

# THE CROATIAN PARLIAMENT

4142

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

## DECISION

### PROMULGATING THE ACT ON TOURIST BOARDS AND THE PROMOTION OF CROATIAN TOURISM

I hereby promulgate the Act on Tourist Boards and the Promotion of Croatian Tourism, passed by the Croatian Parliament at its session on 15 December 2008

Class: 011-01/08-01/179

Reg. No.: 71-05-03/1-08-2

Zagreb, 18 December 2008

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

## ACT ON

### TOURIST BOARDS AND THE PROMOTION OF CROATIAN TOURISM

#### I GENERAL PROVISIONS

##### Article 1

This Act regulates the system of tourist boards, organisation, tasks and manner of operation of tourist boards, and the basic principles of their financing and management.

##### Article 2

(1) Tourist boards shall be established for the purpose of promoting and improving tourism in the Republic of Croatia and economic interests of legal and natural persons providing catering and other tourism services, or performing other activity which is directly linked with tourism through destination management at the level for which they were established.

(2) In promotional activities in the country and abroad tourist boards shall use the Croatian tourism logo, which shall be specified in the Statute of the Croatian National Tourist Board.

##### Article 3

The system of tourist boards shall comprise: local tourist boards, municipal tourist boards, town tourist boards, regional tourist boards, county tourist boards, the Tourist Board of the City of Zagreb, and the Croatian National Tourist Board.

#### Compulsory establishment a tourist board

##### Article 4

A tourist board shall be established as compulsory:

1. as a tourist board of a municipality or town in the area where at least one settlement has been categorised in tourist category A or B,
2. as a regional tourist board for the region where no municipal or town tourist boards pursuant to item 1 of this Article and Article 5, paragraph 1, item 1, of this Act have been established,
3. as the Tourist Board of the City of Zagreb for the area of the City of Zagreb,
4. as a county tourist board for the county area,
5. as the Croatian National Tourist Board for the territory of the Republic of Croatia.

#### Establishment of non-compulsory tourist boards

##### Article 5

(1) Under the conditions laid down in this Act the tourist board may, with prior approval of the ministry competent for tourism (hereinafter: the Ministry), be established as:

1. a tourist board of a municipality or town for the area of the municipality or town where not a single settlement has been categorised in tourist category A or B,
2. a local tourist board for the area or one settlement categorised in tourist category A.

(2) In the instance referred to in paragraph 1, item 1 of this Article, the municipality or town shall provide the resources for the financing of the tourist board operation.

(3) When granting the approval referred to in paragraph 1 of this Article, the Ministry shall in particular take into account geographical entities and tourist, functional and natural characteristics of the area where the tourist board referred to in paragraph 1 of this Article is to be established, and the possibilities of financing in order to fulfil the tasks of the tourist board and functioning of the tourist office.

#### Legal personality and liability of tourist boards

##### Article 6

(1) A tourist board shall be a legal person.

- (2) A tourist board may not start activity before it acquires legal personality.
- (3) The rights and obligations of a tourist board shall be specified in this Act and the statute of the tourist board.
- (4) A tourist boards shall be liable for its obligations with all of its assets.

#### Register of tourist boards

##### Article 7

- (1) A tourist board shall acquire legal personality on the day of entry into the Register and lose it by deletion from the Register.
- (2) The tourist board shall submit the application for entry into the Register within 15 days from the day of the founding meeting.
- (3) The tourist board shall submit the application for entry of changes of information entered in the Register within 15 days from the day of occurrence of changes.
- (4) The Register shall be kept by the Ministry.
- (5) The minister competent for tourism (hereinafter: the minister) shall stipulate in a special ordinance the format and the content of the form of application for entry into the Register, the manner of entry and the manner of keeping of the Register.
- (6) The Ministry shall issue a decision on the entry of a tourist board into the Register, entry of changes to the recorded information and deletion of the tourist board from the Register.
- (7) An appeal against the decision referred to in paragraph 6 of this Article shall not be allowed, but an administrative dispute may be initiated.

#### Members of the tourist board

##### Article 8

- (1) A tourist board shall have compulsory and honorary members.
- (2) Apart from the members referred to in paragraph 1 of this Article, the tourist board of a municipality or town may also have voluntary members.
- (3) At the proposal of the tourist council, the tourist board assembly may appoint as honorary members of the tourist board the persons who are particularly meritorious for the development and promotion of tourism.
- (4) Honorary members of the tourist board may neither elect nor be elected to the bodies of the tourist board.

#### Goals of tourist boards

## Article 9

The common goals of tourist boards shall be:

1. promoting and initiating development and improvement of the existing tourism product, initiating the development of new tourism products for the area for which they were established through destination management at the level for which they were established.
2. promoting the tourism product of the area for which they were established,
3. raising the awareness of the importance and economic, social and other impacts of tourism, and the need and importance to preserve and improve all elements of a tourist product of an area, and in particular environmental protection and the protection of natural and cultural heritage in accordance with sustainable development.

## Activity of tourist boards

### Article 10

- (1) The activity of tourist boards shall be based on the principle of general benefit.
- (2) A tourist board may not perform economic activities unless otherwise stipulated in this Act.
- (3) By way of derogation from paragraph 2 of this Article, the tourist board may:
  1. manage public tourism infrastructure that was assigned to it for management by the unit of local or regional self-government,
  2. organise events and performances,
  3. publish commercial advertisements in its promotional materials,
  4. sell souvenirs, tourist maps and guides, except own promotional materials,
  5. mediate in booking of private accommodation if there is no registered travel agency in the tourist destination for which the tourist board has been established,
  6. perform other activities and tasks of public interest in the function of developing tourism and destination which are not contrary to this Act and other regulations.
- (4) The tourist board shall not have a share in the equity capital of the company.
- (5) The minister shall lay down in a special ordinance what shall be considered to be the public tourism infrastructure.

## Publicity of work

### Article 11

The work of tourist boards shall be public. The publicity of work shall be ensured and exercised in the way stipulated in the tourist board statute.

#### Tourist board statute

#### Article 12

(1) A tourist board shall have the statute.

(2) The tourist board statute shall contain the stipulations on:

1. the name and seat of the tourist board,
2. tasks of the tourist board,
3. rights, obligations and responsibilities of members of the tourist board,
4. manner of representation of the tourist board,
5. scope, organisation, way of election and recall, mandate and responsibility of members of the bodies of the tourist board,
6. manner of decision-making in the tourist board and bodies of the tourist board,
7. method of achieving publicity of work,
8. manner of adopting the statute and other general acts,
9. assets, manner of acquiring assets and disposing of assets,
10. procedure with the assets in the case of termination of the tourist board,
11. and other issues.

(3) The tourist board which establishes branch offices shall regulate their organisation, rights, obligations and manner of operation in the statute.

(4) The tourist board shall adopt the statute and/or amendments to the statute with prior approval of the minister. If the tourist board fails to adopt the statute and/or amendments to the statute within one month from the day of having received the approval of the minister, it shall be considered that the approval was not granted.

(5) Statutes of tourist boards and modifications and/or amendments thereto shall be published in the official journal of the relevant unit of local or regional self-government, while the statutes of county tourist boards, the Tourist Board of the City of Zagreb and the Croatian National Tourist Board shall be published in the Official Gazette.

(6) Tourist boards shall submit the official journals of units of local or regional self-government referred to in paragraph 5 of this Article to the Ministry within 15 days from the day of publication of the statute and/or amendments to the statute in the official journal.

## Bodies of tourist boards

### Article 13

(1) The bodies of the tourist board are:

1. the assembly,
2. the tourist council,
3. the auditing committee,
4. president of the tourist board.

(2) The assembly of the Croatian National Tourist Board is called the Assembly.

(3) The statute of the tourist board may envisage the establishment of other bodies.

(4) Members of the bodies and the president of the tourist board shall be personally responsible for legitimate and conscientious performing of their duties.

(5) The mandate of the members of the bodies of the tourist board shall last four years, and the members may be re-elected or reappointed.

(6) In the case of termination of the mandate of a member of the body or president before the expiry of the term for which the member or the president was elected, the new member or the president shall be elected or delegated for the period until the expiry of the term for which his or her predecessor was elected.

### Assembly

### Article 14

(1) The tourist board assembly is the highest management body of the tourist board.

(2) The tourist board assembly shall consist of the members and/or representatives of members of the tourist board.

(3) Members or other representatives of members of the tourist board shall not be allowed to authorise another person by power of attorney to participate instead of them in the work of the assembly.

(4) The tourist board assembly shall convene at least twice a year.

### Article 15

The tourist board assembly shall:

1. adopt the tourist board statute,

2. adopt the rules of procedure of the assembly,
3. decide on the election and dismissal of the members of the tourist council and the auditing committee that are elected by the assembly pursuant to the provisions of this Act,
4. adopt the annual work programme and the annual financial plan of the tourist board and branch offices,
5. issue the annual financial report for the tourist board and branch offices,
6. issue the decision on the establishment and organisation of the tourist office,
7. issue the decision on the reports which are submitted by the tourist council and the auditing committee,
8. issue decisions and resolve other issues when it is envisaged by the regulations and the tourist board statute.

#### Tourist council

#### Article 16

- (1) The tourist council is the executive body of the tourist board assembly.
- (2) The tourist council shall perform the tasks specified in this Act and the tourist board statute.
- (3) The tourist council shall be accountable to the tourist board assembly.
- (4) The tourist council may pass legitimate decisions if more than half of the council members are present at the session.
- (5) The tourist council shall pass decisions by a majority vote of the present members.

#### Article 17

The tourist council of the tourist board shall:

1. implement decisions and conclusions of the tourist board assembly,
2. propose to the assembly the annual work programme and the financial plan for the tourist board and branch offices, and the annual financial report,
3. submit to the assembly the report on its work at least once a year,
4. manage the assets of the tourist board in compliance with this Act and the statute, and in accordance with the work programme and the financial plan,
5. issue general acts for the professional service of the tourist board,

6. appoint the director of the tourist board and branch office managers based on a public tender, and relieve from duty the director of the tourist board and branch office managers,
7. establish the limits of authorisations for representing the tourist board and disposing of the financial resources of the tourist board,
8. grant authorisations for representing the tourist board in the case where the director is prevented,
9. issue the rules of procedure for its work,
10. perform other tasks specified in this Act and the tourist board statute.

#### President of the tourist board

##### Article 18

- (1) President of the tourist board shall represent the tourist board.
- (2) Duty of the president of the municipal or town and county tourist board shall be carried out by the municipal prefect or mayor and county prefect, depending on the unit of local or regional self-government in the area for which the tourist board was established.
- (3) As a rule, the duty of the president of the local tourist board shall be performed by the person designated by the municipal prefect or mayor.
- (4) Duty of the president of the regional tourist board and associated tourist boards shall be performed, pursuant to the stipulations of the statute, by one of municipal prefects or mayors or county prefects, depending on the unit of local or regional self-government in the area for which the tourist board was established.
- (5) Duty of the president of the Croatian National Tourist Board shall be performed by the minister.
- (6) President of the tourist board shall also be president of the assembly and chairman of the tourist council.
- (7) President of the tourist board shall convene and preside over the tourist board assembly and he or she shall convene and chair the sessions of the tourist council.

#### Auditing committee

##### Article 19

- (1) The auditing committee of the tourist board shall have at least three members, consisting of:
  1. the members elected by the tourist board assembly,



2. the member delegated by the tourist council of the county tourist board to the auditing committee of the municipal or town and regional tourist board, or the member delegated by the Tourist Council of the Croatian National Tourist Board to the auditing committee of the county tourist board and the Tourist Board of the City of Zagreb.

(2) The statute may specify a higher number of members of the auditing committee but the number must be odd.

(3) The Auditing Committee of the Croatian National Tourist Board shall have five members, three of which shall be elected by the Croatian National Tourist Board Assembly from the ranks of the Croatian National Tourist Board, and one member shall be delegated by the Tourism Committee of the Croatian Parliament and the Ministry respectively.

(4) A member of the auditing committee may not be member of other bodies of the same tourist board.

(5) The auditing committee shall adopt the rules of procedure for its work.

#### Article 20

(1) The auditing committee shall supervise:

1. management of business operations of the tourist board,
2. material and financial transactions and disposal of the resources of the tourist board and branch offices,
3. execution and implementation of the work programme and the financial plan of the tourist board.

(2) The auditing committee of the municipal or town tourist board shall submit a written report about the carried out supervision to the tourist council and the assembly of the municipal or town tourist board, and to the tourist council of the county tourist board whose member the tourist board is.

(3) The auditing committee of the county tourist board shall submit a written report about the carried out supervision to the tourist council and the assembly of the county tourist board, as well as to the Tourist Council of the Croatian National Tourist Board.

(4) The Auditing Committee of the Croatian National Tourist Board shall submit a written report about the carried out supervision for adoption to the Assembly and the Tourist Council of the Croatian National Tourist Board. The Assembly of the Croatian National Tourist Board shall submit the written report about the carried out supervision to the Croatian Parliament.

(5) In the report referred to in paragraphs 2, 3, and 4 of this Article, the auditing committee shall in particular indicate: whether the tourist board operates in accordance with the laws and acts of the tourist board and with the decisions of the assembly and the tourist council, whether annual and other financial reports are prepared in compliance with the status of the tourist board business books and whether they show the correct status, assessment of business operations and business management, whether the work programme and the financial plan are

executed and implemented and to what degree, and opinion and advice about the possibility of improving their implementation.

(6) The auditing committee shall carry out the supervision referred to in paragraph 1 of this Article at least twice a year.

#### Tourist office

##### Article 21

- (1) The tourist board assembly shall establish the tourist office of the tourist board.
- (2) The Tourist Office of the Croatian National Tourist Board shall be called the Head Office.
- (3) The tourist office shall perform professional and administrative operations related to the tasks of the tourist board.
- (4) Work relations among the employees at the tourist office shall be regulated by the general labour regulations, unless stipulated otherwise in this Act.
- (5) The minister shall lay down in an ordinance the special requirements concerning qualifications, work experience, knowledge of foreign languages and other special knowledge and skills that have to be complied with by the employees at the tourist office.
- (6) The director of the tourist office, apart from the requirements laid down in the ordinance referred to in paragraph 5 of this Article, shall comply with the requirement that he or she has not been the subject of sentence by final judgment or decision for the offence imposing safeguards or protective measures prohibiting him or her from performing the tasks from the area of tourism, while the measure concerned is still in force.

##### Article 22

- (1) The tourist office shall have a director.
- (2) The director of the tourist office shall represent the tourist board, he or she shall organise and manage the operation of the tourist office, he or she shall implement the decisions of the tourist council of the tourist board and, within the limits of the established authorisations, he or she shall be responsible for the operation of the tourist board and legitimacy of work of the tourist office. For his or her work he or she shall be accountable to the tourist council and the president of the tourist board.
- (3) Until director is elected, the tourist board shall be represented by the president of the tourist board.

##### Article 23

- (1) Apart from fulfilling special requirements specified in the ordinance referred to in Article 21, paragraph 5 of this Act, the director of the tourist office and the employees working on professional jobs executing the tasks of the tourist board shall have to pass a professional examination enabling work in the tourist office (hereinafter: professional examination).

(2) The professional examination shall be taken before the examination board of the Ministry. Members of the examination board shall be appointed by the minister.

(3) The professional examination shall be taken according to the examination programme, and the certificate of examination shall be issued after having passed the exam.

(4) The minister shall lay down in an ordinance the examination programme for the professional examination, composition of the examination board and the manner of taking the examination.

(5) By way of derogation from paragraph 1 of this Article, the persons having the appropriate level of qualifications and at least 10 years of service working on the jobs in tourism relevant for the qualification do not have to take professional emanation.

(6) The person referred to in paragraph 1 of this Article, who at the moment of concluding employment contract complies with all the requirements specified by the regulation referred to in Article 21, paragraph 5, of this Act, but who has not passed the professional examination, shall take the professional examination within one year from the day of employment.

(7) If the worker referred to in paragraph 6 of this Article fails to pass the professional examination, his or her employment shall terminate after the expiry of the last day for taking the professional examination.

#### Conflict or interests

#### Article 24

(1) The director of the tourist office and other employees working at the tourist office shall not be presidents or members of the assembly, tourist council or auditing committee in any tourist board.

(2) It shall not be allowed to the director of the tourist office to engage in catering or tourism activities in the area for which the tourist board was established.

(3) The director of the tourist office shall not issue decisions or participate in the issuing of decisions influencing the financial or other interests of his or her spouse or extramarital partner, child or parent.

(4) The director of the tourist office shall not be member of the management or supervisory body of a company or other legal entity that is a member of the tourist board.

### II MUNICIPAL OR TOWN TOURIST BOARD

#### Article 25

(1) Municipal or town tourist board shall be established by its members, while preparatory actions for the establishment of a municipal or town tourist board or convening of the founding meeting shall be carried out by the municipal prefect or mayor in cooperation with the county tourist board.

(2) The request for the establishment of a municipal or town tourist board that was not established until the entry into force of this Act shall be submitted to the Ministry by the municipal prefect or mayor.

(3) The decision on the intention to establish a tourist board and the estimate of direct revenue required for the operation of the tourist board shall accompany the request referred to in paragraph 2 of this Article.

#### Article 26

(1) Any municipality or town shall take particular care in the scope of their self-government to ensure the conditions for the development of tourism, and especially concerning settlement development, tourism infrastructure, protection of the environment, natural and cultural heritage etc.

(2) Tourist boards shall cooperate with the bodies of the units of local self-government in municipalities and towns in the following activities:

1. they shall agree on the joint use of the funds collected from the sojourn tax which are allocated to the municipality or town for the purpose of improvement of the conditions for the stay of tourists,
2. they shall agree on tourism development plans for the municipality or town not later than by the period defined in special regulations for the adoption of the budget of the unit of local self-government,
3. they shall monitor tourist trade and signing in and signing out of tourists,
4. they shall cooperate in the decision-making concerning the working hours of hotels and restaurants,
5. they shall cooperate concerning other issues related to the development of tourism.

Seat of the municipal or town tourist board

#### Article 27

The seat of the municipal or town tourist board shall be in the place of the seat of the municipality or town.

Members of the municipal or town tourist board

#### Article 28

(1) Compulsory members of the municipal or town tourist board shall be all legal and natural persons that have a seat or a branch office, plant or similar (hereinafter: business unit) in the area of the municipality or town where the tourist board is being established and which generate income from providing catering or other tourist services, or which perform other activities directly linked to tourism.

(2) The activities referred to in paragraph 1 of this Article shall be specified in a special act.

#### Article 29

(1) Compulsory membership in a municipal or town tourist board shall start as of the day of establishment of the tourist board or from the start of the activity of the legal or natural person in the area of the municipality or town where the tourist board is established.

(2) A temporary suspension of activity or seasonal activity shall have no effect on the termination of compulsory membership in the tourist board.

(3) Compulsory membership in a municipal or town tourist board shall terminate: with the termination of operation of the tourist board, termination of the legal or death of the natural person and partial or complete loss of business capacity of the natural person, termination of the business unit, change of seat, termination of income from providing catering or other tourism services or performing activities that are directly linked to tourism.

(4) Compulsory members of the tourist board, or their representatives, may elect and may be elected to the bodies of the tourist board.

#### Article 30

(1) Legal or natural persons that are not members of the tourist board pursuant to Article 28 of this Act may enrol in a municipal or town tourist board as voluntary members.

(2) The tourist board assembly shall decide on the application submitted by the persons referred to in paragraph 1 of this Article.

(3) Voluntary members of the tourist board have all the rights as compulsory members.

#### Article 31

(1) Legal and natural persons referred to in Article 28, paragraph 1, of this Act shall pay a membership fee to the tourist board in accordance with a special act.

(2) Voluntary members of the tourist board shall pay to the tourist board the membership fee in the amount set by the tourist board assembly.

#### Tasks of municipal or town tourist boards

#### Article 32

The tasks of municipal or town tourist boards shall be the following:

1. promotion of tourist destination at the level of municipality or town independently and through joint advertising,

2. managing public tourism infrastructure that was assigned to it for management by the municipality or town,

3. participating in the defining of goals and tourism development policy at the level of municipality or town,
4. participating in creating the conditions of the efficient coordination of the public and private sectors,
5. promoting optimisation and balancing of economic and social benefits for the environment,
6. drawing up of strategic and development plans for tourism at the level of municipality or town,
7. promoting and participating in the development of the municipality or town with a view to improving the conditions for the stay of tourists, apart from the construction of the utilities infrastructure,
8. regularly, and at least every four months, collecting and updating the information about the tourist offer, accommodation and hotel and catering facilities (cultural, sporting and other events), working hours of medical clinics, banks, post offices, shops and similar, and other information necessary for the stay and travel of tourists,
9. publishing tourist promotional materials,
10. performing information tasks concerning the tourism offer,
11. promoting and organising cultural, entertaining, artistic, sporting and other events contributing to a richer tourism offer,
12. coordinating the activities of all entities that are directly or indirectly involved in the tourist trade for the purpose of joint agreement, defining and implementation of the tourism development policy and enriching tourism offer,
13. promoting, organising and implementing actions for the purpose of preserving tourist space, improving tourist environment and protection of the environment, as well as natural and cultural heritage,
14. promoting, improving and fostering specific natural and social values which make a municipality or town recognisable, and creating the conditions for their economic exploitation,
15. keeping an integrated list of tourists for the area of the municipality or town, primarily for the purpose of controlling the collecting of the sojourn tax and professional data processing,
16. daily collecting and weekly and monthly processing of data concerning tourism trade in the area of the municipality or city,
17. verification and collecting of data concerning the signing in and signing out of tourists for the purpose of cooperation with the competent inspection authorities in the supervision of the settlement of accounts, collection and payment of the sojourns tax, and signing out of tourists.

18. promoting and participating in the activities of educating the inhabitants about environmental protection, preserving and improving natural and cultural values of the area aimed at raising the awareness of the inhabitants about the importance and effects of tourism, including their members or employees with a view to improving the quality of services,

19. organising, implementing and supervision of all the activities concerning the promotion of the tourism product of the municipality or town in accordance with the guidelines of the tourist board assembly, the annual work programme and financial plan of the municipal or town tourist board,

20. setting up of an integrated tourist information system, tourist signing in and signing out system, and statistical processing,

21. performing other tasks laid down in this Act or some other regulation.

(2) Municipal or town tourist boards shall participate in the implementation of the programmes and actions of the county tourist board that are of common interest to all the entities engaged in tourism in the area of the county.

(3) Based on a special decision of the Tourist Council of the Croatian National Tourist Board, a municipal or town tourist board may be a member of international tourist organisations.

#### Assembly of the municipal or town tourist board

#### Article 33

(1) The assembly of a municipal or town tourist board shall consist of natural persons members of the tourist board and/or representatives of legal persons members of the tourist board.

(2) In the case where there is no possibility for each member of the tourist board to be represented in the assembly, the assembly shall consist of the representatives of members so that each representative in the assembly represents a certain number of members.

(3) The number of representatives of members of the assembly referred to in paragraph 2 of this Article shall be defined in the tourist board statute in proportion to share of respective members in the income of the tourist board; however, one member may have the maximum of 40% of representatives in the assembly.

(4) The share in the income of the tourist board referred to in paragraph 3 of this Article shall be taken to be the membership fee plus 25% of the sojourn tax which the member concerned paid to the tourist board in the year preceding the year in which the elections for the tourist board assembly are held.

(5) In the case of change of the share in income higher than 10% during the mandate, the number of representatives of members of the assembly shall be redefined under paragraph 3 of this Article.

(6) The change referred to in paragraph 5 of this Article shall be determined by the assembly together with the adoption of the annual financial report.



#### Article 34

Apart from the competence of the assembly referred to in Article 15 of this Act, the assembly of a municipal or town tourist board shall:

1. issue a decision on the establishment and organisation of a branch office of the tourist board,
2. elect representatives from its own ranks to the assembly of the county tourist board,
3. perform other tasks specified in this Act and the tourist board statute.

Tourist council of the municipal or town tourist board

#### Article 35

The tourist council of the municipal or town tourist board shall have a president and eight members elected by the assembly of the municipal or town tourist board, taking into account the representation of the respective activity in tourism (providers of hotel and catering services, travel agencies etc.).

Tourist society

#### Article 36

- (1) In the area of municipality or town a tourist board may establish tourist societies as its branch offices, in compliance with the principle of rationality.
- (2) A tourist society shall be entered in the Register.

#### Article 37

- (1) A tourist society is an organisational unit of the municipal or town tourist board for which it has been specified in the tourist board statute that it shall perform part of the operations of the tourist board aimed at accomplishing the tasks of the tourist board in the settlement where the tourist society is established.
- (2) A tourist society shall not be a legal person.
- (3) The rights and obligations arising from the activity of the tourist society shall be the rights and obligations of the municipal or town tourist board.
- (4) The activity and operations of the tourist society shall be regulated in the tourist board statute and the decision on the establishment of the tourist society.
- (5) The name and seat of the tourist society shall be established in the decision on the establishment of the tourist society.
- (6) A tourist society shall terminate by the decision on the termination of the tourist society issued by the tourist board assembly, or in the case of termination of the tourist board.



## Article 38

- (1) A tourist society may work throughout the year or seasonally.
- (2) The head of the tourist society shall organise and manage professional tasks of the tourist society, which he or she shall perform within the framework of the rights and obligations defined in the decision on the establishment of the tourist society and the tourist board statute, and within the framework of authorisations by the tourist council.
- 3) Head of the tourist society shall be accountable for his or her work to the tourist council of the tourist board and the director of the tourist office of the tourist board.

## Article 39

- (1) At least 50% of the tourist board income referred to in Article 65, paragraph 1, of this Act generated in the area for which the tourist society has been established, which remain after the funds have been distributed to other beneficiaries (county tourist board, the Croatian National Tourist Board, municipality or town), shall be used for the operation of the tourist society.
- (2) The funds referred to in paragraph 1 of this Article shall be separately declared in the financial plan of the municipal or town tourist board.
- (3) The tourist society shall propose the annual work programme and the financial plan to the tourist council of the tourist board.
- (4) The tourist society shall use the funds it has available under this Act for the designated purpose, in accordance with the established annual work programme and the financial plan.
- (5) The annual work programme and the financial plan of a tourist society shall represent an integral part of the annual work programme and financial plan of the municipal or town tourist board.

## III LOCAL TOURIST BOARD

### Article 40

- (1) A local tourist board shall be established based on the initiative of the local committee, municipal prefect, mayor or county prefect, with approval of the Ministry.
- (2) When granting approval for establishing a local tourist board, the Ministry shall estimate touristic importance of the respective tourist place and other conditions laid down in this Act and other regulations.
- (3) Relevant provision of this Act and other regulations pertaining to municipal and town tourist boards shall apply to local tourist boards.

## IV REGIONAL TOURIST BOARD

### Article 41

(1) A regional tourist board shall be established for the area where no municipal, town, or local tourist boards have been established.

(2) Preparatory actions to establish a regional tourist board and convening the founding meeting shall be carried out by the county tourist board.

(3) If a regional tourist board is established for the area where one or more municipal, town or local tourist boards have already been established, after the approval referred to in Article 5 of this Act, the assemblies of the already established municipal, town or local tourist boards shall issue the decision on the termination of the municipal, town or local tourist board as of the day of entry of the regional tourist board into the Register of tourist boards.

(4) The regional tourist board referred to in paragraph 2 of this Article shall be the legal successor of the municipal, town or local tourist boards which are terminated by virtue of its establishment.

(5) The initiative for the establishment of a regional tourist board may come from the mayors, county prefects or local committees, the already established municipal, town or local tourist boards, and county tourist boards.

(6) The seat of the regional tourist board referred to in paragraph 1 of this Article shall be specified in the statute.

(7) Relevant provisions of this Act and other regulations pertaining to municipal and town tourist boards shall apply to regional tourist boards, unless provided otherwise in the regulations concerned.

#### Article 42

The tourist council of a regional tourist board shall have the president and eight members who shall be elected and dismissed by the tourist board assembly from the ranks of members of the tourist board.

### V THE TOURIST BOARD OF THE CITY OF ZAGREB

#### Article 43

(1) The Tourist Board of the City of Zagreb shall be established for the area of the capital of the Republic of Croatia, aimed at creating and promoting tourist sights and identity of the capital, improving the quality of the tourism offer, its promotion and carrying out promotional activities in the country and abroad which are of common interest to all operators engaged in tourism in the City of Zagreb.

(2) Relevant provisions of this Act and other regulations pertaining to municipal or town and county tourist boards shall apply to the Tourist Board of the City of Zagreb, unless provided otherwise in the regulations concerned.

### VI COUNTY TOURIST BOARD

#### Article 44

- (1) A county tourist board shall be established for the area of the county.
- (2) Founders of the county tourist board shall be its members.
- (3) The seat of the county tourist board shall be in the place of the seat of the county, unless stipulated otherwise in the statute.

#### Branch offices of the county tourist board

##### Article 45

- (1) The county tourist board, in compliance with the principle of rationality, may establish branch offices of the tourist board in the area of the county, in the case where no municipal, town or local tourist boards in the area of the county have been established.
- (2) Branch office of the county tourist board shall be established based on the decision of the county tourist board in accordance with the statute.
- (3) Branch office of the county tourist board shall be entered in the Register.
- (4) Branch office of the county tourist board shall not be a legal person.

#### Tasks of the county tourist board

##### Article 46

- (1) Tasks of the county tourist board shall be the following:
  1. promoting the tourist destination at the level of the county independently and through joint advertising,
  2. managing public tourism infrastructure that was assigned to it for management by the county,
  3. participating in the defining of goals and tourism development policy at the level of county related to the tourism development planning policy at national level,
  4. drawing up of the tourism development strategy at county level,
  5. promoting the county tourism offer in the country and abroad in coordination with the Croatian National Tourist Board,
  6. enriching the overall county tourism offer and creating new products in the tourist region, primarily in the selective types of tourism (agricultural, cultural, health tourism etc.),
  7. providing professional and any other type of help to tourist boards in the county area regarding the issues important for their activity and development, and promoting and helping development of tourism in the areas which are not developed in terms of tourism,

8. coordinating the activities and supervision of achievement of goals and tasks of municipal and town tourist boards in the area of the county,
9. participating in the preparation of tourism development plans and the Strategic Marketing Plan for Croatian Tourism,
10. adoption of the strategic marketing plan for the county, in accordance with the Strategic Marketing Plan for Croatian Tourism,
11. stimulating, preserving, developing and promoting all of the existing touristic resources and county tourism offer,
12. collecting and weekly and monthly processing of data concerning tourism trade and all other information relevant for the monitoring of the achievement of the set goals and tasks (a collective report for municipalities and towns),
13. performing information tasks concerning the tourism offer,
14. drawing up semi-annual and annual reports, analyses and assessments of the level of achievement of the programme and financial plan of the county tourist board,
15. setting up of an integrated tourist information system, tourist signing in and signing out system, and statistical processing per tourist communities at the lower organisation level and the Croatian National Tourist Board,
16. integration of joint development projects of municipal and town tourist boards and regional tourist boards important for the county,
17. performing other tasks laid down in this Act or some other regulation.

(2) The county tourist board shall participate in and implement the programmes and actions of the Croatian National Tourist Board that are of common interest to all the entities engaged in tourism, and increasing the level of quality of the Croatian tourism offer.

(3) County tourist boards shall cooperate with the regional tourist organisations from other countries and they may be members of international tourist organisations.

#### Members of the county tourist board

#### Article 47

(1) Compulsory members of the county tourist board are municipal, town and local tourist boards established in the area of the county.

(2) If no municipal, town and local tourist boards have been established in the area of the county, relevant provisions of this Act pertaining to compulsory membership in the municipal or town tourist boards shall apply to compulsory membership.

#### Assembly of the county tourist board

#### Article 48

(1) The assembly of the county tourist board shall consist of the representatives of the members of the tourist board.

(2) The number of representatives of members in the assembly of the county tourist board shall be specified in the statute, so that each tourist board is represented by at least one representative. A larger number of representatives of individual tourist board shall depend on the touristic significance of the area for which it has been established, and it shall be determined in proportion to the share of the tourist board in the income of the county tourist board, in accordance with the criteria stipulated in the tourist board statute.

(3) The share in the income referred to in paragraph 2 of this Article shall be defined according to the income in the year preceding the year of elections for the assembly of the county tourist board.

#### Article 49

Apart from the competence of the assembly referred to in Article 15 of this Act, the assembly of the county tourist board shall select from the ranks of the tourist board its representatives to the Assembly of the Croatian National Tourist Board.

#### Tourist council of the county tourist board

#### Article 50

The tourist council of the county tourist board shall have a president and ten members, eight of whom shall be elected by the assembly of the county tourist board from the ranks of the members of the tourist board, taking into account the territorial representation and representation of the respective activity in tourism (providers of hotel and catering services, travel agencies etc.), and one member shall be delegated respectively by the Croatian Chamber of Economy and the Croatian Chamber of Trades and Crafts from the ranks of their members.

### VII THE CROATIAN NATIONAL TOURIST BOARD

#### Article 51

(1) The Croatian National Tourist Board is the national tourist organisation.

(2) The seat of the Croatian National Tourist Board is in Zagreb.

#### Work abroad

#### Article 52

(1) The Croatian National Tourist Board shall establish its representative offices and local offices abroad.

(2) The Croatian National Tourist Board shall cooperate with related organisations abroad and it may be a member of international tourist organisations.

#### Members of the Croatian National Tourist Board

##### Article 53

Members of the Croatian National Tourist Board shall be county tourist boards and the Tourist Board of the City of Zagreb.

#### Tasks of the Croatian National Tourist Board

##### Article 54

Tasks of the Croatian National Tourist Board shall be the following:

1. promotion of the tourist destination at national level independently and through joint advertising,
2. coordinating the work and achievement of the goals and tasks of tourist boards,
3. adopting the Strategic Marketing Plan of Croatian Tourism,
4. tourist promotion in the country and abroad, in accordance with the Strategic Marketing Plan of Croatian Tourism (mainly by presentations on fairs and through representative offices),
5. setting up of an integrated tourist information system, tourist signing in and signing out system, and statistical processing per tourist boards at the lower organisation level,
6. establishing tourist representative offices and local offices abroad, organisation and supervision of their operation,
7. undertaking measures and activities aimed at the development and promotion of tourism in the parts of the Republic of Croatia which are not developed in terms of tourism,
8. undertaking measures and activities for the development and promotion of all selective types of tourism,
9. harmonisation of interests, support to and coordination of execution of all plan and programme tasks of tourist boards at all levels,
10. implementing harmonisation of joint activities through consultations with the leading professional associations at least twice a year,
11. organisation and implementation of operational survey of national and international markets for the purpose of promotion of Croatian tourism,
12. participating in the preparation of the development strategy for Croatian tourism and other development plans and programmes in the field of tourism,

13. carrying out expert supervision in tourist boards,
14. keeping records of the membership or tourist boards in international organisations,
15. implementing ongoing education within the system of tourist boards (seminars, courses and similar),
16. performing other tasks aimed at ensuring successful operation of the system of tourist boards and implementation of all defined plans, programmes and tasks,
17. performing other tasks of public interest entrusted by the Ministry.

#### Assembly of the Croatian National Tourist Board

##### Article 55

(1) The Assembly of the Croatian National Tourist Board shall consist of the president of the Croatian National Tourist Board and the representatives of county tourist boards and the Tourist Board of the City of Zagreb.

(2) Each county tourist board and the Tourist Board of the City of Zagreb shall have two representatives in the Assembly of the Croatian National Tourist Board, and one more representative for every 5% share in the income. The share in the income shall be established in accordance with the income in the year preceding the election of the Assembly.

##### Article 56

The Assembly of the Croatian National Tourist Board shall issue the decision on the establishment of representative offices and local offices abroad and the Strategic Marketing Plan of Croatian Tourism.

#### Tourist Council of the Croatian National Tourist Board

##### Article 57

The Tourist Council of the Croatian National Tourist Board shall have thirteen members, consisting of the president and twelve members, ten of whom shall be elected by the Assembly of the Croatian National Tourist Board from the ranks of the Croatian National Tourist Board, and one member shall be delegated by the Croatian Chamber of Economy and the Croatian Chamber of Trades and Crafts respectively.

##### Article 58

(1) Apart from the competences of the tourist council referred to in Article 17 of this Act, the Tourist Council of the Croatian National Tourist Board shall:

1. elect directors and office managers in representative offices and local offices abroad based on a public tender,



2. carry out other tasks entrusted to it by the Assembly of the Croatian National Tourist Board.

(2) The Tourist Council of the Croatian National Tourist Board shall convene at least once every three months and when it is required by at least one third of members of the Tourist Council.

#### Head Office

##### Article 59

(1) The director of the Head Office shall be responsible for the legality of work of the Croatian National Tourist Board and the operation of the system of tourist boards.

(2) The director of the Head Office shall be accountable for his or her work to the Assembly of the Croatian National Tourist Board, the Tourist Council and president of the Croatian National Tourist Board.

(3) The Statute of the Croatian National Tourist Board shall establish which decisions may be issued by the director of the Head Office independently, and which with approval of the president of the Croatian National Tourist Board.

#### VIII ASSOCIATION OF TOURIST BOARDS

##### Article 60

(1) Municipal and/or city tourist boards established on an island, in coastal region or similar spatial unit may, in compliance with the principle of rationality, form a community under a commercial title they choose themselves.

(2) Apart from the provisions of Article 12, paragraph 2, of this Act, the tourist board statute referred to in paragraph 1 of this Article of the Act shall also contain the provisions on:

1. the manner of financing of the tourist board activity,
2. place, manner and persons responsible for the professional and administrative tasks,
3. other issues important for the activity of the tourist board.

(3) The relevant provisions of this Act concerning municipal or town tourist boards shall apply to the tourist board referred to in paragraph 1 of this Article.

(4) By way of derogation from paragraph 3 of this Article, the relevant provisions of this Act concerning the county tourist board shall apply to the composition of the bodies of the tourist board referred to in paragraph 1 of this Article.

#### IX MANAGEMENT IN TOURIST BOARDS

##### Annual work programme and financial plan



## Article 61

- (1) The tourist board shall use the financial resources in accordance with the work programme and the financial plan.
- (2) The tourist board assembly shall adopt by the end of the current year the work programme and the financial plan for the next year.
- (3) The proposal of the work programme and the proposal of the financial plan for the following year shall be submitted by the tourist council to the tourist board assembly until 31 October of the current year.
- (4) The municipal or town tourist board shall submit the annual work programme and the financial plan to the county tourist board, and the county tourist board to the Croatian National Tourist Board.
- (5) If the Croatian National Tourist Board and the county tourist board establish that the submitted annual work programmes and financial plans do not comply with all the tasks laid down by law, they shall notify the relevant tourist board and the Ministry thereof.

## Article 62

- (1) The annual work programme and financial plan of the tourist board must contain all individually defined planned tasks and the necessary financial resources for their implementation, and separately planned tasks and financial plans of tourist societies, branch offices, representative offices and local offices.
- (2) The proposal of the work programme and the financial plan referred to in paragraph 1 of this Article shall be submitted for review to the members of the tourist board assembly eight days before the meeting where these documents are to be adopted.
- (3) The Assembly of the Croatian National Tourist Board shall adopt the annual work programme and the financial plan with prior approval of the Ministry.
- (4) Tourist boards may amend and supplement their work programme and annual financial plan during the year.
- (5) In the case of derogation from the work programme and the financial plan exceeding 5% during the year, the tourist board shall adopt amendments or supplements to the work programme and the financial plan.
- (6) Amendments to the work programme and the financial plan referred to in paragraphs 4 and 5 of this Article shall be adopted in the manner and following the procedure whereby the work programme and the financial plan are adopted.

## Annual financial report

## Article 63

(1) Every year, by the end of March of the current year, the tourist board assembly shall adopt the annual financial report for the previous year.

(2) The proposal of the annual financial report for the previous year shall be submitted by the tourist council to the tourist board assembly and auditing committee by the end of February of the current year.

(3) The annual financial report for the previous year shall be submitted by the municipal or town tourist board to the county tourist board, and by the county tourist board to the Croatian National Tourist Board.

(4) The annual financial report shall contain the information about the achievement of individual tasks specified in the work programme, expenditure for their achievement, expenditure for the operation of the tourist office and work of the bodies of the tourist board, generated income per sources, financial operating result, comparison of the financial plan and its achievement with an explanation of derogations from the plan, the analysis and evaluation of the achievement of the programme, and assessment of the impact of implemented activities to the development of tourism.

(5) Apart from the elements referred to in paragraph 4 of this Article, the annual financial report of the Croatian National Tourist Board shall contain specification of the expenditure and liabilities for the promotion of Croatian tourism that are financed from the state budget.

(6) The proposal of the annual financial report shall be made available to the members of the tourist board assembly eight days before being reviewed at the meeting of the tourist board.

#### Article 64

Tourist boards shall mutually harmonise and coordinate actions in the process of adopting the work programme and the financial plan.

#### Income

#### Article 65

(1) The income of the tourist board includes:

1. sojourn tax, in accordance with a special act,
2. membership fees, in accordance with a special act,
3. income from economic activities referred to Article 10, paragraph 3, of this Act.

(2) Apart from the income referred to in paragraph 1 of this Article, the tourist board may also generate income from:

- the budget of the units of local and regional self-government and from the state budget,
- voluntary contributions and donations,

– assets owned and similar.

(3) The tourist board may, based on a special decision of the tourist council, borrow funds in order to realise the work programme and the financial plan, but the overall value of the debt may not exceed 50% of the income envisaged in the financial plan.

## X SUPERVISION

### Supervision by the Croatian National Tourist Board

#### Article 66

(1) The Croatian National Tourist Board shall set up a special organisational unit for the supervision of the work of tourist boards according to the annual supervision plan specified by the Tourist Council and as appropriate.

(2) In the implementation of supervision, the Croatian National Tourist Board shall in particular supervise:

1. the work of tourist boards concerning professional jobs directly linked to the promotion of tourism,
2. efficiency, economy and purposefulness of implementation of the tasks of tourist boards,
3. purposefulness and efficiency of use of financial resources,
4. purposefulness of internal organisation and capacity of employees to perform work,
5. spending of funds for designated purposes.

(3) The Croatian National Tourist Board shall submit to the Ministry the reports on the carried out supervision.

(4) The Ministry may order to the Croatian National Tourist Board to conduct supervision.

### Supervision by the Ministry

#### Article 67

(1) The Ministry shall supervise the implementation of the provisions of this Act and other regulations governing the tourist boards.

(2) The Ministry shall supervise in particular:

1. the legality of the system, work and operation of the bodies of tourist boards,
2. legality of acts of tourist boards,

3. execution of tasks by tourist boards,
4. legality of work and operation of the employees at the tourist offices of tourist boards
5. compliance of the employees at the tourist offices with the requirements for working in the tourist office.

(3) As a rule, the Ministry shall carry out the supervision based on the documentation requested from the tourist board and review of the reports on the carried out supervision submitted by the Croatian National Tourist Board.

#### Implementing supervision

##### Article 68

(1) In the process of implementing the supervision, the Ministry and the Croatian National Tourist Board may require from the tourist board to submit the reports, information, materials and other notifications.

(2) Tourist boards shall enable the Ministry and the Croatian National Tourist Board to carry out the supervision, and submit or prepare accurate and complete reports, information and other materials and notifications referred to in paragraph 1 of this Article.

##### Article 69

If in the course of supervision the Ministry and the Croatian National Tourist Board establish illegalities or irregularities, they will take the measures aimed at elimination of all detected illegalities or irregularities, and in particular:

1. order the measures to be taken for the purpose of elimination of the established illegalities or irregularities and set an appropriate period,
2. order the initiation of the procedure of establishing the responsibility of an employee at the tourist office of the tourist board,
3. undertake other laid down measures.

##### Article 70

(1) If in the course of supervision it is established that the supervised tourist board operates contrary to the provisions of this Act, the Ministry or the Croatian National Tourist Board may order to the supervised tourist board the initiation of the procedure for relieving of duty of the director of the tourist board, the president and members of the bodies of the supervised tourist board.

(2) Until the procedure for relieving of duty referred to in paragraph 1 of this Article is completed, within eight days from the day of initiating the procedure for relieving of duty the competent body shall suspend the person against whom the procedure is initiated.

(3) If through the supervision referred to in Article 66, paragraph 1, of this Act, it is established that the funds in the supervised tourist board are not used for the designated purpose, in compliance with the work programme or the financial plan, or if the work programme or the financial plan are not being fulfilled, the Ministry or the Croatian National Tourist Board may order a temporary prohibition of the use of funds to the supervised tourist board until the reasons for which the order was issued cease.

(4) The order referred to in paragraph 3 of this Article shall be submitted to the competent local office of the Financial Agency (FINA).

(5) During the period of the measure referred to in paragraph 2 of this Article, the person designated by the Ministry or the Croatian National Tourist Board shall effect the requisite payments for current expenses.

## XI DESIGNATED REPRESENTATIVE

### Article 71

(1) The Ministry may adopt a decision dissolving the assembly of the tourist board whose establishment is compulsory if:

1. it issues general acts contrary to the law, the statute or other regulation, or due to the violation of the law and other regulations,
2. it fails to elect the president of the tourist board or members of the tourist council and the auditing committee within 60 days from the day of constituting, expiry of their mandate or their dismissal, or from the day of handing in the resignation,
3. it fails to adopt the annual work programme and the financial plan or the annual financial report in the period specified by law,
4. the tourist board fails to fulfil the tasks for the purpose of which it was established.

(2) An appeal against the decision referred to in paragraph 1 of this Article shall not be allowed, but an administrative dispute against it may be initiated within 30 days from the day of delivery of the decision to the tourist board.

### Article 72

(1) The Ministry shall designate a representative to the tourist board the founding of which is compulsory:

1. when the tourist board assembly is dissolved,
2. when the elections for the new assembly of the tourist board are not held pursuant to the law and the statute,
3. when the tourist board assembly is not constituted within 60 days following the day of the election,

4. if it fails to implement the measures ordered by the Ministry or the Croatian National Tourist Board.

(2) The designated representative referred to in paragraph 1 of this Article shall be proposed to the Ministry by the tourist council of the county tourist board or the Croatian National Tourist Board.

(3) The designated representative shall ensure the operation of the tourist board and execution of the tasks of the tourist board specified in the Act until the new bodies of the tourist board have been established, meaning until the director of the tourist board is appointed, and he or she shall ensure that the reasons which caused dissolution are eliminated.

(4) On the day of delivery of the decision on the appointment of the designated representative to the tourist board, all bodies of the tourist board shall cease work and legal authorisations of the director of the tourist board shall be suspended, and their authorisations shall be assumed by the designated representative.

(5) The designated representative may issue or change acts of the tourist board only if it is necessary for the purpose of implementing the law of some other regulation, or for the purpose of harmonisation with the law or other regulations.

(6) The designated representative may not issue or change the work programme or the financial plan and he or she may not dispose of the assets of the tourist board, except in order to settle current expenses, and to effect previously assumed obligations or complete previously started tasks.

(7) The designated representative shall ensure that the assembly is constituted within 60 days from the day of dissolution of the assembly.

(8) An appeal against the decision referred to in paragraph 1 of this Article shall not be allowed, but an administrative dispute against it may be initiated within 30 days from the delivery of the decision to the tourist board.

## XII TERMINATION OF A TOURIST BOARD

### Reasons for the termination of a tourist board

#### Article 73

(1) Only the tourist boards referred to in Article 5 of this Act whose establishment is not compulsory may be terminated.

(2) Tourist boards referred to in paragraph 1 of this Article shall be terminated based on:

1. the decision on termination of the tourist boards issued by the tourist board assembly,
2. the decision of the Ministry on the prohibition of operation of the tourist board.

(3) The Ministry may issue the decision referred to in paragraph 2, item 2, of this Act for reasons laid down in Article 71, paragraph 1, and Article 72, paragraph 1, items 2, 3, 4 and 5, of this Act.

(4) An appeal against the decision referred to in paragraph 2 of this Article shall not be allowed, but an administrative dispute against it may be initiated within 30 days from the day of delivery of the decision to the tourist board.

Termination and disposal of assets in the case of termination of a non-compulsory tourist board

#### Article 74

(1) The county tourist board whose member is the tourist board which shall be terminated shall conclude current business operations of the tourist board concerned, collect receivables and settle the creditors.

(2) The assets left after the settlement of creditors in the case or termination of the tourist board shall be acquired by the local self-government unit.

(3) If a regional tourist board which in terms of territory includes several counties is to be terminated, tourist boards of the counties concerned, based on an agreement and pursuant to the statute of the regional tourist board, shall conclude current business operations of the regional tourist board, collect receivables and settle the creditors.

(4) The assets left after the settlement of creditors, in the case referred to in paragraph 3 of this Article, shall be acquired by county tourist boards, in accordance with the statute.

#### Deletion from the Register

#### Article 75

(1) Based on the decision of the assembly or the decision with final force and effect prohibiting further activity of the tourist board, the Ministry shall delete the tourist board concerned from the Register.

(2) With the deletion from the Register, the tourist board shall be terminated.

### XIII PENAL PROVISIONS

#### Article 76

(1) A tourist board shall be fined with a pecuniary penalty from HRK 5,000.00 to 20,000.00 for the offence if:

1. it fails to use the Croatian tourism logo in promotional activities abroad (Article 2, paragraph 2),

2. it starts activity before it has been entered in the Register (Article 7, paragraph 1),



3. it fails to register the entry of the tourist board, entry of a branch office, or change to the entered information (Article 7, paragraphs 2 and 3, and Article 36, paragraph 2, Article 45, paragraph 3),
4. it has a share in the equity capital of a company (Article 10, paragraph 4),
5. it fails to publish the statute or amendments thereto in the official journal (Article 12, paragraph 5),
6. the persons employed at the tourist office do not fulfil the requirements laid down in the ordinance referred to in Article 21, paragraph 5, of this Act,
7. the director of the tourist office does not comply with the requirements laid down in Article 21, paragraph 6 of this Act,
8. the director of the tourist office or other employees working at the tourist office also perform the function of the president or member of the assembly, tourist council and auditing committee (Article 24, paragraph 1),
9. the director of the tourist office performs catering or tourism activity in the area for which the tourist board was established (Article 24, paragraph 2),
10. the director of the tourist office issues decisions or participates in the issuing of decisions affecting the financial or some other interest of his or her spouse or extramarital partner, child or parent (Article 24, paragraph 3),
11. the director of the tourist office is a member of the management or auditing committee of a company or other legal entity that is a member of the tourist board (Article 24, paragraph 4),
12. it fails to perform mandatory tasks laid down in the Act (Articles 32, 46 and 54),
13. it fails to use the financial resources in compliance with the work programme and the financial plan (Article 61, paragraph 1),
14. it fails to adopt the work programme and the financial plan pursuant to the provisions of Articles 61 and 62 of this Act,
15. it fails to adopt the financial report in compliance with the provisions of Article 63 of this Act,
16. it fails to enable supervision to the Ministry and the Croatian National Tourist Board, or if it fails to submit or prepare correct and complete reports, information and other materials and notifications referred to in Article 68, paragraph 1, of this Act (Article 68, paragraph 2),
17. if, in the given period, it fails to eliminate irregularities and illegalities established in the supervision (Article 69, item 1).

(2) For the offences referred to in paragraph 1 of this Article the responsible person in the tourist board shall be fined with a pecuniary penalty from HRK 2,500.00 to 10,000.00.



## XIV TRANSITIONAL AND FINAL PROVISIONS

### Article 77

(1) Regulations referred to in Article 7, paragraph 5, Article 10, paragraph 5, Article 21, paragraph 5, and Article 23, paragraph 4, of this Act shall be issued by the minister within six months from the day of entry into force of this Act.

(2) Until the adoption of the regulations referred to in paragraph 1 of this Article, the following regulations shall remain in force:

1. Ordinance on forms and methods of keeping the Register of tourist boards (Official Gazette 45/94),
2. Ordinance on special conditions to be fulfilled by employees at the tourist office of the municipality, town, county and the Head Office of the Croatian National Tourist Board (Official Gazette 134/98, 23/99, 138/99, 98/00, 9/03 and 136/05).

### Article 78

(1) The existing local tourist boards which do not comply with the requirement contained in Article 5, paragraph 1, item 2 of this Act shall terminate operation and cease work within 6 months from the day of entry into force of this Act.

(2) The resources, rights and obligations of local tourist boards referred to in paragraph 1 of this Article shall be taken over by the tourist boards of municipalities or towns in the area where the local tourist boards were established.

(3) Employees of the local tourist boards referred to in paragraph 1 of this Article shall become employees of or shall be assigned to a job by the tourist boards of municipalities or towns in the area where the local tourist boards were established, pursuant to their professional service acts.

(4) The provisions of the general labour regulations shall apply to the employees of tourist boards referred to in paragraph 1 of this Article who are not assigned to a job referred to in paragraph 3 of this Article.

### Article 79

The existing tourist boards referred to in Article 3, paragraph 3, of the Act on Tourist Boards and the Promotion of Croatian Tourism (Official Gazette 30/94) may continue operation as the tourist boards referred to in Article 60, paragraph 1, of this Act.

### Article 80

(1) The existing tourist boards of municipalities or towns, regional tourist boards shall harmonise their acts with the provisions of this Act within 10 months from the day of entry into force of this Act.

(2) County tourist boards and the tourist boards referred to in Article 79 of this Act that continue activity shall harmonise their acts and organisation with the provisions of this Act within 12 months from the day of entry into force of this Act.

(3) The Croatian National Tourist Board shall harmonise its acts and organisation with the provisions of this Act within 14 months from the day of entry into force of this Act.

#### Article 81

(1) The existing tourist boards the establishment of which is non-compulsory and which fail to harmonise their acts and organisation within the deadlines referred to in Article 80 of this Act, shall cease to exist *ex lege* upon the expiry of the given period.

(2) The resources, rights, obligations and employees of the tourist boards referred to in paragraph 1 of this Article shall become the resources, rights, obligations and employees of the county tourist boards in the area in which they are located.

3) The Ministry shall issue a decision establishing the termination of the tourist board referred to in paragraph 1 of this Article and it shall delete the tourist board from the Register of tourist boards.

#### Article 82

The applications for entry in the Register of tourist boards submitted by the time of entry into force of this Act shall be resolved pursuant to the provisions of the Act on Tourist Boards and the Promotion of Croatian Tourism (Official Gazette 30/94).

#### Article 83

(1) The employees engaged in jobs referred to in Article 23, paragraph 1, of this Act shall take the professional examination within one year from the entry into force of the Ordinance referred to in Article 23, paragraph 4 of this Act.

(2) Employment of any employee referred to in paragraph 1 of this Article who fails to pass the professional examination in the period referred to in paragraph 1 of this Article shall be terminated after the expiry of the last day of the given period for taking the professional examination.

#### Article 84

Until the day of entry into the Register of tourist boards or the day of entry of changes to the information which is entered in the Register pursuant to the provisions of Articles 78 through 81 of this Act, meaning until the date of expiry of the period for the entry concerned, the provisions of the Act on Tourist Boards and the Promotion of Croatian tourism (Official Gazette 30/94) shall apply to the exiting tourist boards.

#### Article 85

On the day of entry into force of this Act, the Act on Tourist Boards and the Promotion of Croatian Tourism (Official Gazette 30/94) shall cease to have effect.

Article 86

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

Class: 334-01/08-01/02

Zagreb, 15 December 2008

THE CROATIAN PARLIAMENT

The President of the Croatian Parliament

Luka Bebić, m.p.

PROVISIONAL TRANSLATION