Pursuant to Article 175, Paragraph 5 of the Environmental Protection Act (Official Gazette 110/07) the Minister of Environmental Protection, Physical Planning and Construction hereby issues the

ORDINANCE

ON THE ENVIRONMENTAL LABEL

I GENERAL PROVISIONS

Article 1

This Ordinance lays down the procedure, manner of award and requirements for obtaining the Environmental Label, design of the Environmental Label, use and validity period of the awarded label, composition and functioning of the Commission for awarding the Environmental Label, as well as the participation of individuals, associations and institutions in the process of awarding the Environmental Label.

Article 2

The objective of awarding the Environmental Label is the promotion of products with a reduced environmental impact in relation to other equivalent products, thus contributing to efficient use of natural resources and higher level of environmental protection as well as informing consumers on such products.

Article 3

Terms used in this Ordinance have the following meanings:
1. Products are goods and services;
2. Product group are equivalent products which are used for similar purposes and which are equivalent in terms of their use and consumer conception;
3. Consumer is also a merchant in line with a special regulation on consumer protection;
4. Criteria are criteria on the basis of which a product which endangers the environment to a considerably lower extent differs from other products in the same product group, on the basis of measurable differences in their environmental impacts.
Article 4

(1) The ministry in charge of environmental protection awards the Environmental Label for a product which is available on the market of the Republic of Croatia and which in the course of its life cycle endangers the environment to a considerably lower extent than other products from the same product group except for foodstuffs, beverages and pharmaceutical products and medical equipment intended for professional use or to be prescribed or supervised by a medical professional.


Article 5

(1) The Environmental Label shall not be awarded for:
– substances or preparations classified as very toxic, toxic, dangerous to the environment, carcinogenic, toxic for reproduction, or mutagenic in accordance with special regulations.
– goods manufactured by processes which are likely to significantly harm man and/or the environment, or in their normal application could be harmful to the consumer.

(2) The Environmental Label may exceptionally be awarded to manufacturers of products containing hazardous substances if, according to regulations, the concentrations of hazardous substances pose no threat to human health and the environment.

II CRITERIA

Article 6

(1) The Environmental Label Award Plan (hereinafter: the Plan) defines a development strategy for awarding the Environmental Label and contains in particular:
– list of product group to which the criteria applies,
– order for establishing the criteria,
– order for the examination of the criteria from the previous period,
– manner of cooperation with professional associations, consumer protection associations and environmental protection associations,
– criteria for the Environmental Label promotion for the purpose of improving environmental status and
– assessment of the Environmental Label award instruments.

(2) The proposal of the Plan shall be considered by the Council for Sustainable Development and Environmental Protection (hereinafter: the Council).

(3) The Plan shall be adopted by the ministry in charge of environmental protection (hereinafter: the Ministry) for the period of one calendar year.

(4) The Plan shall be published on the webpage of the Ministry.

Article 7

(1) The Ministry shall initiate the procedure for preparing criteria for product groups as determined by the Plan.

(2) If the Plan does not prescribe the preparation of the criteria for a product which is
proposed for the award of the Environmental Label, the Ministry may, upon proposal of the Commission referred to in Article 12 of this Ordinance on adequacy of preparation of the criteria for that product group, initiate the procedure of their preparation.

(3) The preparation of the criteria referred to in paragraphs 1 and 2 of this Ordinance shall be prepared by an authorised expert institution in line with the Environmental Protection Act (hereinafter: authorised person).

Article 8

(1) The criteria contain:
- description of the product group,
- environmental protection indicators,
- environmental protection requirements for a specific environmental protection indicator,
- requirements in relation to use of the Environmental Label and
- reason for the award of the Environmental Label.

(2) Environmental impact of the product during its entire life cycle shall be considered during the preparation of the Environmental Label in line with internationally recognised methods and norms and if it is possible and appropriate, EN ISO 14040 and ISO 14024 norms shall be applied.

(3) When establishing environmental protection indicators, types of environmental impacts in which the products from a specific product group may significantly improve the environmental status during their life cycle shall be established in line with the assessment table referred to in Annex I of this Ordinance.

(4) Environmental impact during preparatory phase of the production (for example: extraction of the raw material or production and processing of raw materials and energy-generating products) shall be taken into consideration as much as technologically possible.

(5) Environmental protection requirements are established for a specific environmental protection indicator taking into consideration in particular:
- technological and economic feasibility of certain product adaptations required for harmonisation with the criteria within a reasonable period of time,
- relative environmental impact,
- measuring possibility and accuracy,
- product’s ability to meet consumer needs.

Article 9

(1) The prepared criteria shall be published on the webpage of the Ministry for the purpose of issuing an opinion within the period of 30 days.

(2) The Commission referred to in Article 12 of this Ordinance shall issue an opinion on the proposal of the criteria and delivered opinions referred to in paragraph 1 of this Article.

Article 10

(1) Upon receipt of the opinion provided by the Commission referred to in Article 9 of this Ordinance, the Ministry shall deliver the criteria and establish their period of validity.

(2) The period of validity of the criteria shall not be longer than five years.

(3) The criteria shall be published on the webpage of the Ministry.

Article 11
(1) Examination of the criteria may be performed even before the expiry of the validity period, upon the proposal of the Commission referred to in Article 12 of this Ordinance.
(2) The provisions of this Ordinance shall apply to the examination of the criteria in an appropriate manner.
(3) After the performance of the examination referred to in paragraph 1 of this Article, the criteria may be amended, put out of force or their validity term prolonged.
(4) If the criteria are amended or put out of force, the Environmental Label awarded for the product in line with previously determined requirements may not be used longer than a year after the delivery of the decision on the amendments or putting out of force.

III COMMISSION FOR THE AWARD OF THE ENVIRONMENTAL LABEL

Article 12

(1) For the performance of professional activities related to awarding the Environmental Label the Minister shall appoint the Commission for the award of the Environmental Label (hereinafter: the Commission) for a two year term.
(2) The professional activities referred to in paragraph 1 include:
– delivering an opinion on adequacy of preparing the criteria which are not prescribed by the Plan,
– delivering an opinion on the criteria proposal,
– proposing examination of the criteria and
– providing professional assessment on the fulfilment of the criteria by a product and proposal for the award of the Environmental Label.

Article 13

(1) The Commission consists of seven members.
(2) The members of the Commission are appointed from among the representatives of:
– the Ministry,
– central state administration body in charge of standardisation,
– central state administration body in charge of agriculture,
– industry,
– consumer associations and
– environmental protection associations.
(3) The chairperson of the Commission and his/her deputy will be appointed by the Decision on the appointment of the Commission.
(4) The Commission is entitled to compensation for its work.
(5) The Ministry shall provide resources for the Commission’s activities.

Article 14

(1) The secretary of the Commission is also appointed by the Decision on the appointment of the Commission.
(2) The secretary of the Commission is an official who performs administrative tasks for the Commission.
(3) The secretary of the Commission assembles sessions of the Commission and keeps the minutes on the sessions of the Commission.

Article 15
The Commission shall work in sessions which must be attended by the majority of members.

A session of the Commission shall be presided by the chairperson, and in the event of his/her absence his/her deputy.

The Commission shall make decisions by public vote. The decisions of the Commission shall be valid if made by the majority of the members.

A member of the Commission who disagrees with the decision made by the Commission may request that his opinion be recorded in the session minutes.

The authorised person and other persons (representatives of expert institutions for specific fields, representatives of environmental protection associations, consumers’ associations and the like) may be present at the session if invited by the Commission.

IV MANNER OF AWARDING THE ENVIRONMENTAL LABEL

Article 16

(1) The application for the award of the Environmental Label (hereinafter: the application) shall be submitted by the manufacturer, importer, service provider, wholesale and retail merchant (hereinafter: the applicant).

(2) A wholesale and retail merchant may submit an application exclusively for products which appear on the market under his/her trademark.

(3) An application may be related to a product which appears on the market under one or more trademarks.

(4) A new application does not have to be submitted for changes in relation to product characteristics which do not affect fulfillment of the criteria, but the Environmental Label user shall notify the Ministry of those changes.

Article 17

(1) The application shall be submitted to the Ministry.

(2) The application shall contain:

– the applicant’s name/title and activity,
– the applicant’s seat and address,
– the name of the product for which the award of the Environmental Label is being applied for.

(3) A study on the harmonisation of the product with the criteria which is prepared by the authorised person referred to in Article 7 of this Ordinance shall be attached to the application.

(4) If the application is incomplete, the Ministry shall request the applicant to eliminate deficiencies and set a period within which the applicant has to do so.

(5) If the applicant does not eliminate the deficiencies within the prescribed period and for that reason the application cannot be decided on, the application shall not be deemed as submitted.

Article 18

(1) The application shall be submitted to the Commission for expert assessment. Upon the request of the Commission members, a representative of the authorised person shall give an oral explanation of the study.

(2) If the Commission establishes that the product fulfils the criteria, it shall propose that the Environmental Label be awarded.
(3) If the Commission establishes that the product does not fulfil the criteria, it shall propose that the study referred to in Article 18 of this Ordinance be supplemented and a period within which the applicant has to do so.

Article 19

(1) The applicant may, stating the grounds, request that certain information protected as confidential under a special regulation be available to the Ministry and Commission only.
(2) The Ministry shall decide whether the request referred to in paragraph 1 of this Ordinance is justified.
(3) The Ministry, Commission and authorised person are obligated to keep the business secret made available to them during the procedure for the award of the Environmental Label.

Article 20

(1) The decision on the award of the Environmental Label shall be made by the Ministry upon a proposal of the Commission.
(2) The decision contains requirements in relation to the use of the Environmental Label in line with the criteria and the period for which the use of the label is approved.
(3) The Environmental Label may be awarded for a period of three years at the longest.

Article 21

(1) The decision on award and repeal of the Environmental Label shall be published on the webpage of the Ministry.
(2) The Ministry shall notify the general public on the decision referred to in paragraph 1 of this Article through mass media.

Article 22

(1) The Ministry keeps records on users of:
   – the Environmental Label and
   – the Community eco-label.
(2) The data from the records referred to in paragraph 1 of this Ordinance shall be published on the webpage of the Ministry.

V ENVIRONMENTAL LABEL

Article 23

(1) The Environmental Label consists of two concentric circles, the smallest diameter of the circle being 15 mm. The inner circle bears a stylized drawing of a bird and a fish.
(2) The space between the circles in the upper section bears the inscription 'Environmentally friendly'.
(3) In the space between circles, in the lower section of the circle the text which states the reasons for the award of the Environmental Label as established by the criteria is written.
(4) The stylized drawing of a bird and a fish are printed on a monochrome background.
(5) The graphic design of the Environmental Label is presented in Annex II of this Ordinance and represents an integral part thereof.
VI USE OF THE AWARDED LABEL

Article 24

(1) The Environmental Label may be used under the requirements determined by the decision on the award of the Environmental Label and this Ordinance.
(2) The Environmental Label may not be used until a label has been awarded.
(3) The Environmental Label may be used only in the advertising of the product for which the label has been awarded.
(4) The Environmental Label may not be used as part of the trademark.
(5) Any false or misleading advertising or use of any label or logo which may lead to confusion with the Environmental Label as established by this Ordinance is prohibited.

Article 25

(1) The Environmental Label may only be printed or placed on the product only during the period for which the use of the label has been approved.
(2) Product reserves manufactured prior to the date of expiry of the period for which the label has been awarded may be on the market with printed Environmental Label after the expiry of the period for which the label has been awarded for one year at the longest after the expiry of the period in which the label could be used.

Article 26

During the period of use of the Environmental Label, the environmental inspector performing inspectional supervision supervises whether the product for which the Environmental Label has been awarded fulfils the criteria.

Article 27

The award of the Environmental Label does not affect the fulfilment of environmental protection requirements and other requirements in line with special regulations which are used during the life cycle of the product.

VII TRANSITIONAL AND FINAL PROVISIONS

Article 28

The first Plan shall be adopted for 2009.

Article 29

Annexes I and II with the appropriate content are printed along with this Ordinance and represent an integral part thereof.

Article 30

The procedures initiated in line with the provisions of the Ordinance on the Environmental Label (Official Gazette 64/96) shall be concluded pursuant to the provisions of that Ordinance.
Article 31

The Ordinance on the Environmental Label (Official Gazette 64/96) shall cease to have effect on the date of entry into force of this Ordinance.

Article 32

This Ordinance shall enter into force on the eighth day after the day of its publication in the Official Gazette, with the exception of the provisions of Article 4 paragraph 2 and Article 22 paragraph 1 indent 2 of this Regulation which shall enter into force on the day of accession of the Republic of Croatia to the European Union.

Class 351-01/08-04/39
Reg. No: 531-09-1-2-08-3
Zagreb, 13 June 2008

Minister
of Environmental Protection, Physical Planning and Construction
Marina Matulović Dropulić, m.p.

Annex I

ASSESSMENT TABLE

LIFE CYCLE OF PRODUCTS

<table>
<thead>
<tr>
<th>Environmental protection indicators</th>
<th>Goods</th>
<th>Services</th>
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<tr>
<td></td>
<td>Pre-production/ raw materials</td>
<td>Production</td>
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<td>Air quality</td>
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<td>Water quality</td>
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<td>Environmental safety</td>
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ANNEX II

GRAPHIC DESIGN OF THE LABEL

ENVIRONMENTALLY FRIENDLY