

THE ENVIRONMENTAL PROTECTION AND ENERGY EFFICIENCY FUND

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Pursuant to Article 20 paragraph 4 of the Act on the Environmental Protection and Energy Efficiency Fund (Official Gazette 107/03), Article 15 paragraph 1 subparagraph 5, Article 72 paragraph 1 subparagraph 4 and paragraph 3 of the Statute of the Environmental Protection and Energy Efficiency Fund (Official Gazette 193/03 and 73/04) and in line with the Decision on the publication of rules on state aid for environmental protection (Official Gazette 154/08), the Steering Council of the Environmental Protection and Energy Efficiency Fund, at its session on 19 December 2008, upon prior approval by the Ministry of Environmental Protection, Physical Planning and Construction and the Ministry of the Economy, issued the

ORDINANCE

ON THE CONDITIONS AND THE METHOD OF ALLOCATING APPROPRIATIONS OF THE ENVIRONMENTAL PROTECTION AND ENERGY EFFICIENCY FUND AND ON THE CRITERIA AND STANDARDS FOR THE EVALUATION OF APPLICATIONS FOR ALLOCATING FUND APPROPRIATIONS

I GENERAL PROVISIONS

Article 1

This Ordinance stipulates the conditions to be fulfilled by beneficiaries of appropriations of the Environmental Protection and Energy Efficiency Fund (hereinafter: the Fund), the method of allocating appropriations, and the criteria and standards for the evaluation of applications for allocating Fund appropriations.

Article 2

The following legal and natural persons may be beneficiaries of appropriations of the Fund:

- units of regional self-government and units of local self-government,
- companies and other legal persons,
- sole traders,
- natural persons (households).

Article 3

Appropriations of the Fund may be used for financing environmental protection, energy efficiency and renewable energy sources in line with Article 19 paragraph 1 of the Act on the Environmental Protection and Energy Efficiency Fund.

Appropriations of the Fund may be used for the purposes defined in Article 19 paragraph 1 of the Act on the Environmental Protection and Energy Efficiency Fund, which are organised and implemented in the territory of the Republic of Croatia, where organised and financed by international organisations, financial institutions and bodies, and other foreign legal persons.

Article 4

Appropriations of the Fund shall primarily finance programmes, projects and similar activities pursuant to the National Strategy covering the area of environmental protection and energy efficiency.

The programme of activities and the financial plan of the Fund for each current year shall define the sources and purposes of funding.

Article 5

Annual and four-year programmes of activities of the Fund shall determine the areas of environmental protection and energy efficiency in line with Article 19 paragraph 1 of the Act on the Environmental Protection and Energy Efficiency Fund within which the Fund will finance projects, programmes and similar activities.

Within the framework of determined areas for each fiscal year, the Steering Council of the Fund shall set priorities for allocating appropriations in line with the National Strategies and other documents establishing priorities in the areas of environmental protection, energy efficiency and use of renewable energy sources.

On the basis of the priorities set pursuant to paragraph 2 of this Article, the Fund shall announce public tenders for allocation of appropriations and define individual projects, programmes and similar activities for which tenders will be announced.

The Fund shall not announce a public tender for the use of Fund appropriations according to the priorities set in line with paragraphs 2 and 3 of this Article if conditions have been met (for the purpose of using appropriations of the European Union or other funds where national co-financing is necessary) for direct co-financing and participation of the Fund in the realisation of projects, programmes and similar activities stipulated by the Act on the Environmental Protection and Energy Efficiency Fund and by the Fund's general legal acts.

Article 6

On the basis of its annual and four-year programmes of activities, the Fund – as a state aid provider – shall draw up individual state aid schemes for environmental protection and energy efficiency, which shall contain the following:

- a) title of the scheme,
- b) legal basis for adopting the scheme,
- c) state aid category,
- d) measures envisaged by the scheme,

- e) eligible costs and state aid intensity,
- f) state aid beneficiaries,
- g) state aid instrument,
- h) source of funds, and
- e) scheme duration.

The Fund shall submit individual state aid schemes to the Agency for approval within 30 days from the day of the adoption of the annual or four-year programme of activities.

Article 7

When a decision is made upon the announcement of a public tender for allocating Fund appropriations, target groups of projects, programmes and similar activities, as well as beneficiaries of appropriations, shall be determined, within the framework of priorities set in line with Article 5 of this Ordinance.

The target groups of projects, programmes and similar activities and the beneficiaries within the framework of priorities shall be established separately for environmental protection and separately for energy efficiency and use of renewable energy sources, taking into consideration the investment areas and the types of projects, programmes and similar activities into which Fund appropriations are invested.

Public tenders for allocation of appropriations of the Fund shall define in detail the projects, programmes and similar activities for which the appropriations are allocated, potential beneficiaries of those appropriations, and criteria and standards for allocating the appropriations.

II CONDITIONS TO BE FULFILLED BY BENEFICIARIES OF FUND APPROPRIATIONS

Article 8

Beneficiaries may be granted appropriations of the Fund provided that they:

- are seated in the territory of the Republic of Croatia,
- invest their own funds into projects, programmes and similar activities pertaining to environmental protection, energy efficiency and renewable energy sources,
- accept conditions of joint participation in co-financing the projects, programmes and similar activities for which appropriations of the Fund are granted, as stipulated by general legal acts of the Fund,
- submit an application for the use of appropriations of the Fund in line with the announced public tender,

- conclude a contract with the Fund on joint investment in the project, programme or similar activity, for which appropriations of the Fund are granted,
- meet other requirements fixed in the tender.

Article 9

The following shall be deemed to be the own contribution of a beneficiary of Fund appropriations:

- financial resources of the beneficiary,
- capital assets acquired for the purpose of realising the investment financed by the Fund,
- loans granted by other financial institutions for the purpose of the investment,
- deposits of other legal and natural persons related to the investment.

III METHOD OF ALLOCATING FUND APPROPRIATIONS

Article 10

Appropriations of the Fund shall be allocated to beneficiaries for the purpose of financing the projects, programmes and similar activities established in line with Articles 3, 4, and 5 of this Ordinance by means of:

- interest-free loans,
- subsidies,
- financial assistance, and
- donations.

Article 11

The Fund shall as a rule grant loans, subsidies and donations to companies and other legal persons, sole traders and natural persons.

The Fund shall as a rule grant financial assistance to units of regional self-government and units of local self-government.

The Fund may grant loans, subsidies, financial assistance and donations to companies and other legal persons, sole traders and natural persons on the basis of the Fund's programme of activities and financial plan for the current year and on the basis of a decision of the Steering Committee.

Article 12

The Fund may grant appropriations directly or through a financial institution.

Article 13

For the purpose of investing into projects, programmes and similar activities pertaining to environmental protection and energy efficiency, the Fund shall as a rule grant loans to companies and other legal persons, sole traders and natural persons.

When granting loans, the Fund shall conduct a procedure of evaluating the investment feasibility, i.e. determine the financial, economic, technical and staff-related capability of a loan beneficiary and the anticipated positive effects of the appropriations intended to be invested into projects, programmes and similar activities pertaining to environmental protection, energy efficiency and use of renewable energy sources.

When evaluating feasibility of investments into projects, programmes and similar activities pertaining to environmental protection, energy efficiency and use of renewable energy sources, i.e. when assessing the financial and economic capability of a beneficiary, the Fund shall cooperate with the Croatian Bank for Reconstruction and Development.

The Fund's Steering Committee may render a decision on cooperation with other financial institutions with a view to verifying the investment feasibility, i.e. evaluating the financial and economic capability of a beneficiary of appropriations.

For the purpose of securing repayment of loans, the Fund shall set the minimum requirements for the necessary collateral in the public tender conditions, whereas concrete instruments for securing the repayment of appropriations paid out by the Fund shall be set in the loan contract for each individual project, programme or similar activity into which appropriations of the Fund are invested.

The Fund shall not grant a loan unless the beneficiary has secured the contracted security instruments.

Article 14

The Fund may subsidise investments into environmental protection, energy efficiency and use of renewable energy sources.

Subsidies may be granted for interest rates, for investments, and for the completion of the funding plan of investments into projects, programmes and similar activities pertaining to environmental protection, energy efficiency and use of renewable energy sources.

When granting subsidies, the Fund shall appropriately conduct a procedure of investment feasibility evaluation, i.e. determine the financial, economic, technical and staff-related capability of a beneficiary of Fund appropriations and the anticipated positive effects of the appropriations intended to be invested into environmental protection and energy efficiency.

The method of granting a subsidy and its amount shall be determined by a decision of the Steering Committee.

Appropriations granted in the form of a subsidy shall be non-repayable.

Article 15

The Fund may partially or completely subsidise an interest rate of a commercial loan.

The Fund may pay out a subsidy for an interest rate on a one-time basis for the whole amount and the whole loan duration, and successively in line with the agreed maturity dates of interest rates fixed in the contract on the loan whose interest rate is subsidised.

Beneficiaries of subsidised interest rates may be legal and natural persons investing funds into projects, programmes and similar activities pertaining to environmental protection, energy efficiency and use of renewable energy sources, provided that a financial institution or the Fund has established that they would be financially viable if the interest rate is subsidised.

The Steering Council shall decide upon the method of granting the subsidy of the interest rates referred to in paragraphs 1 and 2 of this Article.

Article 16

When subsidising interest rates, the Fund shall accept the same loan security instruments as the business bank that has granted the loan, unless the Steering Council determines otherwise.

The Fund shall set the minimum requirements for the necessary collateral in the public tender, whereas concrete instruments for securing the repayment of appropriations paid out by the Fund shall be set in a contract on subsidy for each individual project, programme or similar activity for which the Fund has granted a subsidy.

Article 17

The Fund shall grant financial assistance on a non-repayable basis, in line with the purposes determined by the programme of activities or a public tender.

The programme of activities or a public tender shall determine the maximum amount of assistance per individual project, programme or activity into which the Fund invests appropriations.

Article 18

The Fund shall grant donations under the conditions and in the manner determined by the Fund's programme of activities or a public tender.

The Fund shall grant donations from the revenue generated from sources stipulated by law and it may also grant them from the foreign revenue if a special contract with a foreign financial institution which provides for the funds includes granting of donations.

Article 19

In the procedure of granting loans, subsidies, financial assistance and donations, the Fund shall play an active role in the evaluation of investment feasibility and anticipated positive environmental and energy efficiency impacts.

The Fund shall not grant a loan, subsidy, financial assistance or donation if it has established that feasibility of the intended investment is disputable and that no positive environmental and energy efficiency impacts may be expected.

The Fund shall not allocate state aid for environmental protection and energy efficiency to undertakings in difficulty, in line with the Decision of the Government of the Republic of Croatia on the publishing of rules on state aid for rescuing and restructuring contained in the Community Guidelines on state aid for rescuing and restructuring firms in difficulty.

Article 20

The Fund shall not pay out the granted loan, subsidy or financial assistance and shall not remit donation to the beneficiary that has not met all the requirements which enable orderly use of the granted appropriations for the earmarked purpose.

The Fund shall make appropriations available to a beneficiary in accordance with investment phases and submitted progress reports.

The Fund may remit appropriations to a beneficiary also in accordance with the real investment realisation, if so regulated in the contract.

Article 21

If a loan instalment is mature, but has not been settled, the Fund shall use the security instrument on the basis of which the quickest settlement of the due liability is expected.

If the Fund estimates that reasons for non-fulfilment of obligations are justified, it may agree upon different conditions of loan repayment and conclude an annex to the loan contract.

Article 22

Appropriations of the Fund, regardless whether the financing is direct or indirect, shall be deemed to be earmarked for a specific purpose.

Contracts on the allocation of appropriations must include the right to supervise the use of the Fund appropriations for the earmarked purpose.

If the appropriations are not used for the earmarked purpose, the beneficiary shall be obliged to repay the Fund the amount of the funds spent for non-earmarked purposes, together with the corresponding, legally prescribed default interest calculated from the day of receipt of the appropriations until the day of their repayment to the Fund's account, and to compensate for the damage incurred by the Fund in line with the provision of Article 20 paragraph 6 of the Act on the Environmental Protection and Energy Efficiency Fund and with the corresponding provisions of the Civil Obligations Act.

Article 23

Appropriations of the Fund must be used in line with their purpose and within the deadlines set in the public tender or in the contract.

If appropriations are allocated in instalments or on the basis of progress reports, the beneficiary shall prove spending of the funds for the earmarked purpose by documents for each instalment or progress report separately, and also for the entire amount of the spent Fund appropriations.

Article 24

Units of regional self-government, units of local self-government, natural persons (households), non-profit organisations and public institutions may receive appropriations from the Fund:

- up to 80% of the integral funding plan of investment if they are located in an area of special state concern,
- up to 60% of the integral funding plan of investment if they are located on the islands or in the mountain regions and if their financial capacity is restricted (income per capita less than 65% of the average for the Republic of Croatia, etc.),
- up to 40% of the integral funding plan of investment in other areas.

If appropriations of the Fund are invested into projects, programmes and similar activities in the territory of the Republic of Croatia which are organised and financed by international organisations, financial institutions and bodies, and other foreign legal persons, the portion of the Fund appropriations shall be determined in a contract, in the amount established by a decision of the Fund's Steering Council.

Article 25

Companies, sole traders carrying out economic operations and other legal persons may acquire appropriations of the Fund for the programmes and projects laid down in Article 19 of the Act on the Environmental Protection and Energy Efficiency Fund and for the programmes and projects defined by middle-term and annual programmes of activities of the Environmental Protection and Energy Efficiency Fund, according to the priorities set in the National Strategies for the areas of environmental protection and in the National Strategies and programmes pertaining to energy efficiency and renewable energy sources.

Environmental protection means any action designed to remedy or prevent damage to physical surroundings or natural resources by a beneficiary's own activities, to reduce the risk of such damage or to lead to more efficient use of natural resources, including energy-saving measures and the use of renewable sources of energy.

Energy-saving measure means any action which enables undertakings to reduce the amount of energy used in particular in their production cycle.

Community standard means:

- a) a mandatory Community standard setting the levels to be attained in environmental terms by individual undertakings; consequently, standards or targets set at Community level which are binding for the Member States but not for individual undertakings are not deemed to be "Community standards", or

b) the obligation under Directive 2008/1/EC to use the best available techniques.

Article 26

Eligible costs must be limited only to the extra investment costs necessary to take environmental protection measures.

Tangible assets means, for the purposes of calculating eligible costs, investments in land which are strictly necessary in order to meet environmental objectives, investments in buildings, facilities and equipment intended to reduce or eliminate pollution and nuisances, and investments to adapt production methods with a view to protecting the environment.

Intangible assets means, for the purposes of calculating eligible costs, spending on technology transfer through the acquisition of operating licences or of patented and non-patented know-how where the following standards are complied with:

1. the intangible asset concerned must be regarded as a depreciable asset,
2. it must be purchased on market terms, from an undertaking in which the acquirer has no power of direct or indirect control,
3. it must be included in the assets of the undertaking and remain in the establishment of the beneficiary of the aid and be used there for at least five years. This condition shall not apply if the intangible asset is technically out of date. If it is sold during those five years, the yield from the sale must be deducted from the eligible costs and all or part of the amount of aid must be reimbursed.

State aid intensity and eligible costs for each individual measure shall be established by the State Aid Scheme of the Fund as laid down in the Decision on the publication of rules on state aid for environmental protection.

Article 27

If appropriations of the Fund do not exceed EUR 200,000 in HRK-countervalue based on the mean exchange rate of the Croatian National Bank or EUR 100,000 in HRK-countervalue based on the mean exchange rate of the Croatian National Bank for undertakings performing operations of road transport during any period of three fiscal years, such appropriations shall be deemed to be small-value aid.

As a provider of small-value aid, the Fund shall be obliged to:

- notify the beneficiary that he/she has been allocated small-value aid,
- notify the Croatian Competition Agency of each allocated small-value aid within 15 days from the allocation,
- keep records on the allocated small-value aid classified according to individual beneficiaries, and
- keep the data on the allocated small-value aid ten years from the day of allocation.

A beneficiary of small-value aid shall submit to the Fund as the aid provider a written statement on any other small-value aids received during the previous two fiscal years and in the course of the current fiscal year.

Small-value aid shall be deemed to be allocated at the moment when the undertaking has been given legal right to the aid.

If appropriations of the Fund are paid out in several instalments, they shall be discounted, using reference interest rate, to the value per moment of allocation of the appropriations.

The Fund shall adopt a special Scheme for allocating small-value aid.

Article 28

Aid ceilings laid down by the Decision on the publication of rules on state aid for environmental protection shall apply regardless of whether the support for the aided project is financed entirely from state resources or is partly financed by the Community.

Aid authorised pursuant to the Decision on the publication of rules on state aid for environmental protection may not be combined with other state aid forms within the meaning of Article 87 paragraph 1 of the EC Treaty or with other forms of Community financing if such overlapping results in an aid intensity higher than that laid down in the Decision. However, where the expenditure eligible for aid for environmental protection is eligible in whole or in part for aid for other purposes, the common portion will be subject to the most favourable aid ceiling under the applicable rules.

Aid for environmental protection shall not be cumulated with *de minimis* aid in respect of the same eligible costs if such cumulation would result in an aid intensity exceeding that laid down in the Decision on the publication of rules on state aid for environmental protection.

Article 29

Appropriations of the Fund for remediation of contaminated sites shall be intended to create individual incentives to counterbalance the effects of negative externalities, where it is not possible to identify the polluters and make them pay for repairing the environmental damage they have caused. In such cases, state aid may be justified if the cost of remediation is higher than the resulting increase in the value of the site.

Article 30

Aid for relocation of undertakings may be justified if the relocation is made for environmental reasons. To ensure that aid is not granted for relocation for other purposes, an administrative or judicial decision of a competent public authority shall be required and the eligible costs must take into account any advantages that the undertaking may obtain due to the relocation.

Article 31

Beneficiaries of appropriations of the Fund shall co-finance programmes, projects and similar activities pertaining to environmental protection, energy efficiency and use of renewable

energy sources in the ratios referred to in Article 24 of this Ordinance and they shall give evidence on the investment feasibility and the ability to cover the investment financially.

The evidence within the meaning of paragraph 1 of this Article shall be set in a public tender.

Article 32

The Fund shall monitor the implementation of projects, programmes and similar activities in line with the concluded contract, regardless whether the appropriations have been granted in the form of a loan, subsidy, financial assistance or donation.

Contracts on the allocation of Fund appropriations shall, in addition to the usual provisions, contain provisions on the method of controlling the implementation of the projects, programmes and similar activities, on the manner and frequency of submitting notifications to the Fund, and on the measures to be taken if contractual obligations are not fulfilled, in particular the measures to be taken if appropriations of the Fund are used for non-earmarked purposes.

Article 33

The Fund shall be entitled to access any documentation related to the assessment of investment feasibility and anticipated environmental and energy efficiency impact, and it shall participate in the supervision of the interventions carried out and of the use of the granted Fund appropriations for the earmarked purpose.

Article 34

The Fund shall monitor and control the use of appropriations for the earmarked purpose on the basis of reports and acquired documents which must be drawn up by the beneficiary and which must contain quantitative and financial indicators necessary for the desired quality of monitoring the invested Fund appropriations.

A beneficiary of appropriations shall submit reports to the Fund:

- any time at the request of the Fund and within the deadlines set in the contract,
- final report – within 15 days from the investment termination at the latest,
- annual reports on the achieved environmental and energy efficiency impacts of the investment – during the period of five years from the investment termination.

Article 35

A beneficiary of appropriations shall, without delay, notify the Fund of the following:

- any deviations from the agreed investment,
- any situation which prevents or prolongs the course of works, i.e. investment implementation, and the measures aimed to eliminate the cause of such situations,

- any status-related or other significant changes pertaining to the organisational structure or personnel which might influence the course of investment,
- change of the legal representative,
- any other issues regulated by the contract.

Article 36

The Fund may cancel or postpone payment of contracted appropriations to a beneficiary and demand repayment of the appropriations if the beneficiary:

- spends the allocated appropriations entirely or partly for a non-earmarked purpose,
- has not provided truthful or accurate information to the Fund when acquiring Fund appropriations or when concluding the contract,
- has not achieved the anticipated investment impacts, or does not respect provisions of the contract or general legal acts of the Fund where the contract refers to such provisions,
- uses the Fund appropriations in an irregular manner and deviates from the assumed contractual obligations,
- does not fulfil contractual obligations or does not financially cover the investment as determined in the contract,
- has terminated regular operations or become financially incapable of covering the further course of investment,
- has caused, with his/her business operations, initiation of bankruptcy, liquidation, execution or any other proceedings which unable the accomplishment of the contracted investment.

In case of minor deviations of a beneficiary of Fund appropriations from contractual obligations, the Steering Council may, at the proposal of the director, decide to re-examine the contract and enable investment continuation by making amendments to the contract, if such amendments would ensure achievement of objectives of the project, programme or other contractual activity pertaining to environmental protection and energy efficiency, or if they would secure public interest in the environmental protection and energy efficiency.

IV CRITERIA AND STANDARDS FOR THE EVALUATION OF APPLICATIONS

Article 37

Applications for allocation of Fund appropriations shall be evaluated according to the criteria and standards prescribed by this Ordinance and a public tender.

The criteria and standards for the investment evaluation, i.e. determining of the financial, economic, technical and staff-related capability of a loan beneficiary and the anticipated positive impacts of appropriations intended to be invested, which are set in the tender documentation, must be in line with this Ordinance.

When loans, subsidies, financial assistance and donations are granted, the degree of investment feasibility and the beneficiary's capability pursuant to the criteria stipulated in paragraph 2 of this Article shall be relevant.

For each individual tender, the Steering Council of the Fund may set more detailed criteria and standards, provided that those criteria and standards are not contrary to the provisions of this Ordinance.

Article 38

The fundamental criteria and standards for the evaluation of applications and awarding priority when allocating Fund appropriations shall be as follows:

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| Evidence on the state of preparation of the project, programme or similar activity for which a public tender has been announced (whether professional and technical documentation has been prepared) and the degree of preparedness for the commencement of works (whether there is a preliminary design, conceptual design, general design, environmental impact assessment study, technical background for the location permit, location permit, detailed design, and building permit) | up to 10 points |
| Evidence on the degree of positive environmental and energy efficiency impact (sustainable development, anticipated quality improvement of the environment or increased energy efficiency, integral approach of the investor to the solving of individual environmental and energy efficiency issues, meeting international obligations, degree of priority under the national programme of environmental protection, degree of achievement of the objectives set in the national energy programmes pertaining to energy efficiency and renewable sources) | up to 30 points |
| Evidence on the quality of the proposed technological design | up to 20 points |
| Evidence on the degree of environmental vulnerability (protected areas, protected plant, fungal and animal species, protected minerals and fossils, environmentally significant areas, degree of environmental pollution reduction and reduction of negative impact on the environment and human health, proceeding on the basis of an inspection's decision for the purpose of eliminating hot spots for the environment and the human health) | up to 30 points |
| Evidence on the financial capability (financial reports for the previous business year, credit rating certificate, certificate on the settled liabilities for taxes and contributions, proof of provision of own resources) and evidence on the technical and personnel-related capability of the beneficiary (list of tools, facilities and equipment at the disposal of the beneficiary and list of beneficiary's employees having a certain level of education and professional qualifications required for persons in charge of programme implementation) | up to 10 points. |

Article 39

The maximum number of points which may be awarded to a beneficiary of Fund appropriations as stipulated by Article 38 of this Ordinance shall be 100.

When Fund appropriations are allocated, beneficiaries with a larger number of points shall be given priority.

If any of the criteria listed in Article 38 of this Ordinance has not been fulfilled, i.e. if zero (0) points have been awarded, the Fund shall reject the application or request its supplementation, determining the deadline for submitting the supplement.

An application shall be rejected if it has not been supplemented within the given deadline and a supplemented application shall be reviewed and evaluated on the basis of Article 38 of this Ordinance.

Article 40

On the basis of the evaluation pursuant to the criteria and standards referred to in Article 38 of this Ordinance and on the basis of the awarded number of points, the received applications shall be put on the list of priorities according to the number of awarded points.

The decision on establishing the list of priorities and allocating Fund appropriations on the basis of an announced tender shall be passed by the Steering Council.

Article 41

On the basis of the Steering Council's decision referred to in Article 40 of this Ordinance, the Fund director shall conclude a contract on the use of Fund appropriations with a beneficiary.

The contract referred to in paragraph 1 of this Article shall define the amount of appropriations granted by the Fund, the schedule of their allocation, the conditions and method of using the allocated appropriations, and the manner of monitoring the use of the allocated appropriations for the earmarked purpose; and it shall regulate other mutual rights and obligations of the beneficiary and the Fund.

V TRANSITIONAL AND FINAL PROVISIONS

Article 42

Public invitations for applications for using Fund appropriations announced prior to the entry into force of this Ordinance shall be completed under the conditions set in the announced invitations.

Procedures initiated pursuant to the Ordinance on the conditions and the method of allocating appropriations of the Environmental Protection and Energy Efficiency Fund and on the criteria and standards for the evaluation of applications for allocating Fund appropriations (Official Gazette 183/04) shall be completed pursuant to the provisions of that Ordinance.

Article 43

By virtue of the entry into force of this Ordinance, the provisions of the Ordinance on the conditions and the method of allocating appropriations of the Environmental Protection and Energy Efficiency Fund and on the criteria and standards for the evaluation of applications for allocating Fund appropriations (Official Gazette 183/04) shall cease to have effect.

Article 44

This Ordinance shall enter into force on the eighth day after the day of its publication in the Official Gazette.

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Zagreb, 19 December 2008

Chairman of the Steering Council

Davor Mrduljaš, m.p.

PROVISIONAL TRANSLATION