### MANAGEMENT AND USE OF SHELTERS FOR CITIZENS

### IN THE REPUBLIC OF CROATIA

The SAO audited the effectiveness of the management and use of shelters for citizens in the Republic of Croatia. The auditees were **the Ministry of the Interior - Civil Protection Directorate** (hereinafter: Directorate) **and the cities of Bjelovar, Dubrovnik, Karlovac, Koprivnica, Osijek, Pula, Rijeka, Slavonski Brod, Split, Varaždin, Velika Gorica, Zadar, Zaprešić and Zagreb,** in whose area is the largest number of shelters.

**The subject of the audit** was the management and use of public and other shelters for citizens in the Republic of Croatia. *Considering that the legislation in force does not define what is meant by the term public shelters,* ***public shelters*** *in the sense of this audit include shelters owned and co-owned by cities and shelters managed by cities, and* ***other shelters*** *include shelters in residential and commercial buildings owned and under the jurisdiction of other legal and natural persons and other facilities for sheltering people (basement rooms, communal and other buildings below the surface of the ground intended for public use such as garages, shops and other suitable spaces).*

Under the management and use of shelters are considered the tasks of recording public and other shelters, regulating ownership legal status, construction, current and investment maintenance of public shelters, leasing and use of public shelters and performing other tasks related to public and other shelters, in accordance with regulations and internal normative acts.

The provisions of the Law on civil protection system (Official Gazette 82/15, 118/18, 31/20, 20/21 and 114/22) define the concepts of rescuing the population and the measures implemented in the rescuing of the population, including sheltering people.

*Saving the population* is a set of organized and coordinated activities that are carried out to preserve people's lives and health.

*Evacuation* is the organized referral of citizens to the nearest dedicated building for sheltering or to another suitable space that enables optimal protection with or without adaptation (basements and other rooms in buildings that are adapted for sheltering and communal and other buildings below the surface of the ground intended for public use, such as garages, shops and other suitable spaces).

The provisions of the aforementioned Law also stipulate the obligation of the executive body of the local self-government unit (mayor) to ensure the conditions for moving and sheltering people and perform tasks in the implementation of other civil protection measures in the protection and rescue of citizens, material and cultural assets and the environment.

According to the regulations regulating the organization and scope of ministries and other central bodies of state administration, civil protection affairs in the territory of the Republic of Croatia were under the purview of the Ministry of Defense until October 1994, from October 1994 to the end of 2004 under the purview of the Ministry of the Interior, and from the beginning of 2005 to the end of 2018 in the scope of the State Administration for Protection and Rescue. Since the beginning of 2019, with the establishment of the Directorate as a new organizational unit, civil protection affairs are again within the scope of the Ministry of the Interior.

**The main goal of the audit** was to assess whether the activities of the Directorate and cities in connection with the management and use of public shelters and the established system of management of public and other shelters for citizens in the civil protection system in the Republic of Croatia were effective.

The performance audit of the management and use of shelters for citizens in the Republic of Croatia covers the following **audit areas:** legal, strategic and planning framework for the management and use of public and other shelters, records of public and other shelters, planning, construction and maintenance and use of public shelters, supervision of managing and maintaining shelters for citizens and informing the public about shelters and activities carried out in the civil protection system.

**Criteria** have been established, according to the areas of audit, which derive from laws and other regulations in accordance with which the aforementioned Directorate and cities conduct their business in connection with the management and use of shelters for citizens in the territory of the Republic of Croatia and the following claims were checked and evaluated:

– a legal, strategic and planning framework was established for the effective management of public and other shelters for citizens

– cities have organized records of public and other shelters in their territory

- shelters are included in the planning documents of the civil protection system, and the planning documents foresee the possibility of building new shelters, and public shelters are maintained and used in accordance with the internal acts of cities and the attention of a good owner

– The Directorate has established efficient administrative and inspection supervision over the management and maintenance of public and other shelters for citizens in the Republic of Croatia

- in the civil protection system, the public is informed about activities in the implementation of protection and rescue measures for citizens

Based on the facts established by the audit, the SAO assessed that the activities carried out in connection with the management and use of shelters for citizens in the territory of the Republic of Croatia in seven cities are **effective, while certain improvements are needed,** while the activities in seven cities and the Directorate are **partially effective.**

**AUDIT FINDINGS**

The audit identified irregularities and omissions related to the legal, strategic and planning framework, records of public and other shelters, planning, construction and maintenance and use of public shelters, supervision of the management and maintenance of shelters for citizens and public information.

In the following, more significant irregularities and omissions are described according to the areas of the audit.

**Legal, strategic and planning framework for effective management of public and other shelters for citizens**

The provisions of the Law on civil protection system and the by-laws in force prescribe the system and operation of civil protection, but do not prescribe shelters as part of the civil protection system. The management and maintenance of shelters for citizens is partially regulated by the provisions of the Law on Internal Affairs (Official Gazette 55/89, 18/90, 47/90, 19/91 – revised text, 73/91, 19/92, 33/92, 76/ 94, 161/98, 128/99, 29/00, 53/00 and 129/00). According to the provisions of the aforementioned Law, a shelter is an object or room that provides a prescribed level of protection. Shelters and other facilities for the protection of people are planned and built for the purpose of protecting and rescuing people, material and other goods from the dangers and consequences of natural, technical-technological, ecological accidents and war destruction. With the entry into force of the Law on Police in 2000 (Official Gazette 129/00 and 41/08), the Law on Internal Affairs ceased to be valid, but according to the provisions of Article 134 of the Law on Police, the provisions of the Law on Internal Affairs relating to civil protection and shelters. In April 2011, the new Law on the Police entered into force (Official Gazette 34/11, 130/12, 89/14, 151/14, 33/15, 121/16 and 66/19), by which the aforementioned Law on to the police ceased to be valid. However, the provisions of the new Law on Police do not prescribe the system and operation of civil protection and the treatment of shelters. The system and operation of civil protection was regulated in 2015 by the adoption of the Law on the Civil Protection System, and due to the application of this law, the provisions on civil protection according to the Law on Internal Affairs ceased to be valid. However, the provisions of the Law on civil protection system, as well as other regulations in force at the time of the audit (January 2024), do not regulate the treatment of shelters, nor has the provisions on shelters under the Internal Affairs Act been terminated.

In addition to the above, the provisions of the Law on civil protection system and other regulations that are in force do not determine what is meant by the term public shelters that local self-government units should have taken over in 2015 for management and maintenance (on the basis of ownership, level of shelter protection and other criteria) according to the provisions of Article 96 of the Law on civil protection system. All of the above has influenced the uneven treatment of cities when taking over shelters for management and maintenance.

Furthermore, the audit found that some cities do not manage shelters located in residential and residential-commercial buildings (in which most often the property legal and ownership relations have not been resolved), some cities manage the said shelters even though ownership has not been resolved, and some cities only manage shelters which are owned by them according to the land registers.

The Directorate has published on its website Recommendations for the maintenance and equipping of basic protection shelters located in residential, residential-business or commercial buildings, as well as public shelters. In the aforementioned Recommendations, it is stated that shelters in residential buildings are a common part of the residential building, i.e. that their maintenance and equipment is determined by the provisions of the Law on Property and Other Real Rights (Official Gazette 91/96, 68/98, 137/99, 22/00 , 73/00, 129/00, 114/01, 79/06, 141/06, 146/08, 38/09, 153/09, 143/12, 152/14, 81/15 and 94/17) and of the Building Maintenance Regulation (Official Gazette 64/97) and is under the jurisdiction of the co-owners of the buildings. However, the audit found that the provisions of the above-mentioned Law and Regulation do not regulate shelters at all, so they do not establish shelters in residential buildings as common parts of the building. Due to the above, it cannot be determined with certainty that the shelter in the residential building is a common part of the building or is considered to be a separate part of the building, i.e. an independent usable unit. From the above, it follows that the authority to manage shelters in residential buildings is not normatively clearly regulated.

The audit determined the following:

* The Directorate, i.e. the Ministry of the Interior, did not undertake any activities on the adoption of proposals for regulations that would determine the procedures and methods of management and maintenance of public and other shelters for citizens. Enacting regulations would create prerequisites for the establishment of more efficient management and maintenance of public shelters that are under the jurisdiction of local self-government units and other shelters for which the management authority is not clearly regulated by normative standards.
* A large number of the cities included in the audit did not determine the purpose, that is, the activities that can be performed in public shelters in peacetime conditions, and they did not determine the methods and conditions for the use and maintenance of public shelters.
* The cities did not adopt annual real estate management plans, or the mentioned plans did not include the management of public shelters.
* In the planning and other documents of the civil protection of cities, accurate and comprehensive data on shelters for citizens in the territory of a particular city are not specified.
* In their adopted Civil Protection Action Plans, the cities did not include other possible facilities and capacities for sheltering people that enable optimal protection with or without adaptation, such as basements and other rooms in buildings that are adapted for shelter and communal and other buildings below the ground surface intended for public use such as garages, shops and other suitable spaces, as prescribed by the provisions of the Law on civil protection system and the Rulebook on the Holders, Content and Procedures of Drafting Planning Documents in Civil Protection and the Way of Informing the Public about the process of their adoption, in order to ensure the conditions for sheltering people.

**Records of public and other shelters**

Until 2015, the competent state bodies for defense affairs and their successors had the obligation to keep a register of shelters, based on the provisions of Article 13 of the Ordinance on maintaining shelters and other protective facilities in peace, which was in force until August 2015. After that, the regulations do not establish the obligation to keep registers or records of shelters.

For the purposes of conducting the audit, the Directorate collected data on the number and capacity of shelters in the area of individual counties from the regional offices of civil protection in the county headquarters. According to the Directorate's collected data from September 2023, there are a total of 2,040 shelters for citizens in the Republic of Croatia, with a capacity for 367,965 people. The mentioned shelters are located in the area of 100 local self-government units (2,007 shelters in the area of 77 cities and 33 shelters in the area of 23 municipalities). The largest number of shelters for citizens is located in the area of the City of Zagreb (1,055), which is 51.7% of the total shelters for citizens in the Republic of Croatia.

Although local self-government units are not obliged to keep records of shelters in their area, 14 cities covered by the audit have organized shelter records for citizens in their area or have organized said records during the audit.

The following table provides data on the total number and capacity of shelters in the area of cities and the number of shelters managed and used by cities.

Table number 1

Data on the total number and capacity of shelters in the area of cities and the number of shelters managed and used by cities

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Ordinal number | Local governments  cities | Number of  shelters in the city area | Shelter capacity (number of people) | Number of shelters operated by cities | |
| Total number of shelters | Shelters in use |
|  | 1 | 2 | 3 | 4 | 5 |
| 1. | Bjelovar | 15 | 1 925 | 8 | 2 |
| 2. | Dubrovnik | 23 | 3 130 | 9 | 9 |
| 3. | Karlovac | 24 | 4 250 | 3 | 2 |
| 4. | Koprivnica | 15 | 1 747 | 4 | 2 |
| 5. | Osijek | 32 | 4 375 | 7 | 7 |
| 6. | Pula | 60 | 51 535 | 60 | 19 |
| 7. | Rijeka | 168 | 25 271 | 113 | 21 |
| 8. | Slavonski Brod | 17 | 2 700 | 17 | 8 |
| 9. | Split | 122 | 21 158 | 122 | 74 |
| 10. | Varaždin | 20 | 3,800 | 10 | 1 |
| 11. | Velika Gorica | 26 | 4 620 | 16 | 9 |
| 12. | Zadar | 49 | 7 350 | 17 | 8 |
| 13. | Zagreb | 1 041 | 168 122 | 84 | 6 |
| 14. | Zaprešić | 25 | 4 050 | 6 | 2 |
| **In total** | | **1 637** | **304 033** | **476** | **170** |

There are 1,637 shelters in the territory of the mentioned cities (basic protection shelters, supplementary protection shelters or tunnel shelters, reinforced protection shelters and shelters for which the level of protection has not been determined). Out of these, the cities included in the audit manage 476 shelters or 29.1% of the total number of shelters in the territory of the mentioned cities.

Shelters owned and co-owned by cities should be recorded in the city's business books and included in the annual list of assets and liabilities. Also, shelters owned and co-owned by cities and managed by cities should be recorded in the city property register.

The audit determined the following:

* Most of the cities included in the audit did not include public shelters in the annual inventory of assets and liabilities, which is not in accordance with the provisions of the Ordinance on budget accounting and the Accounting Plan and the Instruction on performing the inventory of assets and liabilities.
* Shelters owned and co-owned by cities and managed by cities are in most cases not recorded in city property registers.
* Records of shelters in the territory of a particular city do not contain accurate data on shelters and do not contain all the data that is essential for making plans and decisions on the management and use of shelters.

**Planning, construction and maintenance and use of public shelters**

With the adoption of the Law on the Civil Protection System in August 2015, the implementing regulations (four regulations adopted in previous years) which normatively regulated the area of construction, management, maintenance and use of shelters were abolished, and at the same time shelters were given over to the management and maintenance of local and regional units (regional) self-government. Since 2000, there is no obligation to build shelters. Because of the above, according to the regulations in force, the activities of planning, construction, management and maintenance of shelters are not legally regulated. Also, the planning documents in the civil protection system at the state level (Disaster Risk Assessment for the Republic of Croatia, Disaster Risk Management Strategy until 2030 and the National Civil Protection Action Plan) do not foresee the possibility of building shelters, nor the obligation to maintain existing shelters.

For the Ministry of the Interior, that is, the Directorate as an organizational unit of the mentioned Ministry, there are no normatively established obligations to participate in the management of shelters and to coordinate the activities of local and regional (regional) self-government units in the implementation of the aforementioned tasks.

Spatial plans of the cities included in the audit include general data on the method of sheltering the population, basic conditions for the construction and planning of the shelter network, but no planned locations for the possible construction of shelters.

In the cities included in the audit, a tour of shelters was organized during 2022 and/or earlier years in order to determine their general condition. Seven cities carried out a more detailed inspection of the shelters, and the minutes determined the condition of the shelters, that is, for part of the shelters, deficiencies were listed and maintenance needs were determined. The remaining seven cities performed a visual inspection of the shelters without drawing up a record, and the basic data on the correctness are listed in the records of the shelters that were set up. Some shelters (which are not managed by the cities) were not inspected due to the impossibility of access. In some cities, in earlier years, investments were made in the maintenance of shelters in order to put the shelters into use or to prevent further deterioration of the shelters.

Out of 476 shelters managed by cities, 170 shelters or 35.7% are in use (mostly shelters are given to associations), and the remaining 306 shelters are not in use. For the most part, the cities did not undertake activities to put the mentioned shelters into possible use (provided for occasional use or leased, with possibly prior ongoing maintenance as needed).

The audit determined the following:

* In most cases, the cities did not carry out a detailed inspection and control of the shelters they manage, in order to check the correctness and wear and tear of the existing equipment and installations, as well as the necessary ongoing maintenance, and they did not collect the above data from the owners of the remaining shelters, in order to have complete data on the condition and correctness of all shelters.
* A greater number of cities included in the audit did not undertake activities to put all public shelters into possible use, that is, to use them more efficiently.

**Supervision of shelter management and maintenance**

The Ministry of the Interior, i.e. the Directorate, carries out administrative and inspection supervision over the implementation of the Law on civil protection system. During 2022 and earlier years, the competent department of the Directorate carried out inspection supervision over the implementation of the obligations of representative and executive bodies of local self-government units prescribed by the provisions of the Law on civil protection system. Public shelters are not covered by inspection because there is no obligation to carry out such control.

It is evident from the minutes and decisions on the conducted inspections that the inspections mainly checked the deadlines for the adoption of planning and other documents in the civil protection system according to the prescribed deadlines.

The audit determined the following:

* The administrative and inspection supervision of the Ministry of the Interior, i.e. the Directorate, does not cover the contents of planning and other civil protection documents issued by local self-government units, in order to make it visible whether the said documents contain all the prescribed elements, including capacities and facilities for shelter and disposal capacities and how local self-government units would act uniformly when adopting their civil protection documents.

**Informing the public**

The provisions of the Law on the Civil Protection System stipulate that every citizen is obliged to participate in the activities of the civil protection system, and the competent civil protection headquarters calls for the implementation of the aforementioned activities through means of public information or in another appropriate way. The provisions of the aforementioned Law also determine preventive activities in the civil protection system.

Informing the public about the possible occurrence and development of a disaster according to the provisions of the Law on the Civil Protection System is carried out by the Ministry of the Interior, competent services of other state administration bodies, local and regional self-government units and other professional services in their area of competence. Informing the public must be timely and accessible to everyone. The obligation of the executive body of local self-government units is, among other things, to provide regularly and in the most appropriate form clear and easily understandable, reviewed and harmonized information on safety measures and necessary behavior in the event of a major accident in the area of its jurisdiction.

On its website, the Directorate published regulations, strategic and planning documents, decisions, instructions, recommendations and other documents adopted in the civil protection system, among other things, and recommendations for the maintenance and equipping of basic protection shelters. It also regularly publishes information on the implementation of activities in the civil protection system and children's education.

Cities have mostly published planning and other documents in the civil protection system on their websites in the official gazettes (risk assessments of major accidents, civil protection action plans, annual analyzes of the state of the civil protection system, annual plans for the development of the civil protection system, guidelines for the organization and development of the civil protection system, other), as well as decisions and strategies for the management and disposal of real estate. If the published planning and other documents of the civil protection system contain information about shelters, that is, capacities and facilities for sheltering, said information is publicly available. Also, some cities in their civil protection documents, which are adopted on an annual level, publish information about the education of citizens regarding the civil protection system.

The audit determined the following:

* The cities did not carry out activities on the education of citizens in connection with the system of civil protection.
* The majority of cities did not publish information on their websites about shelters and/or activities carried out in the civil protection system for protecting and rescuing citizens in cases of major accidents and disasters and in eliminating the consequences of terrorism and war destruction.

For all identified irregularities and omissions, the SAO issued a total of 1,58 orders and recommendations.

The table below shows the number of given orders and recommendations by audit area.

Table number xx

Number of given orders and recommendations according to areas of audit

|  |  |
| --- | --- |
| Audit area | Number of given orders and recommendations |
| Legal, strategic and planning framework for effective management of shelters in the Republic of Croatia | 53 |
| Records of public and other shelters | 37 |
| Planning, construction and maintenance of shelters | 41 |
| Supervision of shelter management and maintenance | 1 |
| Informing the public about shelters and activities carried out in the civil protection system | 26 |
| In total | **158** |

The implementation of the mentioned recommendations would achieve significant improvements in connection with the establishment of a legal, strategic and planning framework for the management and use of public and other shelters, records of public and other shelters, planning, construction and maintenance and use of public shelters, management supervision and maintaining shelters for citizens and informing the public about shelters and activities carried out in the civil protection system, which would increase the efficiency of the management and use of shelters for citizens in the territory of the Republic of Croatia.