

THE CROATIAN PARLIAMENT

1605

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the

DECISION

PROMULGATING THE ACT ON AMENDMENTS TO THE FOREIGNERS ACT

I hereby promulgate the Act on Amendments to the Foreigners Act, passed by the Croatian Parliament at its session on 30 June 2017.

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Zagreb, 5 July 2017

President
of the Republic of Croatia
Kolinda Grabar-Kitarović, m.p.

ACT

ON AMENDMENTS TO THE FOREIGNERS ACT

Article 1

In the Foreigners Act (Official Gazette 130/11 and 74/13), Article 1, paragraph 1 is amended to read:

"(1) This Act regulates conditions for the entry, movement, stay, and work of third-country nationals and nationals of the Member States of the European Economic Area (hereinafter: EEA) and their family members as well as work conditions and the rights of posted workers in the Republic of Croatia."

In paragraph 2, at the end of the sentence, the period is replaced by a comma and the following words are added: "to whom the line ministry for foreign affairs issues special personal identity cards."

In paragraph 4, sub-paragraph 22, at the end of the sentence, the period is replaced by a comma and sub-paragraphs 23, 24 and 25 are added and read:

" – Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (OJ L 94, 28. 3. 2014),

- Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (OJ L 157, 27. 5. 2014),
- Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (Text with EEA relevance) (OJ L 159, 28. 5. 2014).".

In paragraph 5, sub-paragraph 2, at the end of the sentence, the period is replaced by a comma and sub-paragraphs 3, 4, 5 and 6 are added and read:

- " – Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 29. 5. 1995),
- Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21. 3. 2001),
- Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53, 23. 2. 2002),
- Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23. 3. 2016) (hereinafter: Schengen Borders Code).".

Article 2

Article 2 is amended to read:

"For the purposes of this Act, the following definitions apply:

1. A foreigner means a person who is not a Croatian citizen but holds the citizenship of an EEA Member State, the Swiss Confederation, a third country, or who is a stateless person.
2. A stateless person means a person who is not considered to be a citizen by any state under its national legislation.
3. A citizen of an EEA Member State means a person holding the citizenship of one of the EEA Member States.
4. A third-country national means any person who is not a citizen of an EEA Member State or the Swiss Confederation.
5. A third country means a state other than an EEA Member State or the Swiss Confederation.
6. A travel document means a foreign travel document and a travel document for foreigners.

7. A foreign travel document means a document that the competent authority of another state issues to its citizens or foreigners for travel abroad.

8. A travel document for foreigners means a *laissez-passer* for foreigners, a special travel document for foreigners, a travel document for stateless persons, a travel document for asylees issued in accordance with special legislation as well as documents issued on the basis of international treaties.

9. A stay permit means a document issued to a third-country national who was granted a temporary or permanent stay permit by the Ministry of the Interior (hereinafter: Ministry) via the competent police administration or police station, which provides for his or her entry and stay in the Republic of Croatia in conformity with the purpose stated therein.

10. An employer means a legal or natural person who entered into an employment relationship with the foreigner or uses his or her work.

11. A subcontractor means an employer, either a legal or natural person, who is party to a work subcontracting agreement with another legal or natural person and who entered into an employment relationship with the foreigner or uses his or her work.

12. A seasonal worker means a third-country national who retains his or her permanent residence in a third country while staying legally and temporarily in the Republic of Croatia to carry out an activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between that third-country national and an employer established in the Republic of Croatia.

13. An activity dependent on the passing of the seasons means an activity that is tied to a certain time of the year by a recurring event or pattern of events linked to seasonal conditions where the labour levels required are significantly above those necessary for normal operations. Activities in which it is permitted to employ seasonal workers are agriculture and forestry as well as tourism and the hospitality industry.

14. Intra-corporate transfer within a corporation or a group of corporations means the temporary posting for occupational or training purposes of a third-country national from a corporation established outside the territory of an EEA Member State, and to which the third-country national is bound by a work contract, to an entity belonging to the corporation or to the same group of corporations which is established in the Republic of Croatia, and, where applicable, the mobility between host entities established in an EEA Member State.

15. A group of corporations means two or more corporations recognised as linked in the following ways:

- a corporation, in relation to another corporation, which directly or indirectly holds the majority of that corporation's subscribed capital;
- a corporation which controls the majority of the votes attached to that corporation's issued share capital;

– a corporation which is entitled to appoint more than half of the members of that corporation's administrative, management or supervisory body, or corporations that are under the sole management of the parent corporation.

16. A higher education qualification means a qualification attesting the successful completion of a higher education study programme.

17. A highly qualified employee means a third-country national employed in the Republic of Croatia under special legislation governing labour law relations in the Republic of Croatia, who is paid for such work, and who has the required or suitable and specific competence gained by the completion of higher education study programmes.

18. Long-term residence means permanent stay acquired on the grounds of a five-year legal stay in the Republic of Croatia or another EEA Member State.

19. A long-term resident means any third-country national referred to in Title XI of this Act who holds a stay permit issued on a prescribed form by another EEA Member State in which he or she is recorded as a third-country national with long-term stay.

20. A danger to public health means any communicable disease with a potential to become an epidemic, which, in accordance with the legislation of the Republic of Croatia and the relevant documents of the World Health Organisation, requires the taking of certain counter-epidemic measures and activities with a view to preventing and suppressing its emergence in the population of the Republic of Croatia.

21. Return means voluntary departure or involuntary removal of a third-country national staying illegally in the Republic of Croatia to a third country.

22. An unaccompanied minor means a third-country national under 18 years of age entering the territory of the Republic of Croatia unaccompanied by an adult responsible for his or her care, in accordance with either law or custom, until such a person starts to take care of him or her, or a minor who remains unaccompanied following his or her entry into the territory of the Republic of Croatia.

23. A carrier means a natural or legal person registered to perform the service of passenger transport.

24. A cross-border worker means a person performing an activity as an employed or self-employed person in the Republic of Croatia and staying in another EEA Member State, returning to it on a regular basis either every day or at least once a week.

25. A temporary employment agency is an employer seconding employees to another employer for the performance of temporary jobs on the basis of employee secondment contracts.

(2) Persons holding the status of Croat without Croatian citizenship are not regarded as foreigners within the meaning of this Act and they exercise their status and rights arising from

special legislation on the relations between the Republic of Croatia and Croats outside of the Republic of Croatia."

Article 3

After Article 3, a new Article 3.a is added and reads:

"Article 3.a

(1) The line ministry for foreign affairs is competent for the issuing of special personal identity cards to members of diplomatic missions and consular posts, members of the missions of the United Nations and other specialised institutions of the United Nations, members of the missions of international organisations accredited in the Republic of Croatia, and to members of their families or shared households and staff referred to in Article 1, paragraph 2 of this Act.

(2) The minister responsible for foreign affairs, subject to a prior approval of the minister responsible for the interior, shall adopt an ordinance concerning the kind, terms, and the method of issuing, forms for special personal identity cards and for application forms for the issuing thereof, and concerning the method of keeping the record of applications received and special personal identity cards issued."

Article 4

In Article 4, paragraph 2 is amended to read:

"(2) A third-country national whose movement is restricted to a particular area within a particular time frame by a bilateral international treaty may move only within that area within the designated time frame."

Article 5

In Article 6, paragraph 3, the words: "approved temporary stay, permanent stay or" are deleted.

Article 6

In Article 8, paragraph 1, item 2, the words: "of the Interior (hereinafter: Ministry)" are deleted.

Article 7

A heading is added above Article 35 and reads: "Approval of entry into the Republic of Croatia to third-country nationals".

Article 35 is amended to read:

"A third-country national who fulfils the entry conditions laid down in the Schengen Borders Code shall be granted entry into the Republic of Croatia."

Article 8

The heading above Article 36 is deleted.

Article 36 is amended to read:

"(1) A third-country national who does not fulfil the entry conditions laid down in the Schengen Borders Code may be granted entry into the Republic of Croatia at a specific border crossing if required on serious humanitarian grounds, further to international obligations or interests of the Republic of Croatia.

(2) The Ministry shall issue rulings concerning the approval of entry referred to in paragraph 1 of this Article via the police station competent for border checks.

(3) The ruling referred to in paragraph 2 of this Article shall provide for the purpose of stay, locality and address of accommodation, the time frame during which legal stay in the Republic of Croatia is permissible, border crossing at which it is necessary to depart from the Republic of Croatia, and the obligation to hand over the ruling to a police officer performing border checks at the time of departure from the Republic of Croatia. The ruling is issued without hearing the third-country national, unless he or she is an unaccompanied minor.

(4) An appeal against the ruling laid down in paragraph 2 of this Article may be lodged and is decided by the Commission.

(5) In the case referred to in Article 124, paragraph 7 of this Act, a third-country national shall be granted entry further to a request of an EEA Member State and the Swiss Confederation."

Article 9

Article 38 is amended to read:

"(1) A third-country national who does not fulfil the entry conditions laid down in the Schengen Borders Code shall be refused entry to the Republic of Croatia further to a ruling of the Ministry issued via the police station competent for border checks. The ruling is issued without hearing the third-country national, unless he or she is an unaccompanied minor.

(2) An appeal against the ruling laid down in paragraph 1 of this Article may be lodged through the competent diplomatic mission or consular post of the Republic of Croatia and is decided by the Commission.

(3) If the departure of a third-country national referred to in paragraph 1 of this Article from the border crossing to a third country is not possible even eight days after the date of his or her arrival at the border crossing, measures for ensuring his or her return apply.

(4) The minister responsible for the interior shall issue an ordinance on the layout and content of the form of the ruling refusing entry and on the technical conditions for stay at the border crossing."

Article 10

In the heading above Article 39, the words: "Illegal entry" are replaced by the word: "Entry".

In Article 39, a new paragraph 1 is added and reads:

"(1) A foreigner is deemed to have entered into the Republic of Croatia when he or she crosses the state border."

In the former paragraph 1, which now becomes paragraph 2, in item 3, after the words: "in the Republic of Croatia", the following words are added: "or in the EEA".

Article 11

In Article 40, paragraph 2 is amended to read:

"(2) A third-country national shall not be allowed to depart from the Republic of Croatia where:

1. he or she does not hold a valid travel or other document used to cross the state border, unless he or she will be granted entry into the neighbouring state, or where he uses someone else's or forged travel or other document used to cross the state border at the time of departure from the Republic of Croatia,
2. there are justified grounds to believe that he or she intends to avoid prosecution for a criminal offence or prosecution for a misdemeanour, arrest, taking in, apprehension, or enforcement of the sentence of imprisonment;
3. this is required by the court."

Article 12

In Article 43, paragraph 1, after the words: "Prohibition to assist", the following words are added: "and to attempt to assist".

Paragraph 2 is amended to read:

"(2) Assistance within the meaning of paragraph 1 of this Article does not include any of the following:

- assistance referred to in Articles 116 and 117 of this Act;
- assistance in making an illegal crossing of the border to save lives, prevent injuries, provide emergency medical assistance and humanitarian assistance in accordance with special legislation;
- assistance in illegal stay on humanitarian grounds and without the intention of preventing or postponing the taking of measures for securing return."

Article 13

Article 45 is amended to read:

"(1) Short-term stay means the stay of third-country nationals laid down in Article 6 of the Schengen Borders Code.

(2) A third-country national shall not be regarded as a third-country national on short-term stay where:

1. he or she entered the Republic of Croatia illegally,
2. he or she does not have a visa, although it is required,
3. he or she has used the visa or its period of validity has expired,
4. in the preceding 180 days, he or she stayed in the Republic of Croatia legally and/or illegally in excess of 90 days,
5. he or she was returned to the Republic of Croatia under a readmission agreement,
6. he or she was extradited to the Republic of Croatia under an international extradition agreement,
7. he or she was taken to the premises of the court from the border crossing to facilitate the conduct of a criminal or misdemeanour procedure, and was not granted entry to the Republic of Croatia,
8. he or she is subject to a prohibition of entry and stay in the EEA or the Republic of Croatia."

Article 14

The heading above Article 46 is amended to read: "Cancelling short-term stay".

Article 46 is amended to read:

"(1) Short-term stay of a third-country national shall be cancelled in a ruling where:

1. he or she does not hold a valid travel document or another document used for crossing the state border,
2. he or she does not justify the purpose and conditions of his or her entry and short-term stay,
3. he or she does not have funds to support himself or herself during short-term stay in the Republic of Croatia and to return to the state from which he or she came or to travel to a third country, and for the mentioned costs there is no guarantee referred to in Article 17, paragraph 4 of this Act,
4. he or she does not pay mature financial obligations towards the Republic of Croatia,
5. there is justified suspicion that his or her short-term stay was not used for the intended purpose.

(2) The ruling of the Ministry via the competent police administration or police station referred to in paragraph 1 of this Article shall prohibit entry and stay in the Republic of Croatia in the duration from one to three months.

(3) No appeal is admissible against the ruling referred to in paragraph 1 of this Article, but an administrative dispute may be instituted."

Article 15

In Article 47, paragraph 1, after item 4, a new item 5 is added and reads: "5. life partnership,".

The former items 5 and 6 become items 6 and 7.

In paragraph 2, the digit: "5" is replaced by the digit: "6".

Article 16

In Article 48, paragraph 3 is amended to read:

"(3) Notwithstanding paragraph 1 of this Article, a third-country national who requires a visa for entry into the Republic of Croatia may also submit an application for the issuance of a temporary stay permit to the police administration or police station where:

1. the purpose of his or her stay is to attend studies at a higher education institution as a full-time student at pre-graduate, graduate, and post-graduate level,
2. he or she is a research scientist arriving on a visiting scientist contract,
3. the purpose of his or her arrival is to perform activities laid down in Article 76, paragraph 1, items 12, 13, 14 and 15 of this Act,
4. he or she is a close family member of a third-country national as referred to in items 1, 2 or 3 of this paragraph,
5. he or she is a close family member of a Croatian citizen,
6. he or she is a life partner or informal life partner of a Croatian citizen."

After paragraph 4, a new paragraph 5 is added and reads:

"(5) Where the application for the issuance of a temporary stay permit of a third-country national referred to in paragraph 4 of this Article is rejected and such third-country national intends to re-enter and stay in the Republic of Croatia on a short-term stay, the period during which the application is processed is regarded as short-term stay."

Article 17

In Article 50, paragraph 1, the words: "police administration or police station" are replaced by the words: "Ministry via the competent police administration or police station".

Article 18

In Article 55, paragraph 3 is amended to read:

"(3) Temporary stay for family reunification purposes shall not be granted to a family member of a third-country national provided with a stay and work permit for seasonal work, granted temporary stay for other purposes, and to service providers, posted workers, and cross-border workers."

Article 19

After Article 56, the headings above the articles and Articles 56.a and 56.b are added and read:

"Regulating temporary stay for a close family member of a Croatian citizen

Article 56.a

(1) A close family member of a Croatian citizen referred to in Article 56, paragraph 1 of this Act does not have to fulfil the condition laid down in Article 54, item 3 of this Act for the approval of temporary stay on the grounds of family reunification.

(2) A third-country national referred to in paragraph 1 of this Article does not have to fulfil the condition laid down in Article 54, item 2 exceptionally whenever a valid travel document cannot be obtained at a diplomatic mission or consular post of the foreign state in the Republic of Croatia and when his or her identity can be established beyond any doubt in some other way.

Regulating temporary stay for the purpose of life partnership

Article 56.b

(1) Temporary stay for the purpose of life partnership may be granted to a third-country national who fulfils the conditions laid down in Article 54 of this Act and who is the life partner or the informal life partner of a Croatian citizen, third-country national with granted permanent or temporary stay or who was granted international or temporary protection under special legislation.

(2) In the procedure of approving temporary stay for the purpose of life partnership, Article 55, paragraphs 2 and 3, and Article 57 of this Act shall apply accordingly.

(3) Article 60 and Article 61 of this Act shall apply accordingly to life partners and informal life partners."

Article 20

In Article 71, paragraph 4, the words: "police administration or police station" are replaced by the words: "Ministry via the competent police administration or police station".

Article 21

In Article 72, paragraph 4, the words: "police administration or police station" are replaced by the words: "Ministry via the competent police administration or police station".

Article 22

In Article 73, paragraph 3, item 2 is amended to read:

"2. international or temporary protection or those who apply for international protection under the conditions laid down in special legislation,".

After item 4, a new item 5 is added and reads:

"5. temporary stay for the purpose of life partnership with a Croatian citizen, third-country national with granted permanent stay or who was granted international or temporary protection,".

Former items 5, 6 and 7 become items 6, 7 and 8.

After paragraph 11, a new paragraph 12 is added and reads:

"(12) The provisions of this Act relating to the work of third-country nationals shall apply to citizens of that Member State of the European Union that applies national measures or measures arising from bilateral agreements to the work of citizens of the Republic of Croatia and their family members.".

Article 23

In Article 74, paragraph 3 is amended to read:

"(3) The annual employment quota for third-country nationals is set on the basis of the situation on the labour market".

Paragraph 5 is amended to read:

"(5) The quota of permits for seasonal work up to 90 days and up to six months as well as the quota of permits for intra-corporate transfers may be set by the annual employment quota for third-country nationals.".

Article 24

After Article 75, new headings above the articles and Articles 75.a, 75.b, 75.c, 75.d and 75.e are added and read:

"Seasonal workers

Article 75.a

(1) Seasonal workers may work further to:

– stay and work permits for seasonal work up to 90 days or

– stay and work permits for seasonal work up to six months.

(2) Seasonal workers who require a visa for entry into the Republic of Croatia may be provided with a visa for short-term stay in accordance with the provisions of Title III of this Act subject to the inclusion of the following words in the section "remarks": "seasonal work".

(3) Stay and work permits for seasonal work may be provided to a seasonal worker where:

1. he or she holds a valid foreign travel document during the period of validity of the stay and work permit,

2. he or she holds a valid employment contract or written certificate confirming that an employment contract was concluded, or a binding offer by an employer for work which includes the compulsory content of employment contracts,

3. he or she holds health insurance,

4. he or she has ensured adequate accommodation,

5. he or she is not considered to be a danger to public policy, national security and public health,

6. he or she is not subject to a prohibition of entry and stay in the EEA or the Republic of Croatia.

(4) Conditions for the approval of the stay and work permit for seasonal work referred to in paragraph 3, items 2, 3 and 4 of this Article must be in accordance with the legislation of the Republic of Croatia and the collective agreement that binds the employer.

(5) A seasonal worker who was granted a stay and work permit for seasonal work at least once in the previous five years and who did not act contrary to the provisions of this Act relating to seasonal workers does not have to fulfil the condition laid down in paragraph 3, item 3 of this Article for the stay and work permit for seasonal work to be approved.

(6) The application for the approval of a stay and work permit for seasonal work shall be rejected where:

1. the documents attached have been obtained fraudulently, tampered with or falsified,

2. it is established that the seasonal worker will become a burden on the social welfare system, pose a risk in terms of illegal immigration or that he or she does not intend to depart from the Republic of Croatia at the latest on the date that the permit ceases to be valid.

(7) Ensured adequate accommodation for the approval of a stay and work permit for seasonal work means accommodation providing the seasonal worker with an adequate living standard throughout his or her stay. The seasonal worker and the employer referred to in paragraph 8 of this Article shall notify the police administration or police station of any change of accommodation within eight days of such change.

(8) Where the employer has ensured the accommodation or where the employer is an intermediary in ensuring accommodation:

1. the employer may require the seasonal worker to pay rent in an amount that is not too high in view of his or her net receipts from work and in view of the quality of accommodation. Such rent may not be automatically deducted from the salary of the seasonal worker,
2. the employer shall provide the seasonal worker with a lease contract or an equivalent document which clearly indicates the conditions of lease for accommodation,
3. the employer shall ensure that the accommodation is in conformity with the general health and safety standards applicable in the Republic of Croatia.

(9) The application for the approval of a stay and work permit for seasonal work may be rejected where:

1. the seasonal worker has not respected the obligations set out in the previous work and stay permit for seasonal work,
2. the employer discontinues the work post with full working hours in the period of 12 months directly preceding the date of submission of the application for the approval of the stay and work permit for seasonal work in order to vacate the work post for a seasonal worker.

(10) An appeal against the decision of the Ministry issued via the competent police administration or police station referred to in paragraphs 3, 6 and 9 of this Article may be lodged and is decided by the Commission.

(11) The minister responsible for the interior shall set out technical conditions for adequate accommodation, payment terms regarding the rent paid for the accommodation of seasonal workers, and documents that need to be enclosed to the application referred to in this Article, in an ordinance.

Extending the stay and work permit for seasonal work

Article 75.b

(1) A seasonal worker may work in the Republic of Croatia further to a stay and work permit for seasonal work for six months a year at most, after which he or she must depart from the Republic of Croatia.

(2) During the period of six months a year, a seasonal worker may extend the validity of the stay and work permit for seasonal work with the same or some other employer once.

(3) The application for the extension of the stay and work permit for seasonal work shall be submitted to the police administration or police station at the latest 30 days before the expiration of the valid permit.

(4) The Ministry shall decide via the competent police administration or police station within 15 days of the submission of an application whether to extend the stay and work permit for seasonal work referred to in paragraph 3 of this Article.

Repealing and nullifying the stay and work permit for seasonal work

Article 75.c

(1) The stay and work permit for seasonal work shall be repealed where:

1. a seasonal worker performs activities for which the stay and work permit for seasonal work was not issued,
2. a seasonal worker works for an employer for whom the stay and work permit for seasonal work was not issued,
3. conditions for the issuance of the stay and work permit for seasonal work cease to exist.

(2) The stay and work permit for seasonal work may be repealed where:

1. the employer does not fulfil obligations in relation to social security, rights of workers, conditions of work and employment, and tax liabilities, which he must fulfil in accordance with the legislation of the Republic of Croatia and the collective agreement binding the employer, if any,
2. a bankruptcy procedure is or was under way against the employer in accordance with special legislation or the employer does not perform an economic activity.

(3) The stay and work permit for seasonal work shall be repealed where the seasonal worker is subject to a prohibition of entry and stay.

(4) The provision stipulating the repeal of the stay and work permit for seasonal work on the grounds that the employer acts contrary to the provisions of the Labour Act and subordinate legislation adopted further to the Labour Act or the provisions of this Act relating to work or where the employer is or was subject to a bankruptcy procedure in accordance with special legislation or does not perform an economic activity, shall not apply to the seasonal worker submitting an application for the issuance of the stay and work permit for seasonal work with another employer.

(5) The stay and work permit for seasonal work shall be nullified where the attached documents were obtained fraudulently, tampered with or falsified.

(6) An appeal against the decision of the Ministry issued via the competent police administration or police station referred to in paragraphs 1, 2, 3 and 5 of this Article may be lodged and is decided by the Commission.

(7) Where the stay and work permit for seasonal work was repealed pursuant to paragraph 2 of this Article, the employer shall pay remuneration and all outstanding liabilities to the seasonal worker in accordance with special legislation.

Rights of the seasonal worker

Article 75.d

(1) Seasonal workers have the same rights as Croatian citizens in relation to the following:

1. employment terms, including the minimum age for contracting employment, and working conditions, including the salary and termination of the employment contract, working hours, breaks, leaves, holidays and non-working days as well as health and safety conditions at the place of work;
2. the right to participate in strikes and industrial actions, freedom to organise in trade unions and membership of trade unions or any other vocational organisation as well as the rights and benefits provided by such organisations, including the right to collective negotiation and conclusion of collective agreements, which does not bring into question the provisions on public policy and national security,
3. late payments by the employer in connection with outstanding receipts from work, if any, towards the third-country national,
4. social security branches, as defined in Article 3 of Regulation (EC) No 883/2004,
5. access to supplies and services and the offer of supplies and services available to the public, other than housing, without bringing into question the freedom to conclude contracts in accordance with Union law and national law,
6. the services of counselling on seasonal work provided by the competent public employment services,
7. education and vocational training,
8. recognition of degrees, certificates and other professional qualifications, in accordance with special legislation,
9. tax benefits, to the extent it is regarded for tax purposes that the seasonal worker has temporary residence in the Republic of Croatia.

(2) Seasonal workers who move to a third country or persons who survive after such seasonal persons staying in a third country and who have acquired rights from seasonal workers shall receive pension further to the previous employment of the seasonal worker acquired in accordance with the legislation laid down in Article 3 of Regulation (EC) No 883/2004 under the same conditions as Croatian citizens when they move to a third country.

(3) A seasonal worker shall exercise his or her rights in accordance with the legislation of the Republic of Croatia and the collective agreement that binds the employer, if any, governing the areas from paragraphs 1 and 2 of this Article.

Court protection

Article 75.e

(1) A seasonal worker who holds that his or her right guaranteed by this Act is violated may institute an appropriate procedure against the employer before the competent court, state bodies or legal persons vested with public powers in the Republic of Croatia in order to ensure protection and realisation of such rights, in accordance with the legislation of the Republic of Croatia.

(2) A seasonal worker may also institute the procedure referred to in paragraph 1 of this Article after termination of employment with the employer, in accordance with the legislation of the Republic of Croatia.

(3) A seasonal worker who has instituted the procedure of protection of rights referred to in paragraph 1 of this Article may not be placed in a position that is less favourable than other workers employed with the employer and such circumstance shall not have detrimental effect on the realisation of his or her rights arising from employment.

(4) In the procedure of protection of rights referred to in paragraph 1 of this Article, a seasonal worker may be represented, subject to his or her authorisation, by persons authorised to provide legal aid, that is, associations or other organisations authorised to do so in accordance with special legislation.

Article 25

In Article 76, paragraph 1, item 1, the words: "daily migrants" are replaced by the words: "cross-border workers".

Items 4 and 5 are amended to read:

"4. other indispensable persons as defined in the Protocol of Accession of the Republic of Croatia to the Marrakesh Agreement Establishing the World Trade Organization,

5. third-country nationals self-employed in a corporation in which he or she holds an ownership share of at least 51% or in a trade in which he or she is the sole owner,".

In item 15, at the end of the sentence, the period is replaced by a comma and items 16, 17 and 18 are added and read:

"16. long-term residents in another EEA Member State,

17. key personnel, workers and their family members, whose status is regulated by the Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Croatia,

18. third-country nationals subject to intra-corporate transfer for the purpose of long-term mobility in accordance with Article 79.c of this Act.".

Article 26

In Article 78, paragraph 3, item 3 is amended to read:

"3. his or her gross monthly salary is at least the amount of the average gross monthly salary paid in the Republic of Croatia as per the latest officially published data provided by the competent authority for statistics, where the third-country national who is self-employed in his or her own trade must prove that the amount generated via income from independent activity is at least the amount of the average net monthly salary paid in the Republic of Croatia as per the latest officially published data of the competent authority for statistics,".

Article 27

After Article 79, headings above articles and Articles 79.a, 79.b, 79.c, 79.d, 79.e and 79.f are added and read:

"Intra-corporate transferees

Article 79.a

(1) Intra-corporate transferee means any third-country national who is a manager, specialist or trainee subject to an employment contract with a corporation, branch office or representative office established in a third country temporarily relocated for professional purposes or for training purposes to a corporation, branch office or representative office established in the Republic of Croatia (hereinafter: host entity) which belongs to the same corporation or group of corporations.

(2) Intra-corporate transferee means:

1. manager – a person holding a senior position, who directs the management of the host entity established in the Republic of Croatia, receiving general supervision or guidance from the board of directors or shareholders of the corporation or a person performing an equivalent duty, where that position shall include: directing the host entity or a part thereof, supervising and controlling work of the other supervisory, professional or managerial personnel, and having the authority to decide on rights and obligations arising from employment concerning personnel;

2. specialist – a person possessing specialised knowledge essential to the areas of activity, techniques or management of the host entity established in the Republic of Croatia. In assessing such knowledge, account shall be taken not only of knowledge specific to the host entity, but also of whether the person has a high level of professional qualification including adequate professional experience referring to a type of work or activity requiring specific technical knowledge, including possible membership of an accredited profession;

3. trainee – a person with a higher education institution degree who is transferred to a host entity established in the Republic of Croatia for career development purposes or in order to obtain training in business techniques or methods, and is paid during the transfer.

(3) The stay and work permit within the annual quota may be granted to an intra-corporate transferee who fulfils the criteria referred to in Article 54 of this Act and where:

1. the host entity established in the Republic of Croatia and the corporation established in a third country belong to the same corporation or group of corporations,
2. the intra-corporate transferee is a manager or specialist employed within the same corporation or group of corporations for an uninterrupted period of at least nine months up to the date of intra-corporate transfer or for an uninterrupted period of at least six months in the case of a trainee,
3. he or she encloses an employment contract and transfer certificate showing details of the time limit of the transfer and the location of one or several host entities; proof that in one or several host entities he or she will assume the function of manager, specialist or trainee; the salary and other employment conditions ensured during the intra-corporate transfer as well as proof that on completion of the intra-corporate transfer he or she will be able to move back to the corporation, branch office or representative office established in a third country. The enclosed employment contract or transfer certificate must show that the intra-corporate transferee has rights laid down in Article 86, paragraph 5, items 1, 2, 4, 5 and 6 of this Act,
4. the manager or specialist has the required professional qualifications and experience for work in the host entity established in the Republic of Croatia to which he or she should be relocated, and the trainee a higher education institution degree,
5. the salary received is no less than the salary received by workers in the Republic of Croatia engaged in equivalent work posts in accordance with the applicable laws or collective agreements,
6. the main purpose of establishment of a host entity in the Republic of Croatia is not to facilitate the regulation of stay of intra-corporate transferees,
7. intra-corporate transfers for managers and specialists does not exceed three years, or one year for trainees.

(4) Applications for the approval of the stay and work permit referred to in paragraph 3 of this Article shall be rejected where the attached documents were obtained fraudulently, tampered with or falsified.

(5) The longest period of intra-corporate transfer for managers and specialists is three years and for trainees it is one year, after which they shall depart from the Republic of Croatia, unless they regulate their stay on some other grounds.

(6) Following the expiration of the longest period of intra-corporate transfer, as set out in paragraph 5 of this Article, the application for the approval of the new stay and work permit for an intra-corporate transferee may be submitted following the expiration of a period of six months.

(7) A third-country national who is transferred for work to several EEA Member States shall submit an application for the stay and work permit referred to in paragraph 3 of this Article to the police administration or police station if the duration of intra-corporate transfer in the

Republic of Croatia is longer than the duration of intra-corporate transfer in other EEA Member States.

(8) An intra-corporate transferee may work in any host entity established in the Republic of Croatia that belongs to the corporation or group of corporations in a third country further to the approved stay and work permit.

(9) An intra-corporate transferee has rights laid down in Article 86, paragraphs 5 and 6 of this Act as well as the right to the freedom to organise in trade unions and membership of trade unions or any other vocational organisation as well as the rights and benefits provided by such organisations, including the right to collective negotiation and conclusion of collective agreements, which does not bring into question the provisions on public policy and national security,

(10) A family member of the intra-corporate transferee may regulate his or her temporary stay for family reunification purposes in accordance with Article 47, paragraph 1, item 1 of this Act and shall exercise the right to work and self-employment in accordance with the provisions of this Act. The Ministry shall process the application for the approval of the stay and work permit of an intra-corporate transferee via the police administration or police station at the same time as the application for the approval of temporary stay for family reunification purposes where the two applications are submitted at the same time.

(11) The Republic of Croatia shall permit re-entry of an intra-corporate transferee and his or her family members at the request of another EEA Member State where such intra-corporate transferee was granted the stay and work permit referred to in paragraph 3 of this Article in the following cases:

- stay granted further to mobility in another EEA Member State has ended,
- the stay and work permit in the Republic of Croatia has ceased to be valid and the person stayed in another EEA Member State during the period of mobility.

(12) The minister responsible for the interior shall prescribe the method of issuance of the stay and work permit to intra-corporate transferees in an ordinance.

Short-term mobility

Article 79.b

A third-country national holding a valid permit issued for intra-corporate transfer purposes by another EEA Member State may work in a host entity established in the Republic of Croatia that belongs to the same corporation or group of corporations for a period of 90 days over any period of 180 days without an obligation to obtain a stay and work permit or work registration certificate.

Long-term mobility

Article 79.c

(1) A third-country national holding a valid permit issued for intra-corporate transfer purposes by another EEA Member State who intends to work in a host entity established in the Republic of Croatia that belongs to the same corporation or group of corporations for a period in excess of 90 days may be granted the stay and work permit for long-term mobility outside the annual quota.

(2) The third-country national referred to in paragraph 1 of this Article shall submit an application for the approval of the stay and work permit for long-term mobility to the police administration or police station or to a diplomatic mission or consular post of the Republic of Croatia.

(3) Stay and work permits for long-term mobility may be granted to third-country nationals where:

1. they hold a valid foreign travel document and proof of health insurance,
2. the host entity established in the Republic of Croatia and the corporation established in a third country belong to the same corporation or group of corporations,
3. the intra-corporate transferee encloses an employment contract and transfer certificate as laid down in Article 79.a, paragraph 3, item 3 of this Act,
4. the intra-corporate transferee submits the address of habitation in the Republic of Croatia,
5. he or she is not subject to a prohibition of entry and stay in the EEA or the Republic of Croatia, and
6. he is not considered to be a danger to public order, national security or public health.

(4) The application for the approval of a stay and work permit shall be rejected where:

1. the documents attached have been obtained fraudulently, tampered with or falsified,
2. the third-country national does not have the rights referred to in Article 86, paragraphs 5 and 6 of this act,
3. the intra-corporate transfer is longer than three years for managers and specialists and longer than one year for trainees,
4. the permit for intra-corporate transfer issued in another EEA Member State has expired during the procedure.

(5) A third-country national may work in the Republic of Croatia until his or her application for the approval of the stay and work permit referred to in paragraph 2 of this Article is processed where the application was submitted before the expiration of the short-term stay and where he or she holds a valid permit issued for the purpose of intra-corporate transfer issued by another EEA Member State.

(6) The competent police administration or police station shall notify the competent authority of another EEA Member State in which the third-country national holds a valid permit issued for intra-corporate transfer purposes concerning the approval of the stay and work permit, its extension, or the decision further to which the third-country national must depart from the Republic of Croatia.

(7) The Ministry shall issue a ruling on the application for the approval of the stay and work permit via the police administration or police station based on the place of temporary residence of the third-country national. An appeal against the ruling may be lodged and is decided by the Commission.

Rights of intra-corporate transferees

Article 79.d

(1) Intra-corporate transferees have the same rights as Croatian citizens in relation to the following:

1. the right to participate in strikes and industrial actions, freedom to organise in trade unions and membership of trade unions or any other vocational organisation as well as the rights and benefits provided by such organisations, including the right to collective negotiation and conclusion of collective agreements, which does not bring into question the provisions on public order and public security,
2. recognition of degrees, certificates, and other professional qualifications,
3. social security branches, as defined in Article 3 of Regulation (EC) No 883/2004, unless, according to bilateral agreements or the laws of the Republic of Croatia, the laws of the country of origin are applicable, where it must be ensured that the intra-corporate transferee is covered by the legislation in the field of social security in one of those countries. In the case of mobility within the EU and without prejudice to bilateral agreements ensuring that the intra-corporate transferee is covered by the national legislation of the country of origin, Regulation (EU) No 1231/2010 is applied accordingly,
4. without prejudice to Regulation (EU) No 1231/2010 and bilateral agreements, payment of old-age pension, disability pension, and pension in the case of death within the framework of pensions arising from previous employment of intra-corporate transferees and those acquired by intra-corporate transferees moving to a third country or persons surviving after such intra-corporate transferees staying in a third country, who derive their rights from the rights of intra-corporate transferees, in accordance with the legislation set out in Article 3 of Regulation (EC) No 883/2004, under the same conditions as citizens of the Republic of Croatia moving to a third country,
5. access to supplies and services and the offer of supplies and services which are available to the public, other than procedures for the realisation of accommodation as envisaged in special legislation, without prejudice to the freedom of contract of the Union law and national legislation, and services provided by public employment offices.

(2) An intra-corporate transferee shall exercise his or her rights in accordance with the legislation of the Republic of Croatia and the collective agreement that binds the employer, if any, governing the areas from paragraph 1 of this Article.

Nullifying the stay and work permit

Article 79.e

(1) The Ministry shall nullify a stay and work permit issued pursuant to Article 79.a and Article 79.c of this Act via the competent police administration or police station if the Ministry or another body of state administration establishes, within the framework of its powers, that:

- the main purpose of establishment of a host entity in the Republic of Croatia is to facilitate the regulation of stay of third-country nationals who are intra-corporate transferees,
- the enclosed documents have been fraudulently acquired, or falsified or tampered with.

(2) An appeal against the decision of the Ministry issued via the police administration or police station may be lodged and is decided by the Commission.

Entry of third-country nationals with a permit issued in another EEA Member State

Article 79.f

(1) Third-country nationals holding a valid permit issued for intra-corporate transfer purposes by an EEA Member State which does apply the Schengen *acquis* in full shall submit a certificate of the corporation, branch office or representative office from the other EEA Member State upon entry to the Republic of Croatia for intra-corporate transfer purposes to the police administration or police station, which must include data on the duration of mobility and the location of the host entity or host entities in the Republic of Croatia.

(2) Third-country nationals referred to in paragraph 1 of this article shall be subject to verification in the Schengen information system at the time of crossing the border. Entry shall be rejected or an objection to mobility of a third-country national lodged where the Schengen information system includes a warning for the purposes of rejection of entry and stay."

Article 28

In Article 80, paragraph 1, the words: "police administration or police station" are replaced by the words: "Ministry via the competent police administration or police station".

Paragraph 4 is deleted.

The former paragraph 5 becomes paragraph 4.

Article 29

Article 81 is amended to read:

"(1) The Ministry may reject an application for the approval of the stay and work permit via the competent police administration or police station where:

1. the employer does not fulfil obligations in relation to social security, rights of workers, work and employment conditions, and tax liabilities or the collective agreement that binds the employer, if any,
2. a bankruptcy procedure is or was under way against the employer in accordance with special legislation or the employer does not perform an economic activity,
3. the third-country national is in breach of the provisions of this Act relating to entry, stay or work, or
4. the third-country national or employer has not settled a fine issued.

(2) An appeal against the decision of the Ministry issued via the police administration or police station may be lodged and is decided by the Commission."

Article 30

Article 82 is amended to read:

"(1) Further to the work registration certificate, the following third-country nationals may work up to 90 days in a year:

1. procurators, key personnel and members of the supervisory board of a corporation, performing activities for the corporation but outside of an employment relationship,
2. service providers in tourism, tourist agents or entertainers in accordance with special legislation,
3. scientists undergoing scientific and professional development, scientists – representatives of international organisations and scientists who are to participate in the implementation of scientific projects important for the Republic of Croatia,
4. administrative staff, experts, teachers and lecturers from foreign cultural, educational and scientific institutions who perform an activity in the Republic of Croatia as part of cultural and educational co-operation as well as administrative staff, experts, teachers, and lecturers from foreign cultural, educational and scientific institutions that have branch offices in the Republic of Croatia, provided that they arrive from the home institution,
5. civilian and military government officials from other states coming to work in the Republic of Croatia pursuant to co-operation agreements with the Government of the Republic of Croatia,
6. foreign correspondents accredited in the Republic of Croatia or foreign media reporters,
7. representatives and the staff of religious communities performing activities exclusively connected with the religious or caritative service,

8. third-country nationals arriving to perform volunteer work, in the organisation of Croatian associations or institutions, in working camps and in similar working-educational programmes or arriving to attend practice in diplomatic missions or consular posts accredited in the Republic of Croatia,

9. volunteers volunteering in non-profit associations and institutions in the Republic of Croatia in accordance with special legislation, or further to international exchange and volunteer cooperation programmes,

10. third-country nationals performing the activities of supervision and inspection of overhaul and shipbuilding and third-country nationals performing the activities of supervision or inspection of the production, assembly of equipment, machinery and other facilities pursuant to an export or order contract for a foreign client,

11. working on vessels and included in the crew manifesto,

12. performing professional practice, training or volunteering within the Union Programmes, programme for education, training, youth and sport Erasmus+ and its successors, and other international programmes as well as other programmes and initiatives conducted by the body competent for the activities of education and science and bodies in charge of volunteering,

13. experts in the field of protection of cultural heritage, libraries, and archives,

14. third-country nationals performing professional training, development or education of workers employed with legal and natural persons in the Republic of Croatia,

15. performing activities connected with the delivery, assembly or service of machinery or equipment, where their work is a precondition for the realisation of warranty rights or is connected with the delivery of machinery or equipment,

16. undergoing professional training with a legal person having registered office in the Republic of Croatia and organisationally connected to the foreign employer,

17. arriving to attend gratuitous internship with Croatian legal or natural persons, institutions or associations,

18. artists, authors, technical and other staff participating in the making of high-budget films.

(2) Third-country nationals referred to in paragraph 1, items 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 17 and 18 of this Article intending to stay and work in the Republic of Croatia for a period in excess of 90 days may be granted a stay and work permit outside the annual quota if they fulfil the conditions laid down in Article 54 of this Act and if they attach proof of the performance and duration of their activities in the Republic of Croatia.

(3) Notwithstanding the provision of Article 54, item 4 of this Act, third-country nationals referred to in paragraph 1, item 12 of this Article participating in the programme for education, training, youth and sport Erasmus+ shall not have to attach proof of health insurance, unless provided otherwise by programme rules.

(4) Volunteers referred to in paragraph 1, item 9 of this Article may be granted a stay and work permit outside the annual quota if they are within the range from 18 to 65 years of age and if they have concluded a volunteering contract in accordance with special legislation on volunteering. The organisation to admit a third-country national for volunteering must assume full responsibility for the third-country national during the period of volunteering, including the costs of maintenance, accommodation, food, and the costs of health insurance and return. The volunteer may be granted a stay and work permit for a period of validity up to one year and, on an exceptional basis, the period of validity may be extended by six months if required by the volunteering programme.

(5) Third-country nationals referred to in paragraph 1, item 17 of this Article may be granted a stay and work permit outside the annual quota if the third-country national attaches proof that he or she is a trainee in a legal or natural person, institution or association, which is recognised by the competent authority based on the activity in which such internship is conducted."

Article 31

In Article 83, paragraph 2, after item 1, new items 2 and 3 are added and read:

"2. the accompanying reporting, organisational, and technical staff at sporting events and competitions,

3. at fashion editorial or advertising campaign shoots,".

The former item 2 becomes item 4.

Article 32

In Article 86, paragraph 4, the digit: "6" is replaced by the digit: "7".

In paragraph 5, item 6, at the end of the sentence, the period is replaced by a comma and item 7 is added and reads:

"7. secondment terms via employment agencies.".

In paragraph 8, after the first sentence, a sentence is added and reads:

"The service recipient in the Republic of Croatia may use the work of a posted worker who is a third-country-national, provided that he or she is legally employed by a foreign employer in accordance with the legislation of the state of establishment of the employer.".

After paragraph 12, new paragraphs 13, 14 and 15 are added and read:

"(13) A foreign employer shall authorise and appoint a person in the declaration referred to in Article 89 of this Act to keep, during the period of posting, at the place of work or another clearly designated and accessible location in the Republic of Croatia, and, at the request of the competent authority, provide access to, in paper or electronic form, copies of the employment contract or another act establishing employment, the work permit or some other act proving

that the posted worker who is a third-country national is legally employed, the calculation of his or her salary showing all its elements and the method of determining the amount of salary, proof of payment of the salary, a record of the working hours showing the beginning, duration, and the end of the working hours, and other proof necessary for control and supervision purposes and, at the request of the competent authority, submit a translation of such documents into the Croatian language as well as provide the competent authorities with all other required information,.

(14) The foreign employer shall, in the declaration referred to in Article 89 of this Act, appoint a contact person in the Republic of Croatia to be authorised, during the period of posting on behalf and for the account of the employer, to co-operate with the competent authorities and, wherever necessary, to receive and send documents, applications, notifications and other writs.

(15) The foreign employer shall keep, even after the posting terminates, and, at the request of the competent authorities of the Republic of Croatia, submit the documents laid down in paragraph 13 of this Article, over a period of five years of the termination of posting."

The former paragraph 13 becomes paragraph 16 and is amended to read:

"(16) An employer established in a third country may not be placed in a position which is more favourable than the one of a foreign employer established in an EEA Member State or the Swiss Confederation."

Article 33

The heading above Article 88 is amended to read: "Court protection, access to information, administrative co-operation".

Article 88 is amended to read:

"(1) A posted worker who holds that during his posting his or her right guaranteed by this Act is violated may institute an appropriate procedure against the foreign employer before the competent court, state bodies or legal persons vested with public powers in the Republic of Croatia in order to ensure protection and realisation of such rights, in accordance with the legislation of the Republic of Croatia.

(2) A posted worker may also institute the procedure referred to in paragraph 1 of this Article after termination of employment with the employer, in accordance with the legislation of the Republic of Croatia.

(3) A posted worker who has instituted the procedure of protection of rights referred to in paragraph 1 of this Article may not be placed in a position that is less favourable than other workers employed with the employer and such circumstance shall not have detrimental effect on the realisation of his or her rights arising from employment.

(4) In the procedure of protection of rights referred to in paragraph 1 of this Article, a posted worker or employer may be represented, subject to his or her authorisation, by persons

authorised to provide legal aid or associations or other organisations authorised to do so in accordance with special legislation.

(5) The line ministry for labour shall provide, in co-operation with other competent authorities, that the contacts of all competent authorities and general, comprehensive and clear information concerning legislation and collective agreements in force that are applicable to the working and employment conditions referred to in Article 86 of this Act and the protection thereof are available to all interested parties in an easily accessible and clear fashion, free of charge, at a single website and in the Croatian and English languages.

(6) In situations that involve posting and the protection of rights of posted workers, the competent authorities shall ensure assistance and the required mutual administrative co-operation with the competent authorities of other EEA Member States without undue delay and free of charge, which consists of the sending and receipt of argued requests for the provision of assistance and information, checking of information and the relevant data on employers and workers connected with the situation of posting, exchange of data on the applicable legislation, wherever necessary, the sending and forwarding of documents, and notifications on the administrative fines or orders for payment of administrative fines issued further to special legislation.

(7) In the event of difficulties or inability to perform the obligations referred to in paragraph 6 of this Article, the competent authority shall notify thereof the competent authority that has sent the request for information, provision of assistance or other form of co-operation without any delay.

(8) The competent authority that has requested assistance or co-operation shall notify the Commission of the existence of any more permanent problem in co-operation with an EEA Member State or in the exchange of information or of any more persistent refusal to submit information without an acceptable valid explanation.

(9) In the situation referred to in paragraph 6 of this Article, the competent authority may request, in any case of posting and for any employer, the competent authorities of an EEA Member State in which the employer is established to provide required information concerning the lawfulness of establishment of the employer and concerning compliance with the valid legislation and all obligations of the employer arising from the posting of workers or to provide such information at the request to do so.

(10) Mutual assistance and administrative co-operation between the competent authorities of EEA Member States shall be conducted via the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (hereinafter: IMI Regulation) and, wherever necessary, bilaterally and in accordance with special legislation governing the protection of personal data and free transfer of such data.

(11) In cases that involve an argued request for urgent verification of the lawfulness of establishment of the employer and the submission of data available in the official records or

public registers, the competent authority shall submit the information to the authority that has requested it within two working days at most from the moment the request is received.

(12) The information received or exchanged as part of the provision of assistance and administrative co-operation referred to in paragraph 6 of this Article may be used only for the purposes and in relation to the subject for which they have been requested."

Article 34

After Article 88, the headings above the articles and Articles 88.a and 88.b are added and read:

"General assessment of facts characteristic of the posting of workers

Article 88.a

(1) Where during an inspection the body responsible for inspections and the implementation of legislation applicable to the working conditions of posted workers in situations that involve posting referred to in Article 86 of this Act suspects that the situation does not involve posting, it shall perform a check and inspection on the basis of a general assessment of facts characteristic for the posting and essential for conformity with the rules applicable to posting, the rights of posted workers, and the obligations of employers, which is adjusted to each case, taking into consideration the special nature of each posting situation.

(2) During an inspection, the principle of non-discrimination and proportionality must be respected.

(3) The provision of Article 88 of this Act shall apply to the provision of mutual assistance and administrative co-operation by and between the authorities competent for inspections and the competent authorities in other EEA Member States.

(4) Where the competent authority referred to in Article 207 of this Act establishes in the performance of control and inspection the facts that might indicate non-conformity with the rules applicable to posting, the rights of posted workers, and the obligations of employers, it shall notify thereof the competent authority of the EEA Member State in which the employer is established without any delay.

(5) The procedure that the inspection authority must follow during the general assessment of facts referred to in paragraph 1 of this Article shall be laid down by the minister responsible for labour in an ordinance.

Responsibility of the contractor for the obligations of the subcontractor towards the posted worker in the activity of construction

Article 88.b

(1) The contractor is jointly and severally liable for the obligations that the subcontractor as the employer has towards its posted workers, for claims arising from the mature but outstanding minimum salary, including the increased salary for overtime, to which the posted

worker is entitled in accordance with the provision of Article 86, paragraph 5, item 3, and paragraph 6 of this Act.

(2) A posted worker to whom a subcontractor as the employer has not paid the salary or part thereof on the date of maturity as referred to in paragraph 1 of this Article may demand payment of such salary from the contractor even after the expiration of the time limit within which the subcontractor was obligated to submit a calculation of the amount that it was obligated to pay to the posted worker in accordance with the general legislation governing labour relations.

(3) The liability of the contractor referred to in paragraph 1 of this Article shall apply to the contractual relationship of the contractor and subcontractor arising from the contract on the provision of services in one or several activities of construction further to the National Classification of Activities as presently in force.

(4) Protection referred to in Article 88, paragraph 1 of this Act shall also apply to the liability of the contractor referred to in paragraph 1 of this Article.

(5) The contractor shall be released from the liability referred to in paragraph 1 of this Article where he or she has taken all appropriate actions to request and obtain from the subcontractor before the commencement or during the posting:

1. a copy of the declaration by the subcontractor on the posting of the worker and its subsequent changes,
2. a list of all workers engaged in the performance of the contract on the provision of services between the contractor and subcontractor,
3. for each individual worker referred to in item 2 of this paragraph: identification data concerning the worker, date of birth, description of the job, citizenship, date of the commencement and completion of posting, place of posting, regular working hours, including overtime, and gross monthly salary,
4. a written guarantee by the subcontractor that as the employer it will pay a salary to the posted worker within the time limit and in the amount to which he or she is entitled during posting,
5. during the term of the contract between the contractor and subcontractor, for each posted worker at least once a month: a record of working hours, record of salaries, calculation of salary showing clearly all data on which the amount of the salary is based and the amount of salary under such grounds, the monetary unit in which the salary is paid, and proof of payment of the salary within the time limit and in the amount to which the worker is entitled during posting.

(6) Within the meaning of this Article, the contractor means a service provider who has concluded a contract on the provision of services with another service provider and who is in

a direct contractual relationship of contractor and subcontractor with such other service provider.

(7) Within the meaning of this Article, the subcontractor means a service provider who posts workers pursuant to a contract on the provision of services concluded with the contractor, by which it assumes the obligation to perform all or part of the works or services which the contractor has assumed the obligation to perform or provide."

Article 35

Article 89 is amended to read:

"(1) A foreign employer referred to in Article 86 of this Act or an employer established in a third country, after their posted workers who are third-country nationals obtain a stay and work permit or work registration certificate in accordance with the provisions of this Act, shall submit a posting declaration before the commencement of such posting.

(2) The declaration referred to in paragraph 1 of this Article shall be submitted by electronic means to the central body of state administration responsible for labour inspection and safety at work on the prescribed form.

(3) The employer referred to in paragraph 1 of this Article shall report any change of data in the posting declaration during the period of posting and at the latest within three working days.

(4) The content, form, and appearance of the posting declaration referred to in paragraph 1 of this Article and the method of reporting any changes of data referred to in paragraph 3 of this Article shall be laid down by the minister responsible for labour in an ordinance."

Article 36

In Article 90, after paragraph 1, a new paragraph 2 is added and reads:

"(2) On an exceptional basis, paragraph 1, item 1 of this Article in connection with Article 72, paragraph 1, item 4 of this Act shall not apply to an intra-corporate transferee who has obtained a stay and work permit where such person is staying in another EEA Member State as part of short-term or long-term mobility or to a third-country national who has obtained a stay and work permit from the police administration or police station but has been posted to another EEA Member State."

In former paragraph 2 to become paragraph 3, the words: "police administration or police station" are replaced by the words: "Ministry via the competent police administration or police station".

In former paragraph 3 to become paragraph 4, the words: "police administration or police station" are replaced by the words: "Ministry via the competent police administration or police station".

Article 37

In Article 93, paragraph 1, item 1 is amended to read:

"1. stay further to a stay and work permit issued to seasonal workers, service providers, cross-border workers, posted workers, intra-corporate transferees, other indispensable persons as defined in the Protocol on the Accession of the Republic of Croatia to the Marrakesh Agreement Establishing the World Trade Organisation as well as stay approved to the family members of intra-corporate transferees and family members of other indispensable persons as defined in the Protocol on the Accession of the Republic of Croatia to the Marrakesh Agreement Establishing the World Trade Organisation,".

Article 38

Article 96 is amended to read:

"(1) Permanent stay shall be granted to any third-country national who, along with the conditions referred to in Article 92 of this Act:

1. holds a valid foreign travel document,
2. has funds for supporting himself or herself,
3. holds health insurance,
4. knows the Croatian language and Latin script,
5. does not pose a danger to public order, national security or public health.

(2) Permanent stay shall be granted to a third-country national referred to in Article 94, paragraph 1 of this Act where he or she holds a valid foreign travel document and does not pose a danger to public order, national security or public health.

(3) A third-country national referred to in Article 94, paragraph 1 of this Act does not have to hold a valid foreign travel document in the procedure of approval of permanent stay whenever a valid travel document cannot be obtained at a diplomatic mission or consular post of the foreign state in the Republic of Croatia and his or her identity can be established beyond any doubt in some other way.".

Article 39

Article 97 is amended to read:

(1) The test in the knowledge of the Croatian language and Latin script may be organised by higher education institutions, secondary school institutions and adult education institutions holding Croatian language courses on the basis of an approval of the line ministry for education.

(2) The following persons shall not be obligated to sit for the test in the Croatian language and Latin script:

1. preschoolers,

2. attendants or persons who have finished primary, secondary or higher education in the Republic of Croatia,

3. persons over the age of 65 if they are not employed.

(3) The costs of the test referred to in paragraph 1 of this article shall be borne by the third-country national."

Article 40

The heading above Article 100 is amended to read: "Types of measures for ensuring return and the method of application".

Article 100 is amended to read:

"(1) Within the meaning of this Act, the following are regarded as measures for ensuring return:

- limiting the freedom of movement within the meaning of Articles 130 and 131 of this Act;
- the time limit for voluntary departure within the meaning of Article 103 of this Act;
- prohibiting entry and stay within the meaning of Article 111 of this Act;
- obligations of a third-country national in the procedure of return within the meaning of Article 132, paragraph 1 of this Act;
- involuntary removal within the meaning of Article 122 of this Act;
- other measures stipulated in this Act for the purpose of ensuring the departure of a third-country national to a third country.

(2) The measures for ensuring return apply to third-country nationals who do not have the right to freedom of movement under EU law, unless provided otherwise in this Act.

(3) The provisions of this Act on the measures for ensuring return do not apply to:

- third-country nationals found at the border with a third country at the time of or immediately following illegal entry;
- third-country nationals whose entry at the border crossing must be rejected;
- third-country nationals who should be extradited further to an international treaty;

unless provided otherwise in this Act.

(4) Third-country nationals referred to in paragraph 3 of this Article may not be excluded from the application of the provisions of this Act on the temporary postponement of involuntary removal, the right to medical protection in accordance with special legislation, the protection of vulnerable persons, restriction of the freedom of movement, and the prohibition of involuntary removal.

(5) The Ministry is responsible for the application of the measures for ensuring return.

(6) The minister responsible for the interior shall issue an ordinance on the method of treatment of third-country nationals referred to in paragraph 3, sub-paragraph 1 of this Article."

Article 41

The heading above Article 101 is amended to read: "Protection in the procedure of return".

Article 101 is amended to read:

"(1) At the time of implementation of the measures for ensuring return the best interest of the minor and needs of other vulnerable persons, the family life and health of the third-country national subject to such measures shall be taken into account.

(2) Within the meaning of paragraph 1 of this Article, vulnerable persons means minors, people with disability, the elderly, pregnant women, members of single-parent families with children under age, victims of trafficking, victims of torture, rape or other forms of psychological, physical or sexual violence, such as the victims of female genital mutilation and people with mental disorders.

(3) In the procedure of return, third-country nationals are entitled to health protection and schooling in accordance with special legislation.

(4) Decisions concerning return referred to in Article 115, paragraph 1 of this Act shall be made on the basis of an individual assessment in accordance with the rule of proportionality."

Article 42

The heading above Article 102 is amended to read: "Illegal stay".

Article 102 is amended to read:

"(1) Third-country nationals shall be regarded as staying illegally where:

1. they are not on short-term stay,
2. they do not have a valid approval of temporary or permanent stay,
3. they do not have the right to legal stay in accordance with special legislation that stipulates international and temporary protection,
4. they are not the nationals of a third country laid down in Article 48, paragraph 4, Article 53, paragraph 2, and Article 94, paragraph 1 of this Act,
5. they move outside an area to which their movement is restricted further to a bilateral international treaty.

(2) A third-country national staying illegally shall depart from the Republic of Croatia without any delay.

(3) The third-country national referred to in paragraph 1 of this Article who has obtained a ruling on return shall depart from the EEA within the time limit provided and report to the border crossing at the time of departure from the Republic of Croatia or at the diplomatic mission or consular post of the Republic of Croatia after having left the EEA, as set out in the ruling on return."

Article 43

A heading is added above Article 103 and reads: "Ruling on return".

Article 103 is amended to read:

"(1) A ruling on return shall be issued to a third-country national staying illegally and a third-country national whose legal stay is to terminate pursuant to a ruling of a state authority.

(2) The ruling referred to in paragraph 1 of this Article shall state that the third-country national is staying in the Republic of Croatia illegally or that his or her legal stay in the Republic of Croatia is to terminate, set a time limit within which the third-country national must depart from the EEA (time limit for voluntary departure), issue a warning about involuntary removal where he or she fails to depart from the EEA, and that the third-country national must report to the border crossing at the time of departure from the Republic of Croatia or at the diplomatic mission or consular post of the Republic of Croatia after having departed from the EEA.

(3) At the time of setting the time limit for voluntary departure, other than the circumstances referred to in Article 101 of this Act, the personal circumstances and the time within which the third-country national may do so shall be taken into consideration, where the time limit may not be less than seven days or exceed 30 days.

(4) In the cases referred to in Article 104, paragraph 1, items 1, 2 and 4 of this Act, the time limit for voluntary departure may be set as less than seven days.

(5) In the cases referred to in Article 107, paragraph 1 of this Act, the time limit for voluntary departure may be set to exceed 30 days.

(6) The time limit for voluntary departure of a third-country national staying illegally and a third-country national on short-term stay shall run as of the first day from the day on which the ruling on return is served or the third-country national is released from serving his or her prison sentence.

(7) The ruling on return may stipulate obligations laid down in Article 132, paragraph 1 of this Act where there is risk of avoidance as referred to in Article 133, paragraph 2 of this Act.

(8) The time limit for voluntary departure referred to in paragraph 2 of this Article shall also relate to the Swiss Confederation."

Article 44

The heading above Article 104 is amended to read: "Exceptions to the obligation to adopt rulings on return".

Article 104 is amended to read:

(1) A ruling on return does not have to be issued to the third-country national referred to in Article 103, paragraph 1 of this Act where:

1. there is risk of avoidance as laid down in Article 133, paragraph 2 of this Act,
2. the application for approval of stay was rejected as manifestly unfounded or fraudulent,
3. he or she may be subject to involuntary removal to an EEA Member State pursuant to a re-admission agreement that entered into force before 13 January 2009,
4. he or she poses a danger to public order or national security.

(2) Where a third-country national staying illegally has submitted an application for the approval of temporary stay, termination of the procedure for issuing a ruling on return may be ordered."

Article 45

The heading above Article 105 is amended to read: "Issuing the ruling on return".

Article 105 is amended to read:

"(1) The ruling on return shall be issued by the Ministry.

(2) If a third-country national, subject to the issuing of a ruling on deportation or a ruling of the Ministry putting an end to his or her legal stay, is to be provided with a time limit for voluntary return, the voluntary return referred to in Article 103, paragraph 2 of this Act shall be decided on in a ruling on deportation or in a ruling of the Ministry putting an end to the legal stay of the third-country national.

(3) The ruling on return of a third-country national staying illegally or crossing or trying to cross the state border illegally may be issued even without the holding of a misdemeanour procedure.

(4) If a third-country national entered the Republic of Croatia illegally, the ruling on return may be issued on a form.

(5) The provision of paragraph 4 of this Article does not relate to a third-country national referred to in Article 100, paragraph 3, sub-paragraph 1 of this Act.

(6) The minister responsible for the interior shall issue an ordinance on the layout and content of the form of the ruling on return."

Article 46

The heading above Article 106 is amended to read: "Legal remedy against the ruling on return".

Article 106 is amended to read:

"(1) In the event referred to in Article 105, paragraph 2 of this Act, the time limit for voluntary departure may be challenged by a legal remedy against the ruling on deportation or against the ruling of the Ministry putting an end to the legal stay of the third-country national.

(2) If only a ruling on return is issued to an illegally staying third-country national or a third-country national on a short-term stay, no appeal is admissible against the ruling, but an administrative dispute may be instituted.

(3) If temporary stay, permanent stay or international protection is subsequently granted to a third-country national, the ruling on return shall be repealed by this approval or a special ruling.

(4) If a third-country national expresses the intention to submit an application for international protection, the ruling on return remains in force but shall not be enforced until the procedure further to the application is concluded."

Article 47

The heading above Article 107 is amended to read: "Extension of the time limit for voluntary departure".

Article 107 is amended to read:

"(1) In justified cases, the time limit for voluntary departure may be extended by a ruling, where the total duration of the time limit for voluntary departure referred to in Article 103 of this Act and this Article may not exceed one year.

(2) The ruling referred to in paragraph 1 of this Article shall be issued by the Ministry.

(3) The time limit referred to in paragraph 1 of this Article shall begin on the first day following the day of service of the ruling on extension of the time limit for voluntary return.

(4) The ruling on extension of the time limit for voluntary return of a third-country national may stipulate the obligations laid down in Article 132, paragraph 1 of this Act where there is risk of avoidance as referred to in Article 133, paragraph 2 of this Act.

(5) No appeal is admissible against the ruling on extension of the time limit for voluntary return, but an administrative dispute may be instituted."

Article 48

The heading above Article 108 is amended to read: "Deportation in view of a social danger".

Article 108 is amended to read:

"(1) A third-country national may be deported if he or she poses a danger to public order or public health if he or she:

- assists in illegal entry, transit or stay;
- enters into a marriage of convenience;
- violates legislation on the employment and work of third-country nationals, the prevention of violence at sporting competitions, public law and order, weapons, abuse of narcotic substances or customs and other tax payments;
- commits a criminal offence prosecuted *ex officio* or a misdemeanour with the elements of violence,
- repeats the misdemeanour.

(2) A third-country national shall be deported if:

1. convicted by a final judgement to unconditional imprisonment for a duration exceeding one year for having committed a criminal offence with intent;
2. convicted on multiple occasions by a final judgement to imprisonment for a total duration of at least three years for having committed a criminal offence with intent over a period of five years;
3. convicted to unconditional imprisonment for having committed a criminal offence against values protected by international law;
4. posing a danger to national security."

Article 49

The heading above Article 109 is amended to read: "Deportation on the grounds of illegal stay".

Article 109 is amended to read:

"(1) A third-country national shall be deported where:

1. he or she did not leave the EEA or the Republic of Croatia within the time limit set in the ruling,
2. he or she entered the EEA or the Republic of Croatia before the expiration of the prohibition of entry and stay,
3. the ruling on return is not issued in accordance with Article 104, paragraph 1 of this Act.

(2) A third-country national may be deported on the grounds of illegal stay and illegal crossing or attempted crossing of the state border other than the grounds laid down in paragraph 1 of this Article."

Article 50

The heading above Article 110 is amended to read: "Protection against deportation".

Article 110 is amended to read:

"(1) At the time of issuing the ruling on deportation, along with the circumstances referred to in Article 101 of this Act, the length of stay, age, health, family and economic circumstances, social and cultural integration in the Republic of Croatia and ties of the third-country national with the country of origin shall be taken into account.

(2) The ruling on deportation of a third-country national on:

1. permanent stay in the Republic of Croatia,
2. temporary stay in the Republic of Croatia for an uninterrupted period of 10 years,
3. temporary stay in the Republic of Croatia, where he or she has been staying in the Republic of Croatia legally for three years and is married to a Croatian national or third-country national on permanent stay,

may be issued only in the case of one of the grounds laid down in Article 108, paragraph 2 of this Act.

(3) The ruling on deportation may not be issued for as long as a decision on participation in the assistance and protection programme referred to in Article 67, paragraphs 1 and 2 of this Act has not been made.

(4) The ruling on deportation of a third-country national whose temporary stay, approved because he or she was a victim of trafficking, terminated or where a third-country national received assistance in illegal crossing of the state border and illegal stay may be issued only where the third-country national has not departed from the EEA within the time limit for voluntary departure laid down in the ruling on return."

Article 51

The heading above Article 111 is amended to read: "Prohibition of entry and stay".

Article 111 is amended to read:

"(1) The ruling on deportation shall state that a third-country national is staying in the Republic of Croatia illegally or that his legal stay in the Republic of Croatia is to terminate and that he or she must depart from the EEA as well as set a time limit during which he or she may not enter and stay in the EEA.

(2) Where a third-country national holds an approval of stay in another EEA Member State, the ruling on deportation may stipulate that the prohibition of entry and stay is valid only in the territory of the Republic of Croatia.

(3) Where a third-country national holds an approval of stay in another EEA Member State and the ruling on deportation referred to in paragraph 1 of this Article is issued, the ruling may quash the prohibition of entry and stay in the EEA and prohibit entry and stay in the Republic of Croatia.

(4) The ruling quashing the prohibition of entry and stay and the ruling ordering the prohibition of entry and stay referred to in paragraph 3 of this Article shall be issued by the authority that issued the ruling on deportation. An appeal against the ruling is not admissible, but an administrative dispute may be instituted.

(5) The prohibition of entry and stay issued in a ruling on deportation in the case referred to in Article 108 of this Act may not be shorter than three months or exceed 20 years.

(6) The prohibition of entry and stay issued in a ruling on deportation in the case referred to in Article 109 of this Act may not be shorter than three months or exceed five years.

(7) The prohibition of entry and stay shall run from the day on which:

1. the time limit for voluntary departure laid down in Article 103, paragraph 2 of this Act expires,

2. the removal (forced return),

3. the expiration of the prohibition of entry and stay issued in a previous ruling on deportation.

(8) The prohibition of entry and stay in the cases not laid down in paragraph 7 of this Article shall run as of the date of enforceability of the ruling on deportation.

(9) The prohibition of entry and stay referred to in paragraph 1 of this Article shall also relate to the Swiss Confederation."

Article 52

The heading above Article 112 is amended to read: "Adopting a ruling on deportation".

Article 112 is amended to read:

"(1) The ruling on deportation shall be issued by the Ministry. Where a ruling on deportation is issued against a third-country national staying illegally and a third-country national on short-term stay, no appeal is admissible against the ruling, but an administrative dispute may be instituted.

(2) The ruling on deportation of a third-country national staying illegally or crossing or trying to cross the state border illegally may be issued even without the holding of a misdemeanour procedure.

(3) Where the ruling on deportation does not set a time limit for voluntary departure in accordance with Article 104, paragraph 1 of this Act, the ruling on deportation shall order involuntary removal and the state to which the third-country national should be involuntarily removed.

(4) If a third-country national entered the Republic of Croatia illegally, the ruling on deportation may be issued on a form.

(5) The provision of paragraph 4 of this Article does not relate to a third-country national referred to in Article 100, paragraph 3, sub-paragraph 1 of this Act.

(6) The minister responsible for the interior shall issue an ordinance on the appearance and content of the form of the ruling on deportation."

Article 53

The heading above Article 113 is amended to read: "Repealing and shortening the prohibition of entry and stay".

Article 113 is amended to read:

"(1) The authority that issued the ruling on deportation may repeal and shorten the prohibition of entry and stay where the grounds laid down in Articles 108 and 109 of this Act have ceased to exist, under humanitarian grounds, national security grounds or where this is in the interest of the Republic of Croatia.

(2) The application for repealing and shortening the prohibition of entry and stay may be submitted on expiration of half of the time of the issued prohibition of entry and stay, and in any case on expiration of three years of the commencement of the prohibition of entry and stay.

(3) A third-country national who was deported solely on the grounds of illegal stay in the Republic of Croatia may submit the application referred to in paragraph 2 of this Article when he leaves the EEA within the time limit for voluntary departure as set out in the ruling on return.

(4) An appeal against the ruling rejecting the application referred to in paragraphs 2 and 3 of this Article is not admissible, but an administrative dispute may be instituted.

(5) If temporary stay, permanent stay or international protection is subsequently granted to a third-country national, the ruling on deportation shall be repealed by such approval or special ruling.

(6) Where a third-country national expresses the intention to submit an application for international protection, the ruling on deportation remains in force but will not be enforced until the procedure further to the application is finalised."

Article 54

The heading above Article 114 is amended to read: "The approval of stay of a third-country national subject to a decision on deportation by an EEA Member State".

Article 114 is amended to read:

"Where an EEA Member State issued a decision on deportation against a third-country national, the diplomatic mission or consular post of the Republic of Croatia or the Ministry via the competent police administration or police station shall take into consideration the interests of that EEA Member State in the procedure of issuing the visa or the approval of stay in the Republic of Croatia."

Article 55

The heading above Article 115 is amended to read: "Translation into a foreign language".

Article 115 is amended to read:

"(1) In the procedure of issuing:

- a ruling on deportation;
- a ruling on return;
- a ruling on repeal and shortening of the prohibition of entry and stay;
- a ruling on the extension of the time limit for voluntary departure;
- a ruling on involuntary removal referred to in Article 122, paragraph 8 of this Act;
- a ruling on involuntary removal referred to in Article 124, paragraph 6 of this Act;
- a ruling on the application of more lenient measures;
- a ruling on accommodation in the Reception Centre for Foreigners (hereinafter: centre);
- a ruling on the extension of accommodation in the centre;
- a ruling ordering stricter police supervision;
- a ruling on the temporary postponement of involuntary removal;
- a ruling repealing the temporary postponement of involuntary removal (hereinafter: decisions concerning return);

an illegally staying third-country national and a third-country national on short-term stay who does not understand the Croatian language will be provided with translation into a language he or she understands.

(2) The decision concerning return will be translated at the request of the third-country national concerned."

Article 56

The heading above Article 116 is amended to read: "Notification to a third-country national who stayed and worked illegally".

Article 116 is amended to read:

"(1) Before the ruling on deportation and the ruling on return are issued, the third-country national staying and working illegally shall be notified of the possibility of compensation of salary, including the corresponding contributions in accordance with special legislation, and of the possibility of filing an appeal or complaint against the employer.

(2) The minister responsible for the interior shall issue an ordinance on the appearance and content of the form of notification of the possibility of compensation of salary".

Article 57

The heading above Article 117 is amended to read: "Free legal aid".

Article 117 is amended to read:

"(1) Free legal aid (hereinafter: legal aid) includes:

- a) legal advice;
- b) assistance in drawing up a complaint and representation before the administrative court.

(2) An illegally staying third-country national and a third-country national on short-term stay who is subject to the procedure of a decision being issued concerning return or with respect to whom a decision concerning return was issued, against which an appeal may not be lodged, but where an administrative dispute may be instituted, is entitled to legal aid.

(3) A third-country national has the right to legal aid referred to in paragraph 1, item b) of this Article if:

- he or she was born in the Republic of Croatia;
- he or she has stayed in the Republic of Croatia without interruptions for a period of at least one year;
- a close family member is on temporary or permanent stay in the Republic of Croatia or is a Croatian citizen;

– he or she is a vulnerable person.

(4) A third-country national does not have the right to legal aid referred to in paragraph 1, item b) of this Article if he or she:

– is in possession of sufficient monetary funds or possessions of greater value;

– has already exercised the right to legal aid referred to in paragraph 1, item b) of this Article in conjunction with a second decision on return;

– is subject to a procedure before the High Administrative Court.

(5) Legal aid may be provided by attorneys and lawyers from associations registered for providing legal aid with the Ministry of Justice.

(6) The list of providers of legal aid shall be drawn up by the Ministry.

(7) Third-country nationals shall be notified without any delay of the possibility of submitting an application for legal aid.

(8) Legal aid shall be provided further to the application of a third-country national.

(9) The Ministry shall issue a ruling on the rejection of the application for legal aid. An appeal against the ruling is not admissible, but an administrative dispute may be instituted.

(10) The costs of legal aid provided in accordance with the provisions of this Act shall be borne by the Ministry.

(11) A third-country national who was granted legal aid shall be exempt from the payment of the costs of the administrative dispute.

(12) The minister responsible for the interior shall issue an ordinance on the provision of legal aid, the notification form on legal aid, and the form on property status."

Article 58

The heading above Article 118 is amended to read: "Procedure towards a third-country national who holds an approval of stay in another EEA Member State".

Article 118 is amended to read:

"(1) A third-country national staying in the Republic of Croatia illegally but holding an approval of stay in an EEA Member State shall be issued a warning by the Ministry via the competent police administration or police station that he or she must depart from the Republic of Croatia without any delay and leave for the EEA Member State in which he or she holds the approval of stay. The warning shall set a time limit within which the third-country national must depart from the Republic of Croatia, which shall begin on the first day following the day on which the warning is served.

(2) If the third-country national referred to in paragraph 1 of this Article fails to leave the Republic of Croatia, a ruling on return shall be issued.

(3) The warning referred to in paragraph 1 of this Article does not have to be issued to the third-country national referred to in paragraph 1 of this Article who is subject to the ruling on deportation referred to in Article 108 of this Act.

(4) In the case referred to in paragraph 3 of this Article, the measures for ensuring return shall apply."

Article 59

The heading above Article 119 is amended to read: "Procedure towards a third-country national who was granted international protection in another EEA Member State".

Article 119 is amended to read:

"(1) A third-country national whose permanent stay in the Republic of Croatia terminated and who was granted international protection in an EEA Member State will be ordered in a ruling to depart to that EEA Member State where he or she was granted international protection.

(2) Before the adoption of the ruling referred to in paragraph 1 of this Article, it shall be verified whether the third-country national still has international protection in that EEA Member State.

(3) At the request of another EEA Member State, the Ministry shall submit data whether the third-country national was granted international protection in the Republic of Croatia if that is necessary for the purposes of the limitation referred to in paragraph 1 of this Article. The data shall be submitted within one month of the date of receipt of the request.

(4) In the procedure of issuing the ruling referred to in paragraph 1 of this Article, the provisions of this Act on the ruling on return shall apply accordingly."

Article 60

The heading above Article 120 is amended to read: "Obligations of natural and legal persons".

Article 120 is amended to read:

"(1) State authorities and legal and natural persons must notify the police administration or police station without delay if they have knowledge that a third-country national is staying or working in the Republic of Croatia illegally, unless they have the obligation to keep such information secret under special legislation.

(2) Any authority that institutes a misdemeanour or criminal procedure against a third-country national for offences prosecuted *ex officio* must notify the competent police administration or police station without delay about the institution and outcome of the procedure.

(3) The state authority that issued the decision proclaiming a third-country national guilty of a criminal offence or misdemeanour prosecuted *ex officio* must notify the competent police administration or police station without delay following the issuing of the decision.

(4) The state authority that issued the decision on release of a third-country national from the prison institution must notify the police administration or police station thereof accordingly without delay."

Article 61

A heading is added above Article 121 and reads: "Voluntary departure".

Article 121 is amended to read:

"(1) Voluntary departure is the departure of a third-country national to a third country pursuant to a ruling on return.

(2) The Ministry may quash the ruling on deportation or repeal and shorten the prohibition of entry and stay to encourage voluntary departure referred to in paragraph 1 of this Article.

(3) In order to encourage voluntary departure, the Ministry may conclude agreements with the authorities of EEA Member States and the authorities of third countries as well as with other state authorities, international organisations, and civil society organisations.

(4) In order to encourage voluntary departure, the Ministry may obtain travel documents and travel tickets and perform financial payments."

Article 62

A heading is added above Article 122 and reads: "Forced removal".

Article 122 is amended to read:

"(1) Forced removal means the departure of a third-country national from the Republic of Croatia under police escort, regardless of whether or not the third-country national provides consent.

(2) A third-country national shall be subject to involuntary removal from the EEA if:

1. he or she did not leave the EEA or the Republic of Croatia within the time limit set in the ruling;

2. the ruling on return was not issued in accordance with Article 104, paragraph 1 of this Act.

(3) Further to paragraph 2 of this Article, a third-country national may be subject to involuntary removal to the following third countries:

– his or her country of origin;

– the state from which he or she entered into the Republic of Croatia, or

– with his or her consent, to another third country.

(4) A third-country national shall be subject to involuntary removal to an EEA Member State if the conditions for his or her return further to the re-admission agreement that was in force on 13 January 2009 are fulfilled or if the conditions for transfer in the Dublin procedure are fulfilled.

(5) A third-country national referred to in Article 118 of this Act who does not leave the Republic of Croatia may be subject to involuntary removal to an EEA Member State in accordance with paragraph 4 of this Article if this is more favourable for him or her than involuntary removal to a third country.

(6) If a time limit for voluntary departure was set, the third-country national may not be subject to involuntary removal before the expiration of the time limit for voluntary departure, unless it was established that at the time of enforcement of the ruling on return there was a risk of avoidance referred to in Article 133, paragraph 2 of this Act or if the risk of avoidance arose following the issuing of the ruling on return.

(7) A third-country national referred to in Article 119 of this Act who does not leave the Republic of Croatia shall be subject to involuntary removal to an EEA Member State in which he or she was granted international protection. A third-country national whose permanent stay in the Republic of Croatia terminates because he or she poses a danger to national security or was sentenced by a final judgement for a serious criminal offence and poses a danger to public order, and was granted international protection in an EEA Member State, may be subject to involuntary removal to another state if that does not breach the principle referred to in Article 126 of this Act.

(8) The Ministry shall issue a ruling on involuntary removal referred to in paragraphs 6 and 7 of this Article against which an appeal is not admissible, but an administrative dispute may be instituted.

(9) The Ministry may procure travel documents and travel tickets, perform financial payments and other material payments, conclude agreements with other state authorities, international organisations, and civil society organisations regarding involuntary removals.

(10) A third-country national referred to in Article 100, paragraph 3, sub-paragraph 1 of this Act is to be returned to the country from which he entered into the Republic of Croatia.

(11) A third-country national may not use force or fraud to prevent being escorted to a state to which he or she is being forcibly removed."

Article 63

The heading above Article 123 is amended to read: "Protection of fundamental human rights in the procedure of involuntary removal".

Article 123 is amended to read:

"(1) The Ministry shall ensure the monitoring of involuntary removals subject to common standards and protocols by Member States in connection with the return of illegally staying third-country nationals, related to which it may conclude agreements with other state authorities, international organisations, and civil society organisations.

(2) In order to ensure the implementation of involuntary removal in a way that the fundamental human rights of third-country nationals subject to involuntary removal are respected, involuntary removal may be recorded by technical means. Third-country nationals must be notified of the purpose of such recording."

Article 64

The heading above Article 124 is amended to read: "Recognition of the decision of an EEA Member State on deportation and/or return".

Article 124 is amended to read:

"(1) Any third-country national shall be subject to involuntary removal if a decision on deportation was issued against him or her by an EEA Member State:

1. because he or she was sentenced to imprisonment for the duration of at least one year for having committed a criminal offence;
2. on serious grounds of suspicion that he or she committed or because of solid evidence that he or she intended to commit a serious criminal offence;
3. because of violations of the legislation on the entry and stay of third-country nationals.

(2) Within the meaning of paragraph 1 of this Article, the decision on deportation means a decision ordering a third-country national to leave the EEA and prohibiting entry in the EEA and stay in the EEA, which is valid and the enforcement of which was not postponed.

(3) If a third-country national referred to in paragraphs 1 and 2 of this Article was granted stay in the Republic of Croatia, consultations shall be held with the EEA Member State that issued the decision on deportation.

(4) If a third-country national referred to in paragraphs 1 and 2 of this Article was granted stay in another EEA Member State, consultations shall be held with the EEA Member State that issued the decision on deportation and with the EEA Member State in which the third-country national was granted stay.

(5) The ruling on temporary and permanent stay in the Republic of Croatia issued to a third-country national referred to in paragraph 3 of this Article may be repealed.

(6) The Ministry shall issue a ruling concerning involuntary removal referred to in paragraph 1 of this Article against which an appeal is not admissible, but an administrative dispute may be instituted.

(7) A third-country national with respect to whom an EEA Member State or the Swiss Confederation issued a decision on return may be granted transit through the Republic of Croatia by land for the purpose of voluntary departure.

(8) Within the meaning of paragraph 7 of this Article, the decision on return means any valid decision ordering a third-country national to leave the EEA and setting the time limit for voluntary departure from the EEA."

Article 65

The heading above Article 125 is amended to read: "Reimbursement of costs concerning the recognition of decisions of EEA Member States on deportation and/or return".

Article 125 is amended to read:

"(1) The Ministry shall be responsible for the reimbursement of costs in accordance with this Article.

(2) The costs of involuntary removal in accordance with Article 124 of this Act shall be settled by the EEA Member State that issued the decision on deportation and/or return if the third-country national does not have funds to settle the costs of involuntary removal.

(3) At a written request of the EEA Member State that had a third-country national involuntarily removed further to a ruling on deportation and/or return issued by the Ministry (hereinafter: applicant), the Ministry shall reimburse the costs of such involuntary removal of the applicant where the third-country national does not have funds to settle the costs of involuntary removal.

(4) In accordance with paragraph 3 of this Article, the following essential costs of involuntary removal shall be reimbursed:

- the costs of an air-ticket up to the amount of the official tariff of the International Air Transport Association (IATA) incurred at the time of enforcement of the decision on deportation and/or return,
- the costs of a second-class bus, train or ship travel ticket incurred at the time of enforcement of the decision on deportation and/or return,
- the costs of obtaining a visa and travel document,
- the costs of daily allowance for accompanying persons,
- the costs of accommodation in a third country of transit for two accompanying persons per third-country national who is subject to involuntary removal,
- the costs of accommodation of a third-country national in an EEA Member State for accommodation up to three months at most,

– the costs of emergency medical assistance and basic treatment of the third-country national and accompanying persons.

(5) Other costs, which are not stated in paragraph 4 of this Article may, also be reimbursed in agreement with the applicant.

(6) An application for reimbursement of costs shall be rejected where:

- the application was submitted one year after the day of involuntary removal,
- the decision on deportation and/or return was issued before 28 February 2004,
- more than four years have passed since the adoption of the decision on deportation and/or return to the enforcement of involuntary removal.

(7) The Ministry shall deliver to the applicant within three months of the receipt of the application for reimbursement of costs an argued written notification of its decision concerning the application.

(8) Where the application for reimbursement of costs of involuntary removal is approved, the Ministry shall pay to the applicant the costs of involuntary removal within three months of the service of the written notification referred to in paragraph 7 of this Article."

Article 66

The heading above Article 126 is amended to read: "Non-refoulement".

Article 126 is amended to read:

"(1) A third-country national may not be subject to involuntary removal to a state where his or her life or freedom are in danger on account of his or her racial, religious or national belonging, membership of a particular social group or political views or where he or she might be subjected to torture or inhuman and humiliating treatment or punishment or where he or she might be subject to capital punishment, and to a state in which he or she is in danger of involuntary removal to such a state.

(2) Before involuntary removal of an unaccompanied minor who is a third-country national, it must be established whether the minor will be handed over to a family member, an appointed guardian or a suitable reception institution in the state of return."

Article 67

The heading above Article 127 is amended to read: "Joint flights of EEA Member States"

Article 127 is amended to read:

"The Ministry shall organise and take part in joint flights of the EEA Member States for the purpose of involuntary removal by air."

Article 68

The heading above Article 128 is amended to read: "Provision of assistance to an EEA Member State in the case of involuntary removal".

Article 128 is amended to read:

"(1) Assistance with involuntary removal means assistance to an EEA Member State with involuntary removal by air, under escort or without escort, during transit at an airport.

(2) Persons in escort are all persons accompanying the third-country national subject to involuntary removal, including persons in charge of medical care and translator for the foreign language concerned.

(3) The Ministry is competent to decide about assistance with involuntary removal.

(4) Assistance with involuntary removal shall be provided at the request of an EEA Member State (hereinafter: assistance-seeker).

(5) The request for assistance shall be rejected:

1. where the third-country national subject to involuntary removal is charged in the Republic of Croatia with having committed a criminal offence or where a warrant for his or her arrest has been issued for prison sentence enforcement,

2. where transit across other states or admission in the state of destination is not possible,

3. where it is necessary to change the airport in the Republic of Croatia,

4. where involuntary removal is not possible in view of practical reasons,

5. where the third-country national subject to involuntary removal poses a danger to public order, national security, public health or where this would be detrimental to the international interests of the Republic of Croatia,

6. in the case referred to in Article 126 of this Act.

(6) In particularly urgent and well-founded cases referred to in paragraph 5, items 1 and 2 of this Article, the request shall be approved.

(7) The provision of assistance in the case of involuntary removal may be discontinued if the grounds referred to in paragraph 5 of this Article are subsequently discovered.

(8) A request for assistance need not be approved where:

1. a third-country national may be subjected to involuntary removal by direct flight to the state of destination,

2. the application was not submitted at the latest two days before transit,

3. the application was not submitted on a prescribed form,

4. the application is incomplete,

5. the transit will last more than 24 hours.

(9) A written argued notification shall be delivered to the applicant without any delay concerning the rejection of the request for assistance and concerning the discontinued provision of assistance in the case of involuntary removal.

(10) Notification of a decision on the request for assistance shall be submitted within two days and, in justified cases, the time limit may be extended by two more days.

(11) Where a response has not been delivered to the assistance-seeker within the time limits referred to in paragraph 10 of this Article and the assistance-seeker proceeds with involuntary removal, assistance with involuntary removal shall be provided.

(12) Accompanying persons shall present an identification document and approval for assistance with involuntary removal at the request of the police officer.

(13) Accompanying persons shall wear civilian clothes and may not carry weapons.

(14) Accompanying persons may use means of coercion:

– in self-defence,

– in the case of absence of a police officer or as assistance to the police officer where flight, injury or material damage cannot be prevented in some other way.

(15) Assistance with involuntary removal shall be provided where the assistance-seeker should re-admit a third-country national subject to involuntary removal because the approval for assistance with involuntary removal was repealed or the transit or involuntary removal was not successful.

(16) Where in view of justified practical reasons involuntary removal cannot be performed by direct flight to the state of destination, a request for assistance may be submitted to another EEA Member State (hereinafter: assistance-provider).

(17) The costs of providing assistance with involuntary removal shall be collected from the assistance-seeker. The assistance-seeker shall be provided with information about costs."

Article 69

The heading above Article 129 is amended to read: "Seeking assistance from an EEA Member State with involuntary removal".

Article 129 is amended to read:

"(1) The request for assistance shall be submitted at the latest two days before transit.

(2) In particularly urgent and justified cases, a request for assistance may be submitted within a time limit which is later than the time limit referred to in paragraph 1 of this Article.

(3) Involuntary removal shall be enforced in a way that transit in an airport of the assistance provider is no longer than 24 hours in duration.

(4) Third-country nationals with respect to whom assistance with involuntary removal is requested shall be re-admitted without any delay where the approval for assistance with involuntary removal is repealed or where the transit or involuntary removal is not successful.

(5) The Ministry shall reimburse the costs laid down in Article 128, paragraph 5, items 2 and 3 of this Act to the assistance provider. The costs referred to in Article 128, paragraph 5, items 1, 4, 5, 6 and 7 of this Act shall be reimbursed where their cost can be determined.

(6) The minister responsible for the interior shall issue an ordinance concerning the appearance and content of the form of the request for assistance by an EEA Member State in the case of involuntary removal."

Article 70

The heading above Article 130 is amended to read: "Restricting the freedom of movement".

Article 130 is amended to read:

"(1) A third-country national may be arraigned, brought in and detained for a period of 24 hours at most if it is necessary to issue a ruling rejecting the entry or a decision concerning the return referred to in Article 115, paragraph 1 of this Act or if it is necessary to enforce involuntary removal and there is danger that the third-country national might escape.

(2) Where involuntary removal or departure from the border crossing into a third country may not be enforced within the time limit referred to in paragraph 1 of this Article, the third-country national may be detained for a period of 48 hours at most where it is justified to expect that the involuntary removal or departure from the border crossing into the third country will be enforceable within that time limit.

(3) Following the arraignment, a third-country national shall be notified of the grounds for such arraignment without any delay, that he or she may designate a power of attorney holder for representation and notify a family member or another person and that he or she may request that the diplomatic mission or consular post of the state of his or her citizenship is notified of the arraignment, unless provided otherwise in an international treaty.

(4) The authority responsible for social welfare and the diplomatic mission or consular post of the state of citizenship shall be notified of the detention of a third-country national who is under age.

(5) A third-country national shall be released without any delay as soon as the grounds for his or her arraignment and detention terminate and at the latest by the end of the time limit laid down in paragraphs 1 and 2 of this Article, unless the escort enforcing involuntary removal or departure from the border crossing into a third country has begun or a ruling on accommodation in the centre has been issued.

(6) The technical conditions for the detention of a third-country national referred to in paragraph 2 of this Article shall be laid down in an ordinance by the minister responsible for the interior."

Article 71

The heading above Article 131 is amended to read: "Accommodation in the centre".

Article 131 is amended to read:

"(1) With a view to restricting the freedom of movement in order to ensure involuntary removal and return, a third-country national may be accommodated in the centre where involuntary removal and return cannot be ensured through milder measures.

(2) Accommodation in the centre may be only for the shortest period necessary to ensure involuntary removal and during the activities of involuntary removal enforced with due care.

(3) State authorities, international organisations, and civil society organisations engaged in the protection of the human rights of persons whose freedom of movement is restricted shall be enabled to visit the centre."

Article 72

The heading above Article 132 is amended to read: "Milder measures".

Article 132 is amended to read:

"(1) Within the meaning of Article 131, paragraph 1 of this Act, measures milder than accommodation in the centre means:

1. deposition of travel documents, travel papers and travel tickets,
2. deposition of certain funds,
3. prohibition of leaving a particular address,
4. registration with a police station at a particular time.

(2) The ruling on use of milder measures shall be issued by the Ministry via the competent police administration or police station.

(3) The ruling shall lay down the obligations referred to in paragraph 1 of this Article appropriate to the circumstances of the case at hand until involuntary removal.

(4) No appeal is admissible against the ruling on the use of milder measures, but an administrative dispute may be instituted.

(5) With respect to the use of milder measures, the Ministry may ensure accommodation and support, make financial payments and other material payments, conclude agreements with other state authorities, international organisations, and civil society organisations.

(6) In the case of mass influx of third-country nationals staying in the Republic of Croatia illegally, the decision establishing camps for the accommodation of third-country nationals subject to milder measures shall be issued by the Government of the Republic of Croatia."

Article 73

The heading above Article 133 is amended to read: "Grounds for accommodation in the centre".

Article 133 is amended to read:

(1) Third-country nationals may be accommodated in the centre for a period of up to six months where there is risk of avoidance of the obligation to leave the EEA or the Republic of Croatia in accordance with Article 102, paragraphs 2 and 3 of this Act (hereinafter: risk of avoidance) or where the third-country national prevents involuntary removal.

(2) Circumstances that indicate the existence of the risk of avoidance of the obligation to leave the EEA or the Republic of Croatia referred to in paragraph 1 of this Article are the following:

- the third-country national has refused to provide personal or other data and documents or has provided false data,
- the third-country national has used counterfeit or someone else's document,
- the third-country national has thrown away or destroyed the identity document,
- the third-country national has refused to have his or her fingerprints taken,
- the third-country national has not complied with the obligations referred to in Article 132, paragraph 1 of this Act,
- the third-country national has entered the EEA or the Republic of Croatia before the expiration of the prohibition of entry and stay,
- the third-country national has entered the Republic of Croatia illegally, while before he or she stayed in an EEA Member State,
- the third-country national has stated that he or she would not perform the obligation to leave the EEA or the Republic of Croatia,
- the third-country national has not left the EEA or the Republic of Croatia within the time limit set out in the ruling,
- the third-country national has been convicted of a serious criminal offence in an EEA Member State with final force and effect.

(3) Within the meaning of paragraph 1 of this Article, a third-country national shall be considered to prevent involuntary removal where he prevents escort for the purpose of

involuntary removal to the country to which he is being involuntarily removed by force or fraud."

Article 74

A heading is added above Article 134 and reads: "Extending accommodation in the centre".

Article 134 is amended to read:

"Accommodation in the centre of a third-country national may be extended by 12 months at most where:

1. the third-country national has refused to provide personal or other data and documents required for involuntary removal or where he or she has provided false information,
2. the third-country national has prevented or stalled involuntary removal in some other way,
3. the delivery of travel and other documents required for involuntary removal requested from the competent authorities of another state is justifiably expected."

Article 75

The heading above Article 135 is amended to read: "Adopting a ruling on accommodation in the centre and legal remedies".

Article 135 is amended to read:

"(1) The ruling on accommodation shall be issued by the Ministry via the competent police administration or police station.

(2) The ruling extending accommodation shall be issued by the Ministry.

(3) An appeal against the ruling referred to in paragraphs 1 and 2 of this Article is not admissible, but an administrative dispute may be instituted. At the time of delivery of the ruling referred to in paragraphs 1 and 2 of this Article, the third-country national shall be notified of the actions referred to in paragraph 4 of this Article.

(4) Immediately following the issuing of the ruling referred to in paragraphs 1 and 2 of this Article, the administrative court shall be provided with the case files on accommodation in the centre. After the oral hearing, within five days of the delivery of the case file, the administrative court shall issue a decision either quashing or confirming the ruling on accommodation.

(5) The Ministry shall deliver the case files on accommodation of a third-country national in the centre to the administrative court at the latest ten days before the expiration of three months of the date of accommodation of the third-country national in the centre. The administrative court shall make a decision within ten days of the date of delivery of the case file on whether to release the third-country national from the centre.

(6) Immediately after the adoption of the ruling referred to in paragraph 2 of this Article, the Ministry shall deliver the case files on the extension of accommodation to the administrative court. After the oral hearing, within five days of the delivery of the case file, the administrative court shall issue a decision either quashing or confirming the ruling on the extension of accommodation.

(7) The Ministry shall deliver the case files on the accommodation of the third-country national in the centre to the administrative court at the latest ten days before the expiration of every three months from the date on which accommodation in the centre is extended. The administrative court shall make a decision within ten days of the date of delivery of the case file on whether to release the third-country national from the centre.

(8) The administrative court having jurisdiction for the area in which the centre is located shall have jurisdiction to decide on the rulings referred to in paragraphs 1 and 2 of this Article."

Article 76

The heading above Article 136 is amended to read: "Authority to carry out searches and take biometric data and an age assessment".

Article 136 is amended to read:

"(1) In the procedure of involuntary removal or accommodation in the centre, police officers are authorised to search a third-country national and his or her personal effects without a court warrant for the purpose of finding and taking any objects that might be used in an attack, self-injury or escape. A document shall be issued on the taking of such personal effects.

(2) An illegally staying third-country national without an identification document or if there is suspicion as to his or her identity and a third-country national in the procedure of involuntary removal may be subject to the procedure of taking fingerprints, the characteristics of the iris, and a photograph, without his or her consent. The third-country national shall be informed of the purpose of such taking of fingerprints, the characteristics of the iris, and the photograph.

(3) If in the procedure of issuing a decision on return there are suspicions regarding the age of the unaccompanied minor who is a third-country national, the procedure of age assessment shall be conducted.

(4) Age assessment shall be conducted on the basis of data available on the minor further to the opinion of the minor's guardian. If the data available are insufficient, medical testing may be conducted subject to a prior written consent of the minor and the guardian.

(5) Medical testing shall be performed by doctors via a physical examination, dental and/or hand X-rays, with full respect for the dignity of the unaccompanied minor.

(6) The unaccompanied minor and his or her guardian must be notified in writing in a language which they are reasonably expected to understand and in which they can communicate about the method of the examination and its potential consequences on health,

the possible consequences of the results of the physical examination on the procedure of return, and the consequences of denying the consent referred to in paragraph 4 of this Article.

(7) If the consent referred to in paragraph 4 of this Article is unreasonably denied, the unaccompanied minor shall be regarded as an adult.

(8) If necessary, during the medical testing the unaccompanied minor shall be provided with an interpreter for the language which he or she is reasonably expected to understand and in which he or she can communicate.

(9) The costs of medical testing shall be borne by the Ministry.

(10) If the age is still in doubt after the results and opinion on the medical testing, the third-country national shall be regarded as a minor."

Article 77

A heading is added above Article 137 and reads: "Rules of stay for third-country nationals".

Article 137 is amended to read:

"(1) A third-country national may not leave the centre without an approval and shall comply with the house rules of the centre.

(2) The house rules that the third-country national must abide by in the centre shall be laid down in an ordinance by the minister responsible for the interior."

Article 78

The heading above Article 138 is amended to read: "Stricter police surveillance".

Article 138 is amended to read:

"(1) Stricter police surveillance includes restrictions of the freedom of movement of third-country nationals in the centre.

(2) Stricter police surveillance may be ordered where the third-country national:

1. leaves the centre without approval or where there is justified suspicion that he or she will try to leave the centre,
2. physically attacks other third-country nationals, authorised officers or other employees,
3. tries to inflict self-injury,
4. acts inappropriately, grossly insults and belittles other third-country nationals, authorised officers or other employees under any grounds,
5. prepares or makes objects for attack, self-injury or for escape from the centre,
6. engages in the preparation of narcotic substances and objects in the centre,

7. deliberately damages clothing and other items and objects received for use in the centre,
8. deliberately damages technical and other equipment in the centre,
9. deliberately disturbs the operation of technical equipment (audio-visual and lighting) which is installed on the premises to ensure physical and technical protection,
10. persistently refuses to comply with the orders of police officers and does not respect legal rules,
11. grossly violates the rules of stay in the centre in some other way.

(3) Stricter police surveillance may be ordered for a maximum period of up to seven days.

(4) Rulings ordering stricter police surveillance shall be issued by the Ministry via the competent police administration or police station. Such rulings may be issued without a hearing where a hearing is impossible on account of reasons attributable to the third-country national.

(5) The centre shall submit the case file on stricter police surveillance to the administrative court immediately after the issuing of the ruling referred to in paragraph 4 of this Article, on the same day or, where the ruling is adopted on a non-working day of the administrative court, on the first ensuing working day of the administrative court. The administrative court shall issue a decision quashing the ruling or laying down the need to implement stricter police surveillance at the latest on the first ensuing working day of the administrative court.

(6) The centre shall discontinue stricter police surveillance immediately after the grounds referred to in paragraph 2 of this Article terminate or as instructed by the administrative court.

(7) Where the administrative court decides that stricter police surveillance should continue and the centre does not comply with paragraph 6 of this Article, the provisions of paragraph 5 of this Article shall apply on expiration of each period of seven days of stricter police surveillance."

Article 79

After Article 138, headings above the articles and Articles 138.a, 138.b, 138.c, 138.d, 138.e, 138.f, 138.g and 138.h are added and read:

"Release from and re-admission to the centre

Article 138.a

(1) A third-country national shall be released from the centre without delay if:

- the conditions for accommodation in the centre referred to in Articles 131, 133 and 134 of this Act are no longer met;
- it is justifiably expected that it will not be possible to subject the third-country national to involuntary removal within the time limit laid down in Articles 133 and 134 of this Act.

(2) A third-country national referred to in paragraph 1 of this Article who was accommodated in the centre for the total duration of 18 months may be re-admitted to the centre if, in view of a change in circumstances, it is reasonably expected that it will be possible to subject the third-country national to involuntary removal and if the conditions for accommodation in the centre referred to in Articles 131, 133 and 134 of this Act are met.

Accommodation of a minor and a family in the centre

Article 138.b

(1) An unaccompanied minor who is a third-country national shall as a rule be accommodated in the facilities of the line ministry for social welfare.

(2) An unaccompanied minor who is a third-country national and a third-country national under age who is accompanied by his family members may be accommodated in the centre only if involuntary removal cannot be ensured in some other way and for the shortest term possible.

(3) A third-country national referred to in paragraph 2 of this Article shall be accommodated in the centre separately from other third-country nationals.

(4) Family members in the centre shall be provided with separate accommodation that guarantees adequate privacy.

(5) Minors may not be subject to stricter police supervision.

(6) Minors in the centre shall be provided with an opportunity to engage in free-time activities, including play and recreation in line with their age.

(7) If in view of a large number of third-country nationals it is not possible to ensure separate premises over an extended period of time, members of the same family shall be accommodated in the centre regardless of the conditions referred to in paragraph 4 of this Article.

(8) The European Commission shall be notified of the commencement of the implementation and of the termination of conditions for the implementation of the measure referred to in paragraph 7 of this Article without delay.

Reimbursement of the costs of involuntary removal by the third-country national

Article 138.c

(1) A third-country national must bear the costs of accommodation in the centre and other costs arising from his or her involuntary removal.

(2) With a view to the collection of the costs of involuntary removal, monetary funds shall be seized from the third-country national and a certificate issued.

(3) Monetary funds taken from a third-country national shall be used to settle the costs of his or her involuntary removal.

(4) In order to ensure involuntary removal, the travel documents and other documents and travel tickets of a third-country national may be temporarily retained and a certificate issued.

(5) The form of the certificate on the costs of involuntary removal, the form of the certificate on monetary funds seized, and the manner of calculating the costs of involuntary removal shall be laid down by the minister responsible for the interior in an ordinance.

Reimbursement of the costs of involuntary removal from other persons

Article 138.d

(1) If a third-country national does not have funds to pay for the costs referred to in Article 138.c, paragraph 1 of this Act, the costs shall be borne by:

1. a natural or legal person who transported or tried to transport the third-country national across the border illegally or who assisted or tried to assist the third-country national to cross the border, make a transit or to stay illegally,

2. a natural or legal person who assumed the obligation to bear the costs of the third-country national during his or her stay,

3. the carrier who did not transport the third-country national in accordance with Article 41 of this Act,

4. the employer who hired the third-country national contrary to the provisions of this Act,

5. the organiser of tourist or business trips referred to in Article 42 of this Act.

(2) The obligation to settle the costs exists even if the third-country national was not subject to involuntary removal, unless the ruling on deportation was repealed.

(3) The Ministry shall issue a ruling on the amount of costs of involuntary removal referred to in paragraph 1 of this Article. An appeal against the ruling on the amount of the costs of involuntary removal is not admissible, but an administrative dispute may be instituted.

(4) The limitation period for collecting the costs of involuntary removal shall be five years counting from the date of issuing of the certificate on the costs of involuntary removal to the third-country national or from the date of enforcement of the ruling referred to in paragraph 3 of this Article.

Temporary postponement of involuntary removal

Article 138.e

(1) Forced removal shall be temporarily postponed if there are reasons to prohibit involuntary removal under Article 126 of this Act or if the court postponed the enforcement of the ruling on deportation and/or the ruling on return.

(2) Forced removal may be temporarily postponed if the identity of a third-country national is not established, if transport is impossible, if during enforcement serious difficulties would arise in view of the medical condition of the third-country national or if there are other reasons why the third-country national cannot be forcibly removed.

(3) The ruling on the temporary postponement of involuntary removal shall set the duration of the temporary postponement, which may not exceed one year.

(4) The ruling on the temporary postponement of involuntary removal of a third-country national may set out the obligations stipulated in Article 132, paragraph 1 of this Act.

(5) The obligation of a third-country national on temporary postponement of involuntary removal to leave the EEA or the Republic of Croatia shall not terminate.

(6) Temporary postponement of involuntary removal shall be terminated if the grounds for the temporary postponement of involuntary removal referred to in paragraphs 1 and 2 of this Article cease to exist or if the third-country national does not comply with the obligations referred to in paragraph 4 of this Article. It is not necessary to hold an interview with the third-country national for the purpose of issuing the ruling on the termination of temporary postponement of involuntary removal.

Adoption of the ruling on the temporary postponement of involuntary removal and legal remedy

Article 138.f

(1) The ruling on the temporary postponement of involuntary removal and the ruling on the termination of the temporary postponement of involuntary removal shall be issued by the Ministry via the competent police administration or police station. The ruling shall be issued *ex officio*.

(2) An appeal against the ruling on the temporary postponement of involuntary removal and the ruling on termination of temporary postponement of involuntary removal is not admissible, but an administrative dispute may be instituted.

Termination of the temporary postponement of involuntary removal

Article 138.g

(1) Temporary postponement of involuntary removal shall end:

1. on the expiration of the period for the duration of which the temporary postponement of involuntary removal was issued to a third-country national;

2. on the repeal of the ruling on the temporary postponement of involuntary removal;

3. if the stay of the third-country national becomes legal.

(2) The third-country national referred to in paragraph 1, items 1 and 2 of this Article shall be subject to involuntary removal or accommodated in the centre.

Submission of data

Article 138.h

Personal data of third-country nationals on measures to ensure return may be delivered to the state to which the third-country national should be subject to involuntary removal or in some other way to return and to the state through which the third-country national should pass during involuntary removal and return."

Article 80

The heading of Title VII is amended to read. "VII DOCUMENTS OF THIRD-COUNTRY NATIONALS".

Article 139 is amended to read:

"(1) Third-country nationals shall carry and, wherever requested to do so by an official person, present for review a valid foreign travel document or personal identity card, stay permit or some other public document that includes a photograph.

(2) Third-country nationals shall present for review, wherever requested to do so by an official person, a travel or other document used to cross the state border.

(3) Third-country nationals not carrying a document referred to in paragraph 1 of this Article shall provide personal data wherever requested to do so by a police officer.

(4) Third-country nationals may not allow other persons to use their documents and may not use an invalid or some other faulty document or some other person's document as their own."

Article 81

In Article 141.a, paragraph 3, the words: "police administration or police station" are replaced by the words: "Ministry issued via the competent police administration or police station".

Article 82

A heading is added above Article 147 and reads: "Registration of accommodation by third-country nationals on short-term stay".

Article 147 is amended to read:

"(1) Legal and natural persons who provide accommodation to a third-country national on short-term stay shall register his or her accommodation within one day of the arrival of the third-country national for accommodation.

(2) The provision of paragraph 1 of this Article shall also apply accordingly to the following:

1. health institutions admitting third-country nationals for treatment,
2. tourist communities and other persons who receive the registration of accommodation of third-country nationals or perform the registration of accommodation of third-country nationals pursuant to a contractual relationship with the obligor of registration referred to in paragraph 1 of this Article,
3. providers of the service of port/harbour mooring where the third-country national is accommodated on the vessel.

(3) Tourist communities and other persons referred to in paragraph 2, item 2 of this Article shall submit the registration to the police administration or police station within one day of the receipt of registration from the obligor of registration referred to in paragraph 1 of this Article.

(4) Where the obligor of registration referred to in paragraph 1 of this Article is not in the Republic of Croatia at the time of arrival of the third-country national for accommodation or where the registration of accommodation may not be performed in accordance with paragraph 1 of this Article for some other reason, the third-country national on short-term stay shall register his or her accommodation himself or herself within two days of having entered the Republic of Croatia or having changed the accommodation.

(5) The registration shall be submitted to the police administration or police station and may be performed even by electronic means, via web-service.

(6) The registration of a third-country national who will be accommodated on a vessel shall be submitted to the police administration or police station responsible for border checks in the port/harbour in which the border check is performed and where such third-country national makes an entry on the vessel on which he or she is to be accommodated, or the police administration or police station on the basis of the place of boarding of such third-country national.

(7) The obligors of registration of accommodation referred to in paragraphs 1, 2 and 4 of this Article shall state the date of de-registration in the form of registration of accommodation of a third-country national and provide complete and accurate data and, within one day, submit a notice of any change of data.

(8) Where the obligor of registration of accommodation referred to in paragraph 7 of this Article has not stated the date of de-registration or has not subsequently de-registered the registration of accommodation, the registration of accommodation shall be valid for a period of 90 days, unless contrary to Article 45 of this Act.

(9) The provisions of this Article shall not relate to members of the crew of cargo and passenger ships accommodated on the ship.

(10) The provisions concerning the registration of accommodation of third-country nationals on short-term stay shall apply accordingly to third-country nationals on temporary and

permanent stay where the registration is performed by the person referred to in Article 150, paragraph 1 of this Act."

Article 83

In Article 153, paragraph 4 is amended to read:

"(4) The provisions of this Act relating to the family members of the nationals of EEA Member States shall also apply to the family members of Croatian citizens who are the nationals of EEA Member States."

Article 84

In Article 157, paragraph 2, the words: "police administration or police station" are replaced by the words: "Ministry via the competent police administration or police station".

Article 85

In Article 159, paragraph 2 is amended to read:

(2) The national of an EEA Member State whose employment contract for a definite period of time less than one year has terminated, subject to grounds not attributable to such national, and who is registered as unemployed with the competent service, or where, in the first 12 months of work in the Republic of Croatia, he or she has lost his or her job, subject to grounds not attributable to him or her and is registered as unemployed, shall retain the status of worker or self-employed person for a period of six months after termination of employment."

Article 86

In Article 160, item 2 is amended to read:

"2. attends vocational training or is enrolled in a higher education institution in the Republic of Croatia, arrives as part of student exchange or youth mobility or arrives for professional practice via an authorised organisation and further to an international or inter-university agreement,".

Article 87

The heading above Article 162 is amended to read: "Family members of the nationals of EEA Member States".

Article 162 is amended to read:

"A family member of the national of an EEA Member State, within the meaning of this Act, means:

1. the spouse,

2. the civil partner and person with whom he or she is in a durable relationship, where the relationship lasts three years or less where the stability of the durable relationship can be established on the basis of some other circumstances,
3. the relatives of a national of an EEA Member State and of his or her spouse or civil partner or person with whom he or she is in a durable relationship by blood in the vertical line downwards, until they have reached 21 years of age,
4. adopted children and step-children of a citizen national of an EEA Member State or his spouse or civil partner or person with whom he or she is in a durable relationship, until they have reached 21 years of age,
5. the person referred to in items 3 and 4 of this paragraph who is over 21 years of age and who must be and actually is supported by the national of an EEA Member State or his or her spouse or civil partner or person with whom he or she is in a durable relationship,
6. relatives by blood in the vertical line upwards who must be and actually are supported by the national of an EEA Member State or his or her spouse or civil partner or person with whom he or she is in a durable relationship,
7. other family members of the national of an EEA Member state or his or her spouse or civil partner or person with whom he or she is in a durable relationship who is, in the state from which he or she arrives:
- supported member of the family of the national of an EEA Member State,
 - household member of the national of an EEA Member State or
 - in view of serious health reasons, dependant on the personal care provided by the national of an EEA Member State."

Article 88

In Article 163, paragraph 2, the words: "police administration or police station" are replaced by the words: "Ministry via the competent police administration or police station".

Article 89

In Article 165, paragraph 2, the words: "police administration or police station" are replaced by the words: "Ministry via the competent police administration or police station".

Article 90

In Article 170, the words "police administration or police station" are replaced by the words: "Ministry via the competent police administration or police station".

Article 91

The heading above Article 171 is amended to read: "Retaining the right of temporary stay by a family member of a national of an EEA Member State"

Article 171 is amended to read:

"(1) The family member of a national of an EEA Member State who is a national of an EEA Member State himself or herself, in the case of death of the national of an EEA Member State or his or her departure from the Republic of Croatia, shall retain the right of temporary stay.

(2) The family member of a national of an EEA Member State who is not a national of an EEA Member State, in the case of death of the national of an EEA Member State with whom he has stayed for at least a year in the Republic of Croatia, shall retain the right of temporary stay.

(3) The children of a national of an EEA Member State and the other parent taking care of the children, regardless of nationality, shall retain the right to temporary stay if the national of an EEA Member State dies or leaves the Republic of Croatia where the children are staying in the Republic of Croatia and attending an educational institution, until completion of their education.

(4) In the case of divorce or annulment of marriage, the family member of a national of an EEA Member State who is also a national of an EEA Member State shall retain the right of temporary stay.

(5) In the case of divorce or annulment of marriage, the family member of a citizen national of an EEA Member State who is also not a national of an EEA Member State shall retain the right of temporary stay:

1. where before the institution of divorce or annulment of marriage, the marriage lasted for at least three years and at least one year in the Republic of Croatia,

2. in the case of enforcement of parental rights with respect to a child who is a minor and is a national of an EEA Member State awarded to him or her for care or upbringing by agreement of the spouses or court decision,

3. where by agreement of the spouses or court decision, he or she is entitled to see his or her child who is a minor, provided that the court decides that seeing the minor must take place in the Republic of Croatia, for as long as necessary,

4. in view of particularly serious circumstances, such as family violence.

(6) Before the acquisition of the right to permanent stay, the family member shall prove that:

– he or she is a worker or self-employed or

– he or she has sufficient resources to maintain himself or herself and other members of his or her family, so that during their stay in the Republic of Croatia they would not become a burden to the social welfare system and health insurance or

– he or she is a family member of a person who fulfils the conditions referred to in subparagraphs 1 or 2 of this paragraph.

(7) Family members shall retain their right of stay exclusively on personal basis.

(8) The provisions of this Article shall apply accordingly to civil partners and persons in a durable relationship."

Article 92

In Article 172, paragraph 1, item 5, at the end of the sentence, the comma is replaced by a period.

Item 6 is deleted.

After paragraph 1, a new paragraph 2 is added and reads:

"(2) Notwithstanding paragraph 1, item 5 of this Article, temporary stay of a family member who is not a national of an EEA Member State shall not terminate where:

- he or she is outside the Republic of Croatia in view of compulsory military service or
- he or she stayed outside the Republic of Croatia on a single occasion for up to 12 consecutive months on justified grounds such as pregnancy, birth of children, serious illness, education, professional training, posting to another EEA Member State or third country."

The former paragraph 2 becomes paragraph 3 and is amended to read:

"(3) The ruling on temporary stay shall be issued by the Ministry via the competent police administration or police station. An appeal against the ruling may be lodged and is decided by the Commission."

Article 93

In Article 173, paragraph 5, the words: "police administration or police station" are replaced by the words: "Ministry issued via the competent police administration or police station".

Article 94

Article 174 is amended to read:

"(1) Notwithstanding Article 173, paragraph 1 of this Act, the following persons shall have the right to permanent stay:

1. a worker or self-employed person who has stopped working and is eligible for old-age pension in the Republic of Croatia or who has entered early retirement, provided that he or she was employed in the Republic of Croatia over a period of at least 12 previous months and that he or she stayed in the Republic of Croatia without interruptions for more than three years,
2. a worker or self-employed person who has stopped working in the Republic of Croatia on the grounds of permanent disability to work and who stayed in the Republic of Croatia without interruptions for more than two years,

3. a worker or self-employed person who has stopped working in the Republic of Croatia on the grounds of permanent disability to work, resulting from a work-related injury or occupational disease, which is the grounds for full or partial disability pension in the Republic of Croatia, regardless of the duration of his or her stay in the Republic of Croatia,

4. a worker or self-employed person who is employed in another EEA Member State after three years of uninterrupted employment and stay in the Republic of Croatia and who retains his or her temporary residence in the Republic of Croatia and returns to the Republic of Croatia on a daily basis or at least once a week.

(2) The period of employment of a worker or self-employed person who works in the territory of another EEA Member State shall be regarded as time spent in the Republic of Croatia in terms of the realisation of the rights referred to in paragraph 1, items 1, 2 and 3 of this Article.

(3) The period of unemployment registered with the competent employment service, which is not attributable to the worker, and the period of temporary inability to work in view of illness, injury or accident, shall be regarded as the period of employment.

(4) The worker or self-employed person referred to in paragraph 1, items 1, 2 and 3 of this Article, whose spouse or civil partner or person with whom he or she is in a durable relationship with whom he or she is staying in the Republic of Croatia has Croatian citizenship or whose Croatian citizenship terminated following the conclusion of marriage, shall be granted permanent stay regardless of the duration of stay and employment in the Republic of Croatia."

Article 95

In Article 175, paragraph 1, item 2, at the end of the sentence, the period is replaced by a comma and item 3 is added and reads:

"3. he or she cancels his or her stay in the Republic of Croatia."

In paragraph 2, the words: "police administration or police station" are replaced by the words: "Ministry via the competent police administration or police station".

Article 96

In Article 177, the words: "national of an EEA Member State" in the appropriate grammatical case are replaced by the words: "worker or self-employed person" in the appropriate grammatical case.

Article 97

In Article 178, paragraph 5, the words: "police administration or police station" are replaced by the words: "Ministry issued via the competent police administration or police station".

Article 98

In Article 179, paragraph 1, item 2, at the end of the sentence, the period is replaced by a comma and item 3 is added and reads:

"3. he or she cancels his or her stay in the Republic of Croatia."

In paragraph 2, the words: "police administration or police station" are replaced by the words: "Ministry via the competent police administration or police station".

Article 99

After Article 179, a new heading above the article and Article 179.a are added and read:

"Restriction of the entry and stay of nationals of EEA Member States and their family members

Article 179.a

(1) A national of an EEA Member State and a member of his or her family may have his or her right of entry and stay in the Republic of Croatia restricted if they pose a danger to public order, national security or public health.

(2) The restriction referred to in paragraph 1 of this Article shall not be based on economic grounds.

(3) The restriction referred to in paragraph 1 of this Article shall be issued where the conduct of the national of an EEA Member State and his or her family member poses a real, present and serious danger to the basic interest of the society in accordance with the principle of proportionality.

(4) The existence of only a previous convicting judgement for a criminal offence is not considered to be grounds for the restriction referred to in paragraph 1 of this Article.

(5) Circumstances that are not closely related to the case at hand or grounds for the purpose of general prevention are not considered to be grounds for the restriction referred to in paragraph 1 of this Article.

(6) At the time of the issuing of the certificate of temporary stay registration or the issuing of a residence card to the national of an EEA Member State and his or her family member, and at the latest three months from the entry into the Republic of Croatia, the EEA Member State of his or her nationality or, wherever necessary, any other EEA Member State may be required to submit data from the criminal records.

(7) The ministry responsible for the judiciary shall submit data from the criminal records for any national of an EEA Member State and his or her family member at the request of the EEA Member State where this is necessary for the purposes of the restriction referred to in paragraph 1 of this Article. The data shall be submitted within two months from the date on which the request is received."

Article 100

The heading above Article 180 is amended to read: "Deportation of the citizen national of an EEA Member State and his or her family member".

Article 180 is amended to read:

"(1) The national of an EEA Member State and his or her family member may be deported where they pose a danger to public order, national security or public health.

(2) At the time of the issuing of the ruling on deportation of the national of an EEA Member State and his or her family member, the length of stay, age, health, family and economic circumstances, level of his or her social and cultural integration in the Republic of Croatia and his or her ties to the country of origin shall be taken into account.

(3) The national of an EEA Member State and his or her family member who is on permanent stay in the Republic of Croatia may be deported only where there are serious grounds for the protection of public order or national security.

(4) The national of an EEA Member State who stayed in the Republic of Croatia over the previous ten years or who is a minor may be deported only on the grounds essential for the protection of national security.

(5) Nationals of an EEA Member State referred to in paragraph 4 of this Article who are minors may be deported only where such deportation is in the best interest of the child in accordance with the United Nations Convention on the Rights of the Child of 20 November 1989.

(6) The national of an EEA Member State and his or her family member may be deported for having committed a criminal offence only where the requirements set out in Article 179.a of this Act and paragraphs 1 through 5 of this Article are fulfilled. Deportation is not considered punishment or the legal consequence of a prison sentence.

(7) The time limit for departure to an EEA Member State of the national of that EEA Member State and his or her family member generally may not be less than 30 days. The time limit does not have to be set where the ruling on deportation is issued because the national of an EEA Member State and his or her family member:

- represent danger for national security as stated in paragraph 4 of this Article,
- committed a criminal offence or misdemeanour linked with violence,
- repeated a criminal offence or misdemeanour,
- did not leave the Republic of Croatia within the time limit set in the ruling.

(8) The national of an EEA Member State and his or her family member may not be deported where a disease posing a danger to public health appeared three months after entry into the Republic of Croatia.

(9) Where there is serious suspicion that the national of an EEA Member state and his or her family member suffer from a disease referred to in paragraph 8 of this Article, they may be required to take a medical examination free of charge within three months of entry to the Republic of Croatia. The said medical examination shall be conducted on an individual case-by-case basis.

(10) Submission of an application for the realisation of rights arising from the social welfare system is not considered to be grounds for deportation.

(11) An appeal against the ruling on deportation issued by the Ministry via the police administration or police station may be lodged and is decided by the Commission."

Article 101

Article 181 is amended to read:

"(1) Illegal stay of the national of an EEA Member State and his or her family member is stay in the Republic of Croatia during the prohibition of entry and stay in the Republic of Croatia.

(2) The national of an EEA Member State and his or her family member may stay in the Republic of Croatia during the prohibition of entry and stay where this is necessary to enable them to present their defence in the proceeding.

(3) The national of an EEA Member State and his or her family member who are subject to the prohibition of entry and stay may submit an application for having the prohibition of entry and stay repealed and shortened following the expiration of a reasonable term, depending on the circumstances, and at the latest following the expiration of three years from the date on which the prohibition of entry and stay begins to run.

(4) The application referred to in paragraph 3 of this Article shall be approved in the case of major changes to the circumstances that present grounds for deportation.

(5) Where the ruling on deportation of the national of an EEA Member State or his or her family member is not enforced within two years, it shall be established whether the circumstances set out in Article 179.a, paragraphs 1 and 3 of this Act and in paragraph 4 of this Article exist and, where it is established that the said circumstances do not exist, the ruling on deportation shall be quashed.

(6) The minister responsible for the interior shall issue an ordinance concerning the appearance and content of the form of the sticker for the prohibition of entry and stay of the national of an EEA Member State and his or her family member."

Article 102

Article 182 is amended to read:

"The provisions of Article 101, Article 102, paragraphs 2 and 3, Article 103, paragraphs 1, 2, 6 and 7, Article 105, paragraphs 1 and 2, Article 106, paragraphs 1 and 3, Article 107, Article 110, paragraphs 1 and 2, Article 111, paragraphs 1, 5, 7 and 8, Article 112, paragraphs 1 and

3, Article 113, paragraphs 1, 2, 4 and 5, Article 115, Article 120, Article 122, paragraphs 1 and 9, Article 123, paragraph 2, Article 126, and Articles 130 through 138.h of this Act shall apply to the national of an EEA Member State and his or her family member *mutatis mutandis*.

Article 103

Article 183 is amended to read:

"(1) A certificate of the registration of temporary stay and a document confirming permanent stay, which are issued to nationals of EEA Member States, and a certificate of the submission of an application for the issuing of a residence card for a family member of a citizen of the Union, a residence card for a family member of a citizen of the Union and a permanent stay card, which are issued to family members who are not nationals of an EEA Member State, shall not be preconditions for realising the right or for performing administrative formalities, provided that the capacity of the beneficiary of the right may be demonstrated by means of some other proof.

(2) Termination of validity of the documents referred to in paragraph 1 of this Article or the expiration of the foreign personal identity card or foreign travel document further to which the national of an EEA Member State and his or her family member entered the Republic of Croatia and obtained the documents referred to in paragraph 1 of this Article shall not represent grounds for deportation.

(3) The national of an EEA Member State who is of legal age and his or her family member who is of legal age shall carry and, wherever requested by an official person, provide for examination the foreign travel document or personal identity card, residence card or any other public document that holds a photograph.

(4) The national of an EEA Member State who is of legal age and his or her family member who is of legal age shall not give their document to someone else to use as his or her own or use someone else's document as their own.

(5) The family member who is not the national of an EEA Member State shall submit an application for the issuing of a new residence card within 15 days where:

1. the data on his or her personal name, sex, date of birth have changed,
2. he or she has permanent stay but has changed permanent residence in the Republic of Croatia or he or she has temporary stay but has changed temporary residence in the Republic of Croatia,
3. the photograph no longer resembles the physical appearance of the person,
4. the period of validity has expired,
5. it is damaged or no longer serves its purpose because of any other reason.

(6) The national of an EEA Member State and his or her family member shall return the residence card within 15 days from the date on which:

1. they are moving out,
2. their stay has terminated,
3. they acquire Croatian citizenship.

(7) The residence card referred to in paragraph 6 of this Article shall be nullified by the police administration or police station.

(8) The national of an EEA Member State and his or her family member shall report the disappearance of the residence card to the police administration or police station without any delay and receive a certificate to that effect.

(9) The national of an EEA Member State and his or her family member who lose or are left without the residence card in some other way while abroad shall report the disappearance without any delay to the nearest diplomatic mission or consular post of the Republic of Croatia, which shall notify the police administration or police station thereof."

Article 104

After Article 183, new headings above the articles and Articles 183.a, 183.b and 183.c are added and read:

"Temporary residence of the national of an EEA Member State and his or her family member".

Article 183.a

(1) Temporary residence within the meaning of this Act means the locality and address in the Republic of Croatia at which the national of an EEA Member State and his or her family member with temporary stay are staying.

(2) The national of an EEA Member State and his or her family member with temporary stay shall register their temporary residence or the change of temporary residence within 15 days from the date on which they arrive to the locality and to the address of temporary residence if they intend to stay in that locality for a period longer than one month.

Permanent residence of the national of an EEA Member State and his or her family member

Article 183.b

(1) Permanent residence within the meaning of this Act means the locality and address in the Republic of Croatia at which the national of an EEA Member State and his or her family member with permanent stay have settled on a permanent basis. Temporary residence is the locality and address in the Republic of Croatia at which the national of an EEA Member State

and his or her family member with permanent stay are staying on a temporary basis but have not settled at such address on a permanent basis.

(2) The national of an EEA Member State and his or her family member with permanent stay shall register their permanent residence and the change of permanent residence within 15 days from the date on which they have settled at the locality and at the address of their permanent residence.

(3) The national of an EEA Member State and his or her family member with permanent stay shall register their temporary residence in the locality in which they intend to stay for a period longer than three months within 15 days from the date on which they arrive to the locality and to the address of temporary residence. Temporary residence may be registered for a period of up to one year.

(4) Where the national of an EEA Member State and his or her family member referred to in paragraph 3 of this Article intend to stay in the locality and at the address of registered temporary residence even after the expiration of the time limit of one year, they shall extend the registration of temporary residence within 15 days from the date on which the time limit expires, where such temporary residence may not last longer than two years.

(5) Notwithstanding paragraph 4 of this Article, the temporary residence of the national of an EEA Member State and his or her family member receiving education or performing jobs of non-permanent character at the place of temporary residence, and the national of an EEA Member State and his or her family member accommodated in various institutions, religious communities and other legal persons, foster families, and with other natural persons may last as long as the education, employment or accommodation in institutions, other legal persons, and with natural persons lasts, as confirmed by the relevant documents attached.

Registration of temporary residence and permanent residence

Article 183.c

(1) Temporary residence and permanent residence shall be registered with the police administration or police station.

(2) The police administration or police station shall record *ex officio* the cancellation of previous temporary residence or permanent residence of the national of an EEA Member State and his or her family member on temporary or permanent stay who change the place of temporary residence or permanent residence.

(3) The national of an EEA Member State and his or her family member shall provide accurate and truthful data at the time of registration of temporary residence and permanent residence referred to in Article 183.a and 183.b of this Act."

Article 105

In Article 191, paragraph 5, item 1 is amended to read:

"1. employment contract or any other relevant contract for the performance of highly qualified jobs for another person and under such person's leadership in the duration of at least one year, concluded with a corporation, branch office, representative office, trade, family agricultural holding, cooperative, association or institution registered in the Republic of Croatia.".

In paragraph 6, the words: "paid in the branch of activities in which the third-country national is employed" are deleted.

Article 106

In Article 192, paragraph 3, the words: "police administration or police station" are replaced by the words: "Ministry via the competent police administration or police station".

In paragraph 4, the words: "police administration or police station" are replaced by the words: "Ministry issued via the competent police administration or police station".

Article 107

In Article 197, paragraph 4, the words: "police administration or police station" are replaced by the words: "Ministry via the competent police administration or police station".

Article 108

In Article 205, after paragraph 3, a new paragraph 4 is added and reads:

"(4) The line ministry for foreign affairs shall maintain a filing system with data on applications received and special personal identity cards issued to members of diplomatic missions and consular posts, members of the missions of the United Nations and other specialised institutions of the United Nations, members of the missions of international organisations accredited in the Republic of Croatia, and to members of their families or shared households and staff referred to in Article 1, paragraph 2 of this Act."

Article 109

Article 207 is amended to read:

"(1) Inspections concerning the implementation of the provisions of this Act relating to the work of foreigners and the conditions of work and the rights of posted workers shall be performed, further to special legislation, by the central bodies of state administration competent for the supervision of the implementation of labour and safety at work legislation.

(2) Inspections in the part relating to the obligation to register the stay of foreigners shall be performed by police officers of the Ministry.

(3) Insofar as it is established during an inspection that the work of a foreigner is contrary to the provisions of this Act, a motion to indict shall be lodged with the misdemeanour court, a misdemeanour order or compulsory misdemeanour order or punishment issued or a punishment pronounced at the place of the misdemeanour against the foreigner, legal or natural person who entered into an employment relationship with the foreigner or uses his or

her work, the responsible person in the legal person, or the foreigner providing services on behalf of a foreign employer.

(4) Notwithstanding paragraph 3 of this Article, a motion to indict shall not be lodged against the foreigner or employer where the Ministry via the competent police administration or police station fails to issue a decision on the application referred to in Article 53, paragraph 3, Article 75.b, paragraph 4, and Article 79, paragraph 2 of this Act within the prescribed time limit.

(5) The activities of administrative supervision of the implementation of this Act shall be performed by the Ministry.

(6) Administrative supervision of the implementation of the provisions of this Act relating to the conditions of work and the rights of posted workers shall be performed by the central body of state administration responsible for labour affairs, unless provided otherwise by some other law."

Article 110

In Article 208, paragraph 2, the words: "of two days" are replaced by the words: "of five days".

Article 111

Article 220 is amended to read:

"(1) The employer who is a legal person shall be punished for a misdemeanour by a fine in an amount from HRK 5,000.00 to HRK 7,000.00 where:

1. it fails to notify the police administration or police station of the change of accommodation within the prescribed time limit (Article 75.a, paragraph 7),
2. it fails to conclude a contract or does not have some other relevant certificate with the third-country national whose services it uses (Article 85, paragraph 1),
3. it has failed to notify the police administration or police station that the conditions on the basis of which the stay and work permit was issued had ceased to exist (Article 91, paragraph 2),
4. it has failed to notify the police administration or police station of the posting of a worker to work outside the place of his or her temporary residence or permanent residence (Article 148, paragraph 4).

(2) The employer who is a natural person and the responsible person in a legal person shall be punished for a misdemeanour by a fine in an amount from HRK 500.00 to HRK 3,000.00 where:

1. it fails to notify the police administration or police station of the change of accommodation within the prescribed time limit (Article 75.a, paragraph 7),

2. it fails to conclude a contract or does not have some other relevant certificate with the third-country national whose services it uses (Article 85, paragraph 1),

3. it has failed to notify the police administration or police station that the conditions on the basis of which the stay and work permit was issued had ceased to exist (Article 91, paragraph 2),

4. it has failed to notify the police administration or police station of the posting of a worker to work outside the place of his or her temporary residence or permanent residence (Article 148, paragraph 4).

(3) The third-country national shall be punished for a misdemeanour by a fine in an amount from HRK 500.00 to HRK 5,000.00 where:

1. he or she uses a travel document with which he or she did not enter into the Republic of Croatia or does not depart with the same travel document as the one with which he or she entered into the Republic of Croatia (Article 3),

2. he or she fails to submit an application for the approval of temporary stay for a child within the legal time limit (Article 51, paragraph 1),

3. he or she fails to submit an application for the extension of his or her temporary stay within 60 days before the expiration of the time limit of the current temporary stay (Article 53, paragraph 1),

4. he or she is staying in the Republic of Croatia contrary to the purpose on the basis of which his or her temporary stay was approved (Article 72, paragraph 1, item 5),

5. he or she fails to notify the police administration or police station of the change of accommodation within the prescribed time limit (Article 75.a, paragraph 7),

6. he or she has failed to notify the police administration or police station that the conditions on the basis of which the stay and work permit was issued had ceased to exist (Article 91, paragraph 2),

7. he or she has not reported his or her presence at the border crossing at the time of departing from the Republic of Croatia or to the diplomatic mission or consular post of the Republic of Croatia after having left the EEA as set out in the ruling on return (Article 102, paragraph 3),

8. he or she does not have with him or her or, wherever requested by an official person, does not present for review a valid foreign travel document or personal identity card, stay permit or some other public document that includes a photograph (Article 139, paragraph 1),

9. he or she does not obtain the stay permit within the prescribed time limit (Article 141),

10. he or she fails to submit an application for the replacement of the stay permit within the prescribed time limit (Article 142, paragraph 2).

11. he or she fails to return the stay permit (Article 143),

12. he or she fails to report the loss, disappearance or theft of the documents (Article 144),
13. he or she fails to register accommodation within the prescribed time limit (Article 147, paragraph 4),
14. he or she fails to state complete and accurate data on the application form (Article 147, paragraph 7),
15. he or she fails to submit a notification of each change of data within the prescribed time limit (Article 147, paragraph 7),
16. he or she fails to register his or her temporary residence or permanent residence within the prescribed time limit (Article 148, paragraphs 1 and 2),
17. he or she fails to cancel the address of habitation, temporary residence or permanent residence within the prescribed time limit (Article 149),
18. during his or her stay in the Republic of Croatia, wears a foreign military, police or customs uniform contrary to the provisions of Articles 151 and 152 of this Act."

Article 112

Article 221 is amended to read:

"(1) The employer who is a legal person shall be punished by a fine in an amount from HRK 5,000.00 to HRK 7,000.00 where it has failed to notify the police administration or police station that the conditions on the basis of which the 'EU blue card' was issued have ceased to exist (Article 193, paragraph 3).

(2) The employer who is a natural person and the responsible person in a legal person shall be punished for a misdemeanour by a fine in an amount from HRK 500.00 to HRK 3,000.00 where it has failed to notify the police administration or police station that the conditions on the basis of which the 'EU Blue Card' was issued have ceased to exist (Article 193, paragraph 3).

(3) The national of an EEA Member State or his or her family member shall be punished for a misdemeanour by a fine in an amount from HRK 500.00 to HRK 5,000.00 where:

1. he or she is staying in the Republic of Croatia during the prohibition of entry and stay (Article 181, paragraph 1),

2. he or she fails to register his or her temporary residence or permanent residence within the prescribed time limit (Article 183.a, paragraph 2, and Article 183.b, paragraphs 2, 3 and 4).

(4) A third-country national holding the 'EU Blue Card' shall be punished for a misdemeanour by a fine in an amount from HRK 500.00 to HRK 3,000.00 where:

1. he or she has failed to notify the police administration or police station within the prescribed time limit that the employment contract or some other relevant contract has

terminated and that other conditions on the basis of which the stay and work permit was issued have ceased to exist (Article 193, paragraph 3),

2. he or she has failed to submit an application for the extension of his or her stay and work permit, the 'EU Blue Card', within 30 days before the expiration of the time limit of the valid stay and work permit (Article 194, paragraph 1),

3. he or she has failed to submit an application for the stay and work permit, the 'EU Blue Card', within eight days (Article 195, paragraph 1),

4. he or she fails to notify the police administration or police station of the change of employment within the prescribed time limit (Article 195, paragraph 2).

(5) A family member who is not the national of an EEA Member State shall be punished for a misdemeanour by a fine in the amount of HRK 500.00 where he or she fails to submit the application for the issuing of a new residence card within the prescribed time limit (Article 183, paragraph 5).

(6) The national of an EEA Member State and his or her family member shall be punished for a misdemeanour by a fine in the amount of HRK 500.00 where he or she fails to return the residence card within the prescribed time limit (Article 183, paragraph 6).

(7) The national of an EEA Member State shall be punished for a misdemeanour by a fine in the amount of HRK 200.00 where:

1. he or she fails to register temporary stay within the prescribed time limit (Article 157, paragraph 1),

2. he or she does not have with him or her or, wherever requested by an official person, does not present for review a foreign travel document or personal identity card, residence card permit or some other public document that includes a photograph (Article 183, paragraph 3).

(8) A family member of the national of an EEA Member State shall be punished for a misdemeanour by a fine in the amount of HRK 200.00 where:

1. he or she fails to submit an application for the issuing of the "residence card of a family member of a Union citizen" within the prescribed time limit (Article 169, paragraph 2),

2. he or she does not have with him or her or, wherever requested by an official person, does not present for review a foreign travel document or personal identity card, residence card permit or some other public document that includes a photograph (Article 183, paragraph 3).".

Article 113

Article 222 is amended to read:

"(1) A third-country national shall be punished for a misdemeanour by imprisonment of up to 60 days in duration or by a fine in an amount from HRK 3,000.00 to HRK 7,000.00 where:

1. he or she remains in the border area longer than foreseen in a bilateral international treaty on the basis of which the border pass or one-time border crossing permit is issued (Article 4, paragraph 2),
2. he or she has left the centre without approval or has failed to comply with the rules for stay in the centre (Article 137, paragraph 1),
3. he or she fails to comply with the designated obligations (Article 103, paragraph 7, Article 132, Article 138.e, paragraph 4,
4. he or she makes the escort to the state to which he or she is to be taken subject to involuntary removal impossible (Article 122, paragraph 11),
5. at the request of an official person, he or she does not present for review a travel document or some other document used for crossing the state border (Article 139, paragraph 2),
6. he or she does not have a document with him or her and, at the request of a police officer, fails to provide personal data (Article 139, paragraph 3),
7. he or she gives their document to someone else to use as his or her own or uses an invalid or someone else's document as their own (Article 139, paragraph 4).

(2) A third-country national staying in the Republic of Croatia illegally shall be punished for a misdemeanour by a fine in an amount from HRK 500.00 to HRK 7,000.00 (Article 102, paragraph 1, items 1, 2, 3, 4 and 5).".

Article 114

Article 223 is amended to read:

"A third country national holding the 'EU Blue Card' who does not work on activities for which he or she was provided with the stay and work permit and who does not work only for the employer with whom he or she has entered into an employment relationship shall be punished for a misdemeanour by a fine in an amount from HRK 3,000.00 to HRK 7,000.00 (Article 193, paragraph 1).".

Article 115

Article 224 is amended to read:

"(1) A foreigner who works without a stay and work permit or work registration certification shall be punished for a misdemeanour by a fine in an amount from HRK 7,000.00 to HRK 10,000.00 (Article 73, paragraph 1).

(2) A foreigner who does not work on activities for which he or she was provided with the stay and work permit or the work registration certificate and who does not work only for the employer with whom he or she has entered into an employment relationship shall be punished for a misdemeanour by a fine in an amount from HRK 7,000.00 to HRK 10,000.00 (Article 73, paragraph 5).".

Article 116

In Article 225, paragraph 3, after the word: "assists", the following words are added: "or tries to assist".

Paragraphs 6 and 7 are deleted.

Article 117

Article 228 is amended to read:

"(1) A foreign employer who is a legal person shall be punished for a misdemeanour by a fine in an amount from HRK 10,000.00 to HRK 30,000.00 where he or she fails to submit a posting declaration on the prescribed form before the commencement of posting or where he or she fails to register any change of data included the declaration within the prescribed time limit (Article 89).

(2) A foreign employer who is a natural person and the responsible person in a foreign legal person shall be punished for a misdemeanour by a fine in an amount from HRK 1,000.00 to HRK 3,000.00 where he or she fails to submit a posting declaration on the prescribed form before the commencement of posting or where he or she fails to register any change of data included the declaration within the prescribed time limit (Article 89).

(3) A fine in the amount of HRK 5,000.00 for the misdemeanour referred to in paragraph 1 of this Article may be issued against the foreign employer who is a legal person at the place where the misdemeanour was committed and a fine in the amount of HRK 500.00 may be issued against a foreign employer who is a natural person and the responsible person in a foreign legal person.

(4) A legal person who is a service recipient shall be punished for a misdemeanour for each foreigner by a fine in an amount from HRK 31,000.00 to HRK 50,000.00 if the legal person who is a service recipient knows or could have known that they were using the work of a posted work who is not legally employed with the foreign employer (Article 86, paragraph 8).

(5) A natural person who is a service recipient and the responsible person in a legal person who is a service recipient shall be punished for a misdemeanour for each foreigner by a fine in an amount from HRK 4,000.00 to HRK 6,000.00 if the natural person who is a service recipient and the responsible person in a legal person who is a service recipient knows or could have known that they were using the work of a posted work who is not legally employed with the foreign employer (Article 86, paragraph 8).

(6) A fine in the amount of HRK 15,500.00 for the misdemeanour referred to in paragraph 4 of this Article may be issued against the legal person who is a service recipient at the place where the misdemeanour was committed for each foreigner and a fine in the amount of HRK 2,000.00 may be issued against a natural person and the responsible person in a legal person who is a service recipient for each foreigner.

(7) A fine in an amount from HRK 31,000.00 to HRK 50,000.00 shall be issued for a misdemeanour against a foreign employer who is a legal person where such foreign employer who is a legal person fails to authorise and appoint a person who is to keep, during the period of posting, at the place of work or another clearly designated or accessible location in the Republic of Croatia and, at the request of the competent authority, provide access to, in paper or electronic form, copies of the employment contract or another act establishing employment, the work permit or some other act proving that the posted worker is legally employed, the calculation of his or her salary showing all its elements and the method of determining the amount of salary, proof of payment of the salary, a record of the working hours showing the beginning, duration, and the end of the working hours, and other proof necessary for control and supervision purposes, or where it fails to submit a translation of such documents into the Croatian language at the request of the competent authority and fails to provide all other required information to the competent authorities (Article 86, paragraph 13)

(8) A foreign employer who is a natural person and the responsible person in a foreign legal person shall be punished for the misdemeanour referred to in paragraph 7 of this Article by a fine in an amount from HRK 5,000.00 to HRK 10,000.00 (Article 86, paragraph 13).

(9) For the misdemeanour referred to in paragraph 7 of this Article a fine in the amount of HRK 15,500.00 may be issued against the foreign employer who is a legal person at the place where the misdemeanour was committed and a fine in the amount of HRK 2,500.00 may be issued against a foreign employer who is a natural person and the responsible person in a foreign legal person.

(10) A foreign employer who is a legal person shall be fined for a misdemeanour in an amount from HRK 31,000.00 to HRK 50,000.00 where such foreign employer who is a legal person fails to authorise and appoint a contact person to co-operate with the competent authorities on behalf and in the name of the employer during the posting and, wherever necessary, receive and send documents, requests/applications, notifications and other writs (Article 86, paragraph 14).

(11) A foreign employer who is a natural person and the responsible person in a foreign legal person shall be punished for the misdemeanour referred to in paragraph 10 of this Article by a fine in an amount from HRK 5,000.00 to HRK 10,000.00 (Article 86, paragraph 14).

(12) A fine in the amount of HRK 15,500.00 for the misdemeanour referred to in paragraph 10 of this Article may be issued against the foreign employer who is a legal person at the place where the misdemeanour was committed and a fine in the amount of HRK 2,500.00 may be issued against a foreign employer who is a natural person and the responsible person in a foreign legal person.

(13) A fine in an amount from HRK 31,000.00 to HRK 50,000.00 shall be issued for a misdemeanour against a foreign employer who is a legal person where, at the request of the competent authorities of the Republic of Croatia, such foreign employer who is a legal person

fails to submit the documents referred to in Article 86, paragraph 13 of this Act for a period of five years from the date on which the posting was completed (Article 86, paragraph 15).

(14) A foreign employer who is a natural person and the responsible person in a foreign legal person shall be punished for the misdemeanour referred to in paragraph 13 of this Article by a fine in an amount from HRK 5,000.00 to HRK 10,000.00 (Article 86, paragraph 15).

(15) A fine in the amount of HRK 15,500.00 for the misdemeanour referred to in paragraph 13 of this Article may be issued against the foreign employer who is a legal person at the place where the misdemeanour was committed and a fine in the amount of HRK 2,500.00 may be issued against a foreign employer who is a natural person and the responsible person in a foreign legal person."

TRANSITIONAL AND FINAL PROVISIONS

Article 118

(1) Temporary stays and work registration certificates issued in accordance with the Foreigners Act (Official Gazette 130/11 and 74/13) shall continue to be valid until the expiration of their period of validity.

(2) The provisions of Title V and other titles of the Foreigners Act (Official Gazette 130/11 and 74/13) relating to third-country nationals shall apply to third-country nationals – family members of Croatian citizens who have acquired the status pursuant to the provisions of Title X of the Foreigners Act (Official Gazette 130/11 and 74/13).

(3) Residence cards issued to third-country nationals – family members of Croatian citizens shall continue to be valid until the expiration of their period of validity and in the case of replacement or loss, a stay permit shall be issued with the same period of validity as the residence card.

(4) Time limits for departure from the Republic of Croatia set out in rulings adopted before the entry into force of this Act are valid and they are calculated pursuant to the provisions of the Foreigners Act (Official Gazette 130/11 and 74/13).

(5) Security measures involving the deportation of a foreigner from the state and protective measures involving the deportation of a foreigner from the state issued before the entry into force of this Act are valid and they are calculated pursuant to the provisions of the Foreigners Act (Official Gazette 130/11 and 74/13).

(6) Until the drawing up of the list of legal aid providers pursuant to the provisions of this Act, free legal aid is provided pursuant to the Foreigners Act (Official Gazette 130/11 and 74/13).

Article 119

(1) The provisions of Articles 7 and 8 of this Act in the part relating to conditions for entry laid down in the Schengen Borders Code shall not apply at the internal border of the Republic

of Croatia after the entry into force of the Schengen Implementing Agreement in the Republic of Croatia.

(2) The internal border referred to in paragraph 1 of this Article is the internal border set out in the provisions of the Schengen Borders Code.

Article 120

(1) The minister responsible for the interior shall issue the ordinances referred to in Article 9, Article 24, Article 27, Article 40, Article 45, Article 52, Article 56, Article 57, Article 69, Article 70, Article 77, Article 79 and Article 101 of this Act within the time limit of three months from the date on which this Act enters into force.

(2) The minister competent for labour shall adopt the ordinances referred to in Article 34 and Article 35 of this Act within one month of the entry into force of this Act.

(3) The minister responsible for foreign affairs, subject to a prior approval of the minister responsible for the interior, shall adopt the ordinance referred to in Article 3 of this Act within two months from the date of the entry into force of this Act.

Article 121

In the entire text of the Foreigners Act (Official Gazette 130/11 and 74/13), the words: "Asylum Act" in various grammatical cases are replaced by the words: "special legislation governing international protection" in the appropriate grammatical case, the words: "assigned worker" in various grammatical cases are replaced by the words: "posted worker" in the appropriate grammatical case, the word "foreigner" is replaced by the words: "third-country national" in the appropriate grammatical case, and the Croatian words "third-country national" are replaced by other Croatian words, with no relevance to the English translation.

Article 122

Proceedings instituted prior to the date of the entry into force of this Act shall be finalised in accordance with the provisions of the Foreigners Act (Official Gazette 130/11 and 74/13).

Article 123

This Act shall enter into force on the eighth day from the date on which it is published in the Official Gazette, other than Article 27 of this Act in the part where Article 79.f is added, which shall enter into force on the date of the entry into force of the Schengen Implementing Agreement in the Republic of Croatia.

Class: 022-03/16-01/129

Zagreb, 30 June 2017

THE CROATIAN PARLIAMENT

The President
of the Croatian Parliament
Gordan Jandroković, m.p.

PROVISIONAL TRANSLATION