac Brewery, which was judged according to the former Criminal Act (KZ/97)22 for heavy criminal act against general security (Article 271 paragraph 2 KZ/97) related to bringing the life and property in danger by dangerous action or mean (Article 263 paragraph 2 KZ/97). The County Court in Zagreb convicted Karlovac Brewery as legal person, because its responsible persons did not stop the drainage of carbon dioxide, although they knew that on 25 November 2006 large amounts of the gas were drained in the sewage from the brewery, which then reached the stream, evaporated and thus suffocated the injured and his dog while they were passing by the stream, as well as the duck.

11.5 Example of criminal act related to AQM

Criminal acts related to AQM

The Karlovac Brewery was convicted to a penalty in amount of HRK 3 million, while five responsible persons were imprisoned: technical sector director, technical services manager, beer production manager, occupational health and safety manager and beer production team manager.

The judgement was finally confirmed by Supreme Court as well

11.5 Example of criminal act related to AQM

Criminal acts related to AQM

In October 2007, the Municipal State Attorney's Office in Sisak filed an arraignment against Branko Pastuović (as responsible person in legal person) due to criminal act related to environmental pollution from Article 250 paragraph 1 of Criminal Act and against Oil Refinery in Sisak due to criminal act related to environmental pollution from Article 250 paragraph 1 of Criminal Act in relation to Article 3 paragraphs 1 and 2 of the Act on responsibility of legal persons for criminal acts.

Based on **arraignment (criminal charge)**, the accused Branko Pastuović was charged that from 1 January 2004 to 31 December 2006, as director of Oil Refinery Sisak, although he knew that production plants were old and not adjusted for crude oil processing, he permitted to process the oil with sulphur content exceeding 1.0 % in production plants.

11.5 Example of criminal act related to AQM

Criminal acts related to AQM

It was conducted in that way, although based on the decision of the Ministry of environmental protection, physical planning and construction from 22 March 2004 to implementation of recovery measures, processing of oil with more than 1 percent of sulphur was forbidden. As a result of oil processing, in Caprag settlement there was an air pollution, i.e. exceeding pollution by sulphur dioxide and hydrogen sulphide, which could have had a negative impact on human health, vegetation and properties.

The company Oil Refinery Sisak was charged that based on criminal act committed by Pastuović as director, the air was polluted to extent which may worsen the human life conditions.

11.5 Example of criminal act related to AQM

Criminal acts related to AQM

Before that, on 3 February 2004 the **Misdemeanour Court in Sisak** punished the Oil Refinery Sisak with HRK 100,000 due to pollution, while its director Branko Pastuović was punished with HRK 10,000. The High Misdemeanour Court in Zagreb confirmed the judgement of the Misdemeanour Court in Sisak.

11.5 Example of criminal act related to AQM

Criminal acts related to AQM

Due to negligence of responsible person, on 17 August 2009, while dismantling the thermal insulation from the exchanger pipes in Oil Refinery Sisak, there was an ignition of hydrogen which was pressurized in the pipe, whereat two workers were heavily injured.

The **Police** in Sisak filed a criminal charge to the Municipal State Attorney's Office in Sisak due to bringing the life and property in danger by dangerous action or mean against the 60-year old, who issued as responsible person a permit for work execution, although he did not determine whether the works could be executed in safe way.

11.5 Example of criminal act related to AQM

Criminal acts related to AQM

In November 2006, a criminal charge was submitted by ecological association Ekop Istra to the competent attorney's office in Pazin against the responsible persons in Rockwool Adriatic factory and against the company which prepared the environmental impact study.

In ecological association Ekop Istra thought that the pre-agreement concluded with polluter was illegal and harmful as it was signed before the environmental impact study was prepared, which is not considered to be authentic, because its preparation was paid by the company.

11.5 Example of criminal act related to AQM

Criminal acts related to AQM

In 2007, the Municipal State Attorney's Office in Pazin rejected the criminal charge submitted by ecological association Ekop Istra against the responsible persons in factory Rockwool Adriatic d.o.o. from Pićan and against the company Ekonerg from Zagreb which prepared the environmental impact study for the factory.

In the announcement signed by the deputy municipal state attorney Ksenija Prebježić stays that the charge was rejected as it was established that there were no any forms of criminal act related to environmental pollution from Article 250 paragraph 1 of Criminal Act.

11.5 Example of criminal act related to AQM

Criminal acts related to AQM

„In phase when the construction of factory is only at the beginning and it is built according to all permits obtained by the competent bodies, it is not determined that responsible persons of the companies Rockwool Adriatic and Ekoneg would conduct against the positive regulations of the Republic of Croatia related to the environmental protection, nor it is determined that the construction of factory caused the pollution of Pićan environment nor that the living conditions are worsen in that part of Istria” – it is stated in explanation of the Municipal State Attorney’s Office.



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