

# THE CROATIAN PARLIAMENT

3637

Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby issue the

## DECISION

### PROMULGATING THE ACT ON THE ORGANISATION OF THE MARKETS IN AGRICULTURAL PRODUCTS

I hereby promulgate the Act on the Organisation of the Markets in Agricultural Products, passed by the Croatian Parliament at its session on 2 December 2009.

Class: 011-01/09-01/197  
No.: 71-05-03/1-09-2  
Zagreb, 7. December 2009

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

## THE ACT

### ON THE ORGANISATION OF THE MARKETS IN AGRICULTURAL PRODUCTS

#### 1. GENERAL PROVISIONS

##### Article 1

This Act regulates the manner of and measures for the organisation of markets in individual agricultural product sectors, sets out the requirements for the activation of individual measures for the organisation of the markets, identifies the beneficiaries involved in the implementation of these measures including the control thereof and administrative and inspection surveillance.

##### *Definitions*

##### Article 2

Specific terms used in this Act have the following meanings:

1. *Paying Agency in Agriculture, Fisheries and Rural Development* (hereinafter: Paying Agency) – legal person responsible for the implementation of the agricultural products market-organisation measures.

2. *Intervention price* – the price at which the Paying Agency buys products in a public intervention.
3. *Beneficiaries of the market-organisation measures* - legal or natural persons performing activities in the sectors referred to in Article 3 of this Act and acquiring rights relating to the market-organisation measures.
4. *Private storage aid* – aid granted to beneficiaries to reimburse storage expenses of individual agricultural products within a determined period in the case of serious market disturbances.
5. *Producer organisations*– legal entities or clearly defined parts of legal entities, which are constituted by producers of one of the sectors referred to in Article 3 of this Act and recognised by the ministry competent for agriculture (hereinafter: Ministry).
6. *Interbranch organisations* – legal entities formed on the initiative of the organisations or associations engaged in the production, trade and/or processing in one of the sectors referred to in Article 3 of this Act and recognised by the Ministry.
7. *Marketing year* – the period during which the market organisation measures are implemented, which is different for various sectors.
8. *Agricultural Market Information System* (hereinafter: AMPIS) –organisational unit of the Ministry, which collects, processes and reports on prices and quantities of certain agricultural products on the domestic market.
9. *Marketing standards* – stipulated quality requirements and other conditions to be satisfied by a product when placed on the market.

#### *Scope of measures and products*

### Article 3

(1) The organisation of the markets in agricultural products relates to regulation of internal market and trade with third countries, the recognition of producer and interbranch organisations, and specific provisions for individual sectors.

(2) The organisation of markets in pursuance with the provisions of this Act shall apply in the following sectors:

- cereals,
- sugar,
- hops,
- olive oil and table olives,
- fruit and vegetables,
- processed fruit and vegetables,
- wine,
- live plants and flowers,
- meat of bovine animals,

- pigmeat,
- sheepmeat and goatmeat,
- eggs and poultry meat,
- milk and milk products,
- apiculture products,
- other products.

(3) The list of products belonging to particular sectors referred to in paragraph 2 of this Article are given in the Annex, which forms an integral part of this Act.

#### *Marketing years*

##### Article 4

(1) The following marketing years, during which the market-organisation measures are implemented, shall be established:

- from 1 January to 31 December for the fruit and vegetables sector;
- from 1 July to 30 June of the following year for the cereals sector, the olive oil and table olives sector, the milk and milk products sector;
- from 1 August to 31 July of the following year for the wine sector;
- from 1 October to 30 September of the following year for the sugar sector.

(2) The Minister responsible for agriculture (hereinafter: Minister) may, by means of an ordinance, establish marketing years for other products referred to in Article 3, paragraph 2 of this Act.

#### *Monitoring Committee*

##### Article 5

(1) The minister shall appoint a Committee for monitoring the implementation of the market-organisation measures (hereinafter: Committee), which shall consist of representatives of the bodies involved in the implementation and monitoring of those measures.

(2) The Minister shall issue a special piece of legislation laying down the powers of the Committee referred to in paragraph 1 of this Article.

#### *Beneficiaries of the measures*

##### Article 6

(1) A beneficiary of the market-organisation measures is obligated to furnish accurate required information to the Ministry and to the Paying Agency.

(2) The information referred to in paragraph 1 of this Article shall be considered as trade secret and may be disclosed to third parties only if this was provided for by a special act or with the written consent provided by the beneficiary of the market-organisation measures.

(3) A beneficiary of the market-organisation measures shall repay any funds obtained on the basis of incorrect information as well as any funds obtained in contravention of the requirements and provisions of this Act and regulations made thereunder.

(4) Should a beneficiary of the market-organisation measures fail to repay the funds referred to in paragraph 3 of this Article within the stipulated time, he shall pay statutory interest on overdue payments.

(5) A beneficiary of the market-organisation measures who fails to repay the funds referred to in paragraphs 3 and 4 of this Article shall not be entitled to the market-organisation measures provided for in this Act until the incurred pecuniary obligations are satisfied.

(6) In the cases referred to in paragraphs 3 and 4 of this Article, the beneficiary shall not be entitled to submit a new application for entitlement to the market-organisation measures provided for in this Act within one year calculating from the day of repayment of the funds.

(7) Beneficiaries of the market-organisation measures shall keep the records for a period of five years from the date of submission of the application on the basis of which they received the funds.

(8) The Minister shall by means of an ordinance, prescribe the type and scope of the information referred to in paragraph 1 of this Article and the manner, the deadlines and the frequency within which they are to be submitted.

## 2. INTERNAL MARKET

### Article 7

The internal market organisation includes market intervention and rules concerning production and placing of products on the market.

#### *Market intervention*

### Article 8

Market intervention shall take the form of:

- (a) public intervention,
- (b) private storage aid,
- (c) special intervention measures,
- (d) supply adjustment to market requirements,
- (e) a production limitation system,
- (f) a special aid scheme.

#### *Public intervention*

### Article 9

(1) Public intervention referred to in Article 8, item (a) of this Act includes the measures of buying in and sale of products, and is applied in the following sectors:

- the cereals sector,
- the bovine meat sector, and
- the milk and milk products sector.

(2) The buying-in under public intervention referred to in paragraph 1 of this Article shall be carried out at the intervention price.

(3) The sale of products bought-in under public intervention shall take place in such a way as to avoid any disturbance of the market, to ensure equal access to the products and equal treatment of purchasers.

(4) Only products originating in Croatia shall be eligible for buying-in under the public intervention referred to in paragraph 1 of this Article.

#### *Private storage aid*

#### Article 10

(1) In the event of serious disturbances of the market, the private storage aid referred to in Article 8, item (b) of this Act is a reimbursement of a part of storage expenses granted to the beneficiaries of market-organisation measures.

(2) Private storage aid referred to in paragraph 1 of this Article may be granted in respect of certain products of the sugar, olive oil, bovine meat, pigmeat, sheepmeat and goatmeat, and milk and milk products sectors.

(3) Only products originating in Croatia shall be eligible for the granting of private storage aid referred to in paragraph 1 of this Article.

#### *Special intervention measures*

#### Article 11

(1) In certain sectors, special intervention measures referred to in Article 8, item (c) of this Act may be implemented:

- in order to take account of trade restrictions which may result from the application of measures for combating the spread of animal diseases in the bovine meat, pigmeat, sheepmeat and goatmeat, eggs, poultrymeat, milk and milk products, and apiculture sectors;
- in order to take account of serious market disturbances directly attributable to a loss in consumer confidence due to public health or animal health risks in the poultrymeat and eggs sectors;

(2) In respect of the cereals sector, special intervention measures referred to in paragraph 1 of this Article may be implemented where the special marketing situation so dictates, because there is a considerable fall in the market price in relation to the intervention price.

(3) By way of derogation from the provisions of paragraphs 1 and 2 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 from the sectors under Article 3 of this Act where serious market disturbances so dictate, and in line with the ensured State Budget funds.

#### *Adjustment of supply to market requirements*

##### Article 12

(1) Measures to facilitate the adjustment of supply to market requirements, as referred to in Article 8, item (d) of this Act, may be implemented in the live plants, bovine meat, pigmeat, sheepmeat and goatmeat, eggs and poultrymeat sectors for the purpose of:

- quality improvement,
- better organisation promotion of production, processing and marketing,
- facilitated recording of market price trends,
- establishment of short and long-term forecasts on the basis of the means of production used.

(2) Special marketing rules may be introduced in the wine sector for the purpose of improving and stabilising the market and for regulating the supply.

#### *Production limitation*

##### Article 13

(1) Production limitation system referred to in Article 8, item (e) of this Act may be introduced in the milk and sugar sectors.

(2) Production rights under the production limitation system referred to in paragraph 1 of this Article shall be granted to milk producers, or approved undertakings producing sugar, isoglucose and inulin syrup, for the quantities that may be sold on the market.

#### *Special aid scheme*

##### Article 14

(1) Special aid scheme referred to in Article 8, item (f) of this Act shall include aid in the milk and milk products sector, aid in the olive oil and table olives sector, aid in the hops sector, aid in the fruit and vegetables sector, aid in the wine sector and special aid measures for the apiculture sector.

(2) Aid in the milk and milk products sector shall include:

- aid for skimmed milk and skimmed milk powder intended for animal feed,
- aid for skimmed milk processed into casein and caseinates,
- aid for the supply of milk and milk products to regular beneficiaries of educational establishments.

(3) Aid in the olive oil and table olives sector concerns aid to producer and interbranch organisations.

(4) Aid in the hops sector concerns aid to producer organisations.

(5) Aid in the fruit and vegetables sector includes aid to producer organisations, aid for the financing of their operational funds and operational programmes, and aid for the supply of fruit and vegetables and processed fruit and vegetables to educational establishments' beneficiaries.

(6) Aid in the wine sector shall be implemented under the national support programme for the sector, which includes the following measures:

- promotion on foreign markets,
- the setting up of a mutual crisis fund,
- harvest insurance,
- investments in wine-producing establishments and in wine marketing,
- vineyard restructuring.

(7) Special aids for the apiculture products sector shall be regulated by the national programme and special national aids in cases when production is disadvantaged by natural or structural conditions.

#### *Implementing regulations*

##### Article 15

(1) The conditions for and the manner of implementing the market-organisation measures referred to in Article 8 of this Act shall be prescribed by the Government of the Republic of Croatia by means of a regulation.

(2) By way of derogation from the provision of paragraph 1 of this Article, the conditions for and the manner of implementing the production limitation system referred to in Article 13 of this Act shall be prescribed by the Minister by means of an ordinance.

#### *Data collection and reporting on agricultural products prices*

##### Article 16

(1) Data collection on prices and quantities of agricultural products on the domestic representative market, the processing thereof and reporting for national needs and reporting to the European Commission shall be under the responsibility of AMPIS.

(2) Submission of requested data shall be mandatory for natural and legal persons established by way of the ordinance referred to in paragraph 3 of this Article.

(3) The Minister shall, by means of an ordinance, prescribe the conditions for and the manner of defining representative markets of agricultural products, the conditions that must be fulfilled by natural and legal persons who are obliged to submit data to the AMPIS, the type and scope of the data and the manner in which, the deadlines within which and the frequency with which they are to be submitted.

#### *Preparation of reports*

##### Article 17

(1) The Paying Agency shall:

(a) as regards the organisation of the internal market, prepare reports concerning market intervention and rules relating to producer and interbranch organisations;

(b) as regards trade measures, prepare reports on:

- the number of licence applications submitted,
- the number of licences issued,
- the realised and unused quantities per application and per licence issued,
- the import of products likely to create an imbalance in the market,
- irregularities and frauds made during the implementation of foreign trade measures.

(2) The Paying Agency shall send the reports referred to in paragraph 1 of this Article to the Ministry and, on request, to other state bodies.

(3) The content of the reports referred to in paragraph 1 of this Article and deadlines for their submission shall be prescribed by the Minister by means of an instruction.

#### *Rules concerning marketing and production*

##### *Marketing standards and rules for production and placing of products on the market*

##### Article 18

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

(2) The meat of bovine animals aged 12 months or less, milk and milk products, fats, eggs and poultrymeat, hops and olive oil may only be marketed if they conform to marketing standards.

(3) The Ministry shall establish a register of traders in fruit and vegetables for the products which fall under the marketing standards referred to in paragraph 1 of this Article.

(4) The Minister shall, by means of an ordinance, prescribe:

- the product labelling rules;
- the manner of conducting checks and reporting on conformity of the products with the prescribed marketing standards, and requirements for authorising traders to carry out checks of product conformity with the marketing standards;

- the conditions for entry into and keeping a register of traders in fruit and vegetables.

(5) Pursuant to this Act and the Food Act, the Minister shall, by means of an ordinance, prescribe the marketing standards referred to in paragraphs 1 and 2 of this Article.

### *Designations of origin, geographical indications and oenological practices*

#### Article 19

(1) Special rules relating to designations of origin, geographical indications, traditional terms and designations shall be laid down for products in the wine sector.

(2) In the wine sector, special production rules shall be laid down relating to oenological practices and restrictions including certificates and analytical reports.

(3) Special rules referred to in paragraphs 1 and 2 of this Article and the requirements for their application shall be prescribed by the Minister by means of an ordinance.

### **3. PRODUCER AND INTERBRANCH ORGANISATIONS**

#### Article 20

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

(2) Interbranch organisations shall have the form of legal entities that may be formed on the initiative of the organisations or associations engaged in the production, trade and/or processing in the fruit and vegetables, olive oil and table olives, tobacco and wine sectors.

(3) The Ministry shall conduct the recognition procedure of producer organisations which conform to the requirements laid down by the ordinance under paragraph 8 of this Article, and whose operational programmes include at least one of the following objectives:

- 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 its members,
- optimising production costs and stabilising producer prices.

(4) The Ministry shall conduct the recognition procedure of interbranch organisations which conform to the requirements laid down by the ordinance under paragraph 8 of this Article, and whose operational programmes include at least one of the following objectives:

- concentrating and coordinating supply and marketing of the produce of its members,
- adapting production and processing jointly to the requirements of the market and improving the product,
- promoting the rationalisation and improvement of production and processing,

- carrying out research into sustainable production methods and market developments.

(5) By way of derogation from paragraph 1 of this Article, as a transitional form until the recognition of the producer organisation status, the Ministry shall conduct the procedure for preliminary recognition of producer groups in the fruit and vegetables sector.

(6) The producer groups referred to in paragraph 5 of this Article shall have the form of legal entities or clearly defined parts of legal entities, formed by producers of one or more products of the fruit and vegetables sector, which pursue the objectives equal to those of producer organisations and which may be granted aid under more favourable conditions within the framework of market-organisation measures.

(7) Producer organisations, producer groups and interbranch organisations may be beneficiaries of certain market-organisation measures.

(8) The Minister shall, by means of an ordinance, prescribe the manner of and the requirements for the recognition of producer organisations and groups and associations thereof and interbranch organisations, the manner of reporting and the withdrawal of recognition.

#### **4. TRADE WITH OTHER COUNTRIES**

##### *Import licences*

##### Article 21

(1) For administrative monitoring purposes, imports of products of the following sectors may be made subject to an import licence:

- cereals,
- sugar,
- olive oil and table olives,
- hemp,
- fruit and vegetables,
- meat of bovine animals,
- milk and milk products,
- ethyl alcohol of agricultural origin.

(2) Import licences referred to in paragraph 1 of this Article shall be issued by the Paying Agency to each individual applicant who fulfils the conditions specified in paragraph 3 of this Article.

(3) Issuance of import licences referred to in paragraph 1 of this Article shall be made subject to the lodging of a security guaranteeing that the products for which the licence was issued will be imported during the term of validity of the licence.

##### *Export licences*

## Article 22

- (1) For administrative monitoring purposes, exports of products of the cereals and sugar sectors may be made subject to an export licence.
- (2) Export licences referred to in paragraph 1 of this Article shall be issued by the Paying Agency to each individual applicant who fulfils the conditions specified in paragraph 3 of this Article.
- (3) Issuance of export licences referred to in paragraph 1 of this Article shall be made subject to the lodging of a security guaranteeing that the products for which the licence was issued will be exported during the term of validity of the licence.

## *Tariff quotas*

### Article 23

- (1) Tariff quotas for imports of agricultural and food products resulting from international agreements entered into by the Republic of Croatia shall be allocated by applying one of the following methods:
  - (a) an allocation of quotas method based on the chronological order of the submitting of customs declarations,
  - (b) a method of distribution in proportion to the quantities requested when the applications have been submitted,
  - (c) a method based on taking into account the purpose for which the product is intended and the criteria for evaluating the market situation.
- (2) The Government of the Republic of Croatia shall determine tariff quotas on an annual basis within the framework of the customs tariff regulation.
- (3) The allocation of tariff quotas for imports of agricultural and food products in accordance with the method referred to in paragraph 1, item (a) of this Article shall be carried out by the Customs Administration of the ministry responsible for finance (hereinafter: Customs Administration).
- (4) The allocation of tariff quotas for imports of agricultural and food products in accordance with the methods referred to in paragraph 1, items (b) and (c) of this Article shall be carried out by the Paying Agency.

## *Export quota for sugar*

### Article 24

Sugar and sugar products intended for export to the Member States of the European Union under the tariff quota may be exported on the basis of a licence issued by the Paying Agency.

## *Monitoring of and reporting on exports and imports*

## Article 25

The Customs Administration shall inspect and control imports and exports of products carried out on the basis of licences issued in accordance with the provisions of Articles 21, 22, 23 and 24 of this Act, and it shall inform the Ministry and the Paying Agency thereof.

### *Implementing regulations*

## Article 26

(1) The Minister shall, by means of an ordinance and with the consent of the minister responsible for economy, prescribe the procedures and requirements for the issuance of import and export licences and for the allocation of export quotas.

(2) The Minister shall, by means of an ordinance and with the consent of the minister responsible for finance, prescribe the procedures and requirements for the allocation of import tariff quotas, as well as the type and scope of reports on exports and imports and the manner in which, the deadlines within which and the frequency with which they are to be submitted.

## **5. SPECIFIC PROVISIONS FOR INDIVIDUAL SECTORS**

### Article 27

(1) The Minister may issue an ordinance prescribing:

- a promotion levy in the milk and milk products sector payable by producers in order to generate funds to finance the promotion of consumption, expand the markets for and improve the quality of milk and milk products,
- a system for the registration of contracts concluded between producers or producer organisations on the one hand and buyers on the other, which must meet special requirements in the hops sector.

(2) In respect of the wine sector, the Minister shall issue an ordinance prescribing:

- the establishment of a vineyard register including the manner of its keeping,
- documents accompanying the wine sector products as well as mandatory records.

(3) In respect of the sugar sector, the Minister may issue an ordinance prescribing:

- the minimum price for sugar beet,
- the content of sugar beet production and delivery contracts,
- a production charge,
- the conditions for the withdrawal of surplus sugar from the market,
- the conditions for approval of undertakings processing sugar.

## **6. ADMINISTRATIVE CONTROL AND FIELD CHECKS**

## Article 28

- (1) Administrative control and field checks, conducted for all market-organisation measures provided for by this Act and regulations made under it, shall be performed by the Paying Agency.
- (2) Administrative control over applications for certain market-organisation measures shall include a control of conformity of all submitted applications with laws and subordinate legislation.
- (3) A sample of submitted applications to be checked during a field check shall be selected on the basis of risk analysis and representativeness elements determined by the Paying Agency for each year.
- (4) Based on the results of conducted checks for each year individually, the Paying Agency shall evaluate the efficiency of parameters used in the risk analysis for a previous year, and, if necessary, it shall improve the risk analysis methods to be used for the following year.
- (5) Based on written documents, the Paying Agency may entrust the implementation of field checks referred to in paragraph 1 of this Article to other bodies, control agencies and laboratories.

## 7. ADMINISTRATIVE AND INSPECTION SUPERVISION

### *Competence*

#### Article 29

- (1) Administrative supervision over the implementation of this Act and regulations made under it shall be performed by the Ministry.
- (2) Inspection supervision over the implementation of this Act and regulations made under it shall be performed by agricultural-, livestock-, wine-, phytosanitary- and veterinary inspectors of the Ministry and other inspectors competent under special regulations.

### *Authorities of inspectors*

#### Article 30

- (1) In conducting inspection supervision, the responsible inspector is entitled to:
  - (a) to enter into and inspect business and production premises, facilities, land, installations, goods, crops, plantations, livestock, business operations, business documents and other objects at the premises of the beneficiaries of market-organisation measures or other operators subject to inspection;
  - (b) to request and inspect documents allowing establishment of the identity of the persons subject to inspections and persons present at the site of inspection;

(c) to take photographs or make recordings of persons, premises, facilities, land and other objects referred to in item a) of this paragraph;

(d) to take, free of charge, samples of goods and materials for examination purposes;

(e) to inspect the documents of beneficiaries of market-organisation measures or of other operators subject to inspection;

(f) to collect data and information from accountable persons, witnesses and other persons;

(g) to inspect official records and databases necessary for inspection purposes;

(h) to perform other activities necessary for inspection supervision purposes.

(2) Business and production premises referred to in paragraph 1, item (a) of this Article shall include residential, business and other premises in which the beneficiary of market-organisation measures or other operator subject to inspection performs their activity.

(3) The beneficiary of market-organisation measures or other operator subject to inspection shall bear the costs of analyses if the samples are found not to conform to the prescribed requirements. If the sample is found to conform to the prescribed requirements the costs shall be covered by State Budget funds.

#### *Duties of operators subject to inspection*

#### Article 31

(1) Beneficiaries of market-organisation measures or other operator subject to inspection by a responsible inspector shall enable the inspector to carry out the inspection, allow him to inspect business books and other documents, give the required data and information and provide conditions for undisturbed work.

(2) Immediately before the beginning of the inspection, the inspector shall inform thereof the beneficiary of market-organisation measures or other operator subject to inspection, to ensure his/her presence during the inspection.

(3) If the beneficiary of market-organisation measures or other operator subject to inspection is absent, the inspector shall carry out the inspection in the presence of any employee found working at the premises of the beneficiary of market-organisation measures or operator concerned or in the presence of a member of his/her family.

(4) At the request of the responsible inspector, the beneficiaries or other operators subject to inspection referred to in paragraph 1 of this Article shall, within the time period determined by the inspector, deliver or prepare the business documents and data necessary for the performance of inspection supervision.

(5) The time period referred to in paragraph 4 of this Article shall be appropriate to the type of request.

*Decision ordering the elimination of irregularities or deficiencies*

Article 32

(1) If, during inspection supervision, the responsible inspector establishes that the provisions of this Act or regulations made under it, the implementation of which is under his supervision, have been violated, he shall have the right and responsibility, in accordance with this Act and regulations made under it to:

- issue a decision ordering that the established irregularities or deficiencies be eliminated by a specified deadline, and/or

- to take other measures, i.e. to carry out other actions, which he is authorised for by means of this Act or regulations made under it.

(2) The responsible inspector shall without delay issue the decision referred to in paragraph 1, sub-paragraph 1 of this Article, in the period of 15 days following the day of inspection at the latest.

(3) The provisions of the General Administrative Procedure Act shall apply when carrying out inspection supervision, unless otherwise provided for by this Act.

*Appeal*

Article 33

(1) An appeal against the decision of the Ministry's inspector may be lodged within 15 days from the day of delivery of the decision.

(2) An appeal against the decision of the Ministry's inspector shall be under the competence of the Commission for Appeals, the members of which shall be appointed by the Minister.

(3) The commission shall consist of three members, two of whom shall be appointed from among the inspectors from the Ministry, and one from among civil servants in the Ministry who have completed graduate legal studies.

(4) An appeal made against the decision referred to in paragraph 1 of this Article shall not delay the execution of the decision

*Implementing regulations*

Article 34

The Minister shall by means of an ordinance, prescribe a detailed manner of and a procedure for conducting the inspection including the measures and actions to be taken by the inspector for each individual market-organisation measure.

## **8. PENAL PROVISIONS**

### Article 35

(1) A fine in the amount of HRK 12,000.00 to 50,000.00 shall be imposed on a legal person for committing a misdemeanour of:

- acting in contravention of Article 6, paragraph 1 of this Act,
- placing the products referred to in Article 18, paragraphs 1 and 2 of this Act on the market which do not conform to the stipulated marketing standards,
- acting in contravention of Article 19, paragraphs 1 and 2 of this Act,
- producer and interbranch organisations not carrying 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 fails to have in possession stipulated accompanying documents including mandatory records referred to in Article 27, paragraph 2.

(2) For a misdemeanour described in paragraph 1 of this Article a fine in the amount of HRK 6,000.00 to 20,000.00 shall also be imposed on the responsible person of the legal person - the beneficiary of market-organisation measures.

(3) For a misdemeanour described in paragraph 1 of this Article committed by a natural person, a fine in the amount of HRK 10,000.00 to 30,000.00 shall also be imposed on that natural person.

### Article 36

(1) A fine in the amount of HRK 10,000.00 to 30,000.00 shall be imposed on a legal person for committing a misdemeanour of:

- 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 31, paragraph 1 of this Act.

(2) For a misdemeanour described in paragraph 1 of this Article a fine in the amount of HRK 5,000.00 to 15,000.00 shall also be imposed on the responsible person of the legal person - the beneficiary of market-organisation measures.

(3) For a misdemeanour described in paragraph 1 of this Article committed by a natural person a fine in the amount of HRK 8,000.00 to 18,000.00 shall also be imposed on a natural person.

## **9. TRANSITIONAL AND FINAL PROVISIONS**

### Article 37

(1) The Government of the Republic of Croatia shall, within one year from the entry into force of this Act, adopt regulations referred to in Article 15, paragraph 1 of this Act.

(2) The Minister shall, within two years from the entry into force of this Act, issue regulations referred to in Article 6, paragraph 8, Article 15, paragraph 2, Article 16, paragraph 3, Article 17, paragraph 3, Article 18, paragraph 4, Article 18, paragraph 5, Article 19, paragraph 3, Article 20, paragraph 8 and Article 27 of this Act.

(3) The Minister shall, within four months from the entry into force of this Act, issue regulations referred to Article 26, paragraph 1, and Article 26, paragraph 2 of this Act.

(4) The Minister shall, within 60 days from the entry into force of this Act, appoint the committee referred to in Article 5 of this Act.

(5) The Minister shall, within one year from the entry into force of this Act, establish a register referred to in Article 18, paragraph 3 of this Act.

#### Article 38

(1) Pending the entry into force of the regulations referred to in Article 37, paragraphs 1 to 3 of this Act, the following regulations made under the Agriculture Act (Official Gazette 66/01 and 83/02) shall apply:

- Regulation on allocation of tariff quotas for agricultural products and foodstuffs originating in member states of the World Trade Organisation and countries with which the Republic of Croatia has concluded free trade agreements and the Stabilisation and Association Agreement (Official Gazette 55/04, 146/04 and 138/05),
- Regulation on the allocation of the quota for exports of sugar and sugar products originating in the Republic of Croatia to the European Union (Official Gazette 4/07),
- Regulation on the organisation of the market for cereals (Official Gazette 75/08, 80/08, 114/08 and 125/08).

(2) Co-financing of milk processing into long-life products and storage thereof shall be concluded according to the Decision of the Government of the Republic of Croatia, Class: 320-15/09-02/01, Reg. No.: 5030116-09-1, of 28 May 2009.

(3) Co-financing of apple sale/buying-in expenses for industrial processing shall be concluded according to the Conclusion of the Government of the Republic of Croatia, Class: 332-01/09-02/03, Reg. No.: 5030116-09-1, of 20 August 2009.

(4) Co-financing of olive oil buying-in expenses shall be concluded according to the Conclusion of the Government of the Republic of Croatia, Class: 332-01/09-02/04, Reg. No.: 5030125-09-2, of 22 October 2009.

#### Article 39

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

Class: 320-01/09-01/05  
Zagreb, 2 December 2009

THE CROATIAN PARLIAMENT

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

PROVISIONAL TRANSLATION

## ANNEX

### CEREALS

Tariff code	Description
0709 90 60	Sweetcorn, fresh or chilled
0712 90 19	Sweetcorn, dried, other than hybrid for sowing
1001	Wheat and meslin
1002 00 00	Rye
1003 00	Barley
1004 00 00	Oats
1005	Maize
1006	Rice
1007 00	Grain sorghum
1008	Buckwheat, millet and canary seed; other cereals
1001 10	Durum wheat
1101 00	Wheat or meslin flour
1102	Cereal flours other than of wheat or meslin
1103	Cereal groats, meal and pellets
1104	Cereal grains otherwise worked (for example, hulled, rolled, flaked, pearled, sliced or kibbled), except rice of heading 1006; germ of cereals, whole, rolled, flaked or ground
1107	Malt, whether or not roasted
1108	Starches; inulin
1109 00 00	Wheat gluten, whether or not dried
2302	Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of cereals:
2303 10	Residues of starch manufacture and similar residues
2303 30 00	Brewing or distilling dregs and waste
2306 90 05	Oil-cake and other solid residues resulting from the extraction of oils of maize (corn) germ

### SUGAR

Tariff code	Description
1212 91	Sugar beet
1701	Cane or beet sugar and chemically pure sucrose, in solid form
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel
1703	Molasses resulting from the extraction or refining of sugar
2106 90 30	Isoglucose syrups
2303 20	Beet-pulp, bagasse and other waste of sugar manufacture

## HOPS

Tariff code	Description
1210	Hop cones, fresh or dried, whether or not ground, powdered or in the form of pellets; lupulin
1302 13 00	Vegetable saps and extracts of hops

## OLIVE OIL AND TABLE OLIVES

Tariff code	Description
0709 90 31	Olives, fresh or chilled, for uses other than the production of oil
0709 90 39	Other olives, fresh or chilled
0710 80 10	Olives (uncooked or cooked by steaming or boiling water), frozen
0711 20	Olives provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption
ex 0712 90 90	Olives dried, whole, cut, sliced, broken or in powder, but not further prepared
1509	Olive oil and its fractions, whether or not refined, but not chemically modified
1510 00	Other oils and their fractions, obtained solely from olives, whether or not refined, but not chemically modified, including blends of these oils or fractions with oils or fractions of heading 1509
1522 00 31 1522 00 39	Residues resulting from the treatment of fatty substances or animal or vegetable waxes containing oil having the characteristics of olive oil
2001 90 65	Olives prepared or preserved by vinegar or acetic acid
ex 2004 90 30	Olives prepared or preserved otherwise than by vinegar or acetic acid, frozen
2005 70	Olives prepared or preserved otherwise than by vinegar or acetic acid, not frozen
2306 90 11 2306 90 19	Oil-cake and other residues resulting from the extractions of olive oil

## FRUIT AND VEGETABLES

Tariff code	Description
0702 00 00	Tomatoes, fresh or chilled
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled
0705	Lettuce ( <i>Lactuca sativa</i> ) and chicory ( <i>Cichorium</i> spp.), fresh or chilled
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled
0707 00	Cucumbers and gherkins, fresh or chilled
0708	Leguminous vegetables, shelled or unshelled, fresh or chilled
0709	Other vegetables, fresh or chilled
ex 0802	Other nuts, fresh or dried, whether or not shelled or peeled, excluding areca (or betel) and cola nuts falling within subheading 0802 90 30
0803 00	Bananas, fresh or dried
0804 20 10	Figs, fresh
0804 30 00	Pineapples
0804 40 00	Avocados
0804 50 00	Guavas, mangoes and mangosteens
0805	Citrus fruit, fresh or dried
0806 10 10	Fresh table grapes
0807	Melons (including watermelons) and papaws (papayas), fresh
0808	Apples, pears and quinces, fresh
0809	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh
0810	Other fruit, fresh
0813 50 31 0813 50 39	Mixtures exclusively of dried nuts of headings 0801 and 0806
0910 20	Saffron
ex 0910 99	Thyme, fresh or chilled
ex 1211 90 85	Basil, melissa, mint, <i>origanum vulgare</i> (oregano/wild marjoram), rosemary, sage, fresh or chilled
1211 99 30	Locust beans

## PROCESSED FRUIT AND VEGETABLE PRODUCTS

Tariff code	Description
ex 0710	Vegetables (uncooked or cooked by steaming or boiling in water) frozen, excluding sweetcorn of subheading 0710 40 00 and olives of subheading 0710 80 10
ex 0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption, excluding olives of subheading 0711 20 and sweetcorn of subheading 0711 90 30

Tariff code	Description
ex 0712	Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared, excluding potatoes dehydrated by artificial heat-drying and unfit for human consumption falling within subheading ex 0712 90 05, sweetcorn falling within the subheadings ex 0712 90 11 and 0712 90 19 and olives falling within subheading ex 0712 90 90
0804 20 90	Dried figs
0806 20	Dried grapes
0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, not containing added sugar or other sweetening matter
0812	Fruit and nuts, provisionally preserved (for example by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption
0813	Fruit, dried, other than that of headings 0801 to 0806; mixtures of nuts or dried fruits of this chapter excluding mixtures exclusively of nuts of headings 0801 and 0802 falling within subheadings 0813 50 31 and 0813 50 39
0814 00 00	Peel of citrus fruit or melons (including watermelons), fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions
0904 20 10	Dried sweet peppers, neither crushed nor ground
ex 1302 20	Pectic substances and pectinates
ex 2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid, excluding: <ul style="list-style-type: none"> <li>– sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>) of subheading 2001 90 30</li> <li>– yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch of subheading 2001 90 40</li> <li>– palm hearts of subheading 2001 90 60</li> <li>– olives of subheading 2001 90 65</li> <li>– vine leaves, hop shoots and other similar edible parts of plants falling within subheading ex 2001 90 99</li> </ul>
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid
2003	Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid
ex 2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006, excluding sweetcorn ( <i>Zea mays</i> var. <i>saccharata</i> ) of subheading ex 2004 90 10, olives of subheading ex 2004 90 30 and potatoes prepared or preserved in the form of flour, meal or flakes of subheading 2004 10 91
ex 2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006, excluding olives of subheading 2005 70, sweetcorn ( <i>Zea mays</i> var. <i>saccharata</i> ) of subheading 2005 80 00 and potatoes prepared or preserved in the form of flour, meal or flakes of subheading 2005 20 10
2006 00	Vegetables, fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallised)

<b>Tariff code</b>	<b>Description</b>
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter
ex 2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included, excluding: – peanut butter of subheading 2008 11 10 – palm hearts of subheading 2008 91 00 – maize of subheading 2008 99 85 – yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch of subheading 2008 99 91 – vine leaves, hop shoots and other similar edible parts of plants falling within subheading ex 2008 99 99
2009	Fruit juices (excluding grape juice and grape must of subheadings 2009 61 and 2009 69) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter

#### WINE

<b>Tariff code</b>	<b>Description</b>
0806 10 90	Fresh grapes other than table grapes
2009 61 2009 69	Grape juice (including grape must)
2204	Wine of fresh grapes, including fortified wines; grape must other than that of heading 2009
2206 00 10	Piquette
2307 00 11 2307 00 19	Wine lees
2308 00 11 2308 00 19	Grape marc
2209 00 11 2209 00 19	Wine vinegar

#### LIVE PLANTS AND FLOWERS

As regards live trees and other plants, bulbs, roots, cut flowers and ornamental foliage, this Act shall cover all the products falling within Chapter 6 of the Customs Tariff.

#### MEAT OF BOVINE ANIMALS

<b>Tariff code</b>	<b>Description</b>
0102 10	Live bovine pure-bred breeding animals
0102 90 05 to 0102 90 79	Live animals of the domestic bovine species, other than pure-bred breeding animals

<b>Tariff code</b>	<b>Description</b>
0201	Meat of bovine animals, fresh or chilled
0202	Meat of bovine animals, frozen
0206 10 95	Thick skirt and thin skirt, fresh or chilled
0206 10 98	Edible offal of bovine animals, other, fresh or chilled
0206 21 00 0206 22 00 0206 29 99	Edible offal of bovine animals, other, frozen
0206 29 91	Thick skirt and thin skirt, frozen
0210 20	Meat of bovine animals, salted, in brine, dried or smoked
0210 99 51	Thick skirt and thin skirt, salted, in brine, dried or smoked
0210 99 59	Edible meat offal of bovine animals, salted, in brine, dried or smoked, other
0210 99 90	Edible flours and meals of meat or meat offal
ex 1502 00 90	Fats of bovine animals other than those of heading 1503
1602 50	Other prepared or preserved , of bovine animals
1602 90 61 1602 90 69	Other prepared or preserved meat containing bovine meat or offal

#### PIGMEAT

<b>Tariff code</b>	<b>Description</b>
ex 0103	Live swine, of domestic species, other than pure-bred breeding animals
ex 0203	Meat of domestic swine, fresh, chilled, or frozen
ex 0206	Edible offal of domestic swine, other than for the manufacture of pharmaceutical products, fresh, chilled or frozen
ex 0209 00	Pig fat, free of lean meat, not rendered or otherwise extracted, fresh, chilled, frozen, salted, in brine, dried or smoked
ex 0210	Meat and edible meat offal of domestic swine, salted, in brine, dried or smoked
1501 00 11 1501 00 19	Pig fat (including lard)
1601 00	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products
1602 10 00	Homogenised preparations of meat, meat offal or blood
1602 20 90	Preparations or preserves of liver of any animal, other than goose or duck
1602 41 10 1602 42 10 1602 49 11 do 1602 49 50; 1602 90 10 1602 90 51	Other preparations and preserves containing meat or offal of domestic swine
1902 20 30	Stuffed pasta, whether or not cooked or otherwise prepared, containing more than 20 % by weight of sausages and the like, of meat and meat offal of any kind, including fats of any kind or origin

#### SHEEPMEAT AND GOATMEAT

<b>Tariff code</b>	<b>Description</b>
0104 10	Live sheep
0104 20	Live goats
0204	Meat of sheep or goats, fresh, chilled or frozen
0206 80 99	Edible offal of sheep and goats, fresh or chilled, other than for the manufacture of pharmaceutical products
0206 90 99	Edible offal of sheep and goats, frozen, other than for the manufacture of pharmaceutical products
0210 99 21 0210 99 29 0210 99 60	Other meat and edible offal of sheep and goats, salted, in brine, dried or smoked
ex 1502 00 90	Fats of sheep or goats, other than those of heading 1503
1602 90 72 1602 90 74 1602 90 76 1602 90 78	Other prepared or preserved meat or meat offal of sheep or goats

#### PULTRYMEAT

<b>Tariff code</b>	<b>Description</b>
0105	Live poultry, that is to say, fowls of the species <i>Gallus domesticus</i> , ducks, geese, turkeys and guinea fowls
0207	Meat and edible offal, of the poultry of heading 0105, fresh, chilled or frozen
0209 00 90	Poultry fat, fresh, chilled, frozen, salted, in brine, dried or smoked
1501 00 90	Poultry fat
1602 20 10	Other prepared or preserved preparations, of goose or duck liver
1602 31 1602 32 1602 39	Meat or meat offal of poultry of heading 0105, otherwise prepared or preserved

#### EGGS

<b>Tariff code</b>	<b>Description</b>
0407 00 11 0407 00 19 0407 00 30	Poultry eggs, in shell, fresh, preserved or cooked
0408 11 80 0408 19 81 0408 19 89 0408 91 80 0408 99 80	Bird's eggs, not in shell, and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter, other than unfit for human consumption

## MILK AND MILK PRODUCTS

Tariff code	Description
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter
0403 10 11 do 0403 10 39 0403 90 11 do 0403 90 69	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, not flavoured nor containing added fruit, nuts or cocoa
0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included
ex 0405	Butter and other fats and oils derived from milk; dairy spreads of a fat content of more than 75 % but less than 80 %
0406	Cheese and curd

## APICULTURE PRODUCTS

Tariff code	Description
0409 00 00	Natural honey
ex 0410 00 00	Royal jelly and propolis, edible
ex 0511 99 85	Royal jelly and propolis, non-edible
ex 1212 99 70	Pollen
ex 1521 90	Beeswax

## OTHER PRODUCTS

Tariff code	Description
0712 90 11	Sweetcorn hybrids for sowing
0713 10 10	Peas ( <i>Pisum sativum</i> ), for sowing
ex 0713 20 00	Chickpeas ( <i>Garbanzos</i> ), for sowing
ex 0713 31 00	Beans of the species <i>Vigna mungo</i> (L.) Hepper or <i>Vigna radiata</i> (L.) Wilczek, for sowing
ex 0713 32 00	Small red ( <i>Adzuki</i> ) beans ( <i>Phaseolus</i> ili <i>Vigna angularis</i> ), for sowing
0713 33 10	Kidney beans, including white pea beans ( <i>Phaseolus vulgaris</i> ), for sowing
ex 0713 39 00	Other beans, for sowing
ex 0713 40 00	Lentils, for sowing
ex 0713 50 00	Broad beans ( <i>Vicia faba</i> var. <i>major</i> ) and horse beans ( <i>Vicia faba</i> var. <i>equina</i> , <i>Vicia faba</i> var. <i>minor</i> ), for sowing
ex 0713 90 00	Other dried leguminous vegetables, for sowing
1001 90 10	Spelt, for sowing
ex 1005 10	Hybrid maize (corn) for sowing
1006 10 10	Rice in the husk (paddy or rough), for sowing

<b>Tariff code</b>	<b>Description</b>
1007 00 10	Grain sorghum hybrids for sowing
1201 00 10	Soya beans, whether or not broken, for sowing
1202 10 10	Groundnuts, not roasted or otherwise cooked, in shell, for sowing
1204 00 10	Linseed, whether or not broken, for sowing
1205 10 10 ex 12059000	Rape or colza seeds, whether or not broken, for sowing
1206 00 10	Sunflower seeds, whether or not broken, other
ex 1207	Other oil seeds and oleaginous fruits, whether or not broken, for sowing
1209	Seeds, fruit and spores, of a kind used for sowing
ex 1214 10 00	Meal and pellets of lucerne artificially heat-dried; meal and pellets of lucerne otherwise dried and ground
ex 1214 90 90	Lucerne, sainfoin, clover, lupins, vetches and similar fodder products, artificially heat-dried, except hay and fodder kale and products containing hay; lucerne, sainfoin, clover, lupins, vetches, honey lotus, chickling pea and birdsfoot, otherwise dried and ground
ex 2207 10 00	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol. or higher obtained from agricultural products
ex 2207 20 00	Ethyl alcohol and other spirits, denatured, of any strength, obtained from agricultural products
ex 2208 90 91 ex 2208 90 99	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol. obtained from agricultural products
ex 2309 90 99	Protein concentrates obtained from lucerne juice and grass juice, and dehydrated products obtained exclusively from solid residues and juice resulting from preparation of the abovementioned concentrates
5301	Flax, raw or processed but not spun; flax tow and waste (including yarn waste and garnetted stock)
5302	True hemp ( <i>Cannabis sativa</i> L.), raw or processed but not spun; tow and waste of true hemp (including yarn waste and garnetted stock)