

University of Zagreb Faculty of Geodesy

# Implementation of the Land Governance Assessment Framework in the Republic of Croatia

## Land tenure typology and institutional mapping

Deliverable 2  
Revised

15 May 2015

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# 1. Land Tenure Typology

## 1.1 Historical Background on Croatian Land Tenure

Today's land tenures in Croatia emerged throughout history influenced by the legal systems of different countries that different parts of Croatia have belonged to. Due to the changes of legal systems, land tenures have also been changing significantly. Individualisation of land rights began with the abolition of serfdom in the 19<sup>th</sup> century during the Austro Hungarian Empire. Almost exclusive rights on land which, up until then, had the nobility were transferred to the former serfs who have received significantly more rights but also were imposed with obligation to pay tax on income from agriculture and forestry.

In order to conduct a fair collection of taxes, in the early 19<sup>th</sup> century the systematic cadastral survey and preparation of cadastral documentation for the entire monarchy has begun. Until 1880 all the land of today's Croatian territory was surveyed, mapped on the cadastral map, recorded in the cadastral documentation and land users were identified. The user, registered in the cadastre was obligated to pay tax which has been collected up until 1996.

After cadastral system was established, data on cadastral parcels have been taken from municipal courts and owners were identified and registered in the land book. At the beginning of the 20<sup>th</sup> century, all private Croatian land, their users and owners were registered in the cadastre and land book. Since that time, the land registers are maintained by adapting to the changes in social relations and regulations that affect them. Land tenures, resulting from the previous period and recorded in the registers, have not significantly changed after World War I in 1918, when Croatia became part of the Kingdom of Yugoslavia. Through agrarian reforms state lands were allocated to individual use or ownership and the fund of private land increased.

Socialist Yugoslavia, established after World War II has significantly changed the social order and introduced a "social ownership". The aim of this social order was to make private property gradually disappear and be replaced by social ownership. Many land policy measures (agrarian reforms, nationalizations and confiscations) were brought in for that purpose. The management of agricultural land, by implementation of land consolidations and redistributions of land, has stimulated the development of agricultural conglomerates that have used social land. All urban land was nationalized by law in 1968.

After Croatian independence in 1991, social ownership has been abolished. The law on compensation for properties seized during the Yugoslav communist regime from 1992 has provided restitution of confiscated properties, and subsequently launched transformation and privatization, which is still going on.

Ignoring the maintenance of the registers, particularly the land book, in the period of socialism significantly invalidated actuality of recorded data. Despite the work on the harmonization of land registers with the actual legal status of real properties, this process is not yet complete. Registration of ownership rights for the Republic of Croatia is not completed because of unfinished transformation and privatization so the application of the principle of trust in the land book is postponed until January 1<sup>st</sup>, 2017.

Since 2003, the Government of the Republic of Croatia, through the Ministry of Justice and the State Geodetic Administration, has been implementing the National Real Property Registration and Cadastre Program, known as Organized Land. Through this program the Real Property Registration and Cadastre Joint Information System (JIS) is established.

## 1.2 Overview of Land Tenure

The land in Croatia is one of the goods that is specially protected by the Constitution, and the land tenures are determined by many special rules. In terms of ownership rights holders, land can be divided into common goods, state-owned land, land owned by the regional / local self-governments and the private ownership of land by natural and non-natural persons.

Lands which by its characteristics cannot be owned by any natural or non-natural person individually, but are of the use of all, are exempt from the ability to be the object of proprietary rights. Republic of Croatia is taking care about this areas, is managing them and is responsible for them. It is determined by laws that those lands are maritime good and water good (common goods). On those lands nobody has ownership, and government can only provide concession or lease on it but cannot sell.

Real properties which are intended for immediate execution of the rights and responsibilities of the Republic of Croatia, its bodies and institutions, and are used in accordance with these purposes: classified public roads, buildings of civil and judicial institutions, military objects but also agricultural land and forest land owned by the Republic of Croatia. Republic of Croatia manages this real properties directly or through companies owned by the state, and can sell them. Agricultural land is mostly leased.

As with the state, real properties which are intended for immediate execution of the rights and responsibilities of local self-governments, its bodies and institutions, and are used in accordance with these purposes: buildings of regional / local self-government institutions, schools, parks but also unclassified roads are owned by regional / local self-government.

The remaining land is privately owned by natural and non-natural persons. It can be individually owned or co-owned. Co-ownership is the most common form on the land with built residential buildings.

In addition to ownership, regulations introduces many legal regimes for individual land. So there are special tenures that are defined on: protected coastal area, agricultural land, protected areas, watershed areas, forests and forest land, hunting areas, fishing zones and cultural goods. Proclamation of the legal regimes on some area obliges the holder of the ownership right to respect the conditions of the use of that right.

## 1.3 Legal Framework

Constitution of the Republic of Croatia (NN, 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14) guarantees the inviolability of ownership and determines that the sea, sea coast and islands, waters, air space, mineral resources and other natural resources, as well as land, forests, flora and fauna, other parts of nature, real properties and properties of special cultural, historical, economical or ecological significance are specified by law as properties of interest to the Republic of Croatia, and are under special protection.

Ownership and Other Proprietary Rights Act (ZV) (NN, 91/96) is the basic regulations on ownership relations. According to that regulation, any natural or non-natural person may have the right of ownership, and other proprietary rights: right of servitude, right from the actual

encumbrance, building right and lien on everything that can be an object of such rights, unless specified otherwise. There is only one kind of right of ownership. The right of ownership and other proprietary rights may be taken away against the owner's will only under conditions and in the manner defined by law.

Maritime good is determined by the Maritime Good and Seaports Act (ZPDML) (NN, 158/03, 100/04, 123/11, 141/06, 38/09). It defines Maritime Good as internal waters and territorial sea, together with its seabed and subsoil, and part of the land which is by its nature intended for common use or is declared as such and everything that is permanently connected with part of the mainland on surface or underneath it. Part of the mainland is considered to be: sea coast, ports, dams, shoals, rocks, reefs, beaches, river estuaries that flow into the sea, canals connected with the sea, and animate and inanimate natural resources in the sea and the sea subsoil.

Special legal regimes are established by special laws, as follows: Agricultural Land Act (ZPZ) (NN 39/13); Physical Planning Act (ZPU) (NN 153/13); Nature Protection Act (ZZP) (NN 80/13); Waters Act (ZVd) (NN 153/09 ...); Forests Act (ZŠ) (NN 140/05 ...); Hunting Act (ZL) (NN 140/05 ...); Marine Fisheries Act (ZMR) (NN 81/13 ...); Act on the Protection and Preservation of Cultural Goods (ZZOKD) (NN 69/99 ...). They provide the conditions relating to a particular legal regimes and restrictions to owners of land on which it was declared.

Operation and maintenance of land registers are provided by: Law on State Survey and the Real Property Cadastre (ZKN) (NN 16/07, 124/10) and the Law on Land Book (ZZK) (NN 91/96...). Registration system was inherited from the Austro-Hungarian period and is similar in its principles to systems in Austria and Germany. The first law, based on which cadastre was made has been adopted in 1817 (Grundsteuerpatent), and today's land book is established based on the regulation adopted in 1871 (Allgemeines Grundbuchgesetz).

Registration of separate (special) parts of real properties (apartments and offices) was provided in 1996 by the Law on Land Book with the termination of maintenance of the Book of Deposited Contracts about which was adopted Regulation on linking the Land Book and the Book of Deposited Contracts in 2013 (PZKPU) (NN 121/13). Previously, registration was provided by the Regulation on the establishment and maintenance of the Book of Deposited Contracts (PKP) (NN 42/91), as a temporary solution by registering documents for the real properties that were not registered in the land book.

Commencement and termination of the lease of the office premises and the mutual rights and obligations of the lessor and lessee, as well as the sale of office premises owned by the Republic of Croatia is provided by the Law on leasing and selling of office space (ZZPP) (NN 91/96 ...). The rights and obligations relating to the lease and use of the apartment or part of the apartment is provided by - Law on Apartment Lease (ZNS) (NN 91/96 ...).

#### 1.4 Summary of Land Tenure Typology

The basic division of land (Figure 1) in the Republic of Croatia is based on ownership right. From the total area of about 8.8 million hectares the status of common good holds 4.3 million hectares, state-owned land 3.0 million hectares, land owned by the regional / local self-governments 0.013 million hectares, and land in private ownership 2.6 million hectares. The population mainly lives in the real properties which are in the private ownership (Figure 2).



Figure 1. Land in the Republic of Croatia

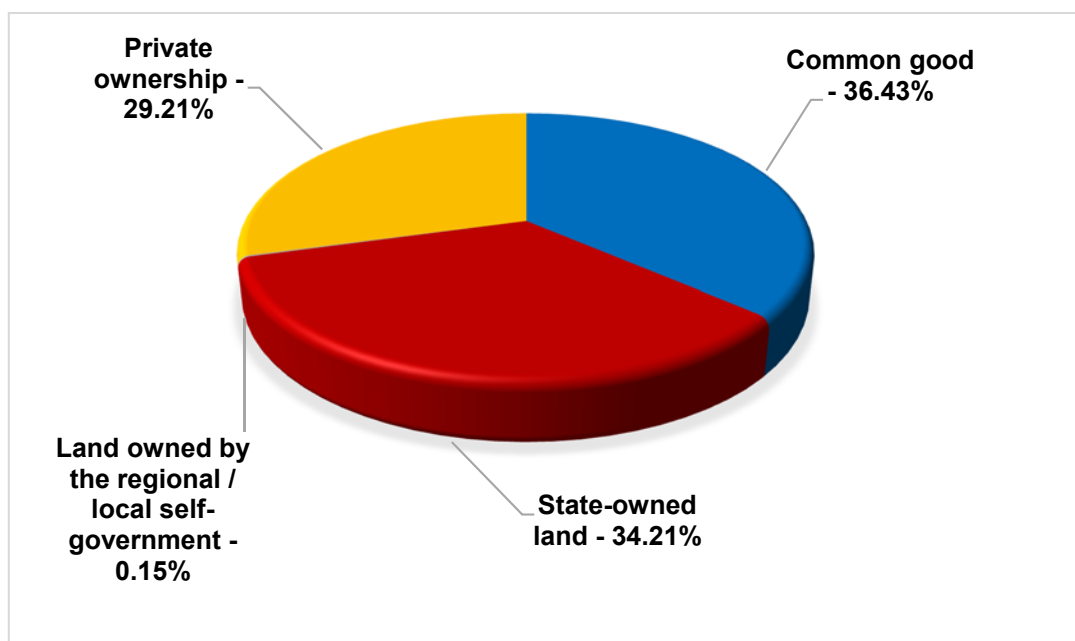


Figure 2. The basic division of land according to the ownership right

In accordance with the LGAF classification, the urban areas are about of 2.2 million hectares with population of about 3.0 million. Rural areas are about 3.5 million hectares, with population of 1.3 million (Figure 3).

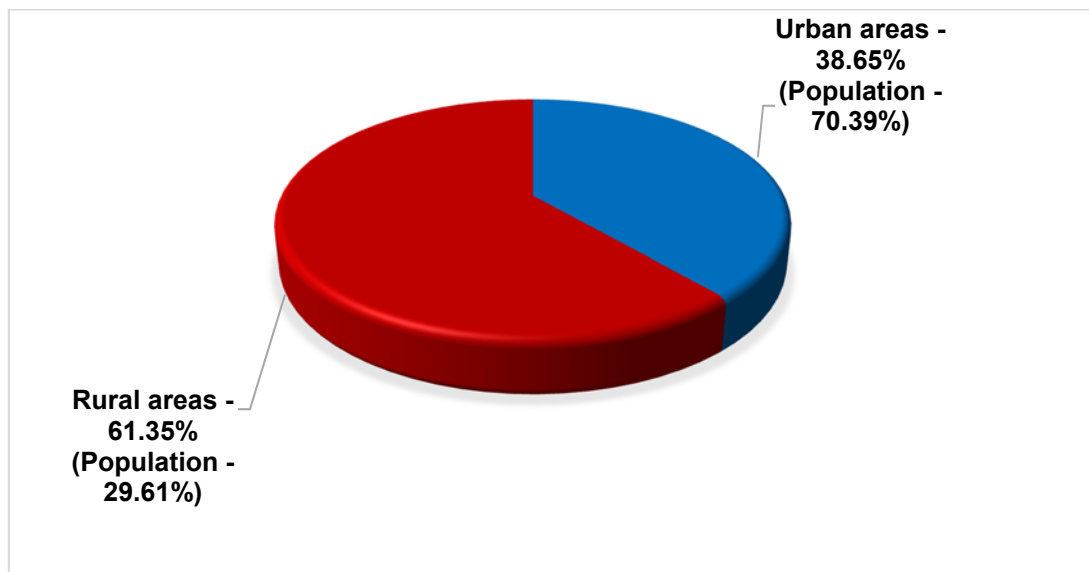


Figure 3. The ratio of urban and rural areas and population

Some of the special legal regimes spread over a substantial area of the state. Watershed areas are 7.0 million hectares, agricultural land is 2.7 million hectares, protected areas are 0.7 million hectares, protected coastal area is 0.8 million hectares, forests and forest land is 2.7 million hectares, hunting areas are 2.2 million hectares and the fishing zones are 5.5 million hectares (Figure 4). This proves that many legal regimes overlap, and that sometime causes difficulties in determining the jurisdiction of management.

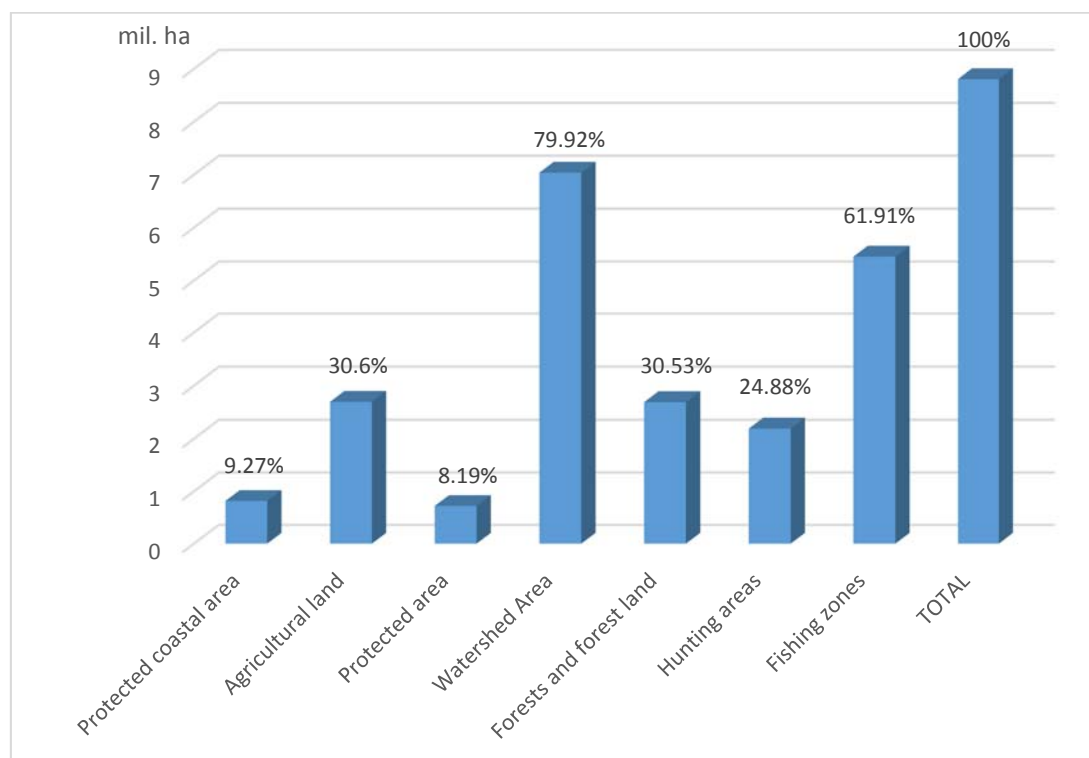


Figure 4. Land of special legal regimes

Table 1. Land tenure typology in Croatia

Tenure Type	Area and Population	Legal Recognition and Characteristics	Overlaps and Potential Issues
<b>OWNERSHIP</b>	<b>Area: 8807300 ha</b> <b>Population: 4284889</b>		
Common good	Area: 3208261 ha Population: -	<p>Legality: Constitution, Ownership and Other Proprietary Rights Act (NN 91/96) and Maritime Good and Seaports Act (NN 158/03): parts of nature that according to its characteristics cannot be individually owned by any natural or non-natural person, but are of the use of all, are exempt from the ability to be the object of proprietary rights. Republic of Croatia is taking care about this areas, is managing them and is responsible for them mainly through concessions: waters, sea, coast and islands in areas which are in functional connection with the sea.</p> <p>Registration/Recording: 5%; cadastre and land book</p> <p>Transferability: NO, only concessions</p>	<p>Overlaps with areas of special legal regimes: Protected coastal area, Protected areas, Cultural goods, Fishing zones.</p> <p>In the era of social ownership, registration of real rights in the land book was completely marginalized and that also applied for the registration of common goods in the land book. Common goods were also not mapped on cadastral maps unless they were included in survey because of the surrounding private land parcels. The boundary of sea coast parcels is mostly not registered in the cadastre and land book. Cadastral parcels at sea are very rarely registered in the cadastre.</p>



State-owned land	Area: 3013358 ha Population: -	<p>Legality: Constitution, Ownership and Other Proprietary Rights Act (NN 91/96): properties owned by the Republic of Croatia which are intended for immediate execution of the rights and responsibilities of the Republic of Croatia, its bodies and institutions, and are used in accordance with these purposes: classified public roads, agricultural land, forests and forest land, buildings of civil and judicial institutions, military objects.</p> <p>Registration/Recording: 99%; cadastre and land book</p> <p>Transferability: YES</p>	<p>Overlaps with areas of special legal regimes.</p> <p>Land is shown as cadastral parcels in cadastre but registration of ownership in the land book sometimes does not correspond to the real situation or is still registered as "social ownership".</p> <p>During the transformation of social ownership there are frequent examples of disputes between the state and the regional / local self-government over the ownership of land. Also, the restitution of the land provided by denationalization is not yet complete.</p> <p>Additional registers are maintained by other state institutions in addition to the cadastre and land book.</p>
Land owned by the regional / local self-government	Area: 13105 ha Population: -	<p>Legality: Ownership and Other Proprietary Rights Act (NN 91/96): unclassified roads and properties owned by local self-government that are intended for immediate execution of the rights and responsibilities of local self-governments, its bodies and institutions, and are used in accordance with these purposes: buildings of regional / local self-government institutions, schools, parks.</p> <p>Registration/Recording: 99%; cadastre and land book</p> <p>Transferability: YES</p>	<p>Land is shown as cadastral parcels in cadastre but registration of ownership in the land book sometimes does not correspond to the real situation or is still registered as "social ownership".</p> <p>During the transformation of social ownership there are frequent examples of disputes between the state and the regional / local self-government over the ownership of land. Also, the restitution of the land provided by denationalization is not yet complete.</p>

Private ownership	Area: 2572576 ha Population: 4284889	Legality: Constitution, Ownership and Other Proprietary Rights Act (NN 91/96). Protected by regulations and may be revoked only on the basis of regulations.  Registration/Recording: 99%; cadastre and land book  Transferability: YES	Registration of rights in the land book is not mandatory, and records are not always up to date, transformation of social ownership has not yet been fully implemented.
<b>URBAN AREAS</b>	<b>Area: 2187103 ha</b> <b>Population: 3016137</b>		
Land under the jurisdiction of the State	Area: 500 ha Population: -	Legality: Ownership and Other Proprietary Rights Act (NN 91/96): same as ownership. In addition to land owned by the State, State is also managing the common goods.  Registration/Recording: 20%  Transferability: YES, for common goods only concessions can be arranged, while agricultural land can be sold or leased.	Ownership is not always registered in the land book.
Land under the jurisdiction of the regional / local self-government	Area: 5092 ha Population: -	Legality: Ownership and Other Proprietary Rights Act (NN 91/96): unclassified roads, parks, schools, kindergartens.  Registration/Recording: 100%  Transferability: YES	Ownership is not always registered in the land book.

Private land - Individual	Area: 29019  Population: 2031319	<p>Legality: Ownership and Other Proprietary Rights Act (NN 91/96): Any natural or non-natural person may be an owner, or have other proprietary rights: right of servitude, right from the actual encumbrance, building right and lien on everything that can be an object of such rights, unless specified otherwise.</p> <p>Registration/Recording: 100%; cadastre and land book</p> <p>Transferability: YES</p>	<p>In individual cases denationalization has not been carried out and "social ownership" is still registered on the land.</p> <p>Cadastral parcels with area over 1000 m<sup>2</sup> within the boundaries of the construction zone and cadastral parcels outside the boundaries of the construction zone planned for construction by physical planning documents, which are in the registers of the State Geodetic Administration designated as agricultural land use but are not brought to their purpose, must be maintained suitable for agricultural production and used for this purpose until the enforceability of an act authorizing the construction or the receipt of the main project.</p>
Private land - Common	Area: 12829 ha  Population: 2253570	<p>Legality: Ownership and Other Proprietary Rights Act (NN 91/96): If property is owned by more than one person in a way that each part of property belongs to individual person, which is calculated in proportion to the whole property rights over the property, all of them are co-owners of these property, and parts of property rights that belong to them are their ownership shares: apartments and offices</p> <p>Registration/Recording: 100%; cadastre and land book</p> <p>Transferability: YES</p>	<p>In individual cases "social ownership" is still registered on land. In older buildings the registration of separate (special) part of real properties has not yet implemented in accordance with the current regulations, but they are maintained in the Book of Deposited Contracts.</p>

<b>RURAL AREAS</b>	<b>Area: 3472297 ha</b> <b>Population: 1268752</b>		
Land under the jurisdiction of the State	Area: 3039300 ha Population: -	<p>Legality: Ownership and Other Proprietary Rights Act (NN 91/96): railways, highways, state roads, agricultural land, forests</p> <p>Registration/Recording: 100%; cadastre and land book, but also other registers</p> <p>Transferability: YES</p>	In the land book it is not always registered on the State. For certain land, companies were established that manage those land (e.g. Croatian Forests ...).
Land under the jurisdiction of the regional / local self-government	Area: 4865 ha Population:	<p>Legality: Ownership and Other Proprietary Rights Act (NN 91/96): unclassified roads and real properties used by local self-government.</p> <p>Registration/Recording: 100%</p> <p>Transferability: YES</p>	Jurisdiction over common goods that are not maritime good or public roads has local self-government. It may use it within the communal activities on the basis of decision on the concession. For other land, registered owner can be Republic of Croatia, and that land is under the jurisdiction of the regional / local self-government.
State agricultural land	Area: 889362 ha Population:	<p>Legality: Agricultural Land Act (NN 39/13):</p> <p>Registration/Recording: 100%; cadastre and land book</p> <p>Transferability: YES, mostly lease</p>	<p>It is not always registered, especially those acquired through transformation of social ownership.</p> <p>Unused, free to use: 462017 ha</p>

Private land	Area: 2543557 ha Population: -	<p>Legality: Ownership and Other Proprietary Rights Act (NN 91/96): agricultural land, forests and forest land, construction land</p> <p>Registration/Recording: 99%, cadastre and land book</p> <p>Transferability: YES</p>	If it is located in areas of special legal regimes the use is limited.
<b>SPECIAL LEGAL REGIMES</b>		Restricts the ownership	Overlaps with all types of land and other legal regimes. Overlaps cause difficulties in management.
Protected coastal area	Area: 816140 ha Population: 757458	<p>Legality: Physical Planning Act (NN 153/13): area of coastal local self-governments. Area of mainland and the islands in the width of 1000 m from the coastline and the area of sea in the width of 300 m from the coastline.</p> <p>Registration/Recording: The boundaries and area of restricted space are displayed on the Croatian Base Map supplemented by orthophoto map.</p> <p>Transferability: -</p>	Overlaps with the areas of common good and private ownership, shown only on charts, not in the cadastre and land book.

Agricultural land	Area: 2695037 ha Population: -	<p>Legality: Agricultural Land Act (NN 39/13): agricultural land: arable land, gardens, meadows, pastures, orchards, olive groves, vineyards, ponds, reeds and swamps as well as other land that with the economically eligible costs may be used for agricultural production. The bare forest land and land covered by the initial or degradation developmental stages of forest stands, and is suitable for agricultural production is considered to be agricultural land.</p> <p>Registration/Recording: 100%; cadastre and land book</p> <p>Transferability: YES</p>	Overlaps with private and state ownership. Having ownership on agricultural land is not possible for foreign natural and non-natural persons, unless an international agreement and a special regulation provides otherwise, except by inheritance.
Protected area	Area: 721318 ha (8.2%) Population: -	<p>Legality: Nature Protection Act (NN 80/13): overall biodiversity, landscape diversity and geodiversity.</p> <p>Registration/Recording: 100%: Register of protected areas</p> <p>Transferability: -</p>	Overlaps with all types of ownership. The state has a right of pre-emption on these areas.
Watershed Area	Area: 7039000 ha Population: -	<p>Legality: Waters Act (NN 153/09): area of land and sea which consists of one or more neighbouring river basins with their associated groundwater, transitional and coastal waters, which is the main unit for river basin management.</p> <p>Registration/Recording:</p> <p>Transferability: -</p>	Overlaps with all types of ownership. Croatian Waters brings Watershed Area Management Plan and manage those areas according to it.

Forests and forest land	Area: 2688687 ha Population: -	<p>Legality: Forests Act (NN 140/05): land overgrown with forest trees in the form of a stand with area greater than 10 ares, forest nurseries and seed plantation that are an integral part of the forest, forest infrastructure, fire protection corridors and other small open areas within the forest, forests in protected areas under a special regulation, forests of particular ecological, scientific, historical or spiritual interest, windbreaks and protective zones - a protective tree zones with area greater than 10 ares and a width greater than 20 m, the land on which the forests are grown or which is due to its natural characteristics and management possibilities, foreseen as the best for growing the forest.</p> <p>Registration/Recording: 100%; cadastre</p> <p>Transferability: YES</p>	<p>Overlaps with all types of ownership. Croatian Forests and advisory services bring Forest Management Plans.</p> <p>Ownership is limited, there are special processes to single out the land from this area (e.g. in the case of converting the land into construction land). It is forbidden to transfer it if the state is owner.</p>
Hunting areas	Area: 2191296 ha Population: -	<p>Legality: Hunting Act (NN 140/05): land owned by non-natural or natural persons (private hunting area) and the hunting areas established on land owned by the Republic of Croatia (state hunting area); Common hunting area is hunting area established on lands of different owners, who under the provisions of the Act were not able to establish their own hunting area.</p> <p>Registration/Recording: NO</p> <p>Transferability: YES</p>	<p>Overlaps with private ownership, state and common good. The boundaries are shown on charts only, and not on the cadastral map.</p>

Fishing zones	Area: 5452700 ha Population: -	<p>Legality: Marine Fisheries Act (NN 81/13): part of the sea area that represents biological, hydrological and economical unit, and whose boundaries are defined.</p> <p>Registration/Recording: NO</p> <p>Transferability: NO, only issuing fishing licenses</p>	The boundaries are determined by the regulations. Fishing privileges are assigned for zones.
Cultural goods	Area: 1000 ha Population: -	<p>Legality: Act on the Protection and Preservation of Cultural Goods (NN 69/99): archaeological sites and archaeological zones, landscapes and their parts that testify the presence of men in the area and have artistic, historical and anthropological value, buildings or premises in which cultural assets and documentation about them are permanently stored or exhibited.</p> <p>Registration/Recording: YES</p> <p>Transferability: YES, with restrictions</p>	Overlaps with all land and restricts the ownership. The state has a right of pre-emption. Land book records a remark about it. Also a separate register of cultural properties exists.



## 2. Institutional Mapping

Parliament is the supreme legislative authority in the Republic of Croatia. It adopts regulations that are mainly proposed by the Government. Government is the supreme executive authority and at the top of the state administration system. According to the Law on the System of State Administration (ZSU) (NN 150/11 and 12/13), state administration affairs are direct law enforcement, adoption of implementing legislation, conduction of administrative and inspection control and other administrative and professional activities.

### 2.1 Land Sector

Many government bodies are involved into matters related to land sector. An important role in the land sector also has judicial authority. Land book departments of municipal courts maintain the land book and municipal courts resolve disputes. State Prosecutor's Office is taking legal actions to protect the property rights of the Republic of Croatia.

State Geodetic Administration (SGA) is responsible for cadastre. Cadastre is maintained in approximately 100 cadastral offices. Except for cadastre SGA is responsible for geodetic affairs, establishment, renewal and maintenance of surveying and real property cadastre, computerization of cadastre and geodetic-spatial system, topographic and hydrographic mapping, maintaining the geodetic documentation, maintaining statistical data of real property cadastre and utility cadastre and geodetic and cadastral affairs related to the state border.

Ministry of Construction and Physical Planning with its Directorate for Construction and Energy Efficiency in Buildings and Directorate for Physical Planning, Legal Affairs and EU programs is responsible for architecture, urban planning and housing, harmonization of spatial development, planning, use and protection of space, information system of space, monitoring the condition of space, cooperates in preparing the zoning of counties, cities and municipalities to provide conditions for the management, planning and use of construction land. Croatian Institute for Physical Planning, manufactures, and coordinates the preparation and monitors the implementation of the State spatial development plan and other spatial plans.

Ministry of Justice is responsible for: right of ownership, property matters related to expropriation and other restrictions of ownership, property matters in respect of construction, agricultural and forest land, land consolidation, land and building transaction and part of agrarian operations and compensations for properties seized during the Yugoslav communist regime not under the jurisdiction of another government body. Additionally, it coordinates the work of the land book and issues approvals for the acquisition of ownership rights of foreign citizens. For keeping and maintaining the land books is responsible judicial power. In municipal courts there are special Land book departments, which are responsible for registrations.

Ministry of Agriculture, Agency for Agricultural Land and Paying Agency for Agriculture, Fisheries and Rural Development are responsible for the management of agricultural land owned by the state and are taking care of the development of agriculture by more efficient use of agricultural land and its protection.

Ministry of Environmental and Nature Protection, Directorate for Nature Protection, Croatian Environment Agency, the State Institute for Nature Protection, Environmental Protection and Energy Efficiency Fund are responsible for the general policy of environmental protection in order to achieve conditions for sustainable development, protection of air, soil, waters, sea, registering, documenting and promoting natural heritage.

Ministry of Finance and Tax Administration are responsible for the development, improvement and coordination of concessions policy and the assessment and collection of taxes on real

property transactions. They issue a personal identification number and maintain a register of taxpayers.

Ministry of Culture is responsible for cultural goods, Ministry of Maritime Affairs, Transport and Infrastructure is responsible for the maritime domain and boundary determination of the maritime good and the Ministry of Economy is responsible for strategy of administration of state property.

Ministry of the Regional Development and EU Funds and Directorate for Regional Development are responsible for the planning and implementation of regional development policy and establishing a comprehensive planning system, sustainable development of the Adriatic Sea, islands and coast, proposing development policy and establishing a comprehensive planning system, programming, administration and financing of islands and coastal area development, planning, development and implementation of strategic documents and projects for transport, utility and social infrastructure on the islands and coast.

Administration and disposal of state property and coordination of administration and disposal of properties owned by the Republic of Croatia and maintenance of register of state properties are responsibilities of State Property Management Administration.

Office of State Administration of the County is responsible for matters at the regional level associated with compensations for confiscated properties, housing, determines the compensation for change of the land use of agricultural land and issues licenses for clear cutting of forests and changes in the registry of concessions. At the regional level, preparation of the spatial planning for the county and monitoring of its implementation, preparation of reports on the spatial conditions in the county, making spatial development plans of towns and municipalities and urban development plans are responsibilities of County Institute for Physical Planning.

Local self-governments are responsible for adoption of spatial plans, land management, provision and collection of communal fees / contributions.

For administration of public water resources, company Croatian Waters has been established, management of forests and forest lands and hunting areas is responsibility of Croatian Forests, management of roads is responsibility of Croatian Motorways and Croatian Roads, and railway infrastructure management is responsibility of HŽ infrastructure.

Croatian Chamber of Chartered Geodetic Engineers, the Croatian Bar Association, Croatian Notaries Chamber, Croatian Association of Court Expert Witnesses, Authorized agents and real property mediators are private sector associations involved in the affairs of land governance. They are authorized for cadastral surveying, drafting documents on legal matters, verification of documents, participation in dispute resolutions, and mediation in the real property market.

## 2.2 Croatian State Administration

State administration activities are generally conducted by government bodies, which can be central state administration bodies and state administration bodies in the counties. Central state administration bodies are ministries and state administration organizations that can be established as institutes, administration offices and directorates. The state administration bodies in counties are state administration offices. Croatian Government, as a holder of the executive authority, is responsible for the coordination and the internal organization of all state administration bodies. By special laws, non-natural persons with public authorization may be legally entrusted with matters of public affairs.

Constitution of the Republic of Croatia in 1990 has provided new legal framework for the development of local self-government. The right to have local self-government is realized through local or regional representative bodies of local and regional self-government. Municipalities and cities as local self-governments and counties as regional self-governments are established according to the criteria provided by the Law on Local and Regional self-government (ZLRS) (NN 33/01 ...). In the Republic of Croatia, a total of 555 local self-government units were established, which includes 428 municipalities and 127 cities and 20 regional self-government units or counties. City of Zagreb as Croatian capital, has a special status of city and county.

Local self-governments (municipalities and cities) perform tasks of local importance which directly address the needs of citizens, and especially tasks of organization of settlements and housing, physical and urban planning, utility services, child care, social welfare, primary health care, school and primary education, culture, physical culture and sport, protection and improvement of the environment, fire protection and civil protection. For the financing, local self-governments receive a part of the real property transactions tax, and they may introduce a tax on uncultivated agricultural land, tax on unused entrepreneurial real properties and tax on undeveloped construction land.

Counties as regional self-governments within the self-governing scope perform tasks that are of regional significance, and are related to education, health care, physical and urban planning, economic development, transport and transport infrastructure, planning and development of a network of educational, social and cultural institutions.

### 2.3 State Agencies

Agencies are legally independent from the Government and have special budget as part of the state budget (e.g. Agency for Agricultural Land). They are established and operate in accordance with the regulation on which they were established. Agencies may charge for their services according to the prescribed price lists. However, income is paid directly to the state budget. Realized revenues does not dispose agency that it has achieved.

### 2.4 Government owned or controlled corporations

Companies owned by the Republic of Croatia operate according to the Companies Act (ZTD) (NN 111/93 ...). Usually they provide services on a commercial basis, are independently financed from its own activities, and are established the same way as private companies.

Table 2. Institutional Map of Land Related Institutions in the Republic of Croatia

RB	Institutions	Type of Land Resources	Responsibility/Mandate	Separation of Policies and Functions	Overlaps occur with which institution?
	<b>LEGISLATIVE AUTHORITY</b>				
1	<a href="#">Parliament</a>	all	the holder of legislative authority, the adoption of regulations		
	<b>JUDICIAL AUTHORITY</b>				
2.1	Supreme Court	all	ensures the uniform application of law and equality of all in its application, solves the conflict of jurisdiction when it is provided by a special law		
2.2	County court	all	dispute resolution in the second instance		
2.3	Municipal court	all	resolving land related disputes in the first instance		
2.4	Municipal court - Land book department	all	registration of rights and encumbrances on the real properties; it decides about proposals for the registration in the land book, and conducts the procedure of establishment, renewal, completion and transformation of land book		For about 500 cadastral municipalities cadastral documentation is renewed but land book is not renewed so land book records are maintained based on the data of previous cadastral documentation
2.5	Administrative Court	expropriated	dispute resolution in expropriation		
2.6	<a href="#">State Prosecutor's Office</a>	common goods and state land	takes legal actions to protect the property of the Republic of Croatia and provide legal remedies to protect the Constitution and the law		
	<b>EXECUTIVE AUTHORITY</b>				
3	<b>Government</b> (Legislation Office)	all	the holder of executive authority, proposing legislation, coordination among ministries		

	Ministries and agencies				
3.1	<a href="#">Ministry of Construction and Physical Planning</a> <ul style="list-style-type: none"> <li>• <a href="#">Directorate for Construction and Energy Efficiency in Buildings</a></li> <li>• <a href="#">Directorate for Physical Planning, Legal Affairs and EU programs</a></li> </ul>	all	administrative and other activities related to construction, urban planning and housing, harmonization of spatial development, planning, use and protection of space, information system of space, monitoring the condition of space, cooperate in preparing the zoning of counties, cities and municipalities to provide conditions for the management, planning and use of construction land		
3.1.1	<a href="#">Croatian Institute for Physical Planning</a>	all	preparation and coordination of making and monitoring the implementation of State spatial development plan and other spatial plans adopted by the Croatian Parliament or the Government, management, development and administration of information system for physical planning		
3.1.2	<a href="#">State Geodetic Administration</a>	all	administrative and other tasks related to: geodetic and cadastral affairs, and especially to the establishment, renewal and maintenance of surveying and real property cadastre; computerization of cadastre and geodetic-spatial system; topographic and hydrographic mapping; maintaining the geodetic documentation; maintaining statistical data of real property cadastre and utility cadastre; geodetic and cadastral affairs related to the state border;		The land use classification is not in line with the needs of other institutions
3.2	<a href="#">Ministry Of Justice</a>	all	organization and functioning, professional specialization and training of judges, state attorneys and staff in the courts, state prosecutor's offices, the bodies responsible for the prosecution and the bodies that carry criminal sanctions, administrative and other tasks of public notaries and attorney's office, administrative and other tasks relating to: the right of ownership; property matters related to expropriation and other restrictions of ownership; property matters in respect of construction, agricultural and forest land, land consolidation, land and building transaction and part of agricultural operations that are not within the jurisdiction of other government bodies; property of foreign citizens, compensations for property seized during the Yugoslav communist regime not under the jurisdiction of another government body.		

3.2.1	<a href="#">Civil, Commercial and Administrative Law Directorate</a> , Department for land book law	all	drafting of laws and by-laws, enforcement of law and other regulations concerning: mediation, arbitration and other alternative dispute resolution, real property transactions and lease of office spaces and administrative court procedural law, general real right governance – right of ownership, servitude, construction rights, right from the actual encumbrances and lien, office space lease, and in the domain of regulation of land book; keeping the register of mediators, providing approvals for the acquisition of ownership rights of foreign persons on the Croatian territory.		
3.3	<a href="#">Ministry of Agriculture</a> <ul style="list-style-type: none"> <li>• <a href="#">Fisheries Directorate</a></li> <li>• <a href="#">Directorate for Water Management</a></li> <li>• <a href="#">Directorate for Forestry, Hunting and Wood Industry</a></li> <li>• <a href="#">Directorate for Management of EU Funds for Rural Development, EU and International Cooperation</a></li> </ul>	Agricultural land, forests and forest land, watershed area, fishing zones, hunting areas	administrative and other activities in the domain of agriculture, fisheries, forestry, water management, rural development, management and disposal of agricultural land owned by the state, agricultural policy, water policy, measures of administration and management of biological resources of the sea and fresh water; determination and control of fishing effort; determination of the boundary between the inner and outer fishing sea, fishing zone boundaries, forestry, forest protection, governance of legal relations on forests and forest land owned by the state, except property rights affairs; wood industry and hunting; water management and water-management system; management of water resources and its use; regulates legal relations on agricultural land, except property rights affairs, initiates and conducts land consolidation, except property rights affairs, conversion of agricultural land into construction land, protection of agricultural land, keeps records on agricultural land, coordinates and harmonizes the Croatian agricultural policy and rural development policy with appropriate policies of EU in the part related to agriculture.		
3.3.1	<a href="#">Agency for Agricultural Land</a>	State agricultural land	disposal of agricultural land, the acquisition of agricultural land, management of the land fund, mediation in agricultural land transactions, assisting owners and holders of agricultural land in the resolution of property relations on agricultural land, monitoring and evaluating the effects of various measures of agricultural policy and measures of other policies for the consolidation of agricultural land, connecting and coordinating the work of state bodies, institutions, units of regional and local self-governments in terms of agricultural policy measures and other policies that have an impact on the consolidation of agricultural land, keeps and maintains information subsystem on disposal of agricultural land.		The register of agricultural land overlaps with the cadastre / land book

3.3.2	<a href="#">Paying Agency for Agriculture, Fisheries and Rural Development</a>	Cultivated agricultural land	implementation of national aid measures in agriculture and fisheries, the implementation of the EU Common Agricultural Policy (direct payments and rural development measures by Integrated Administration and Control System - IACS)		
3.4	<a href="#">Ministry of Environmental and Nature Protection</a>	all	administrative and other tasks related to: the general environmental policy in order to achieve conditions for sustainable development; protection of air, soil, water, sea, recording, documenting and promoting natural heritage, central information and documentation service; designation of characteristics of protected natural areas and their valuation; maintaining of central register of protected natural areas;		Register of protected areas overlaps with the cadastre / land book
3.4.1	<a href="#">Directorate for Nature Protection</a>	Protected area	professional and administrative supervision over the work of public institutions for administration of protected areas, prepares planning documents for nature conservation;		
3.4.2	<a href="#">Croatian Environment Agency</a>	all	collecting, integrating, and processing of environmental data; the establishment, development, management and coordination of a unified information system of environmental protection in the Republic of Croatia		Records about the environment partially overlap with the cadastre / land book
3.4.3	<a href="#">State Institute for Nature Protection</a>	Protected area	data collection and processing, preparation of expert reports needed for nature protection, supervision and cooperation with public institutions for the protection of nature, maintains information system of nature protection;		Records about nature protection partially overlap with the cadastre / land book
3.4.4	<a href="#">Environmental Protection and Energy Efficiency Fund</a>	Protected area	maintaining a database of programs, projects and similar activities in the field of environmental protection and energy efficiency, and necessary and available financial resources for their implementation;		
3.5	<a href="#">Ministry of Culture</a>	Cultural goods	research, study, monitoring, recording, documentation and promotion of cultural heritage;		Records about cultural heritage partly overlap with the cadastre / land book
3.6	<a href="#">Ministry of Finance</a>	all	maintaining the concession registry, development, improvement and coordination of concession policy systems; supervision of the implementation of the Concessions Act and other legislation governing the system of concessions; participates in procedures and analyses proposals of the various concession models and models of public-private partnerships, tax system and tax policy;		

3.6.1	<a href="#">Tax Administration</a>	all	maintaining the register of taxpayers, determination and assigning of personal identification number, issuing the certificate of personal identification number, maintaining records of personal identification numbers and filing of indictments and misdemeanour proceedings in the first instance because of the infringement of regulation on personal identification number, assessment and collection of real property transaction tax;		
3.7	<a href="#">Ministry of Maritime Affairs, Transport and Infrastructure</a>	Maritime good	prevention of sea pollution from ships; sea ports, maritime domain and boundary determination of the maritime good;		
3.8	<a href="#">Ministry of Economy</a>	State land	strategies to facilitate and promote investment and exports, participates in the strategy coordination of administration of state property, improvement and development of concessions system in the area of its jurisdiction and control over its implementation and improvement and development of the system of public-private partnerships;		
3.9	<a href="#">Ministry of the Regional Development and EU Funds</a>	Rural areas and islands	planning and implementation of regional development policy and establishing a comprehensive planning system, sustainable development of the Adriatic Sea, islands and coast; proposing development policy and establishing a comprehensive planning system, programming, administration and financing of islands and coastal area development, planning, development and implementation of strategic documents and projects for transport, utility and social infrastructure on the islands and coast; initiating, coordinating and supervising the activities defined by acts and regulations that govern the development of islands and coastal areas;		Planning in the sea and islands area can overlap with other institutions responsible for planning
3.9.1	Directorate for Regional Development	Rural areas and islands	programs of urban development and other territorial programs, islands development policy;		
3.10	Ministry of Public Administration	all	administrative and professional matters related to: system and organization of state administration and local and regional self-government; development of information system of state administration;		



	State administrative offices				
4.1	<a href="#">State Property Management Administration</a>	State land	administration and disposal of state property and coordination of administration and disposal of properties owned by the Republic of Croatia, prepares drafts of strategy for administration and disposal of state property, proposal of plan for administration of state property and reports on the implementation of the plan for the administration of state property; administrates and disposes a fund of apartments and office premises owned by the Republic of Croatia, administrates and disposes residential buildings, real properties which were declared non-perspective for military use by the Ministry of Defence and other construction land owned by the Republic of Croatia; maintains the state property register, participates in the drafting of physical planning documents by submitting requests and providing opinions, if it concerns land owned by the Republic of Croatia;		State property register overlaps with the cadastre / land book
4.2	<a href="#">State Office for Reconstruction and Housing Care</a>	urban	administrative and other activities related to planning, preparation, organization and supervision of housing for refugees, exiles and returnees, former tenancy rights holders and other beneficiaries of housing programs in accordance with a special regulation; administration and disposal of housing units for rental during the implementation of housing programs and collection of the rent according to the special regulation;		
4.3	<a href="#">Croatian Regulatory Authority for Network Industries (HAKOM)</a>	all	issuing the certificate about the right of way		

	Regional / local self-government				
5.1	Office of State Administration of the County	all	conducts compensation procedures for the confiscated properties, implements procedures for identification of ownership of the Republic of Croatia on seized properties for which no request for compensation was submitted by the previous owners or has been finally refused or rejected, issues certificates for the real properties for which the procedure for compensation of expropriated property was initiated, conducts the procedures of expropriation of real properties (full and partial expropriation), receives the record statements of the owners of undeveloped construction land for transferring it to the local self-government ownership, determines the right of ownership in the tourist and other construction land which was not assessed in the process of transformation and privatization, conducts the procedures of housing, determines the compensation for change of the land use of agricultural land, issues licenses for clear cutting of forests, approvals for exploration of mineral resources and granting of concessions for the exploitation of mineral resources, enrolment and changes in the registry of concessions, verification of mining projects and maintaining the research areas cadastre and exploitation fields cadastre, issuing special conditions for construction and reconstruction of regional and local roads in the process of issuing the location permit and participation in the process of issuing building permit by providing confirmation of the main project, and granting prior approval for modification of traffic technical report;		
5.2	<a href="#">County Institute for Physical Planning</a>	urban	preparation and coordination of the spatial planning for the county and monitoring of its implementation, preparation of reports on the spatial conditions in the county, making spatial development plans of towns and municipalities and urban development plans;		Planning in the protected coastal areas and islands
5.3	Local / regional self-government	all	the adoption of spatial plans, land management, provision and collection of communal fees / contributions, culture		

	<b>Companies owned by the State</b>				
6.1	<a href="#">Croatian Waters</a>	Watershed Area	administration of public water resources, professional activities related to the granting of concessions for the economical use of waters, assessment and collection of concession fees for the economical use of waters, preparation of planning documents for water administration - preparation of the draft proposal of the water administration strategy, preparation of the draft proposal of watershed area administration, preparation of the draft proposals of multiannual constructions programs, provision of detailed plans and programs with the watershed area administration plans; preparation of the proposal of financial plan and adoption of water administration plan;		Keeping records of concessions with tax authority
6.2	<a href="#">Croatian Forests</a>	Forests and forest land	forest and forest land management in the Republic of Croatia, management of state hunting areas;		Possible overlap with agricultural and urban land
6.3	<a href="#">Croatian Motorways</a>	Motorways	management of motorways, land acquisition for construction		
6.4	<a href="#">Croatian roads</a>	State roads	management, construction and maintenance of state roads		
6.5	<a href="#">HŽ Infrastructure</a>	Railways	railway infrastructure management		
	<b>Non-governmental organizations</b>				
7.1	<a href="#">Croatian Chamber of Chartered Geodetic Engineers</a>	all	professional geodetic activities in the field of state survey, real property cadastre and utility cadastre, professional geodetic activities for physical planning and construction, professional geodetic activities for land consolidation of agricultural land, professional geodetic activities for protected areas, other professional geodetic activities performed as services for natural and non-natural persons;		Technical reports of Chartered Geodetic Engineers are verified by the officials of the State Geodetic Administration
7.2	<a href="#">Croatian Bar Association</a>	Private	provides all forms of legal assistance, in particular: - provides legal advice, - draws up documents (contracts, wills, statements, etc.), - draws up lawsuits, complaints, suggestions, requests, pleas, extraordinary legal remedies and other submissions, - represents the parties;		
7.3	<a href="#">Croatian Notaries Chamber</a>	Private	official preparation and issuance of public documents on legal matters, statements and the facts upon which rights are based, the official certification of private documents, receiving documents for safekeeping, also money and items of value due to their handover to other persons;		Drawing up documents is also performed by attorneys

7.4	<a href="#">Croatian Association of Court Expert Witnesses</a>	all	professional expertise in disputes before the courts		
7.5	<a href="#">Authorized agents and real property mediators</a>	Private	mediation in real property transactions		

#### Comments:

- There are no significant overlaps of responsibilities of institutions. Responsibilities are well distributed. Difficulties occur when for the same land someone should look for certificates from many institutions.
- The classification of land is diverse at different institutions
- For the valuation of real properties different methodologies are applied
- While converting the land (e.g. forest into the construction land) difficulties appear
- Many institutions maintain their own land "registers", usually by copying cadastre / land book data

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ZKN - Law on State Survey and the Real Property Cadastre (Zakon o državnoj izmjeri i katastru nekretnina) (NN 16/07, 124/10)

ZZK - Law on Land Book (Zakon o zemljišnim knjigama) (NN 91/96, 68/98, 137/99, 114/01, 100/04, 107/07, 152/08, 126/10, 55/13, 60/13)

ZPDML – Maritime Good and Seaports Act (Zakon o pomorskom dobru i morskim lukama) (NN, 158/03, 100/04, 123/11, 141/06, 38/09)

ZPZ – Agricultural Land Act (Zakon o poljoprivrednom zemljištu) (NN 39/13)

ZPU – Physical Planning Act (Zakon o prostornom uređenju) (NN 153/13)

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ZŠ – Forests Act (Zakon o šumama) (NN, 140/05, 82/06, 129/08, 80/10, 124/10, 25/12, 68/12, 148/13, 94/14)

ZL – Hunting Act (Zakon o lovstvu) (NN, 140/05, 75/09, 153/09, 14/14)

ZMR – Marine Fisheries Act (Zakon o morskom ribarstvu) (NN, 81/13, 14/14, 152/14)

ZZOKD – Act on the Protection and Preservation of Cultural Goods (Zakon o zaštiti i očuvanju kulturnih dobara) (NN, 69/99, 151/03, 157/03, 100/04, 87/09, 88/10, 61/11, 25/12, 136/12, 157/13, 152/14)

ZZPP - Law on Leasing and Selling of Office Space (Zakon o zakupu i prodaji poslovnog prostora) (NN 91/96, 124/97, 174/04 i 38/09)

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#### **Websites:**

Ministry of Construction and Physical Planning: <http://www.mgipu.hr/>

Ministry Of Justice: <https://pravosudje.gov.hr/>

Ministry of Agriculture: <http://www.mps.hr/>

Ministry of Environmental and Nature Protection: <http://www.mzoip.hr/>

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