

# THE CROATIAN PARLIAMENT

1765

Pursuant to Article 68 of the Constitution of the Republic of Croatia, I hereby issue the

## DECISION

### PROMULGATING THE ACT ON AMENDMENTS TO THE ACT ON TRAVEL DOCUMENTS OF CROATIAN CITIZENS

I hereby promulgate the Act on Amendments to the Act on Travel Documents of Croatian Citizens passed by the Croatian Parliament at its session on 19 June 2009.

Class: 011-01/09-01/90

Register number: 71-05-03/1-09-2

Zagreb, 23 June 2009

The President of  
the Republic of  
Croatia  
**Stjepan Mesić,**  
m.p.

## ACT

### ON AMENDMENTS TO THE ACT ON TRAVEL DOCUMENTS OF CROATIAN CITIZENS

#### Article 1

In the Act on Travel Documents of Croatian Citizens (Official Gazette 77/99, 133/02 and 48/05), in Article 4, the words: "joint passport" are deleted.

#### Article 2

Article 5 is amended to read:

"A passport shall be a public document containing an electronic carrier of data which is issued for an unlimited number of travels abroad."

#### Article 3

Article 7 is deleted.

#### Article 4

In Article 9, paragraph 1 is amended to read:

“Diplomatic and service passports shall be public documents containing an electronic carrier of data which are issued to state officials, civil servants and other persons for the purpose of more effectively carrying out of their duties and ensuring their protection in another state while carrying out their official duties, in accordance with international agreements.”

#### Article 5

After Article 9, Articles 9.a, 9.b, 9.c, 9.d, 9.e, 9.f, 9.g, 9.h, 9.i, 9.j and 9.k are added which read:

##### *»Article 9.a*

A diplomatic passport shall be issued to the President of the Republic of Croatia and members of his/her immediate family irrespective of the purpose of travel.

##### *Article 9.b*

Diplomatic passports shall be issued to the following high-ranking officials of the Republic of Croatia and members of their immediate family, irrespective of the purpose of travel:

1. the President and Deputy Presidents of the Croatian Parliament;
2. the Prime Minister, Deputy Prime Ministers and Ministers in the Government;
3. Chief of Staff of the Office of the President of the Republic of Croatia.

##### *Article 9.c*

Diplomatic passports may be issued to the following high-ranking officials of the Republic of Croatia and to other persons only for the purpose of official travel abroad:

1. Director of the Office of the National Security Council;
2. Chief of General Staff of the Armed Forces of the Republic of Croatia;
3. President of the Constitutional Court of the Republic of Croatia;
4. President of the Supreme Court of the Republic of Croatia;
5. Governor of the Croatian National Bank;
6. Auditor General of the State Audit Office;
7. Director of the Security and Intelligence Agency;
8. State Attorney General of the Republic of Croatia;

9. Members of the Croatian Parliament;
10. Judges of the Constitutional Court of the Republic of Croatia;
11. President of the Administrative Court of the Republic of Croatia;
12. High-ranking officials in the Office of the President of the Republic of Croatia and in the Protocol of the President of the Republic of Croatia, who are appointed by the President of the Republic;
13. Ombudsman of the Republic of Croatia;
14. State Secretaries of Ministries;
15. State Secretaries of Central State Offices;
16. Secretary of the Croatian Parliament;
17. Secretary of the Government of the Republic of Croatia;
18. Directors in ministries;
19. Secretaries in ministries;
20. Directors of state administrative organisations;
21. Mayor of the City of Zagreb;
22. President of the Croatian Chamber of Economy;
23. President of the Croatian Chamber of Trades and Crafts.

*Article 9.d*

Diplomatic passports may also be issued for the purpose of official travel abroad to:

1. Head of the Protocol Office of the Croatian Parliament, Head of the Protocol Office of the Government of the Republic of Croatia, Head of the Office of the Prime Minister in the Government of the Republic of Croatia, advisors of the Prime Minister in the Government of the Republic of Croatia;
2. civil servants in the Ministry of Foreign Affairs and European Integration appointed to functions in accordance with regulations governing the state administration system, regulations on civil servants and the Foreign Service Act and regulations on civil servants appointed to diplomatic titles determined by the Foreign Service Act and Ordinance on internal order of the Ministry of Foreign Affairs and European Integration and diplomatic missions and consular offices of the Republic of Croatia abroad;
3. staff of diplomatic missions and consular offices of the Republic of Croatia abroad appointed to diplomatic or consular titles determined by the Foreign Service Act and the

Ordinance on internal order of the Ministry of Foreign Affairs and European Integration and diplomatic missions and consular offices of the Republic of Croatia abroad as well as to members of their immediate family residing permanently with them abroad during the performance of their duty, military representatives, military attachés, other military diplomacy personnel and assistant military staff appointed to diplomatic missions of the Republic of Croatia in accordance with regulations on Armed Forces of the Republic of Croatia as well as to members of their immediate family residing permanently with them abroad during the performance of their duty and police liaison officers appointed to diplomatic missions of the Republic of Croatia abroad in accordance with the regulations of the Ministry of the Interior, as well as to members of their immediate family residing permanently with them abroad during the performance of their duty;

4. persons who, on the basis of a decision of a competent state body of the Republic of Croatia, are assigned to work in international organisations in the capacity of officials with a diplomatic rank in these organisations and to their close family members if they reside permanently with them abroad during the performance of their duty.

*Article 9.e*

By way of exception, subject to a prior approval from the President of the Republic of Croatia or the Prime Minister of the Government, diplomatic passports may also be issued for official travel abroad to persons not listed in Articles 9.a, 9.b, 9.c and 9.d of this Act, when so required on grounds of national security and defence of the Republic of Croatia.

*Article 9.f*

Service passports may be issued for official travel abroad to:

1. civil servants and employees of the Ministry of Foreign Affairs and European Integration not covered by the provision of Article 9.d, paragraph 1, item 2 of this Act;
2. staff of diplomatic missions and consular offices of the Republic of Croatia abroad not covered by the provision of Article 9.d, paragraph 1, item 3 of this Act, as well as to members of their immediate family residing permanently with them abroad during the performance of their duty;
3. personal security staff of high-ranking officials referred to in Article 9.a and 9.b of this Act, on written request of the Minister of the Interior;
4. persons appointed, under the decision of the competent state authority of the Republic of Croatia for work to international organisations, military of policy peace operations in capacity other than that as officials of diplomatic rank and to members of their immediate family residing permanently with them abroad during the performance of their duty;
5. police officers of the Ministry of the Interior responsible for the execution of extraditions and transfers of convicted persons.

*Article 9.g*

By way of exception, subject to a prior approval from the Minister of Foreign Affairs and European Integration, a service passport may also be issued for an individual official travel abroad to persons not listed in Article 9.f of this Act, when this is required on grounds of national security and defence of the Republic of Croatia.

#### *Article 9.h*

A child living in a shared household with parents holding the right to a diplomatic passport may, in accordance with Article 9.b of this Act, be a holder of a diplomatic passport until completion of regular education, at the latest until his/her 27th birthday.

A child living in a shared household with parents holding the right to a diplomatic passport may, in accordance with the provision of Article 9.d, paragraph 1, items 3 and 4 of this Act, be a holder of a diplomatic passport if he/she resides permanently with them abroad during the performance of their duty and if he/she attends regular education abroad, at the latest until his/her 27th birthday.

A child living in a shared household with parents holding the right to a service passport may, in accordance with the provision of Article 9.f, paragraph 1, item 2 of this Act, be a holder of a service passport if he/she resides permanently with them abroad during the performance of their duty and if he/she attends regular education abroad, at the latest until his/her 27th birthday.

The provisions of paragraphs 2 and 3 of this Article shall not apply to a child with special needs living in a shared household with parents holding the right to a diplomatic passport or service passport pursuant to the provisions of Article 9.d, paragraph 1, items 3 and 4 and Article 9.f, paragraph 1 of items 2 and 4 of this Act.

#### *Article 9.i*

The right to a diplomatic or service passport shall cease to exist when the conditions under this Act based on which the holder has exercised the right to a passport cease to exist, with the exception of the President of the Republic of Croatia, the President of the Croatian Parliament and the Prime Minister of the Government of the Republic of Croatia.

The members of the immediate family shall lose the right to a diplomatic or service passport once the holder's right has ceased to exist.

If the members of the immediate family of the holder of the right to a diplomatic passport or service passport become employed abroad or if they cease to be members of a shared household, they shall lose the right to such a passport.

In the cases referred to in paragraphs 1, 2 and 3 of this Article, after the right to a diplomatic or service passport has ceased to exist, the competent state authority shall return the issued diplomatic or service passport for it to be cancelled. If a diplomatic or service passport is not returned within 60 days of the day when the conditions under this Act have ceased to exist and based on which the holder has exercised the right to a diplomatic or service passport, the Ministry of Foreign Affairs and European Integration may declare ex officio such a diplomatic or service passport invalid, at the cost of the competent state authority on the request of which a diplomatic or service passport has been issued.

*Article 9.j*

The Ministry of Foreign Affairs and European Integration and diplomatic missions and consular offices of the Republic of Croatia shall, on request of the competent state authority, act as intermediaries in the obtaining of appropriate foreign country visas for holders of diplomatic and service passports issued in accordance with this Act, when these are needed for official travel to these countries.

*Article 9.k*

The application for issuing a diplomatic or service passport shall be submitted by the competent authority in which the persons are carrying out their duties.

For persons referred to in Articles 9.c, 9.d, 9.e, 9.f and 9.g of this Act, the application shall be accompanied by a relevant document evidencing that a person is being sent on an official travel abroad.

The application referred to in paragraph 1 of this Article shall be submitted at the latest seven days prior to the planned travel, not counting the time needed for obtaining foreign country visas.”

*Article 6*

In Article 12, the words: “27 years” are replaced by the words: “21 years”.

After paragraph 1, paragraphs 2 and 3 are added which read:

“A citizen losing two or more passports over a period of five years shall be issued a new passport with a validity period of one year.

A citizen who temporarily cannot have his/her fingerprints taken in accordance with the provision of Article 37, paragraph 2 of this Act, shall be issued a passport with validity period of one year.”

*Article 7*

Article 13 is deleted.

*Article 8*

Article 20 is amended to read:

“A passport shall be issued by police administration or a police station of the Ministry of the Interior (hereinafter: the competent authority).

The applicant shall collect the produced passport from the competent authority where he/she has submitted the application for issuing a passport.

In emergency cases (medical treatment, illness, death of a family member, urgent business trip), the passport shall be issued by the competent authority determined by the Minister of the Interior.”

#### Article 9

In Article 23, paragraph 1, the word: “residing” is replaced by the words: “has a regulated residence”.

In paragraph 2, after the words: “passport has been lost or stolen”, the words: “or cannot serve its purpose on other grounds” are added.

#### Article 10

In Article 24, after the word: “residing”, the words: “or finds himsel/herself in” are added.

#### Article 11

In Article 26, paragraph 1 is amended to read:

“The form of a travel document shall contain: the name “Republic of Croatia”, the coat of arms of the Republic of Croatia, the name of the type and number of the travel document and a space for entering the name of the competent issuing authority, the code for the travel document containing an electronic carrier of data, date of issue and validity period of the travel document.”.

In paragraph 2, after the words: “for entering”, the words: “personal identification number (OIB) and” are entered.

In paragraph 3, after the words: “document”, the comma and the words: “except a joint passport,” are deleted.

In paragraph 4, the words: “the country’s full name shall be entered and if this is not possible” are deleted.

In paragraph 5, after the words: “service passport”, the comma and the words: “joint passport” are deleted.

In paragraph 6, the words: “or a picture” are deleted.

Paragraph 8 is deleted.

Former paragraph 9 becomes paragraph 8.

#### Article 12

After Article 26, Article 26.a is added which reads:

»Article 26.a

The form of a travel document shall contain an electronic carrier of data (RFID chip) storing the name and surname, citizenship, date of birth, data on gender, the code for the travel document type, country code, number of passport, personal identification number, date of issue and date of expiry of the validity period of the passport, issuing authority, a photograph and fingerprints.

Data in the electronic carrier of data shall be encrypted against unauthorised reading, changes and deletions.

An emergency travel document and travel documents issued based on an international agreement do not have to contain the electronic carrier of data referred to in paragraph 1 of this Article, unless otherwise determined by an international agreement.

The Ministry of the Interior shall issue digital certificates used for digital signing of travel documents and shall manage such certificates.”

#### Article 13

Article 31 is amended to read:

“The authorised legal person shall be responsible for the technical production of passports, diplomatic passports and service passports in a single place in the Republic of Croatia.

Diplomatic missions and consular offices of the Republic of Croatia and the Ministry of Foreign Affairs and European Integration shall, through the Ministry of the Interior, for the purpose of entry and electronic recording into a passport, a diplomatic or service passport and the competent authority directly for the purpose of entry and electronic recording into a passport, submit to the authorised legal person all personal data to be entered and electronically recorded into a travel document.

The authorised legal person may use the personal data referred to in paragraph 2 of this Article only for the purpose of their entry and electronic recording into a passport, a diplomatic or service passport.

The entry and electronic recording of personal data into a passport, a diplomatic or service passport shall be carried out in a security environment, taking technical, personnel and organisational measures of protection of personal data necessary to protect personal data from accidental loss or destruction and unauthorised access, unauthorised changes, unauthorised disclosure and other abuse.

After the technical production of a passport, a diplomatic or service passport is completed, the authorised legal person shall within 30 days delete from its records the personal data entered and electronically recorded into the passport.

No person shall be allowed to modify, delete or in any other way forge personal data entered and electronically recorded into a travel document or modify, delete or in any other way forge notes and codes subsequently entered by official persons.”

#### Article 14



In Article 33, paragraph 1, the words: “on the prescribed form” are deleted.

In paragraph 2, after the words: “A passport”, the comma and the words: “joint passport” are deleted.

In paragraph 4, the formulation in the Croatian text of the Act is amended with no relevance to the English translation.

#### Article 15

Article 35 is amended to read:

“When submitting an application for issuing a travel document, personal data shall be given which are entered into that travel document.

Citizens residing abroad temporarily or permanently shall, when submitting an application for issuing a travel document, also provide data on the place and country of residence or domicile abroad.

The citizens referred to in paragraph 2 of this Article shall have entered into travel documents the domicile and the address at which they are registered in the Republic of Croatia and if they do not have a registered domicile in the Republic of Croatia, the place of domicile and home address and the country of domicile abroad shall be entered into their travel document.”

#### Article 16

In Article 36, after the word: “A passport”, the comma and the words: “joint passport” are deleted.

#### Article 17

Article 37 is amended to read:

“When receiving an application for issuing a passport, a diplomatic passport and service passport, a photograph shall be taken from the applicant accurately depicting him/her, without a head covering, two fingerprints and own signature.

The applicant referred to in paragraph 1 of this Article shall have his/her left and right index fingers fingerprinted and if the applicant has no index finger or the tip of his/her index finger is injured, the middle or some other finger shall be fingerprinted and if he/she has one hand missing, the index finger and the middle finger or some other finger of the other hand shall be fingerprinted. Fingerprints shall not be taken if this is impossible for medical reasons which are not temporary.

No fingerprints and signatures shall be taken from children below the age of twelve.

By way of exception, a photograph of the the applicant referred to in paragraph 1 of this Article may be taken with a head covering, if the applicant wears the covering for religious or medical reasons, provided the covering does not cover the cheeks, chin and the forehead.

The application for issuing an emergency travel document shall be submitted on a prescribed form, with two photographs of the prescribed size accurately depicting the applicant enclosed.

When submitting an application for issuing a passport and an emergency travel document, the passport whose validity period has expired or which cannot serve its purpose shall be enclosed for cancellation.”

#### Article 18

In Article 42, paragraph 2, the word: “withdrawn” is replaced by the word: “cancelled”.

#### Article 19

In Article 47, paragraph 2 is amended to read:

“Travel documents records shall contain:

1. photograph;
2. fingerprints;
3. surname;
4. name;
5. birth name;
6. gender;
7. place of birth and for persons born abroad, the country of birth;
8. domicile and home address and for persons domiciled abroad, the country of domicile;
9. citizen’s identification number (MBG);
10. personal identification number;
11. number of travel document;
12. period of validity;
13. for minors and legally incapacitated persons, the name and surname of the legal representative;
14. name of the competent issuing authority;
15. notes on requests by competent authorities for the prohibition on the issue of a travel document;

16. data on additional users of a travel document, if the law provides for the possibility of additional users;

17. citizen's signature.”

#### Article 20

In Article 48, paragraph 1, after the words: “use”, the word: “personal” is added.

In paragraph 2, after the words: “provide”, the word: “personal” is added.

Items 2 and 3 are amended to read:

“2. the state authority requires these data for the purpose of carrying out its legal obligations;  
or

3. the provision of data is necessary for the purpose of carrying out the tasks which are in the interest of the public.”

#### Article 21

In Article 52, paragraph 1, after the words: “shall be fined”, the words: “for a minor offence” are added.

In item 1, after the word: “citizen”, the word: “personal” is added.

Items 2, 3 and 4 are deleted.

Former item 5 which becomes item 2, the words: “paragraph 6” are replaced by the words: “paragraph 5”.

#### Article 22

In Article 53, paragraph 1, the words: “between HRK 4,000.00 up to HRK 6,500.00” are replaced by the words: “between HRK 5,000.00 up to HRK 15,000.00”, and the words: “up to 30 days” are replaced by the words: “up to 60 days”.

Before item 1, a new item 1 is added which reads:

“any person modifying, deleting or in other way forging personal data entered and electronically recorded into a travel document or modifying, deleting or in any other way forging notes and codes subsequently recorded into travel documents by official persons (Article 31, paragraph 6),”.

Former items 1 and 2 become items 2 and 3.

In paragraph 3, the words: “up to three years”, are replaced by the words: “up to two years”.

#### Article 23

In Article 54, paragraph 3, the words: “up to three years” are replaced by the words: “up to two years”.

#### Article 24

In Article 55, paragraph 3, the words: “up to three years” are replaced by the words: “up to two years”.

#### Article 25

In the whole text of the Act on Travel Documents of Croatian Citizens (Official Gazette 77/99, 133/02 and 48/05), the words: “Ministry of Foreign Affairs” are replaced by the words: “Ministry of Foreign Affairs and European Integration”, and the words: “Minister of Foreign Affairs” are replaced by the words: “Minister of Foreign Affairs and European Integration”, in appropriate case.

#### Article 26

Travel documents issued before the entry into force of this Act shall be valid until expiry of their period of validity.

#### Article 27

The procedure of processing the applications for issuing travel documents initiated before the date of entry into force of this Act shall be completed in accordance with the provisions of the Act on Travel Documents of Croatian Citizens (Official Gazette 77/99, 133/02 and 48/05).

#### Article 28

The competent authorities, diplomatic missions and consular offices of the Republic of Croatia which do not meet the technical criteria for issuing passports pursuant to the provisions of this Act as of the date of entry into force of this Act, shall issue passports pursuant to the provisions of the Act on Travel Documents of Croatian Citizens (Official Gazette 77/99, 133/02 and 48/05).

The competent authorities, diplomatic missions and consular offices of the Republic of Croatia shall issue passports referred to in paragraph 1 of this Article during a maximum period of one year from the date of entry into force of this Act.

#### Article 29

The provisions of Articles 4 to 18 of the Ordinance on diplomatic and service passports and visas of the Republic of Croatia (Official Gazette 116/99, 123/99 and 23/09) shall cease to have effect by virtue of the entry into force of this Act.

#### Article 30

This Act shall be published in the Official Gazette and shall enter into force on 29 June 2009.

Class: 216-02/09-01/01

Zagreb, 19 May 2009

THE CROATIAN PARLIAMENT

The President of  
the Croatian  
Parliament  
**Luka Bebić, m.p.**

PROVISIONAL TRANSLATION