

THE CROATIAN PARLIAMENT

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

DECISION

PROMULGATING THE ACT ON AMENDMENTS TO THE ACT ON THE ORGANISATION OF THE MARKETS IN AGRICULTURAL PRODUCTS

I hereby promulgate the Act on Amendments to the Act on the Organisation of the Markets in Agricultural Products, passed by the Croatian Parliament at its session on 4 February 2011.

Class: 011-01/11-01/19

Reg. No: 71-05-03/1-11-2

Zagreb, 11 February 2011

The President of the Republic of Croatia

Ivo Josipović, m. p.

ACT

ON AMENDMENTS TO THE ACT ON THE ORGANISATION OF THE MARKETS IN AGRICULTURAL PRODUCTS

Article 1

In the Act on the Organisation of the Markets in Agricultural Products (Official Gazette 149/09), in Article 2, item 8 is amended to read:

„8. *Agricultural market and price information system* (hereinafter: AMPIS) – an organisational unit of the Ministry, which collects, processes and reports on prices and quantities of certain agricultural products on the representative domestic market.“.

After item 9, items 10 to 12 are added which read:

„10. *Records of beneficiaries* – databases of information on beneficiaries of individual measures for agricultural products maintained by the Paying Agency.

11. *Buying-in* – purchase and storage under the intervention system.

12. *Reference price* – the highest possible level of the intervention price.“

Article 2

In Article 9, after paragraph 1, a new paragraph 2 is added which reads:

„(2) Decisions on the opening or closing of public intervention in respect of the products specified in paragraph 1 of this Article shall be adopted by the Government of the Republic of Croatia on a proposal from the Ministry.“

After former paragraph 2, which becomes paragraph 3, new paragraphs 4 and 5 are added which read:

„(4) The intervention price referred to in paragraph 3 of this Article shall be determined by means of tendering procedures or fixed by the Government of the Republic of Croatia.“

(5) The intervention price referred to in paragraph 4 of this Article shall not be higher than the reference price fixed by a regulation of the Government of the Republic of Croatia.“

Former paragraphs 3 and 4 become paragraphs 6 and 7.

Article 3

In Article 10, paragraph 1 is amended to read:

„(1) The aid for private storage referred to in Article 8, item b) of this Act is a reimbursement of a part of storage costs and is granted to the beneficiaries of market-organisation measures in the event of the market price falling below the reference price fixed by a regulation of the Government of the Republic of Croatia.“

After paragraph 2, a new paragraph 3 is added which reads:

„(3) A decision launching the private storage aid procedure and fixing the amount of aid for private storage or specifying that the amount of aid for private storage shall be determined by means of a tendering procedure, or a decisions on the closing of private storage aid shall be adopted by the Government of the Republic of Croatia on a proposal from the Ministry.“

Former paragraph 3 becomes paragraph 4.

Article 4

In Article 11, paragraph 3 is amended to read:

„(3) By way of derogation from the provisions of paragraph 1 of this Article, the Government of the Republic of Croatia may, by way of a decision, lay down special intervention measures in respect of the products of the sugar, hops, beef, sheepmeat and goatmeat sectors where the prices for those products rise or fall significantly.“

After paragraph 3, paragraph 4 is added which reads:

„(4) By way of derogation from the provisions of paragraph 1 of this Article, the Government of the Republic of Croatia may, by way of a decision, lay down special intervention measures in respect of the products of the pigmeat, eggs and poultrymeat sectors and in respect of olive oil where the prices for those products rise significantly.“

Article 5

After Article 11, Article 11a is added which reads:

„Article 11a

(1) Beef, pigmeat and sheepmeat intended for market intervention must be classified or come from carcasses, half-carcasses or quarters that have been classified.

(2) In addition to being classified in accordance with paragraph 1 of this Article, the meat of bovine animals aged 12 months or less must also be identified by a special mark.“

Article 6

In Article 13, after paragraph 2, paragraphs 3, 4, 5 and 6 are added which read:

„(3) In implementing the system of production limitations in the milk sector (hereinafter: the milk quota), the Paying Agency shall be responsible for:

- allocating the national milk quota;
- determining the rights and obligations of milk producers and purchasers under the milk quota system;
- conversion and transfer of the milk quota;
- determining the amount of levy for overrunning the allocated milk quota;
- controlling the milk quota system.

(4) The Ministry shall issue a decision to grant or withdraw an approval of an undertaking producing sugar, isoglucose or inulin syrup or of an undertaking processing sugar, and to grant production rights for the quantities referred to in paragraph 2 of this Article to approved undertakings.

(5) On request, the Ministry shall grant an approval to producers and undertakings referred to in paragraph 4 of this Article provided that they:

- prove their production capacities;
- undertake to provide the required information;
- agree to be subject to controls in accordance with this Act;
- are not subject to withdrawal of the approval.

(6) Quantities of sugar, isoglucose or inulin syrup in excess of the quantity referred to in paragraph 2 of this Article may be:

- used for the processing into industrial products on the basis of a delivery contract concluded between approved undertakings producing sugar, isoglucose or inulin syrup and undertakings processing sugar;
- carried forward to the quota production of the next marketing year, in which case the quota concerned shall be reduced by the quantity carried forward,
- export to other markets.“

Article 7

After Article 13, Article 13a is added which reads:

„Article 13a

(1) For the quantities of sugar, isoglucose or inulin syrup in excess of the quantity referred to in Article 13, paragraph 2 of this Act, for which the approved producers have not made use of the possibility provided for in Article 13, paragraph 6 of this Act, the Paying Agency shall charge EUR 500 per tonne of the surplus quantity, calculated in HRK according to the mean exchange rate of the Croatian National Bank.

(2) The amount referred to in paragraph 1 of this Article shall constitute revenue of the State Budget and shall be paid to the single State Budget account.«.

Article 8

In Article 14, paragraph 3 is amended to read:

„(3) Aid in the olive oil and table olives sector concerns aid to the activities of producer organisations, associations of producer organisations or inter-branch organisations, which are set out in their operational programmes.“

Paragraph 5 is amended to read:

„(5) Aid in the fruit and vegetables sector concerns aid to the activities of producer groups, which are set out in the recognition plan, and to the activities of producer organisations, which are set out in their operational programmes.“

After paragraph 5, a new paragraph 6 is added which reads:

„(6) Aid in the fruit and vegetables sector shall be regulated by the national programme.“

Paragraph 7 is deleted, and after the former paragraph 6, which becomes paragraph 7, new paragraphs 8 and 9 are added which read:

„(8) Special aid measures for the apiculture sector concern:

- the improvement of conditions for the production and marketing of apiculture products in accordance with the national apiculture programme;
- national aid for the protection of apiaries disadvantaged by structural or natural conditions or under economic development programmes, except for programmes relating to production and trade.

(9) The national programmes referred to in paragraphs 6, 7 and 8 of this Article shall be adopted by the Government of the Republic of Croatia in accordance with the funds allocated in the State Budget.“

Article 9

Article 15 is amended to read:

„(1) The Government of the Republic of Croatia shall lay down by means of a regulation:

- with regard to public intervention referred to in Article 9 of this Act: the products and the requirements to be met by products under public intervention, the duration of the public intervention period, the conditions for the opening of public intervention, the quantitative limits for products under public intervention, the level of the reference price, the method of calculating and fixing the intervention price, the conditions under which bought-in products must be stored, the conditions and procedures for disposal of products bought-in under public intervention, and the conditions and procedures for the designation of intervention centres;
- with regard to private storage referred to in Article 10 of this Act: the products and the requirements to be met by products covered by private storage, the duration of the period of private storage, the conditions under which private storage is to be implemented, the quantitative limits for products subject to private storage, the method of calculating and fixing the level of compensation for private storage, and storage conditions;
- with regard to the measures specified in sub-paragraphs 1 and 2 of this paragraph: the detailed rules and procedures for conducting inspectional supervision as well as measures and actions to be taken by inspectors.

(2) The Minister shall issue an ordinance laying down:

- the procedures and conditions for the classification and identification referred to in Article 11a of this Act;
- special marketing rules referred to in Article 12, paragraph 2 of this Act;
- the requirements and procedures for the implementation of the production limitation system referred to in Article 13, paragraph 1 of this Act;
- the procedures and requirements for granting or withdrawing an approval of an undertaking producing sugar, isoglucose or inulin syrup or of an undertaking processing sugar, referred to in Article 13, paragraph 4 of this Act;
- industrial products referred to in the first sub-paragraph of Article 13, paragraph 5 of this Act;
- the requirements and procedures for the implementation of special aid measures referred to in Article 14 of this Act.“

Article 10

In Article 16, paragraph 1, the words “on the representative domestic market” are replaced by other Croatian words with no relevance to the English translation.

Article 11

In Article 18, paragraph 1 is amended to read:

„(1) For certain products of the fruit and vegetables, live plants and flowers sectors, marketing standards may be determined as a precondition to place these products on the market.“

Paragraphs 3 and 4 are deleted.

Former paragraph 5 becomes paragraph 3.

Article 12

After Article 18, Articles 18a, 18b and 18c are added which read:

„Register of traders in fruit and vegetables

Article 18a

(1) Traders in fresh fruit and vegetables must be registered in the Register of Traders in Fruit and Vegetables that is kept by the Ministry.

(2) At the request of a trader, the Ministry shall issue a decision on the registration in the Register referred to in paragraph 1 of this Article, provided that the trader concerned meets the requirements set out in the regulation referred to in paragraph 6 of this Article.

(3) The Ministry shall issue a decision removing a trader from the Register referred to in paragraph 1 of this Article if:

- the trader submits an application for the removal from the Register;
- the competent authority finds that the trader is no longer engaged in the activities for which he was registered in accordance with this Act and regulations made under this Act.

(4) Removal from the Register referred to in paragraph 1 of this Article will also occur if the removal is determined to be a measure ordered by the competent inspection body.

(5) The Ministry may issue a decision authorising traders entered in the Register referred to in paragraph 1 of this Article to carry out checks on conformity of fruit and vegetables with the marketing standards referred to in Article 18, paragraph 1 of this Act, if they meet the requirements set out in the regulation referred to in paragraph 6 of this Article.

(6) The Minister shall, by means of an ordinance, lay down the requirements for registration, the method of keeping the Register of Traders in Fruit and Vegetables and the conditions for authorising traders to check the conformity of fruit and vegetables with the marketing standards.

Certificate of conformity to the marketing standards

Article 18b

(1) For fruit and vegetables for which marketing standards have been laid down and which were produced in the Republic of Croatia and are intended to be placed on the market in the Republic of Croatia or to be exported, a certificate of conformity to the marketing standards (hereinafter: Conformity Certificate) shall be issued at the request of the trader.

(2) For fruit and vegetables for which marketing standards have been laid down and which are being imported but are not accompanied by an International Certificate of Conformity, a Conformity Certificate shall be issued at the request of the trader.

(3) The Minister shall issue an ordinance laying down the conditions and procedures for conducting checks on marketing standards and reporting on the conformity of fruit and vegetables to the prescribed marketing standards, the procedure for conducting inspectional supervision and the measures and actions to be taken by inspectors.

Checks on conformity to the marketing standards for fruit and vegetables

Article 18c

(1) At the request of a client, the agricultural inspector shall carry out checks on conformity to the marketing standards and shall issue a Conformity Certificate for fruit and vegetables referred to in Article 18, paragraph 1 of this Act intended to be placed on the market in the Republic of Croatia and those intended for export.

(2) If fruit and vegetables imported into the customs territory of the Republic of Croatia are not accompanied by an internationally recognised certificate of conformity with the marketing standards for fruit and vegetables, the phytosanitary inspector shall, for fruit and vegetables referred to in Article 18, paragraph 1 of this Act that is being imported from third countries, carry out checks on conformity to the marketing standards and shall issue a Conformity Certificate, at the request of the importer and prior to the customs clearance procedure, at a border crossing point or in a warehouse under customs supervision if fruit and vegetables are intended to be placed under the warehouse procedure.

(3) If, during the checks referred to in paragraphs 1 and 2 of this Article, the agricultural or phytosanitary inspector finds that the fruit and vegetables conform to the prescribed marketing standards, he shall issue a Conformity Certificate confirming that the fruit and vegetables conform to the marketing standards. During checks on conformity to the marketing standards, facts shall be established in accordance with the provisions of the General Administrative Procedure Act which concern the presentation of evidence.

(4) If, during the checks referred to in paragraphs 1 and 2 of this Article, the agricultural or phytosanitary inspector finds that the fruit and vegetables do not conform to the prescribed marketing standards, he shall issue a verbal decision, which shall be recorded in the non-conformity report, prohibiting the marketing of the fruit and vegetables or the export or import of the fruit and vegetables into the customs territory of the Republic of Croatia.

(5) If, during inspectional supervision, the agricultural or phytosanitary inspector finds that fruit and vegetables do not conform to the prescribed marketing standards, such fruit and vegetables must be subjected to a conformity verification procedure after which a Conformity Certificate will be issued.

(6) The prohibition referred to in paragraph 4 of this Article shall remain in effect until:

a) a part or the entire quantity of the fruit and vegetables concerned is brought into conformity with the marketing standards and until the agricultural or phytosanitary inspector issues a Conformity Certificate; or

b) the client or importer submits to the agricultural or phytosanitary inspector evidence that the fruit and vegetables will be used for processing or as animal feed or for any other non-food use; or

c) the client or importer submits to the agricultural or phytosanitary inspector evidence of measures taken to ensure that the fruit and vegetables that can neither be brought into conformity with the marketing standards nor used for the purposes referred to in subparagraph (b) of this paragraph will not be marketed.

(7) If the client or importer fails to act in accordance with the provisions of paragraph 3 of this Article within eight days of the imposition of the prohibition referred to in paragraph 4 of this Article, the agricultural or phytosanitary inspector shall take measures that this Act and regulations made under it empower him to take during inspectional supervision.«

Article 13

In Article 20, paragraph 1 is amended to read:

„(1) The Ministry shall conduct the procedure and issue a decision on the recognition of producer organisations constituted on the initiative by producers in the fruit and vegetables, olive oil and table olives, wine and hops sectors.“

Paragraph 3 is amended to read:

„(3) The Ministry shall conduct the procedure for the recognition of producer organisations that meet the requirements set out in the ordinance referred to in paragraph 8 of this Article and whose operational programme includes at least one of the following objectives:

- the use of environmentally sound production techniques for fruit and vegetables and waste management practices in particular to protect the quality of water, soil and landscape and preserve or encourage biodiversity;
- the planning of production and its adjustment to demand, particularly in terms of quality and quantity;
- concentration of supply and the placing on the market of the products produced by the members of the producer organisation;
- optimising production costs and stabilising producer prices.“

Paragraph 4 is amended to read:

„(4) The Ministry shall conduct the procedure and issue a decision on the recognition of inter-branch organisations that meet the requirements set out in the ordinance referred to in paragraph 8 of this Article and whose operational programme includes at least one of the following objectives:

- improving knowledge and the transparency of production and the market;
- helping to co-ordinate better the way the products are placed on the market, in particular by means of research and market studies;
- exploiting to a fuller extent the potential of products;
- providing the information and carrying out the research necessary to adjust production towards products more suited to market requirements and consumer tastes and expectations, in particular with regard to product quality and protection of the environment;

- seeking ways of restricting the use of plant protection products and other inputs and ensuring the quality of products and soil and water conservation;
- developing methods and instruments for improving product quality;
- exploiting the potential of organic farming and promoting such farming as well as designations of origin, traditional specialty logo and geographical indications;
- promoting integrated production or other environmentally sound production methods;
- laying down stricter rules or national rules, as regards the production and marketing rules.“

Paragraph 8 is amended to read:

„(8) The manner of and the requirements for the recognition of producer groups, producer organisations, associations of producer organisations and inter-branch organisations, and the manner of reporting shall be prescribed by the minister by means of an ordinance.“

Article 14

After Article 20, Articles 20a and 20b are added which read:

„Withdrawal and suspension of recognition

Article 20a

(1) The Ministry shall issue a decision withdrawing the recognition of a producer organisation, association of producer organisations or inter-branch organisation, or the preliminary recognition of a producer group, if the producer organisation, association of producer organisations, inter-branch organisation or producer group has failed deliberately or by serious negligence to comply with the following criteria for recognition:

- minimum number of members;
- structure and activities of the producer organisation;
- main activity of the producer organisation;
- democratic accountability;
- value of marketed production.

(2) The withdrawal of recognition under paragraph 1 of this Article shall take effect from the date from which the conditions for recognition were not fulfilled.

(3) The Ministry shall issue a decision suspending the recognition of a producer organisation, association of producer organisations or inter-branch organisation, or the preliminary recognition of a producer group, if a failure to respect the criteria for recognition referred to in paragraph 1 of this Article is substantial but is only temporary.

(4) During the period of suspension referred to in paragraph 3 of this Article, no aid shall be paid, and the suspension shall take effect from the day when the on-the-spot check has taken place and shall end on the day of the check which shows that the criteria for recognition have

been fulfilled. The period of suspension shall not exceed 12 months. If the criteria for recognition are subsequently not fulfilled after 12 months, the Ministry shall issue a decision withdrawing the recognition of the producer organisation, association of producer organisations or inter-branch organisation or the preliminary recognition of the producer group.

(5) In other cases of a failure to respect the criteria for recognition, where paragraphs 1 and 2 of this Article do not apply, the Paying Agency shall determine the corrective measures to be taken, shall delay payments of aid until the corrective measures are taken and shall, within seven days, inform the Ministry of the actions taken.

(6) A failure to take the corrective measures referred to in paragraph 5 of this Article within a 12-month period shall be regarded as substantial failure to respect the criteria and, in that case, the recognition of the producer organisation, association of producer organisations or inter-branch organisation or the preliminary recognition of the producer group shall be suspended.

Special cases of aid reduction

Article 20b

(1) If, during the control of aid referred to in Article 14, paragraph 5 of this Act, the Paying Agency finds that within four months after the end of the transitional period the producer group is not recognised as producer organisation, the Paying Agency shall issue a decision on the recovery of:

a) 100 % of the aid paid to the producer group if the failure to achieve recognition was due to the producer group acting deliberately or by serious negligence, or

b) 50 % of the aid paid to the producer group in all other cases.

(2) If, during the control of aid referred to in Article 14, paragraph 5 of this Act, the Paying Agency finds that the amount claimed by the beneficiary in his application exceeds by more than 3% the amount established after an examination of the eligibility of the application, the amount to be paid shall be reduced by the difference between the amount claimed and the amount established. No reduction shall be applied if the producer organisation or producer group is able to demonstrate that it is not responsible for the over-claimed amount.

(3) If, during the control of aid referred to in Article 14, paragraph 5 of this Act, the Paying Agency finds that a beneficiary has deliberately given incorrect information about the value of marketed production, the beneficiary shall be excluded from support under the operational programme or recognition plan. The Paying Agency shall establish the recovery obligation and shall issue a decision on the recovery of the amounts already paid, and the beneficiary shall be excluded from receiving support for the value concerned under the operational programme or recognition plan during the next year.

(4) The recovered amount of aid referred to in paragraph 1 of this Article shall constitute revenue of the State Budget and shall be paid to the single State Budget account.“

Article 15

In Article 28, after paragraph 2, paragraphs 3 and 4 are added which read:

„(3) For the purposes of administrative control and implementation of the measures laid down in this Act, the Paying Agency shall maintain records of beneficiaries containing information on beneficiaries of individual measures.

(4) The method of maintaining the records of beneficiaries referred to in paragraph 3 of this Article and the obligations of beneficiaries as regards the registration in these records shall be laid down by the Minister by means of an ordinance.“

Former paragraphs 3, 4 and 5 become paragraphs 5, 6 and 7.

After paragraph 7, paragraphs 8 to 11 are added which read:

„(8) Beneficiaries of measures for the organisation of the markets in agricultural products shall enable the carrying out of on-the-spot checks and during such checks they shall provide information and documents for inspection.

(9) If an on-the-spot check is prevented from being carried out, the Paying Agency shall issue a decision rejecting the application for entitlement to rights relating to market-organisation measures.

(10) For each beneficiary, the Paying Agency shall adopt acts on entitlement to rights relating to market-organisation measures, which shall not be administrative acts.

(11) Detailed rules for the implementation of administrative control and on-the-spot checks shall be laid down by the Minister by means of an ordinance.“

Article 16

In Article 29, paragraph 2 is amended to read:

„(2) Inspectional supervision of the implementation of the provisions of this Act and regulations made under it relating to:

- market intervention in the cereals, hops, fruit and vegetables, live plants and flowers sectors and other products,
- marketing standards for products of the fruit and vegetables, live plants and flowers sectors that are placed on the market in the Republic of Croatia or exported and marketing standards for hops,
- recognition of producer organisations, producer groups and inter-branch organisations in the fruit and vegetables, hops and tobacco sectors,
- special provisions for the hops sector; data collection and reporting of prices of agricultural products,
- Register of Traders in Fruit and Vegetables,

and of other provisions of this Act and regulations made under it that are not expressly specified as falling within the competence of other inspectors, shall be performed by agricultural inspectors of the Ministry and by other civil servants of the administrative

organisation within the Ministry responsible for agricultural inspection, who are authorised for that purpose by the Minister (hereinafter: agricultural inspectors).“

After paragraph 2, paragraphs 3 to 9 are added which read:

„(3) Inspectional supervision of the implementation of the provisions of this Act and regulations made under it relating to marketing standards for imported products of the fruit and vegetables, live plants and flowers sectors shall be performed by phytosanitary inspectors of the Ministry.

(4) Inspectional supervision of the implementation of the provisions of this Act and regulations made under it relating to marketing standards for the meat of bovine animals aged 12 months or less, eggs and poultrymeat, except at the level of retail sale and at import, and those relating to market intervention in the beef, pigmeat, sheepmeat and goatmeat, eggs and poultrymeat sectors shall be performed by livestock inspectors of the Ministry.

(5) Inspectional supervision of the implementation of the provisions of this Act and regulations made under it relating to the wine sector shall be performed by wine inspectors of the Ministry.

(6) Inspectional supervision of the implementation of the provisions of this Act and regulations made under it relating to:

- market intervention in the sugar, olive oil and table olives, processed fruit and vegetables, milk and milk products sectors and in the apiculture sector;
- marketing standards for olive oil, milk and milk products, except at the level of retail sale and at import;
- recognition of producer organisations, producer groups and inter-branch organisations in the olive oil and table olives sector;
- special provisions for the milk and milk products and sugar sectors

shall be performed by food quality inspectors of the Ministry.

(7) Inspectional supervision of the implementation of the provisions of this Act and regulations made under it relating to marketing standards for the imported meat of bovine animals aged 12 months or less, fats, eggs, poultrymeat, milk and milk products shall be performed by border veterinary inspectors in accordance with the provisions of this Act and special regulations.

(8) Inspectional supervision of the implementation of the provisions of this Act and regulations made under it relating to marketing standards for imported olive oil shall be performed by border sanitary inspectors in accordance with the provisions of this Act and special regulations.

(9) Inspectional supervision of the implementation of the provisions of this Act and regulations made under it relating to marketing standards for the meat of bovine animals aged 12 months or less, fats, eggs, poultrymeat, olive oil, milk and milk products at the level of

retail sale shall be performed by competent inspectors from the State Inspector's Office in accordance with the provisions of this Act and special regulations.“

Article 17

In Article 30, paragraph 1, the words “is entitled to” are replaced by the words “has the following rights, duties and powers“.

In paragraph 1, after item (h), items (i) to (p) are added which read:

„(i) to check whether the beneficiary of market-organisation measures complies with the conditions for benefiting from market-organisation measures;

(j) to check whether the right to benefit from market-organisation measures has been exercised in accordance with the law;

(k) to check whether the products are stored in accordance with regulations made under this Act;

(l) to check the accuracy and timely submission of the information that the beneficiary of market-organisation measures or other operator subject to inspection is required to submit for registration in the registers, other records and databases that are maintained in accordance with this Act and regulations made under it;

(m) to check whether the authorised trader meets the requirements for carrying out checks on conformity to the marketing standards applicable to fruit and vegetables;

(n) to check whether the products referred to in Article 18, paragraphs 1 and 2 of this Act conform to the prescribed marketing standards;

(o) to check the work of producer organisations, producer groups and inter-branch organisations;

(p) carry out other inspection activities provided for in this Act and regulations made under it.“.

Article 18

In Article 32, paragraph 3 is amended to read:

„(3) Exceptionally, in the case of measures that need to be taken urgently, the decision referred to in paragraph 1 of this Article may be given orally by the competent inspector. The oral decision shall be included in the inspectional supervision report.“

After paragraph 3, paragraph 4 is added which reads:

„(4) The decision given orally must also be made in writing by the inspector and given to the party concerned without delay and no later than eight days from the date of issuing the oral decision.“

Article 19

In Article 33, a new paragraph 1 is added which reads:

„(1) Decisions of the Ministry issued pursuant to this Act cannot be appealed against, but an administrative dispute may be initiated within 30 days from the day of delivery of the decision.“

After former paragraph 1, which becomes paragraph 2, paragraph 3 is added which reads:

„(3) No appeal shall be permitted against an oral decision. An appeal may be filed against a decision given to the party in writing.“

Former paragraphs 2, 3 and 4 become paragraphs 4, 5 and 6.

Article 20

Article 34 is amended to read:

„The Minister shall, by means of an ordinance, prescribe a detailed method and procedure for conducting inspectional supervision and the measures and actions to be taken by the inspector in respect of each individual market-organisation measure, marketing standards, rules concerning production and marketing as well as data collection and reporting of prices of agricultural products.“

Article 21

After Article 34, Article 34a is added which reads:

„Article 34a

(1) The provisions of the Agriculture Act shall apply to all matters relating to inspectional supervision that are not covered by this Act.

(2) The provisions of the General Administrative Procedure Act shall apply to all matters relating to the inspectional supervision procedure that are not covered by this Act and the Agriculture Act.“

Article 22

In Article 35, paragraph 1 is amended to read:

„(1) A legal person shall be guilty of a misdemeanour and shall be fined a sum between HRK 12,000.00 and HRK 50,000.00 for:

- acting in contravention of Article 6, paragraph 1 of this Act;
- acting in contravention of Article 11a of this Act;
- acting in contravention of Article 13, paragraph 2 of this Act;
- acting in contravention of the provisions of the legislation referred to in Article 15 of this Act;
- placing on the market the products referred to in Article 18, paragraphs 1 and 2 of this Act that do not conform to the prescribed marketing standards;
- acting in contravention of Article 18a of this Act;
- acting in contravention of the rules referred to in Article 19, paragraphs 1 and 2 of this Act;
- failing, by a producer group, producer organisation or inter-branch organisation, to carry out the operational programmes referred to in Article 20, paragraphs 3 and 4 of this Act;

- failing to act in accordance with the ordinance on the register of vineyards and failing to have in possession the required accompanying documents including the mandatory records referred to in Article 27, paragraph 2 of this Act”.

Article 23

In Article 36, paragraph 1 is amended to read:

„(1) A legal person shall be guilty of a misdemeanour and shall be fined a sum between HRK 10,000.00 and HRK 30,000.00 for:

- acting in contravention of Article 6, paragraph 3 of this Act;
- acting in contravention of Article 6, paragraph 7 of this Act;
- acting in contravention of Article 16, paragraph 2 of this Act;
- acting in contravention of the provisions of the legislation referred to in Article 16, paragraph 3 of this Act;
- acting in contravention of Article 31, paragraph 1 of this Act.“.

TRANSITIONAL AND FINAL PROVISIONS

Article 24

- (1) The Government of the Republic of Croatia shall adopt the national programmes referred to in Article 8 of this Act within one year from the day of entry into force of this Act.
- (2) The Government of the Republic of Croatia shall adopt the regulations referred to in Articles 2, 3 and 9 of this Act within one year from the day of entry into force of this Act.
- (3) The Minister shall issue the ordinances referred to Articles 9, 12, 13, 15 and 20 of this Act within one year from the day of entry into force of this Act.

Article 25

- (1) On the date of entry into force of this Act, the provisions of Articles 18, 20, 29 and 31 of the Wine Act (Official Gazette 96/03) shall cease to have effect.
- (2) Until the entry into force of the regulations referred to in Article 9 of this Act, the following regulations made under the Act on the Organisation of the Markets in Agricultural Products (Official Gazette 149/09) shall apply:
 - Regulation on aid to producer organisations in the fruit and vegetables sector (Official Gazette 70/10);
 - Regulation on public intervention and aid for private storage in the beef sector (Official Gazette 108/10);
 - Regulation on public intervention and aid for private storage in the milk and milk products sector (Official Gazette 117/10).

(3) Until the entry into force of the regulations referred to in Article 9 of this Act, the following pieces of legislation made under the Food Act (Official Gazette 46/07 and 155/08) and the Livestock Act (Official Gazette 70/97, 36/98, 151/03 and 132/06) shall apply:

- Ordinance on the quality of bovine carcasses and half-carcasses (Official Gazette 2/09 and 68/09);
- Ordinance on the quality of pig carcasses and half-carcasses (Official Gazette 2/09 and 144/10);
- Ordinance on the quality of sheep carcasses and half-carcasses (Official Gazette 30/10).

(4) Until the entry into force of the regulations referred to in Article 12 of this Act, the following pieces of legislation made under the Act on the Organisation of the Markets in Agricultural Products (Official Gazette 149/09) shall apply:

- Ordinance on the authorisation of panels for the sensory analysis of virgin olive oils (Official Gazette 22/10);
- Ordinance on marketing standards for fruit and vegetables (Official Gazette 77/10);
- Ordinance on registration in the Register of Traders in Fruit and Vegetables (Official Gazette 91/10).

Article 26

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette, with the exception of the provisions of Article 7 of this Act and Article 18a, paragraph 5 as given in Article 12 of this Act, which shall enter into force on the day of accession of the Republic of Croatia to the European Union.

Class: 320-01/11-01/01

Zagreb, 4 February 2011

THE CROATIAN PARLIAMENT

The President of the Croatian Parliament

Luka Bebić, m. p.