

ACT
ON THE PROVISION OF TOURISM SERVICES
(Official Gazette 68/07, 88/10 and 30/14)

I GENERAL PROVISIONS

Article 1

This Act regulates the manner and conditions for the provision of services in the sector of tourism.

Article 2

Services in the tourism sector within the meaning of this Act are: the provision of services of a tourist agency, tourist guide, tourist escort, entertainment organiser, agency representative, tourism services in nautical tourism, tourism services on rural farms or family agricultural farms, tourism services in other forms of the tourism offer and other services provided to tourists in connection with their travel and stay.

Article 3

- (1) Services in the tourism sector may be provided by companies, cooperatives, sole traders and traders/craftsmen who meet the conditions for the provision of services in the tourism sector laid down in this Act and regulations adopted pursuant to this Act, unless otherwise provided by this Act and the special regulations.
- (2) Under the conditions laid down in this Act and regulations adopted pursuant to this Act, services in the tourism sector may also be provided by public institutions in charge of administering protected areas of nature for the purposes of the areas they administer.
- (3) Under the conditions laid down in this Act and regulations adopted pursuant to this Act, certain services in the health tourism sector may be provided by special hospitals and health resorts.
- (4) Under the conditions laid down in this Act and regulations adopted pursuant to this Act, certain services in the tourism sector may also be provided by cultural institutions.
- (5) Under the conditions laid down in this Act, certain services in the tourism sector may be provided by associations, schools and other educational institutions.
- (6) Under the conditions laid down in this Act and regulations adopted pursuant to this Act, certain services in the tourism sector may also be provided by natural persons who are not registered as traders/craftsmen or sole traders for the performance of such services.

Article 4

(1) In the performance of services in the tourism sector, legal and natural persons referred to in Article 3, paragraphs 1 through 4 of this Act shall:

1. make public the conditions, content and the price of each service and to comply with such conditions, contents and prices,
2. for any service provided, issue an invoice, ticket or a numbered certificate to the user, confirming the receipt of payment, and keep copies of such documents for a period of at least three years from the date of issuance,
3. act with utmost care, according to the rules and practices of the profession (professional diligence),
4. duly keep the book of complaints, forward any complaints to the local competent office of the Ministry tourism inspection within five days, and to issue a response to the complaint within 15 days from the date of receipt.

(2) The minister competent for tourism (hereinafter referred to as: the minister) shall prescribe by ordinance the form, content and the manner of maintaining the book of complaints.

Article 5

(1) Individual terms used in this Act have the following meanings:

- *Tourist agency* means a company, sole trader, trader/craftsman or their organisational unit, providing the service of organising trips or providing agency services connected with the trip or stay of tourists.

- *Traveller* means any person receiving a specific tourism service for whose account and/or on whose behalf the tourism service is obtained or any person to whom the right of use of the tourism service is transferred.

- *Package tour (lump sum trip)* means a pre-determined combination of at least two individual services consisting of transport, accommodation or other tourism and hospitality and catering services that make a whole, and which are provided over a period longer than 24 hours or include at least one overnight stay, and are sold at a lump sum price.

- *Excursion* means a pre-determined combination of at least two individual services consisting of transport or other tourism and hospitality services, which last less than 24 hours and do not include an overnight stay.

- *Tourist site (locality)* means the area, space or facility where there are natural, cultural, historical, traditional and other values, and where the services of tourist guiding may be provided only by an authorised tourist guide.

Article 6

(1) Trade unions, associations of pensioners, associations of hikers and similar associations (hereinafter referred to as: associations) may organise a trip (package tour and excursion) for the purpose of realising their goals and tasks laid down in the articles of incorporation of the association, but exclusively for their members, where the package tour may last up to two days, including one overnight stay at the most.

(2) Associations may organise the trip referred to in paragraph 1 of this Article only occasionally and without the intention of generating profit.

- (3) Activities of advertising and presenting the trip referred to in paragraph 1 of this Article may not be conducted through the means of mass media.
- (4) Schools or any other educational institutions may organise excursions for their students or attendants for the purpose of carrying out class-related and educational activities and achieving their goals and tasks, which are organised as part of the activities of the school or educational institution.
- (5) Associations shall notify the local competent office of the Ministry tourism inspection, based on their seat, of the organisation of the trip referred to in paragraph 1 of this Article, and schools of the organisation of the excursion referred to in paragraph 4 of this Article, at the latest three days before the beginning of the trip.
- (6) In organizing the trip referred to in paragraph 1 of this Article or in organizing excursions, associations and schools shall use only such means of transport in which both the travellers and the luggage are insured.
- (7) The provisions of this Act shall not apply to trips organised without the intent of generating profit by the associations of scouts for their members in their facilities or camping equipment and by amateur sports clubs for the purposes of training and competition.
- (8) In the provision of services, legal persons referred to in paragraphs 1 and 4 of this Article shall act in line with Article 4, paragraph 1, items 1 through 3 of this Act.

II THE SERVICES OF TOURIST AGENCIES (TOURIST AGENCY)

1 Services of tourist agencies

Article 7

- (1) Tourist agencies may provide the following services:
- organisation of package tours, the conclusion and implementation of contracts on package tours, the organisation of excursions, the conclusion and implementation of contracts on excursions,
 - organisation of congresses,
 - mediation in the conclusion of contracts on organised trips (package tours and excursions),
 - mediation connected with hospitality and catering services (the sale and reservation of accommodation and other hospitality and catering services),
 - mediation connected with transport services (the sale of tickets and reservations for all means of transport),
 - organisation of accommodation and transfer of travellers,
 - mediation in the performance of services in special forms of the tourism and hospitality and catering offer,
 - organisation and mediation in the performance of the services of tourist guides, tourist guides-escorts and the services of operating sailors' vessels (skippers),
 - representation of domestic and foreign travel agencies,
 - provision of tourism-related notices and advertising materials,
 - mediation in the conclusion of contracts on the insurance of travellers and luggage,

- assistance in obtaining travel documents, visas and other documents necessary for crossing the border and staying abroad, documents for hunting, fishing, diving, sailing and other documents necessary for organizing and carrying out various forms of the tourism offer,
- reservations, purchase and sale of tickets for all types of events, museums and the like, and the sale of goods connected with the trip (various travel necessities, souvenirs, tourism publications and the like),
- organisation and provision of services in connection with card and travellers' checks operations, and the provision of exchange services in accordance with special regulations,
- lease and mediation in the lease of vehicles, air-craft and vessels,
- agency and nautical services for accommodation and equipment of vessels in nautical tourism.

(2) The services referred to in paragraph 1, subparagraphs 1 through 9 of this Article may be provided only by a tourist agency, unless provided otherwise by this Act or some other regulations.

(3) By way of derogation from paragraph 2 of this Article, legal and natural persons referred to in Article 3, paragraph 1 of this Act may organise trips (package tours and excursions), conclude related contracts, and carry them out on the vessel, which belongs to the category of vessels for nautical tourism, without having to establish a tourist agency, if they are registered for the performance of the services of organising trips (package tours and excursions).

(4) If the trip referred to in paragraph 3 of this Article includes a visit to tourist sites (localities), an authorised tourist guide must be used for such a visit.

(5) The sale and booking of services referred to in paragraph 3 of this Article may be performed on a vessel and in the immediate vicinity of the place where the vessel is berthed, at the location foreseen for this purpose at the place of accommodation of the guests, or on premises that may be designated by decision of the representative body of the unit of local self-government or the port authority, or subject to the consent of the users of the premises in accordance with a specific regulation, or through tourist agencies.

(6) By way of derogation from paragraph 2 of this Article, on its business premises the Croatian Youth Hostel Association may provide the services of a tourist agency referred to in paragraph 1, subparagraphs 1, 4, 5, 7, 10, 11 and 13 of this Article to its members and to the members of international youth tourism associations that it is a member of for the purpose of promoting youth tourism and tourism youth culture.

(7) Tourist agencies may organise or mediate in the provision of services related to accommodation only for the accommodation capacities of the hospitality service provider who is in possession of the relevant decision of the competent body.

Article 8

(1) The wording "tourist agency" must be used in the name of the tourist agency as a more precise indication of its activity.

(2) By way of derogation from paragraph 1 of this Article, the wording "travel agency" may be used as a more precise indication of the activity concerned in place of the wording "tourist agency".

(3) In their company name, tourist agencies may also use expressions common in the tourism business, such as "tours", "travel" and the like, next to the designation indicating the name of the tourist agency.

(4) In an ordinance from Article 9 paragraph 2 herein, the Minister may prescribe special conditions regarding the equipment and personnel of a tourist agency, based on which a tourist agency may be granted the right to indicate, in addition to its name, the typical abbreviation in agency operation - 'DMC' (destination management company) and/or 'PCO' (professional congress organizer).

(5) The authorisation from paragraph 4 of this Article shall be issued by the Minister upon request of the tourist agency.

Article 9

(1) For the performance of their services, tourist agencies must have an office or business premises that meets the conditions in terms of design and equipment, as well as in terms of staff, depending on the type of services provided.

(2) Exceptionally from paragraph 1 of this Article, tourist agencies offering direct services to passengers via the Internet (internet agencies) may provide services in residential facilities at which the office manager has registered residence.

(3) An internet agency may, in addition to the office manager, employ a maximum of one additional person.

(4) The minister shall prescribe by ordinance the conditions concerning the design and equipment of the office or business premises and staff which must be met by tourist agencies based on the type of services provided.

2 Conditions for the provision of tourist agency services

Article 10

(1) Legal or natural persons may provide tourism services as determined by a decision of the state administration office in the county, or from the administrative body of the City of Zagreb competent for tourism affairs (hereinafter: competent office) depending on the seat or location of the office or business premises, or the residential premises of the tourism agency, establishing that it meets the conditions laid down in this Act and regulations adopted pursuant to this Act.

(2) The decision referred to in paragraph 1 of this Article must be obtained for each office or business premises or residential premises of the tourist agency.

(3) The competent office must establish whether the conditions referred to in paragraphs 1 and 2 of this Article are fulfilled by a decision within 30 days from the date on which the application was duly submitted.

(4) The decision referred to in paragraph 3 of this Article is entered in the Register of Tourist Agencies maintained by the competent office.

(5) The form, content and the manner of maintaining the Register referred to in paragraph 4 of this Act are prescribed by the minister by ordinance.

(6) The costs of the procedure referred to in paragraph 3 of this Article are borne by the applicant.

(7) The provisions of this Act shall apply accordingly in the event of changes to the services which are provided by the tourist agency.

(8) Tourist agencies may provide only the services specified in the decision of the competent office.

(9) An appeal against the decision referred to in paragraph 3 of this Article may be filed with the ministry competent for the tourism sector (hereinafter referred to as: the Ministry).

Article 11

The application for the issuance of the decision referred to in Article 10, paragraph 3 of this Act shall include:

1. the company name and seat of the tourist agency,
2. the decision on entry in the commercial register or the register of trades and crafts,
3. the list of services to be provided,
4. proof concerning the right to use the office or business premises or residential premises,
5. data and proof concerning the design and equipment of the office or business premises,
6. data about the office manager and evidence on the fulfilment of conditions for the position of office manager, that is, about the person who fulfils the requirements for office manager, in accordance with the provisions of this Act, unless the tourist agency provides the services directly to the user,
7. proof of fulfilment of conditions in accordance with a special regulation, without which, according to the regulation concerned, the Ministry or the competent office may not issue the decision on the fulfilment of conditions for the performance of the activities.

Article 12

(1) The decision referred to in Article 10 of this Act shall include:

1. the company name and seat of the tourist agency,
 2. the services of the tourist agency and the identification code of the tourist agency,
 3. the place, street and house number of the office or business premises or residential premises
 4. the first and last name, date and place of birth and address of the office manager or the person who fulfils the requirements for the position of office manager, if the services are provided directly to the user.
- (2) The tourist agency must notify the competent office of any changes to the data referred to in paragraph 1 of this Article within eight days from the day the change occurred.
- (3) The competent office shall adopt a decision on the entry in the Register referred to in Article 10, paragraph 4 of this Act of the changes to the data referred to in paragraph 1 of this Article.
- (4) The minister shall prescribe by ordinance the form and content of the identification code of the tourist agency.

Article 13

In addition to the obligations laid down in Article 4 of this Act, the tourist agency shall also:

1. place a sign in a visible location at the entrance to the office or business premises or residential premises with the company name and seat of the tourist agency,
2. indicate the working hours in a visible location at the entrance to the office or business premises and adhere to such working hours,
3. if it represents other tourist agencies, explain its capacity and authorisations,
4. in all advertisements and promotional materials, as well as in all business documents, visibly indicate the company name and seat and the identification code of the tourist agency,

5. keep as a business secret all data about travellers and not reveal without their permission, except in the cases foreseen by law, their address, place and time of travel, stay, price paid, and the names of their fellow travellers,
6. provide to the traveller all services stipulated in the contract,
7. notify the traveller of the content of the valid contract on insurance against liability for damages incurred by the traveller because of non-performance, partial performance or undue performance of the obligations relating to package tours,
8. offer to the traveller insurance against accidents or illness during the trip, damage or loss of luggage, voluntary health insurance for the duration of the trip and stay abroad, insurance against cancellation of the trip and insurance for the costs of assistance and return of the traveller to the place of departure in the case of an accident or illness, and to notify him of the content.

Article 14

- (1) The tourist agency organising trips (package tours and excursions) or providing transport services must use means of transport in which the travellers are insured against accidents and the luggage against loss and damage, as well as to accommodate the users of services in such hospitality and catering facilities in which they are insured against accidents.
- (2) The tourist agency shall be deemed to have fulfilled the obligation referred to in paragraph 1 of this Article if it has concluded a contract with the insurer on insurance against liability, covering the risks listed in paragraph 1 of this Article.

Article 15

The tourist agency shall perform transport of travellers either by proper means of transport or by means of transport of other carriers in accordance with special regulations governing the transport of travellers.

Article 16

- (1) If the tourist agency organises trips (package tours and excursions), throughout the duration of the trip it must use at least one tourist escort who fulfils the requirements laid down in this Act, for each group from 15 to 75 travellers.
- (2) For visits to tourist sites (localities), the tourist agency must use a tourist guide who is authorised to provide the services of a tourist guide for the tourist site (locality), that is, the person referred to in Article 26, paragraph 8 of this Act.

Article 17

The tourist agency shall issue a programme, brochure or catalogue (promotional materials, printed or electronic) for each trip (package tour and excursion) that it is to organise, which must be made available to the traveller before the conclusion of the contract on organising the trip, and which, depending on the services concerned, must include the following information:

- price of the trip,
- destination,
- means, characteristics and category of transport,

- type of accommodation facility, its location and category, and the tourism classification according to the law of the state in which the facility is located,
- number of meals per day,
- itinerary,
- down payment amount or percentage, and the number, as well as the amount of instalments until payment of full price,
- border, visa and health formalities concerning the trip and stay at the place of destination, the minimum number of travellers required to organise a trip and the time limit by which travellers will be informed about the cancellation of the trip if not enough travellers have applied.

3 Deposits for package tours

Article 18

- (1) The tourist agency organising the trip must place a deposit with a bank or insurance company for each package tour in order to be able to provide compensation to the traveller:
- of the price paid for the trip in the event that the services are not performed because of the insolvency or bankruptcy of the tourist agency, and
 - costs incurred because of the insolvency or bankruptcy of the travel agency for the return of travellers to the place of departure.
- (2) The deposit may be in the form of an insurance policy, cash deposit or bank guarantee.
- (3) The tourist agency must issue a deposit certificate to the traveller at the time of payment of the amount for the package tour, which enables the tourist to realise his right to compensation referred to in paragraph 1 of this Article directly from the bank or the insurance company.

4 Liability insurance

Article 19

The tourist agency organising the trip (package tour) must conclude a liability insurance contract with the insurer for the damages incurred by the traveller as the result of non-performance, partial performance or undue performance of the obligations related to the package tour.

5 Offices

Article 20

- (1) The tourist agency providing services directly to the traveller must have an office, except in the case from Article 9, paragraph 2 of this Act.
- (2) By way of derogation from paragraph 1 of this Article, the tourist agency may also directly provide services to the traveller outside the branch office, specifically at the foreseen location in the facility for the accommodation of guests, at the location designated by the representative body of the unit of local self-government or the port authority in accordance with Article 7, paragraph 5 of this Act, or at some other location subject to the consent of the users of the premises in accordance with a specific regulation.
- (3) The office must meet the following conditions:

1. according to the type of services provided, it must meet the conditions laid down in the ordinance referred to in Article 9 of this Act,

2. it must be a separate business unit in relation to other business premises in the same building.

(4) By way of derogation from paragraph 4, item 2 of this Article, the office need not be a separate business unit if the space is located in buildings intended for commercial and banking activities, in hotels, at fairs, railway stations or terminals for the public services of transport by ground, sea or air, and the like.

6 Office managers

Article 21

(1) The tourist agency providing services directly must in each office have at least one person employed as office manager, and if it does not have an office it must have at least one person employed full time who meets the requirements for office manager.

(2) In the event of justified absence (sick leave, maternity leave, termination of employment and the like) of the office manager or the person employed in the tourist agency in accordance with paragraph 1 of this Article, on a temporary basis, but not for a period longer than 6 months over a period of three years, the tourist agency may designate a person who fulfils the requirements for office manager laid down in Article 22, paragraph 1, items 1 through 3 and item 5 of this Act for the performance of such activities.

(3) The office manager is held accountable for his work in the office in accordance with this Act.

(4) The persons referred to in paragraphs 1 and 2 of this Article are held accountable for their work in the tourist agency in the same way as the office manager.

Article 22

(1) Within the meaning of this Act, the office manager shall be a citizen of the Republic of Croatia who meets the conditions for office manager laid down by this Act.

(2) Office manager within the meaning of this Act shall also include the citizens of the Member States of the European Union and the European Economic Area meeting the conditions for office manager laid down by this Act.

(3) Office manager shall meet the following conditions:

1. he must have business capacity,

2. he must at least have secondary school qualifications,

3. he must be fluent in at least one world language and be familiar with one more, and he must have sufficient command of the Croatian language to enable him to perform the job of office manager,

4. he must have passed the certification exam for office manager and have two years of experience on the corresponding activities in the tourist agency or other corresponding activities in tourism,

5. he must not have been issued a security measure or protective measure prohibiting him from performing the activities of office manager pursuant to a legally effective court judgement or misdemeanour decision, for the duration of the measure.

(4) Proof of the fulfilment of the conditions referred to in paragraph 3, items 1 and 5 of this Article, is obtained by the competent office in the line of duty.

(5) Foreign citizens who have a company or trade/craft for the provision of tourist agency services which is registered in the Republic of Croatia or who have received a permanent residence permit in the Republic of Croatia may perform the job of office manager subject to the consent of the Ministry, provided that they meet the conditions laid down in paragraph 3 of this Article.

Article 23

(1) The certification exam for office manager is conducted before a commission with the relevant university, which is appointed by the minister by decision.

(2) The certification exam for office manager is taken according to a pre-determined syllabus.

(3) The minister determines the syllabus of the certification exam for office manager in the form of an ordinance.

(4) The syllabus referred to in paragraph 2 of this Article shall be published in the Official Gazette.

(5) Every candidate who passes the certification exam shall receive a certificate confirming the exam has been passed.

7 Discontinuation of the provision of tourist agency services

Article 24

(1) The tourist agency shall discontinue the provision of services:

1. by deregistration of business, as of the date stated in the deregistration application or as of the date of submitting the deregistration application to the competent office if the deregistration application states a past date,

2. if it is determined in the course of inspectional supervision that in the provision of tourist agency services the conditions laid down in this Act, regulations adopted pursuant to this Act and other regulations are not met, and if defects observed are not remedied within the set deadline, as of the date of expiration of the deadline,

3. if the competent body determines at a later date that the decision was issued based on inaccurate data or forged documents,

4. as the result of the established inactivity of the tourist agency lasting without interruptions for a period longer than one year,

5. as the result of the issuance of the measure of prohibition to provide tourist agency services in accordance with this Act and regulations adopted pursuant to this Act,

6. if the tourist agency fails to start providing the services within a period of one year of the day the decision became final.

(2) The competent office shall bring a decision and enter the discontinuation of the provision of the services referred to in paragraph 1 of this Article in the Register referred to in Article 10, paragraph 3 of this Act, and shall forward the decision to the local competent office of the Ministry tourism inspection and the competent branch office of the regional office of the Tax Administration.

(3) An appeal against the decision referred to in paragraph 2 of this Article may be filed with the Ministry.

Article 25

The provisions of Articles 4 and Articles 13 through 19 of this Act shall apply accordingly to the provision of the services referred to in Article 7, paragraph 3 of this Act, unless they are provided through a tourist agency, or the services referred to in Article 7, paragraph 6 of this Act, except in the part concerning the conditions and the marking of business premises, the tourist agency office manager, the representation of other tourist agencies and the identification code of the tourist agency.

III THE SERVICES OF TOURIST GUIDES, TOURIST ESCORTS, ENTERTAINMENT ORGANISERS AND AGENCY REPRESENTATIVES

1 Tourist guides

Article 26

(1) A tourist guide is a natural person referred to in Article 3, paragraph 6 of this Act who guides and provides verbal information to tourists concerning the natural beauties and rarities, cultural-historical monuments, works of art, ethnographic and other sites, historical events, famous persons, legends about various events and people, economic and political events.

(2) Tourist guides may provide the services of tourist guides as traders/craftsmen or companies.

(3) Within the meaning of this Act, tourist guides means any citizen of the Republic of Croatia who meets the conditions for tourist guide laid down in this Act.

(4) Tourist guides, within the meaning of this Act, means also the citizens of the Member States of the European Union and the European Economic Area who meet the conditions for tourist guide laid down in this Act.

(5) Tourist guides may provide services in the area of tourist sites (localities) and in other parts of the Republic of Croatia which are not designated as tourist sites (localities) if they have passed the general part of the certification exam for tourist guide and the special part of the certification exam which relates to tourist sites (localities).

(6) Tourist guides may pass only the general part of the certification exam for tourist guide based on which he may perform the services of tourist guide in the areas of the Republic of Croatia which are not designated as a tourist site (locality).

(7) The minister shall determine the list of tourist sites (localities) by counties in the form of an ordinance, subject to the prior opinion of the minister competent for culture and the protected areas of nature.

(8) Persons performing the activities of professional guiding in a museum, gallery, protected area of nature, archaeological site and the like, mountain guides, hiking guides, speleological guides, guides in diving tourism and hunting and fishing guides are not regarded as tourist guides.

(9) Foreign citizens following organised group trips of a foreign organiser which started abroad and which will end abroad shall not be regarded as tourist guides within the meaning of this Act if they do not provide the services of tourist guides in the area of tourist sites (localities).

Article 27

- (1) For the performance of the tourist guide services, the tourist guide must obtain a decision approving the performance of such services, which decision is issued by the competent office, depending on the area for which he has passed the certification exam.
- (2) The decision on the approval referred to in paragraph 1 of this Article shall be issued at the application of the tourist guide if he meets the following conditions:
 1. he must have business capacity,
 2. he must at least have secondary school qualifications,
 3. he must have passed the certification exam for tourist guide,
 4. he must be fluent in the language to be used in the performance of tourist guide services and have sufficient command of the Croatian language to enable him to perform the services of tourist guide,
 5. he must not have been issued a security measure or protective measure prohibiting him from performing tourist guide activities pursuant to a legally effective court judgement or misdemeanour decision, for the duration of the measure.
- (3) Proof of the fulfilment of the conditions referred to in paragraph 2, items 1 and 5 of this Article shall be obtained by the competent office in the line of duty.
- (4) The competent office shall issue the decision on the application referred to in paragraph 2 of this Article within 30 days from the date on which the application was duly submitted.
- (5) The decision approving the performance of tourist guide services shall be entered in the Register of Tourist Guides maintained by the competent office.
- (6) The minister shall prescribe by ordinance the form, content and the manner of maintaining the Register referred to in paragraph 5 of this Article.
- (7) The competent office shall forward the decision approving the performance of tourist guide services to the local competent office of the Ministry tourism inspection and to the competent branch office of the regional office of the Tax Administration.
- (8) An appeal against the decision referred to in paragraph 1 of this Article may be filed with the Ministry.

Article 28

The decision on the approval referred to in Article 27 of this Act must include:

1. first and last name, date and place of birth and address of the tourist guide,
2. area in which he is to provide the tourist guide services,
3. professional qualifications and date on which he passed the tourist guide certification exam,
4. language in which he is to perform the tourist guide services,
5. period in which he is to perform the services, if he is to perform them seasonally.

Article 29

- (1) The tourist guide certification exam shall be conducted before a commission with the relevant university, appointed by the minister by decision.
- (2) The tourist guide certification exam shall be taken according to a pre-determined syllabus, which consists of the general and the special part.
- (3) The minister shall prescribe by ordinance the syllabus of the tourist guide certification exam, the composition of the commission, and the manner of sitting for the exam.

(4) The syllabus referred to in paragraph 2 of this Article shall be published in the Official Gazette.

(5) Every candidate who passes the certification exam shall receive a certificate confirming the exam has been passed.

Article 30

(1) In the event of significant changes to the regulations and other conditions which require a substantially different content and manner of providing services or if it is deemed necessary to renew the knowledge of tourist guides, the knowledge of tourist guides may be examined.

(2) The minister shall determine the need to examine the professional knowledge of tourist guides referred to in paragraph 1 of this Article and the manner of testing their knowledge, as well as other issues related to the examination of the professional knowledge of tourist guides in the form of a decision.

Article 31

(1) The tourist guide shall provide tourist guide services in accordance with the approval issued.

(2) The tourist guide shall issue an invoice to the beneficiary of the service for the service provided if the performance of the service is not organised by a tourist agency or if the invoice is not issued by an association of tourist guides of which he is a member.

Article 32

(1) The tourist guide must wear the tourist guide identity card indicating his professional capacity while performing tourist guide services.

(2) The minister shall prescribe by ordinance the appearance and the form of the tourist guide identity card, and the manner of its issuance and use.

Article 33

(1) The decision approving the performance of tourist guide services shall cease to be valid:

1. by deregistration of the tourist guide, as of the date stated in the deregistration or as of the date of submitting the deregistration application to the competent office,

2. if the competent body determines at a later date that the approval was issued based on inaccurate data or forged documents.

(2) The competent office shall issue a decision on the cessation of validity of the approval and enter it in the Register referred to in Article 27, paragraph 5 of this Act, and forward the decision to the local competent office of the Ministry tourism inspection and the competent branch office of the regional office of the Tax Administration.

(3) An appeal against the decision referred to in paragraph 2 of this Article may be filed with the Ministry.

Article 34

- (1) Prominent scientists and experts may be granted the capacity of honorary tourist guide in their field of narrow specialisation, subject to the fulfilment of the conditions laid down in Article 27, paragraph 2, items 1, 4 and 5 of this Act.
- (2) Honorary tourist guides may perform the activities of guide only occasionally.
- (3) The minister shall establish the recognition of the capacity of honorary tourist guide in the form of a decision.

Article 35

For the performance of tourist guide services, tourist agencies and other users of tourist guide services must use the services of a person who meets the conditions laid down in this Act for tourist guides.

Article 36

The associations of tourist guides, in their name and on behalf of their members, may act as mediators in the provision of tourist guide services, subject to the issuance of an invoice to the user of the service.

2 Tourist escorts

Article 37

- (1) A tourist escort is a natural person referred to in Article 3, paragraph 6 of this Act who performs operative and technical activities in guiding and escorting tourists and who may provide, except at tourist sites (localities), the basic information about the areas covered by the trip.
- (2) Within the meaning of this Act, tourist escorts means citizens of the Republic of Croatia who meet the conditions for tourist escort laid down in this Act.
- (3) Within the meaning of this Act, tourist escorts also means citizens of the Member States of the European Union and the European Economic Area who meet the conditions for tourist escort laid down in this Act.
- (4) A foreign citizen who acts as escort in group trips organised by foreign organisers that started in a foreign state and that end by return to the foreign state is not regarded as a tourist escort within the meaning of the provisions of this Act.

Article 38

- (1) For the provision of tourist escort services, the tourist escort shall pass the certification exam for tourist escort.
- (2) Only persons with business capacity and with secondary school qualifications may sit for the certification exam for tourist escort.
- (3) Persons who passed the certification exam for tourist guide shall be released from the obligation to pass the certification exam for tourist escort.

Article 39

- (1) The certification exam for tourist escorts shall be conducted before a commission that may be appointed by the tourist agency, a vocational association, the Croatian Chamber of Economy and the Croatian Chamber of Arts and Crafts, on prior consent of the minister, and according to a pre-determined syllabus laid down by the minister in the form of an ordinance.
- (2) The pre-determined syllabus referred to in paragraph 1 of this Article shall be published in the Official Gazette.
- (3) A certificate shall be issued to every candidate who successfully passes the certification exam.

Article 40

- (1) For the provision of tourist escort services, tourist agencies must use the services of a person who meets the conditions laid down in this Act.
- (2) While providing his services, the tourist escort shall have in his possession the certificate confirming that he passed the certification exam.

3 Entertainment organisers

Article 41

- (1) Entertainment organisers are natural persons referred to in Article 3, paragraph 6 of this Act who develop and carry out programmes for the leisure time of tourists in terms of sports, recreational activities and entertainment.
- (2) For the performance of entertainment organiser services, legal or natural persons may use any person who has business capacity and at least secondary school qualifications.

4 Agency representatives

Article 42

- (1) The agency representative is a natural person referred to in Article 3, paragraph 6 of this Act who represents the tourist agency that organised the trip (package tour) before the service providers and clients at the place of destination.
- (2) At the latest 15 days before the commencement of the activities referred to in paragraph 1 of this Article, the agency representative must forward the tourist agency representation contract to the Ministry for the purpose of its entry in the Register of Tourist Agency Representation Contracts.
- (3) The tourist agency representation contract between the tourist agency and the agency representative may be concluded by the tourist agency organising the package tour or by some other tourist agency at the request of the tourist agency organising the package tour.
- (4) The tourist agency that has concluded the tourist agency representation contract with the agency representative must notify the service provider in writing about the agency representative, his powers and all resulting changes.
- (5) The Register of Tourist Agency Representation Contracts shall be maintained by the Ministry.
- (6) The minister shall prescribe by ordinance the form, content and the manner of maintaining the Register referred to in paragraph 5 of this Article.

Article 43

The powers and duties of the agency representative are:

1. to protect the interests and the rights of travellers and organisers of the trip before the providers of services,
2. to provide information and instructions to the travellers in the implementation of the itinerary and additional services,
3. on behalf and for the account of the organiser of the trip, to obtain additional services for the users of package tours (excursions, cultural and sporting events, and the like) foreseen in the determined itinerary, according to powers conferred,
4. to perform other activities necessary for the protection of the interests of the travellers and organisers of the trip.

IV TOURISM SERVICES IN NAUTICAL TOURISM

Article 44

Nautical tourism means the navigation and stay of tourists-sailors on vessels (yachts, recreational small crafts and boats for both personal use and commercial activities, and the like), as well as their stay in ports of nautical tourism for the purpose of rest and recreation.

Article 45

(1) Nautical tourism services are:

1. lease of berths in the ports of nautical tourism for the accommodation of vessels and tourists-sailors staying aboard,
2. lease of vessels with or without crew, with or without the provision of accommodation services, for the purposes of rest, recreation and cruising of tourists-sailors (charter, cruising and the like),
3. services of manoeuvring the vessels for tourists-sailors,
4. accommodation, safeguarding and maintenance of vessels at berth in sea and in dry dock,
5. services of supplying tourists-sailors (with water, fuel, groceries, spare parts, equipment and the like),
6. equipping and preparing of vessels,
7. provision of various information to tourists-sailors (forecasts, nautical guides and the like),
8. other services for the purposes of nautical tourism.

(2) The minister may prescribe by ordinance the minimum conditions for the provision of specific services referred to in paragraph 1 of this Article.

Article 46

(1) Nautical tourism services shall be generally provided in ports of nautical tourism and on vessels of nautical tourism.

(2) Ports and vessels of nautical tourism shall be classified into classes, and certain classes are categorised.

(3) Ports and vessels of nautical tourism shall meet the conditions prescribed for the specific class and category, if categorised.

(4) The minister shall prescribe the class and category of ports and vessels of nautical tourism, minimum requirements that must be met by ports of nautical tourism, and the categories and the manner of categorisation of ports and vessels of nautical tourism, in the form of an ordinance.

Article 47

(1) The legal or natural person referred to in Article 3, paragraph 1 of this Act may provide nautical tourism upon obtaining a decision that the conditions for the provision of such services laid down in this Act and regulations adopted pursuant to this Act, as well as other conditions laid down in other regulations, without which a decision on the fulfilment of conditions for the performance of the activity may not be issued under such regulations, have been satisfied.

(2) The Ministry, at the request of the legal or natural person, establishes by a decision the fulfilment of minimum conditions and conditions for a specific category for the ports of nautical tourism that are subject to categorisation.

(3) The competent office, depending on the location of the seat of the port of nautical tourism, at the request of the legal or natural person, shall establish in the form of a decision the fulfilment of minimum conditions for ports of nautical tourism that are not subject to categorisation.

(4) The competent bodies referred to in paragraphs 2 and 3 may not issue the decision referred to in paragraph 1 of this Article to a legal or natural person who does not have the concession to use the port of nautical tourism.

(5) The competent office according to the place of registration of the vessel, at the request of the legal or natural person, shall determine the fulfilment of conditions for the class, that is, the class and category of the vessel in the form of a decision.

(6) The decisions referred to in paragraphs 2, 3 and 5 of this Article shall be forwarded to the local competent office of the Ministry tourism inspection and the competent branch office of the regional office of the Tax Administration.

(7) The decision referred to in paragraphs 2 and 3 of this Article shall be entered in the Register of Ports of Nautical Tourism, which is maintained by the Ministry, that is, the competent office, and the decision referred to in paragraph 5 of this Article shall be entered in the Register of Vessels, which is maintained by the competent office.

(8) The Minister shall prescribe by ordinance the form, content and the manner of maintaining the registers referred to in paragraph 7 of this Article.

(9) The costs of the procedure referred to in paragraphs 2, 3 and 5 of this Article shall be borne by the applicant.

(10) An appeal against the decision referred to in paragraphs 3 and 5 of this Article may be filed with the Ministry.

(11) An appeal is not permissible against the decision referred to in paragraph 2 of this Article, but an administrative dispute may be initiated against it.

(12) Exceptionally, without the decision from paragraph 1 of this Article, tourism services of chartering vessels and the provision of accommodation services may be provided by legal and natural persons, if they meet the requirements pursuant to special regulations from the competency of the ministry responsible for maritime affairs, governing the requirements for performing the activity of the chartering of vessels with or without crew and the provision of guest accommodation services on vessels.

Article 48

- (1) The decision referred to in Article 47, paragraphs 2 and 3 of this Act shall cease to be valid:
1. by deregistration of business, as of the date stated in the deregistration application or as of the date of submitting the deregistration application to the competent office if the deregistration application states a past date,
 2. if it is determined in the course of inspectional supervision that in the provision of nautical tourism services the conditions laid down in this Act, regulations adopted pursuant to this Act and other regulations, are not met, and if defects observed are not remedied within the set deadline, as of the date of expiration of the deadline,
 3. if the competent body determines at a later date that the decision was issued based on inaccurate data or forged documents,
 4. as the result of the determined inactivity of the service provider lasting without interruptions for a period longer than one year,
 5. if the service provider fails to start providing services within a period of one year from the day the decision became final.
 6. on termination of the concession for the use of the port of nautical tourism.
- (2) The decision referred to in Article 47, paragraph 5 of this Act shall cease to be valid for the reasons laid down in paragraph 1, items 1 through 5 of this Article.
- (3) The Ministry, that is, the competent office shall issue a decision on the termination of validity of the decision referred to in paragraphs 1 and 2 of this Article, and forward the decision to the local competent office of the Ministry tourism inspection and the competent branch office of the regional office of the Tax Administration.
- (4) An appeal against the decision referred to in paragraph 3 of this Article may be filed with the Ministry.
- (5) An appeal is not permissible against the decision referred to in paragraph 3 of this Article, which is adopted by the Ministry, but an administrative dispute may be initiated against it.

V TOURISM SERVICES ON RURAL FARMS OR FAMILY AGRICULTURAL FARMS

Article 49

- (1) Tourism services for the purpose of rest and recreation of tourists may be provided on family agricultural farms entered into the Register of Agricultural Farms, and in woods of wood owners entered into the Register of Wood Owners, in accordance with regulations under the competence of the ministry in charge of agriculture (hereinafter: rural farms).
- (2) Tourism services from paragraph 1 of this Article shall encompass agricultural, forestry, sports, recreational, educational and similar activities connected with rural farming (participation in agricultural activities like picking fruits and vegetables, collecting harvest, hunting and fishing, carriage or boat rides, bike rides, horseback riding, walking and similar activities, like renting equipment, tools and gear for these activities, provision of creative and educational workshops related to agriculture, traditional crafts, tours of agricultural farms, including its natural and cultural values, visits to registered private ethnological collections and alike).
- (3) In accordance with the act regulating the provision of these services, adequate field trips may be organised for guests using accommodation services on the rural farm, when requirements from Articles 14 to 17 herein have been fulfilled.

(4) Tourism services from paragraph 2 of this Article may be provided for a maximum of 80 tourists simultaneously, while tourist services from paragraph 3 of this Article may be provided for a maximum of 50 tourists simultaneously.

(5) Provisions of Article 4 paragraph 1 items 1 to 3 herein shall apply to the provision of services from paragraph 2 of this Article.

(6) The Minister may prescribe minimum conditions for the provision of services from paragraph 1 of this Article.

Article 50

(1) To provide tourist services from Article 49 herein, the holder or member of a family agricultural farm or a forest owner shall obtain a decision on approval to provide tourist services on the rural farm from the office competent for the location where services are provided.

(2) The decision from paragraph 1 of this Article shall be issued upon request of the holder or a family member of the agricultural farm or forest owner, subject to the following conditions:

1. that the family agricultural farm is entered into the Ledger of Agricultural Farms, or into the Ledger of Forest Owners,

2. that the applicant is entitled to use the facility and/or land on which the tourist services from Article 49 paragraph 2 herein are to be provided,

3. that requirements for the provision of tourist services prescribed by this Act and the regulations adopted on its basis, or in other regulations, are fulfilled.

(3) The competent office from paragraph 1 of this Article shall resolve the request from paragraph 2 of this Article within 30 days from the date of its submission.

(4) By way of derogation from paragraph 1 of this Article, a family agricultural farm which obtained a decision on approval for providing hospitality and catering services on the rural household, in compliance with the Hospitality and Catering Industry Act may, upon a prior notice to the competent local office of the State Inspectorate, provide services from Article 49 herein if requirements from paragraph 2 item 3 of this Article have been fulfilled.

(5) An appeal to the Ministry may be filed against the decision from paragraph 1 of this Article.

Article 51

(1) The decision on the approval referred to in Article 50 of this Act shall include:

1. first and last name, date and place of birth, and address of the applicant,

2. registration personal number of the rural farm,

3. type of tourism services to be provided and, if necessary, means assets and place of providing the services,

4. an indication whether the service is provided throughout the year or only seasonally.

(2) The competent office referred to in Article 50, paragraph 1 of this Act shall forward the decision referred to in paragraph 1 of this Article to the local competent office of the Ministry tourism inspection and the competent branch office of the regional office of the Tax Administration.

Article 52 (deleted)

Article 53

(1) The decision on the approval referred to in Article 50 of this Act shall cease to be valid:

1. by deregistration, as of the date stated in the deregistration application or as of the date of submitting the deregistration application to the competent office referred to in Article 50, paragraph 1 of this Act if the deregistration application states a past date,
2. if it is determined in the course of inspectional supervision that in providing the tourism services referred to in Article 49 the conditions laid down in this Act and regulations adopted pursuant to this Act are not met, and if the defects observed are not remedied within the set deadline, as of the date of expiration of the deadline,
3. if the competent body determines at a later date that the decision was issued based on inaccurate data or forged documents,
4. if the provider of tourism services on the rural farm fails to start providing the services within a period of one year from the day the decision on the approval became final.

(2) The competent office referred to in Article 50, paragraph 1 of this Act shall issue a decision about the termination of validity of the approval referred to in paragraph 1 of this Article, and forward the decision to the local competent office of the Ministry tourism inspection and the competent branch office of the regional office of the Tax Administration.

(3) An appeal against the decision referred to in paragraph 2 of this Article may be filed with the Ministry.

VI TOURISM SERVICES IN OTHER FORMS OF THE TOURISM OFFER

Article 54

(1) Tourism services may be provided in special forms of the tourism offer: rural, health, cultural, wellness, congress, youth, adventure, hunting, sports, golf-tourism, sport or recreational sea fishing, diving tourism, sport fishing in fresh water as a supplementary activity in the breeding of sea and fresh-water fish, crabs and shells, and the like), and may be provided by legal or natural persons referred to in Article 3, paragraph 1 of this Act, unless otherwise provided by this Act.

(2) The minister may prescribe by ordinance the minimum conditions for the performance of specific tourism services referred to in paragraph 1 of this Article, subject to the opinion of the minister competent for the fields included in the special form of tourism offer.

(3) For the provision of tourism services referred to in paragraph 1 of this Article, legal or natural persons must obtain a decision approving the provision of such tourism services from the competent office according to the place where the services will be provided.

(4) The provisions of Articles 11, 12 and 24 of this Act apply accordingly to the issuance, content and termination of validity of the decision referred to in paragraph 3 of this Article.

(5) With respect to individual special forms of the tourism offer, and depending on the interests of the Republic of Croatia, the Government of the Republic of Croatia or the Ministry may adopt special programmes.

VII OTHER TOURISM SERVICES

Article 55

- (1) Other tourism services within the meaning of this Act are the lease of gear and equipment for sports and recreation, such as canoes, windsurfing boards, water bicycles, parasols, deck chairs and the like, which may be provided by legal or natural persons referred to in Article 3, paragraph 1 of this Act.
- (2) Legal or natural persons providing the services referred to in paragraph 1 of this Article must contract insurance against accidents in favour of the service users.
- (3) The representative body of the local self-government unit shall prescribe by decision the conditions and the places for providing the services referred to in paragraph 1 of this Article.
- (4) For the provision of the tourism services referred to in paragraph 1 of this Article, the legal or natural person shall obtain a decision approving the provision of such tourism services from the competent office according to the place where the services will be provided.
- (5) The provisions of Articles 11, 12 and 24 of this Act apply accordingly to the issuance, content and termination of validity of the decision referred to in paragraph 3 of this Article.

VIII TOURISM SERVICES INVOLVING SPORTS, RECREATION OR ADVENTURE

Article 56

- (1) Tourism services which include sports-recreational or adventure activities (skiing, diving, sailing, horse-back riding, mountain guidance, rafting, canoeing and in other similar vessels, paragliding, bungee-jumping and the like) shall be provided under the conditions laid down in this Act, regulations adopted pursuant to this Act and other regulations, provided that they are rendered by professionally trained persons (trainers, instructors, teachers, supervisors, guides and the like).
- (2) Before the commencement of the services referred to in paragraph 1 of this Article, the service provider must notify the service user both in express written form as well as orally about the types of risks entailed in the exercise of the service.
- (3) For the performance of the services referred to in paragraph 1 of this Article, the service provider must contract insurance against accidents for the service users.
- (4) The services referred to in paragraph 1 of this Article may be provided to persons under the age of 18 only with written consent from the parent or guardian.
- (5) The provider of services referred to in paragraph 1 of this Article may refuse to provide services to a person under the age of 18, regardless of the consent of the parent or guardian.
- (6) The minister may prescribe by ordinance the conditions for the provision of the tourism services referred to in paragraph 1 of this Article, the technical conditions for the means used to provide the services, and the method and programme for the vocational training of persons referred to in paragraph 1 of this Article, which are not governed by a special regulation, subject to the approval of the minister competent for education and/or sports.

IX SUPERVISION

Article 57

- (1) Administrative supervision of the application of this Act and regulations adopted pursuant to this Act is carried out by the Ministry.
- (2) Inspectional supervision of the implementation of this Act and regulations adopted pursuant to this Act as well as individual acts, the conditions and the manner of work of the legal and natural persons subject to supervision is conducted by competent tourism inspectors (hereinafter referred to as: tourism inspectors) and other inspectors, each within his competence, in accordance with special regulations.

Article 58

- (1) When conducting inspection in the area of tourist services, the tourism inspector shall prohibit, by an oral decision recorded in minutes, further performance of tourist services to a legal or natural person until the established deficiencies have been eliminated, and for a minimum period of 30 days:
 - if activities are performed without entry into the prescribed register or ledger, or without authorisation,
 - if activities are performed without a decision establishing that premises, appliances and equipment fulfil the prescribed requirements.
- (2) If the person from paragraph 1 herein is not present during inspection, the tourism inspector shall issue an oral decision on prohibiting further tourist services in his/her absence and without his/her statement, in the presence of other on-site participants.
- (3) The oral decision from paragraph 1 of this Article shall be carried out by sealing off the premises, facilities, appliances and other equipment used for the provision of tourist services, at the latest within 24 hours from the oral decision or in another adequate manner, regardless of whether the person from paragraph 1 of this Article is present or not.
- (4) In case of implementing the oral decision pertaining to the sealing off of premises, the legal or natural person shall remove perishable foodstuffs and ensure safety and other measures to prevent any damages. In case the legal or natural person fails to take the above measures, he/she shall be liable for any damages.
- (5) By way of derogation, the ban to provide tourist services from paragraph 1 of this Article shall not be implemented, i.e. the sealed off premises, facilities, appliances and other equipment for work shall be unsealed earlier than 30 days if the competent inspector receives proof that the deficiencies established were eliminated, and the proof of payment of HRK 30,000.00 into the state budget.
- (6) In the case from paragraph 5 of this Article, the tourism inspector shall cancel the administrative procedure.
- (7) The decision from paragraph 1 herein shall be delivered to the party by the inspector within 8 days from the date the ban was issued in an oral decision, except in the case from paragraph 6 of this Article. An appeal shall be permitted only to the written portion of the decision.
- (8) An appeal against the decision shall not postpone its enforcement.

Article 59

(1) If the business premises, machines or equipment in which or with which tourism services are provided do not meet the conditions laid down in this Act and other regulations, the tourism inspector shall order the defects and irregularities observed to be remedied by setting a time limit within which those defects and irregularities must be remedied, if they are remediable.

(2) If the defects and irregularities referred to in paragraph 1 of this Act are not remedied within the set time limit, the tourism inspector shall prohibit the provision of tourism services on the premises where the defects and irregularities were observed, until the defects and irregularities are remedied.

(3) If the tourist agency provides services with respect to which it does not meet the prescribed conditions or provides services which are not included in the decision of the competent body, the tourism inspector shall prohibit the tourist agency from providing the services.

Article 60

(1) If the tourist agency organising a trip (package tour and excursion) or providing the service of transporting travellers does not use the means of transport in which the travellers are insured against accidents and the luggage against loss and damage, as well as accommodation facilities in which service users are insured against accidents, and does not have an insurance contract with the insurer against liability for the mentioned risks, the tourism inspector shall prohibit the tourist agency to provide such services.

(2) By way of derogation from paragraph 1 of this Article, the measure referred to therein shall not apply if the tourist agency has a contract with the insurer insuring it against liability for the said risks in the performance of the activity.

(3) If the means of transport, equipment and devices used to provide tourism services do not meet the conditions laid down in this Act, the tourism inspector shall prohibit the use of such means, equipment and devices for the provision of such services.

X PENAL PROVISIONS

Article 61

(1) A fine in an amount from HRK 10,000.00 to 150,000.00 for a misdemeanour shall be issued against any legal person who:

1. provides tourism services for the needs of a protected area of nature under its administration if he does not meet the conditions laid down in this Act and the regulations adopted pursuant to this Act or if he provides services which are not for the needs of the area concerned (Article 3, paragraph 2),

2. provides health tourism services and does not meet the conditions laid down in this Act and the regulations adopted pursuant to this Act (Article 3, paragraph 3),

3. provides tourism services and does not meet the conditions laid down in this Act and the regulations adopted pursuant to this Act (Article 3, paragraph 4),

4. provides services contrary to Article 7, paragraph 6 of this Act or provides services not included in that Article,

5. provides tourist agency services from Article 7, paragraph 1 of this Act contrary to the issued decision of the competent office (Article 10, paragraphs 1 and 8),

6. provides nautical tourism services contrary to the issued decision of the competent office (Article 47, paragraph 1),
 7. provides services in other forms of tourism contrary to the issued decision of the competent office and/or without the fulfilment of the prescribed minimum requirements (Article 54, paragraphs 2 and 3).
- (2) The fine referred to in paragraph 1 of this Article shall also be issued to punish any legal person who provides tourism services and who does not have the right to provide such services within the meaning of Article 3 of this Act.
 - (3) The responsible person in the legal person shall also be fined for the misdemeanours referred to in paragraphs 1 and 2 of this Article in an amount from HRK 5,000.00 to 15,000.00.
 - (4) The natural person shall be fined for the misdemeanours referred to in paragraphs 1 and 2 of this Article in an amount from HRK 10,000.00 to 15,000.00.
 - (5) For the misdemeanours referred to in paragraphs 1 and 2 of this Article, the tourism inspector may collect a fine from the responsible person in the legal person at the site of the misdemeanour in the amount of HRK 3,000.00.
 - (6) For the misdemeanours referred to in paragraphs 1 and 2 of this Article, the tourism inspector may collect a fine from the natural person to a legal person or the responsible person in the legal person at the site of the misdemeanour in the amount of HRK 3,000.00.

Article 62

- (1) A fine in an amount from HRK 8,000.00 to 100,000.00 for a misdemeanour shall be issued against any legal person who:
 1. organises a trip (package tour and excursion) for persons who are not its members or does not organise it only occasionally and without the purpose of generating profit, or organises the package tour for a duration longer than two days, that is, including more than one overnight stay or does not use the means of information for promotion and presentation of the trip in accordance with Article 6, paragraph 3 of this Act, or does not use means of transport in which both the travellers and luggage are insured, or fails to notify the local competent office of the Ministry tourism inspection according to the seat of the association about the organisation of the trip at the latest three days before the beginning of the trip, or fails to comply with Article 4, paragraph 1, items 1 and 2 of this Act (Article 6),
 2. organises an excursion for its students, that is, attendants contrary to Article 6, paragraph 4 of this Act or does not use the means of transport in which both the travellers and luggage are insured or fails to notify the local competent office of the Ministry tourism inspection based on the seat of the association of the organisation of the trip at the latest three days after the commencement of the trip or fails to act in accordance with Article 4, paragraph 1, items 1 and 2 of this Act (Article 6),
 3. does not use the wording "tourist agency" in accordance with Article 8 of this Act,
 4. provides services, although the conditions in terms of the design and equipment of the office, that is, the business premises and staff of the travel agency, are not met, that is, provides services directly to travellers without having an office, except in the case referred to in Article 9, paragraph 1 and Article 20, paragraph 2 of this Act (Article 9, paragraph 1 and Article 20, paragraphs 1 and 2),
 5. fails to register the change of data referred to in Article 12, paragraph 1 of this Act to the competent office within eight days of the change (Article 12, paragraph 2),

6. organises a trip (package tour or excursion) or provides the service of transport of travellers, and does not use means of transport in which the travellers are insured against accidents and the luggage against loss and damage, as well as accommodation facilities in which the users are insured against accidents (Article 14),

7. does not conduct the transport of travellers by its proper means of transport or the means of transport owned by other carriers in accordance with special regulations (Article 15),

8. does not provide a deposit for each package tour with a bank or an insurance company or fails to issue to the tourist a certificate on the deposit at the time of payment of the amount for the package tour, which enables him to realise his right to compensation of damages directly from the bank or insurance company because of the expenses incurred referred to in Article 18, paragraph 1, subparagraphs 1 and 2 of this Act (Article 18, paragraphs 1 and 3),

9. does not conclude an insurance contract with the insurer against liability for damages caused to the traveller by non-performance, partial performance or undue performance of the obligations relating to the package tour (Article 19),

10. fails to provide the services as laid down in Article 25 of this Act, except regarding action in compliance with Article 4, paragraph 1, item 3 (Article 25),

11. mediates in the provision of tourist guide services for tourist guides who are not members of the association, or fails to issue an invoice to the service user (Article 36),

12. does not provide tourist services, including sports-recreational or adventure activities (skiing, diving, sailing, horse-back riding, mountain guidance, rafting, canoeing and sailing in other similar vessels, paragliding, bungee-jumping and the like) in accordance with the provisions of Article 56 of this Act, or provides them without meeting the prescribed conditions (Article 56).

(2) The responsible person in the legal person shall also be fined for the misdemeanours referred to in paragraph 1 of this Article in an amount from HRK 3,000.00 to 15,000.00.

(3) The natural person shall be fined for the misdemeanours referred to in paragraph 1, items 3 through 10 and 12 of this Article in an amount from HRK 8,000.00 to 15,000.00.

(4) For the misdemeanours referred to in paragraph 1, items 3 through 10 and item 12 of this Article, the office manager or the person referred to in Article 21, paragraph 1 of this Act who meets the conditions for office manager shall be fined in an amount from HRK 3,000.00 to 15,000.00.

(5) For the misdemeanours referred to in paragraph 1, item 7 of this Article, in addition to the fine, a protective measure of confiscation of the means of transport used to commit the misdemeanour may also be pronounced.

(6) For the misdemeanours referred to in paragraph 1 of this Article, the tourism inspector may penalize a legal person and the responsible person in the legal person at the site of the misdemeanour in the amount of HRK 2,500.00.

(7) For the misdemeanours referred to in paragraph 1, items 3 through 10 and item 12 of this Article, the tourism inspector may penalize the office manager or the person referred to in Article 21, paragraph 1 of this Act who meets the conditions for office manager at the site of the misdemeanour in the amount of HRK 2,500.00.

(8) For the misdemeanours referred to in paragraph 1, items 3 through 10 and item 12 of this Article, the tourism inspector may collect a fine from the natural person at the site of the misdemeanour in the amount of HRK 2,500.00.

Article 63

(1) A fine in an amount from HRK 6,000.00 to 50,000.00 for a misdemeanour shall be issued against any legal person who:

1. does not make public the conditions, content and price of each service and fails to comply with those conditions, contents and prices (Article 4, paragraph 1, item 2),
2. for each provided service, fails to issue to the user the invoice, ticket or numbered certificate confirming the receipt of payment or fails to keep copies of such documents for at least three years of the date of their issuance (Article 4, paragraph 1, item 2),
3. does not keep a book of complaints or does not keep it in the prescribed form, with the prescribed content and in the prescribed manner or does not forward an objection to the local competent office of the Ministry tourism inspection within five days and fails to respond to the objection within 15 days of the date the objection was made (Article 4, paragraph 1, item 4),
4. does not place a sign in a visible location at the entry to the office or business premises or residential premises stating the company name and seat of the tourist agency (Article 13, item 1),
5. does not indicate the working hours in a visible location at the entry to the office or business premises or does not keep the working hours indicated (Article 13, item 2),
6. does not provide information at the request of the service user about his capacity and authorisations, if he represents other tourist agencies (Article 13, item 3),
7. in all promotional and advertising materials, as well as in all business documents, does not indicate the company name and seat, as well as the identification code of the tourist agency (Article 13, item 4),
8. does not keep as a business secret all information learnt about the traveller in accordance with the provisions of Article 13, item 5 of this Act (Article 13, item 5),
9. does not provide to the traveller the services stipulated in the contract (Article 13, item 6),
10. does not inform the traveller about the content of the valid contract on insurance against liability for damages caused to the traveller by non-performance, partial performance or undue performance of the obligations relating to the package tour (Article 13, item 7),
11. does not offer to the traveller insurance against accidents and illness during the trip, damage and loss of luggage, voluntary health insurance during the trip and stay abroad, insurance against cancellation of the trip and insurance covering the costs of assistance and return of the traveller to the place of departure, as well as special insurance against injury, illness, death and loss of luggage during the trip and stay (Article 13, item 8),
12. does not issue a programme, brochure or catalogue (promotional materials) for each trip (package tour and excursion) which is being organised, that is, does not make it available to the traveller before the conclusion of the contract on organising the trip in accordance with Article 17 of this Act (Article 17),
13. provides services directly, and does not have at least one employed office manager in each office, and if it does not have an office, at least one person employed full time who fulfils the requirements for office manager, and in the events referred to in Article 21, paragraph 2 of this Act uses the services of a person who has not passed the office manager certification exam as acting office manager for a period longer than 6 months in three years (Article 21, paragraphs 1 and 2),
14. provides tourism services in a port of nautical tourism or on a vessel of nautical tourism which does not meet the prescribed conditions (Article 46, paragraph 3).

(2) The responsible person in the legal person shall also be fined for the misdemeanours referred to in paragraph 1 of this Article in an amount from HRK 2,500.00 to 10,000.00.

(3) The natural person shall be fined for the misdemeanours referred to in paragraph 1 of this Article in an amount from HRK 6,000.00 to 15,000.00.

(4) For the misdemeanours referred to in paragraph 1, items 1 through 12 of this Article, the office manager or the person referred to in Article 21, paragraph 1 of this Act who fulfils the requirements for office manager shall be fined in an amount from HRK 2,500.00 to 10,000.00.

(5) For the misdemeanours referred to in paragraph 1 of this Article, tourism inspector may penalize natural person, legal person and the responsible person in the legal person at the site of the misdemeanour in the amount of HRK 2,000.00.

(6) For the misdemeanours referred to in paragraph 1, items 1 through 12 of this Article, the tourism inspector may penalize the office manager or the person referred to in Article 21, paragraph 1 of this Act who fulfils the requirements for office manager at the site of the misdemeanour in the amount of HRK 2,000.00.

(7) For the misdemeanours referred to in paragraph 1 of this Article, the tourism inspector may penalize the natural person at the site of the misdemeanour in the amount of HRK 2,000.00.

Article 64

(1) A fine in an amount from HRK 5,000.00 to 35,000.00 for a misdemeanour shall be issued against any legal person who:

1. organises a trip (package tour and excursion) which includes a visit to tourist sites (localities) and does not use the services of an authorised tourist guide or if he sells and/or books the services referred to in Article 7, paragraph 3 of this Act contrary to Article 7, paragraph 5 of this Act (Article 7, paragraphs 4 and 5),

2. organises or mediates in the service of accommodation for accommodation capacities of a hospitality and catering service provider who has not obtained the decision from the competent office for the provision of services (Article 7, paragraph 7),

3. organises trips (package tours and excursions) without using the services of at least one tourist escort who meets the prescribed conditions throughout the trip, for each group from 15 to 75 travellers, or who does not use the services of a tourist guide authorised to provide tourist guide services at the tourist site (locality) for visits to tourist sites (localities), that is, persons referred to in Article 26, paragraph 3 of this Act (Article 16),

4. for the provision of tourist guide services, uses a person who does not fulfil the conditions laid down in this Act for the tourist guide (Article 35),

5. for the provision of tourist escort services, uses a person who does not fulfil the conditions laid down in this Act for the tourist escort (Article 40, paragraph 1),

6. for the provision of entertainment organiser services, uses a person who does not have business capacity and at least secondary school qualifications (Article 41, paragraph 2),

7. does not inform the service provider in writing about the agency representative, his powers and all changes that have occurred (Article 42, paragraph 4),

8. provides other tourism services from Article 55, paragraph 1 of the Act, without insuring the users of such services from the consequences of accidents, or providing such services contrary to the issued decision of the competent office (Article 55, paragraphs 2 and 4).

(2) The responsible person in the legal person shall also be fined for the misdemeanours referred to in paragraph 1 of this Article in an amount from HRK 2,000.00 to 10,000.00.

(3) The natural person shall be fined for the misdemeanours referred to in paragraph 1 of this Article in an amount from HRK 5,000.00 to 15,000.00.

(4) For the misdemeanours referred to in paragraph 1, items 2 through 8 of this Article, the office manager or the person referred to in Article 21, paragraph 1 of this Act who meets the conditions for office manager shall be fined in an amount from HRK 2,000.00 to 10,000.00.

(5) For the misdemeanours referred to in paragraph 1 of this Article, the tourism inspector may penalize natural person, legal person and the responsible person in the legal person at the site of the misdemeanour in the amount of HRK 1,500.00.

(6) For the misdemeanours referred to in paragraph 1, items 2 through 8 of this Article, the tourism inspector may penalize the office manager or the person referred to in Article 21, paragraph 1 of this Act who meets the conditions for office manager at the site of the misdemeanour in the amount of HRK 1,500.00.

Article 65

(1) A fine in an amount from HRK 3,000.00 to 15,000.00 for a misdemeanour shall be issued against any natural person who:

1. provides tourist guide services which are not compliant with the issued authorisation, or does not issue an invoice pursuant to Article 31, paragraph 2 of this Act (Article 31, paragraphs 1 and 2)

2. who does not provide the services of an honorary tourist guide only occasionally (Article 34, paragraph 2),

3. before the commencement of the activities of agency representative, does not deliver to the Ministry the tourist agency representation contract for the purpose of its entry in the Register of Tourist Agency Representation Contracts,

4. provides tourism services from Article 49 of this Act contrary to the issued decision on approval of the competent office, or provides such services contrary to the prescribed conditions from Article 50, paragraph 2, point 3 of this Act, or if providing them without the previous notification of the local competent services of the tourism inspection of the Ministry of Tourism, or without fulfilling the requirements from Article 50, paragraph 4 of this Act (Article 49, paragraphs 1 to 5, and Article 50, paragraph 2, point 3, and paragraph 4).

(2) In case of misdemeanours from paragraph 1 of this Article, material gain resulting from the misdemeanour shall be confiscated in addition to the fine.

(3) For the misdemeanours referred to in paragraph 1 of this Article, the tourism inspector may fine the natural person referred to in paragraph 1 of this Article at the site of the misdemeanour in the amount of HRK 1,000.00.

Article 66

(1) A fine in the amount of HRK 1,000.00 shall be issued against any natural person who:

1. fails to wear the tourist guide identification card in a visible place while providing the services of tourist guide (Article 32, paragraph 1),

2. fails to be in the possession of the certificate that he passed the certification exam for tourist escorts (Article 40, paragraph 2).

(2) For the misdemeanours referred to in paragraph 1 of this Article, the tourism inspector may issue a fine in the amount of HRK 200.00 against the natural person referred to in paragraph 1 of this Article at the place where the misdemeanour was committed.

Article 67

(1) In addition to the fine, the protective measure prohibiting the provision of services for a period from six months to one year shall be issued against the legal or natural person who commits the misdemeanours referred to in Articles 61 through 64 of this Act for a second time in a period of two years from the legal effectiveness of the first decision on the misdemeanour.

(2) By way of derogation from paragraph 1 of this Act, in the case of a tourist agency with several business premises or offices, the prohibition to provide services shall be issued only with respect to the business premises or office in which the misdemeanours were committed.

(3) Under the conditions referred to in paragraph 1 of this Article, the office manager or the person referred to in Article 21, paragraph 1 of this Act who meets the conditions for office manager shall be prohibited to provide services over a period from one to six months.

Article 68

For the misdemeanours laid down in Article 65 of this Act committed for a second time within a period of two years of the legal effectiveness of the first decision on misdemeanour, in addition to the fine, the natural person shall also be punished by the protective measure of prohibition to provide tourism services over a period from six months to one year.

XI TRANSITIONAL AND FINAL PROVISIONS

Article 69

(1) Tourist agencies providing services on the date of entry into force of this Act shall continue to provide such services, but shall bring their business in line with the provisions of this Act within a period of 6 months of the entry into force of this Act, except with respect to the conditions regarding the years of service of the employed office managers.

(2) The competent office shall issue a decision on the termination of validity of the issued decision on the provision of a tourist agency services to the tourist agency referred to in paragraph 1 of this Article which fails to bring its business in line with the provisions of this Act in accordance with paragraph 1 of this Article.

Article 70

(1) Natural persons (citizens) providing nautical tourism services referred to in Article 2, paragraph 1 of the Ordinance on nautical tourism services that may be provided by citizens (OG 109/96) and tourism services referred to in Article 64 of the Tourism Activity Act (OG 8/96, 19/96, 76/98 and 76/99) on the date of entry into force of this Act shall bring their business in line with the provisions of this Act within 6 months of the entry into force of this Act.

(2) The competent office shall issue a decision on the termination of validity of the issued decision on the provision of services to the natural person (citizen) who fails to bring his business in line with paragraph 1 of this Article.

Article 71

(1) The certification exam for office manager passed in accordance with the provisions of the Tourism Activity Act (OG 8/96, 19/96, 76/98 and 76/99) and regulations adopted pursuant to that Act shall have equal status as the certification exam for office manager referred to in Article 23 of this Act.

(2) Until the adoption of the regulations referred to in Article 23, paragraph 3 of this Act, the certification exam for office manager shall be taken according to the regulations valid until now.

Article 72

Natural persons who obtained the approval for the provision of tourist guide services in accordance with the provisions of the Tourism Activity Act (OG 8/96, 19/96, 76/98 and 76/99) before the entry into force of this Act shall continue to provide tourist guide services.

Article 73

(1) The certification exam for tourist guide passed in accordance with the provisions of the Tourism Activity Act (OG 8/96, 19/96, 76/98 and 76/99) and regulations adopted pursuant to that Act shall have equal status as the certification exam for tourist guide referred to in Article 29 of this Act.

(2) Until the adoption of the regulations referred to in Article 29, paragraph 3 of this Act, the certification exam for tourist guide shall be taken according to the regulations valid until now.

Article 74

(1) Natural persons who obtained the certificate of the tourist agency that they had passed the certification exam for tourist escort in accordance with the provisions of the Tourism Activity Act (OG 8/96, 19/96, 76/98 and 76/99) before the entry into force of this Act, shall continue to provide tourist escort services.

(2) Until the adoption of the regulations referred to in Article 39, paragraph 1 of this Act, the certification exam for tourist escort shall be taken according to the regulations valid until now.

Article 75

Exam commissions for taking the office manager certification exam and the tourist guide certification exam formed by the decision of the minister at universities pursuant to the Tourism Activity Act (OG 8/96, 19/96, 76/98 and 76/99) and regulations adopted pursuant to that Act, shall continue to organise and conduct certification exams based on the decisions issued.

Article 76

Until the entry into force of the Ordinance referred to in Article 26, paragraph 7 of this Act, a tourist site (locality) shall be deemed to be the area of a county or the City of Zagreb.

Article 77

The minister shall pass regulations based on the authorisations conferred upon him by virtue of this Act within 60 days of the date of entry into force of this Act.

Article 78

Procedures initiated before the entry into force of this Act shall be concluded according to the provisions of this Act.

Article 79

Until the date of the entry into force of the regulations referred to in Article 77 of this Act, the regulations adopted for the enforcement of the Tourism Activity Act (OG 8/96, 19/96, 76/98 and 76/99) shall remain in force, except in the part contrary to the provisions of this Act.

Article 80

On the date of the entry into force of this Act, the Tourism Activity Act (OG 8/96, 19/96, 76/98 and 76/99) and the provisions of Article 58, paragraph 5 of the State Inspectorate Act (OG 76/99, 96/03, 151/03, 160/04, 174/04, 33/05, 48/05, 129/05, 140/05) in the part relating to inspectional supervision in the field of tourism activities shall cease to have effect.

Article 81

This Act shall enter into force on 15 September 2007, save for the provisions of Article 22, paragraph 2, Article 26, paragraph 4, and Article 37, paragraph 3, which shall enter into force upon accession of the Republic of Croatia to membership of the European Union.