

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

DECISION

PROMULGATING THE HOSPITALITY AND CATERING INDUSTRY ACT

I hereby promulgate the Hospitality and Catering Industry Act passed by the Croatian Parliament at its session on 8 December 2006.

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Zagreb, 13 December 2006

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

HOSPITALITY AND CATERING INDUSTRY ACT

I GENERAL PROVISIONS

Article 1

This Act regulates the manner and conditions under which legal and natural persons may perform the hospitality and catering activity.

Article 2

(1) For the purpose of this Act the hospitality and catering industry means preparing food and providing food services, preparing and serving drinks and beverages, as well as providing accommodation services.

(2) The hospitality and catering industry also means preparing food for consumption at another place with or without serving it (in a vehicle, at shows), as well as catering of that food.

Article 3

(1) The hospitality and catering activity may be performed by companies, cooperatives, individual merchant and craftsmen that fulfil the requirements prescribed for the performance of that activity (hereinafter: the hospitality and catering service provider).

(2) Under the conditions prescribed by this Act, the hospitality and catering activity may also be performed by:

- public institutions that manage national parks and nature parks,
- health institutions sanatoriums,
- educational institutions related to hospitality and catering, as well as pupils and students' hostels within their own business premises and facilities,
- Croatian Ferial and Hostel Association in youth tourist facilities (hostel) for its members and members of international youth travel organisations whose member the association is,
- Croatian Mountaineering Association and its member associations in their mountaineering facilities primarily for their members and members of international mountaineering organisations whose member the association is,
- hunting associations, which have obtained the right to hunt in hunting areas through a concession or loan pursuant to special regulations as well as angling associations, within their premises and facilities, for their members and other registered hunters and anglers,
- associations of national minority members, within their premises and facilities, for their members and other members of that national minority, that is, members of the same nation

for the purpose of organising cultural and other events aimed at preserving, promoting and expressing national and cultural identity of that national minority,

- institutions which perform theatre activity within their business premises and facilities, for the purpose of preparing and serving drinks, beverages, pastries and the like, no longer than two hours before and two hours after a theatre event, for the needs of their customers,
- Scout Association of Croatia at scout centres for its members and members of international scout organisations,
- amateur sports associations for their needs within their premises and facilities.

(3) Under the conditions prescribed by this Act and regulations adopted on the basis of the Act, certain hospitality and catering services may also be provided by natural persons that are not registered as craftsmen or individual merchants.

(4) Certain hospitality and catering services may be provided by legal persons that are not hospitality and catering service providers under the conditions prescribed by this Act.

Article 4

(1) A legal or natural person may organise accommodation and food services for the purpose of organised children vacations in a closed hospitality and catering facility - rest establishment for children under the conditions prescribed by this Act and other regulations.

(2) For the provision of services referred to in paragraph 1 of this Article, a legal or natural person shall obtain, from the county state administration office, that is, administration body of the City of Zagreb in charge of hospitality and catering industry, according to the seat of the facility (hereinafter: the competent office), a decision on the fulfilment of the requirements prescribed by this Act and other regulations, which is entered into the Registry of closed hospitality and catering facilities.

(3) The Minister in charge of hospitality and catering industry (hereinafter: the Minister), with the consent of the Minister in charge of health, shall prescribe, by an Ordinance, the minimum technical requirements for the provision of services referred to in paragraph 1 of this Article.

(4) The competent office shall establish, by a decision, the fulfilment of the requirements, referred to in the regulation adopted on the basis of paragraph 3 of this Article.

(5) The Minister shall prescribe, by an Ordinance, the form and content of the application form, as well as the manner of keeping the Registry referred to in paragraph 2 of this Article.

Article 5

The provisions of this Act shall not apply to:

1. the provision of food and accommodation services in social care, healthcare, education and training facilities and other similar institution, the Armed Forces of the Republic of Croatia and the Ministry of the Interior, if those services are provided exclusively by their workers to their workers, members or customers;
2. the preparation and serving of hot and cold beverages, non-alcoholic drinks and dishes, which legal and natural persons organise for the needs of their workers and their members within their premises and facilities.

II HOSPITALITY AND CATERING FACILITY AND THE MANNER OF CONDUCTING BUSINESS BY THE HOSPITALITY AND CATERING SERVICE PROVIDER

Article 6

The hospitality and catering activity shall be performed in a facility intended, arranged and equipped for the provision of hospitality and catering services, which may be located in:

- a building, that is, in a separate part of a building (structure, stand, container, floating facility and the like),
- business premises in which other activity is performed,
- stationary vehicle and caravan vehicle, train carriage or vessel in which passengers are transported,
- a tent, on a bench, cart or similar devices for the provision of hospitality and catering services.

Article 7

(1) Hospitality and catering facilities are classified into the following groups in relation to the type of hospitality and catering services which are provided in them:

1. Hotels
2. Camps and other types of accommodation facilities
3. Restaurants
4. Bars
5. Catering facilities
6. Simple service facilities.

(2) Hospitality and catering facilities from the groups mentioned in paragraph 1 of this Article are classified into specific types in relation to the manner of providing services and services which predominate in a particular facility.

(3) Certain types of hospitality and catering facilities may be club-type facilities (a club), in which services are provided exclusively to a specific group of guest (club members).

(4) The Minister shall prescribe, by an Ordinance, types of hospitality and catering facilities within the groups referred to in paragraph 1 of this Article, hospitality and catering services which must and may be provided in a specific type of hospitality and catering facility, as well as types of hospitality and catering facilities which may be club-type facilities.

Article 8

(1) Hospitality and catering facilities from the group »Hotels« and camps from the group »Camps and other types of accommodation facilities« shall operate from 0:00 to 24:00 hours every day, and other hospitality and catering facilities may operate:

- from the group »Restaurants« and »Bars« from 6:00 to 24:00 hours,
- from the group »Bars« which fulfil the requirements to operate during the night pursuant to special regulations, only in indoor spaces, from 21:00 to 6:00 hours,
- from the group »Restaurants« and »Bars« which are located outside inhabited areas from 0:00 to 24:00 hours,
- at airports, railway stations, bus stations, and the like within working hours of the facility in which they are located.

(2) The representative body of a local self-government unit (hereinafter: the representative body) may prolong, for no more than two hours, the prescribed working hours of hospitality and catering facilities referred to in paragraph 1, subparagraph 1 of this Article.

(3) The administration of a local self-government unit may establish, by a decision, in the line of its duty, shorter working hours for up to two hours at the most for certain hospitality and catering facilities in relation to the working hours prescribed by paragraph 1, subparagraph 2 and 3 of this Article and working hours prescribed by the decision of the representative body referred to in paragraph 2 of this Article in line with the criteria prescribed by the representative body's decision referred to in paragraph 2 of this Article.

(4) By way of derogation from paragraph 2 of this Article, the administration of a local self-government unit may prescribe, by a decision, different working hours for certain hospitality and catering facilities referred to in paragraph 1, subparagraph 1 of this Article for the purpose of organising occasional celebrations (New Years' parties, wedding parties, prom parties and similar events).

(5) The representative body shall prescribe, by a decision, working hours for hospitality and catering facilities from the group »Simple service facilities«.

(6) The representative body shall establish, by a decision, the location of inhabited areas referred to in paragraph 1, subparagraph 3 of this Article for their area.

(7) The hospitality and catering service provider or other legal or natural person referred to in Article 3 of this Act shall establish working hours for other types of accommodation facilities from the group »Camps and other types of accommodation facilities«.

Article 9

(1) While performing hospitality and catering activities, the hospitality and catering service provider shall:

1. visibly display at the entrance into a hospitality and catering facility located in a building which is protected as a cultural good, in the prescribed manner, a signboard marking the type of the catering and hospitality facility, that is, the facility type and category, special standard, quality mark, as established by a decision of the competent office, that is the Ministry in charge of tourism (hereinafter: the Ministry),
2. visibly display at the entrance of the facility a notice on working hours and working, that is, nonworking days and comply with the displayed working hours,
3. establish house rules in accommodation facilities and display it at the reception as well as display its extracts in all rooms and apartments,
4. establish standard specifications for the foodstuffs needed for a specific dish, drink or beverage, and provide services that comply with the established standard specifications both in quantity and quality, as well as show the standard specifications to a guest at his request,
5. visibly display prices of offered services, in a manner available to guests and comply with the noted prices, and when providing accommodation services also visibly display the amount of sojourn tax in price lists and make a sufficient number of price list copies available to guests,
6. issue a bill for each provided service to a guest with stated type, quantity and price of provided services, that is, approved discount, and when providing accommodation services also express the amount of sojourn tax in the bill,
7. comply with the prescribed working hours,
8. prevent the taking out of drinks and beverages in order to be consumed outside the indoor premises of the hospitality and catering facility referred to in Article 8, paragraph 1, subparagraph 2 of this Act.
9. keep a guest book, in the prescribed manner, in the accommodation facility,
10. keep a book of complaints, in the prescribed manner, in each facility and submit the stated complaint to the State Inspector's Office within the period of five days, as well as reply to the complaint within the period of 15 days from the day of the stated complaint,
11. insure guests in the accommodation facility against accidents,
12. deliver a written notice on the termination of the performance of the activity in the hospitality or catering facility to the competent office, that is, the Ministry, within the period of eight days from the day on which the change emerged.

(2) In order to perform hospitality and catering activity, the requirements in relation to hygiene and sanitary safety of food, and the obligations of entities engaged in the hospitality and catering industry regarding hygiene and sanitary safety of food, as well as other health requirements for work pursuant to special provisions, must be fulfilled.

(3) The Minister shall prescribe, by an Ordinance, the form, content and manner of keeping the guest book and book of complaints.

(4) The hospitality and catering service provider who provides services to naturists in his hospitality and catering facility shall also display, beside the name of the facility type, a mark that he provides services to naturists in that facility.

(5) The representative body may establish areas in which services to naturists shall be provided.

Article 10

When announcing and advertising services and publishing messages in commercial business activities, the hospitality and catering service provider must not use a mark of the prescribed hospitality and catering facility type and category, special standard, that is, the quality mark that has not been established by a decision of the competent office, that is, the Ministry.

Article 11

- (1) The hospitality and catering service provider may not provide services that have not been established by the decision of the competent office, that is, the Ministry.
- (2) By way of derogation from paragraph 1 of this Article, the hospitality and catering service provider may occasionally (during manifestations, fairs, occasional celebrations and the like) perform catering and hospitality activity outside his hospitality and catering facility subject to a prior consent of a sanitary inspector on the fulfilment of the sanitary requirements.
- (3) Participants of occasional celebrations and manifestations, which are organised by tourist boards and local self-government units for promotional and tourist purposes, may provide hospitality and catering services related to preparing and serving dishes, drinks, beverages and pastries at those events, subject to a prior consent of a sanitary inspector on the fulfilment of the sanitary requirements.

Article 12

- (1) It is prohibited to serve, that is, allow consumption of alcohol drinks to persons under 18 years of age in hospitality and catering facilities.
- (2) A mark on the prohibition of serving, that is, consumption of alcohol for persons under 18 years of age must be visibly displayed in hospitality and catering facilities which serve alcoholic drinks.
- (3) The representative body may prohibit serving of alcoholic drinks in hospitality and catering facilities during a particular time of the day.

Article 13

- (1) The representative body shall establish, in line with the physical plan, areas in which hospitality and catering facilities in a stand, container, stationary vehicle and caravan vehicle, tent, on a bench, cart and similar devices equipped for the provision of hospitality and catering services, may be located.
- (2) The areas referred to in paragraph 1 of this Article must not be less than 100 m away from the existing hospitality and catering facility in a building, separate part of a building, or business premises in which other activity is performed, unless manifestations, fairs, occasional celebrations and the like are being held.
- (3) The representative body may prescribe the exterior design of hospitality and catering facilities referred to in paragraph 1 of this Article taking into account certain features of the local surroundings.
- (4) By way of derogation from the provision of paragraph 1 and 3 of this Article, the hospitality and catering service provider may define the area and exterior design of the hospitality and catering facility referred to in paragraph 1 of this Article, without the restrictions referred to in paragraph 2 of this Article, if it is located within the complex of the hospitality and catering facility from the group »Hotels«, which is categorised by stars, and camps from the group »Camps and other types of accommodation facilities«, which are categorised, and if such a definition is not subject to the implementation of special regulations.

III MINIMUM REQUIREMENTS IN RELATION TO TYPE AND REQUIREMENTS REGARDING CATEGORY

Article 14

- (1) For the performance of hospitality and catering activity in hospitality and catering facilities, minimum requirements in relation to type regarding the arrangement and equipment of facilities, services, as well as other requirements prescribed by this Act and regulations adopted on the basis of this Act (hereinafter: the minimum requirements), must be fulfilled.
- (2) The Minister, with the consent of the Minister in charge of health, shall prescribe, by an Ordinance, the minimum requirements referred to in paragraph 1 of this Article.

Article 15

(1) Hospitality and catering facilities from the group: »Hotels« and certain types of hospitality and catering facilities from the group: »Camps and other types of accommodation facilities«, shall be categorised into categories depending on their arrangement, equipment, appliances, services, maintenance and other elements.

(2) The Minister shall prescribe, by an Ordinance, which types of hospitality and catering facilities referred to in paragraph 1 of this Article are to be categorised, the categories, requirements in relation to categories, marks of types and categories, manner of marking types and categories, as well as manner of categorisation of those facilities.

Article 16

(1) Upon an application submitted by the hospitality and catering service provider, special standards may be established and the quality mark may be awarded for certain hospitality and catering facilities from the group »Hotels«.

(2) The Minister shall prescribe, by an Ordinance, the types of hospitality and catering facilities from the group »Hotels« for which special standards may be established and which may be awarded the quality mark, types of special standards referred to in paragraph 1 of this Article, requirements and elements that must be fulfilled for a specific standard, requirements in relation to the award of the quality mark, manner of awarding, as well as the design of the quality mark.

Article 17

A hospitality and catering facility which ceases to fulfil the requirements prescribed for a certain type, category, special standard, that is, award of the quality mark may not operate as such a facility, category, special standard, that is, with the quality mark.

Article 18

(1) A hospitality and catering facility may have a name of just one type of the hospitality and catering facility.

(2) By way of derogation from the provision of paragraph 1 of this Article, the hospitality and catering facility may have the name of two types of hospitality and catering facilities, if it fulfils the requirements for each type prescribed by this Act and other regulations.

(3) The name of the type of hospitality and catering facility may be changed if the requirements prescribed for another type are fulfilled, and if the relevant decision of the competent body has been issued for that purpose pursuant to the provisions of this Act.

Article 19

(1) The hospitality and catering service provider may not perform hospitality and catering activity without a decision from the competent office, that is, the Ministry that his hospitality and catering facility fulfils the requirements prescribed by this Act and regulations adopted on the basis of this Act.

(2) By way of derogation from the provision of paragraph 1 of this Article, a hospitality and catering service provider may commence performing hospitality and catering activity in certain types of hospitality and catering facilities from the group »Hotels« even before he obtains the decision on the category of his facility from the Ministry if he has obtained an adequate permit in line with a special regulation according to which a building, which is or in which the hospitality and catering facility is located, may be put into use, that is, into operation.

(3) Upon the hospitality and catering service provider's application in the case referred to in paragraph 2 of this Article, the Ministry shall establish, by a decision, the fulfilment of requirements for the commencement of hospitality and catering activity.

(4) The decision referred to in paragraph 3 of this Article shall establish temporary performance of hospitality and catering activity in a specific facility up to no longer than one year from the day on which it became final.

(5) The Minister shall prescribe the types of hospitality and catering facilities referred to in paragraph 2 of this Article in which, as well as conditions under which, the hospitality and catering service provider may commence the performance of hospitality and catering activity before he obtains the decision on the category of his facility.

IV PROCEDURE FOR THE ESTABLISHMENT OF REQUIREMENTS FOR THE PERFORMANCE OF HOSPITALITY AND CATERING ACTIVITY

Article 20

(1) Upon hospitality and catering service provider's application, the competent office shall establish whether hospitality and catering facilities, which are not categorised, fulfil the minimum requirements in relation to type.

(2) Upon the hospitality and catering service provider's application, the competent office shall establish whether hospitality and catering facilities fulfil the requirements regarding type and category, with the exception of the types referred to in Article 22, paragraph 1 of this Act.

(3) The fulfilment of the requirements referred to in paragraph 1 and 2 of this Article, shall be established by a decision of the competent office within the period of 30 days from the day of the duly submitted application.

(4) The decision referred to in paragraph 3 of this Article, shall be entered into the Registry of hospitality and catering facilities which are not categorised, that is, into the Registry of hospitality and catering facilities which are categorised, which is kept by the competent office.

(5) The Minister shall prescribe, by an Ordinance, the form, content and manner of keeping the Registry referred to in paragraph 4 of this Article.

(6) The expenses for the procedure referred to in paragraph 1 and 2 of this Article shall be paid by the hospitality and catering service provider.

Article 21

(1) If the competent office does not issue the decision referred to in Article 20, paragraph 3 of this Act within the prescribed period of time, the hospitality and catering service provider may commence providing hospitality and catering services in his facility upon prior written notice to the competent office if he has obtained an adequate permit in line with a special regulation according to which a building, which is, or in which the hospitality and catering facility is located, may be put into use, that is, into operation.

(2) The competent office shall issue the decision referred to in Article 20, paragraph 3 of this Act within 30 days from the date of receiving the notice referred to in paragraph 1 of this Article.

(3) If the competent office establishes that the requirements prescribed by this Act have not been fulfilled, but the hospitality and catering service provider has commenced his activities pursuant to paragraph 1 of this Article, it shall be considered that he is performing the activity contrary to the provisions of this Act.

Article 22

(1) Upon an application submitted by the hospitality and catering service provider, the Ministry shall establish, by a decision, the fulfilment of the requirements in relation to type and category of hospitality and catering facilities from the group »Hotels«, for types whose categories are marked with stars, as well as for hospitality and catering facilities from the group »Camps and other types of accommodation facilities« for types of camps which are categorised.

(2) Upon an application submitted by the hospitality and catering service provider, the Ministry shall establish, by a decision, the fulfilment of the requirements in relation to a special standard, that is, award of the quality mark.

(3) The decision referred to in paragraph 1 and 2 of this Article shall be entered into the Registry of hospitality and catering facilities which are categorised, which is kept by the Ministry.

(4) The Minister shall prescribe, by an Ordinance, the form, content and manner of keeping the Registry referred to in paragraph 3 of this Article.

(5) The expenses for the procedure referred to in paragraph 1 and 2 of this Article shall be paid by a hospitality and catering service provider.

Article 23

(1) Every three years, the Ministry shall conduct anew, in the line of its duty, the categorisation of hospitality and catering facilities referred to in Article 22, paragraph 1 of this Act, as well as re-establish the special standard and newly award the quality mark for hospitality and catering facilities referred to in Article 16, paragraph 1 of this Act.

(2) The Ministry shall establish a decision on the conducted categorisation and established special standards, as well as the award of the quality mark referred to in paragraph 1 of this Article, which is entered into the Registry referred to in Article 22, paragraph 3 of this Act.

(3) The Ministry shall comply, in the line of its duty, with the period of time referred to in paragraph 1 of this Article.

(4) If it is established that a hospitality and catering facility no longer fulfils the requirements established for a specific type and category, a decision shall be issued establishing a new type, that is, category of hospitality and catering facility or the cessation of validity of the issued decision on type and category.

(5) If it is established that a hospitality and catering facility no longer fulfils the requirements for the established special standard or quality mark, a decision shall be issued establishing the cessation of validity of the issued decision on special standard or quality mark.

(6) In the case referred to in paragraph 4 and 5 of this Article, the expenses of the procedure shall be paid by the hospitality and catering service provider.

(7) If in the procedure referred to in paragraph 1 of this Article, upon a request made by the hospitality and catering service provider, an additional period of time shall be established for the fulfilment of the requirements, the expenses shall be paid by the provider.

Article 24

There is no possibility to appeal against first degree decisions issued by the Ministry pursuant to this Act, but an administrative dispute may be initiated.

Article 25

(1) The decision referred to in Article 20, paragraph 3 and Article 22, paragraph 1 of this Act shall be issued to the provider of hospitality and catering services under the following conditions:

1. that he is registered for the performance of hospitality and catering activity,

2. that he has the right to use business premises or facilities,

3. that a hospitality and catering facility in which hospitality and catering activity will be provided fulfils the requirements prescribed for a specific type, that is, category of hospitality and catering facility,

4. that no safety measure or protection measure was pronounced forbidding him to perform hospitality and catering activity by means of a legally effective court verdict or misdemeanour decision for as long as that measure remains in force,

5. that he also fulfils other requirements prescribed by this Act and regulations adopted on the basis of this Act,

6. that a building, which is, or in which the hospitality and catering facility is located, fulfils the requirements pursuant to a special regulation, without which pursuant to that regulation, the

Ministry or competent office may not issue a decision on the fulfilment of requirements for the performance of the activity.

(2) A decision on the fulfilment of requirements for a special standard or award of the quality mark shall be issued to the provider of hospitality and catering services if his hospitality and catering facility fulfils the requirements established by the regulation referred to in Article 16, paragraph 2 of this Act.

Article 26

(1) The decision referred to in Article 20, paragraph 3 and Article 22, paragraph 1 of this Act shall cease to be in force in the case of:

- if the hospitality and catering services provider does not commence business activities, in a hospitality and catering facility to which the decision refers to, within the period of nine months after the date on which the decision became final,
- if it is established that the hospitality and catering services provider, that is, hospitality and catering facility has ceased to fulfil some of the requirements referred to in Article 25, paragraph 1 of this Act, which refer to him or it,
- the cancellation notice in relation to the performance of the activity in a hospitality and catering facility, on the date of its submission to the competent office, that is, the Ministry, or if it in the line of its duty establishes that the provider has ceased to perform the activity.

(2) The competent office, that is, the Ministry, shall issue a decision on the cessation of validity of the decision referred to in paragraph 1 of this Article.

(3) The decision referred to in paragraph 2 of this Article shall be entered into the Registry referred to in Article 20, paragraph 4, that is, Registry referred to in Article 22, paragraph 3 of this Act.

V CAMPING

Article 27

(1) For the purpose of this Act camping means a sojourn in a tent, camp house, camp trailer, mobile home, camper and other equipment adequate for outdoor accommodation in camps from the group »Camps and other types of accommodation facilities«.

(2) By way of derogation from paragraph 1 of this Article, during sports, scouts, cultural and artistic and similar manifestations, organised camping outside camps referred to in paragraph 1 of this Article is also permitted in areas designated for that purpose.

(3) Depending on the purpose of camping referred to in paragraph 2 of this Article, local self-government units and public institutions governing a specific area shall establish, by their acts, a camping site for camping outside camps, requirements that must be fulfilled by that camping site, as well as the duration of such camping.

(4) It is prohibited to camp outside the camps from the group »Camps and other types of accommodation facilities« and areas designated for camping outside camps pursuant to paragraph 2 and 3 of this Article.

VI HOSPITALITY AND CATERING SERVICES IN HOUSEHOLDS AND IN RURAL HOUSEHOLDS

1 Hospitality and catering services in households

Article 28

(1) Hospitality and catering services in a household may be provided by a natural person who is neither a craftsman nor sole trader (hereinafter: the lessor).

(2) For the purpose of this Act, a lessor is considered to be a citizen of the Republic of Croatia.

(3) Lessors within the meaning of this Act are also citizens of Member States of the European Union and European Economic Area.

(4) For the purpose of this Act, the following hospitality and catering services shall be considered hospitality and catering services in households:

1. accommodation services in a room, apartment or holiday house, which the lessor owns, up to a maximum of 8 rooms, that is, 16 beds, which does not include the number of extra beds,
2. accommodation services in a camp, organised on land which the lessor owns, with the maximum of 7 accommodation units, that is 25 guests at the same time, which does not include children under 12 years of age,
3. breakfast, half board or full board services to guests to whom the lessor provides accommodation services in a room, apartment or holiday house.

(5) The lessor must not offer or sell, directly or through other persons that are not registered as agencies for selling accommodation services, his services referred to in paragraph 4, item 1 and 2 of this Article outside his facility, except in areas, under conditions and in the manner which may be prescribed by the decision of the representative body of a local self-government unit.

Article 29

(1) For the provision of hospitality and catering services in households, the facilities referred to in Article 28 of this Act must fulfil minimum requirements in relation to type as well as requirements regarding category.

(2) The Minister shall prescribe, by an Ordinance, the minimum requirements in relation to type, categories, requirements regarding category, marks of categories, and manner of marking categories as well as the procedure for the categorisation of facilities from paragraph 1 of this Article.

(3) Upon the lessor's application, the competent office shall determine whether the facilities referred to in Article 28, paragraph 1 of this Act fulfil the minimum requirements in relation to type and requirements regarding category.

Article 30

(1) The lessor who provides hospitality and catering services in his household must fulfil the health requirements for work in the hospitality and catering industry pursuant to special regulations.

(2) The lessor must also fulfil health requirements pursuant to the regulation adopted on the basis of this Act.

(3) The Minister, with the prior consent of the Minister in charge of health, shall prescribe, by an Ordinance, the health requirements referred to in paragraph 2 of this Article.

Article 31

(1) When providing hospitality and catering services in his household the lessor shall:

1. visibly display at the entrance into a facility or in its immediate vicinity, in the prescribed manner, a signboard marking the facility type and category, as established by a decision of the competent office,
2. display in each facility a mark of the facility type and category, prices of services he provides, information on sojourn tax pursuant to special regulation, as well as comply with the noted prices,
3. establish standard specifications for foodstuffs, drinks and beverages needed for a specific dish, drink or beverage, if he provides such services, as well as provide services pursuant to established standard specifications and show the standard specification to a guest at his request,
4. issue a bill with stated type, quantity and price, that is, approved discount, of provided services for each provided service to a guest,

5. keep a guest list in the prescribed manner,
 - (2) When announcing and advertising services and publishing messages in promotional materials, the lessor must not use a mark of the prescribed facility type and category that has not been established by the decision of the competent office.
 - (3) The Minister shall prescribe, by an Ordinance, the form and content as well as the manner of keeping the guest list referred to in paragraph 1, item 5 of this Article.

Article 32

The sojourn of more than 15 persons who are not members of closer family, pursuant to special regulation which prescribes the obligation to pay sojourn tax, in flats, apartments and holiday houses in tourist places for which a special regulation prescribes that the period of main tourist season is the period from 15 June to 15 September, shall in that period be considered as provision of hospitality and catering services in households.

Article 33

- (1) In order to provide hospitality and catering services in his household, the lessor shall obtain a decision on authorisation for provision of hospitality and catering services in a household from the competent office (hereinafter: the decision on authorisation).
- (2) Decision on authorisation shall be issued upon the lessor's application under the following requirements:
 1. that he owns a facility (room, apartment or holiday house and the like) or land for a camp,
 2. that he has business capacity,
 3. that he fulfils the health requirements as prescribed by the Ordinance referred to in Article 30 paragraph 3 of this Act,
 4. that a facility in which relevant services will be provided fulfils minimum requirements as well as requirements in relation to category pursuant to this Act,
 5. that no safety measure or protection measure was pronounced forbidding him to provide citizens' household services by means of a legally effective court verdict or misdemeanour decision for as long as that measure remains in force,
 6. that a building – facility in which hospitality and catering services in his household will be provided u fulfils requirements pursuant to special regulation, without which, according to that regulation, the Ministry or competent office cannot issue a decision on the fulfilment of requirements for the performance of this activity.
- (3) Evidence of the fulfilment of the requirements referred to in paragraph 2, item 2 and 5 of this Article shall be gathered by the competent office in the line of its duty.
- (4) The competent office shall issue a decision on the application referred to in paragraph 2 of this Article within 30 days from the date of the duly submitted application.
- (5) The decision referred to in paragraph 1 of this Article can be issued to just one spouse, that is, one of close family members who live in a joint household.

Article 34

- (1) If the competent office does not issue a decision on the lessor's application within the period prescribed in Article 33, paragraph 4 of this Act, the lessor can commence providing hospitality and catering services in his facility upon prior written notice to the competent office if he has obtained an adequate permit in line with a special regulation according to which a building, which is, or in which the hospitality and catering facility is located, may be put into use, that is, into operation.
- (2) The competent office shall issue a decision on authorisation within 30 days from the date of receiving the notice referred to in paragraph 1 of this Article.
- (3) If the competent office establishes that the requirements prescribed by this Act have not been fulfilled, but the lessor has commenced his activities pursuant to paragraph 1 of this Article, it shall be considered that he is providing services contrary to the provisions of this Act.

(4) The competent office shall deliver a decision on authorisation to the Tax Administration, competent branch office of the State Inspector's Office, competent sanitary inspection, and the Central Bureau of Statistics.

Article 35

A decision on authorisation contains:

1. lessor's name and surname, date of birth, place of residence and address,
2. place, street and street number of the facility in which a service is provided,
3. type of hospitality and catering service and number of guests to which the service can be provided,
4. type and category of a facility in which a service is provided.

Article 36

(1) A decision on authorisation shall be entered into the Registry on the provision of hospitality and catering services in a household which is kept by the competent office.

(2) The Minister shall prescribe, by an Ordinance, the form, content and manner of keeping the Registry referred to in paragraph 1 of this Article.

Article 37

(1) A decision on authorisation shall cease to be in force in the case of:

1. death of the lessor,
2. the lessor's cancellation notice, on the date stated in the notice or on the date of its submission to the competent office, if the lessor has stated a retrospective date in the cancellation notice,
3. if the lessor does not commence providing services within the period of one year after the date on which the decision became final,
4. if it is established that the lessor or the facility in which hospitality and catering services are provided has ceased to fulfil one of the requirements referred to in Article 33, paragraph 2 of this Act, which refer to him or it,
5. if during inspectional supervision it is established that the requirements prescribed by this Act or regulations adopted on the basis of this Act have not been fulfilled, and that established deficiencies have not been removed in the given period of time.

(2) The competent office shall issue the decision on the cessation of validity of the decision on authorisation and deliver it to a competent Tax Administration, competent branch office of a branch unit of the State Inspector's Office, competent sanitary inspection, and the Central Bureau of Statistics.

(3) The decision referred to in paragraph 2 of this Article shall be entered into the Registry referred to in Article 36, paragraph 1 of this Act.

2 Hospitality and catering services in rural households

Article 38

(1) A rural household, within the meaning of this Act, is a rural household or family farm household entered into the Registry of farm households pursuant to regulations within the competence of the Ministry in charge of agriculture which provides hospitality and catering services pursuant to the provisions of this Act.

(2) The following hospitality and catering services may be provided in a rural household:

1. preparing and serving hot and cold dishes and drinks and beverages mainly of its own production for a maximum of 50 guests (picnickers) at the same time,
2. serving (tasting) mach, wine, fruit wines, other wine and fruit wine products, strong alcohol and alcohol drinks and home made cold meat cuts of its own production in an arranged part of

a residential or business facility, in an indoor, roofed over or outdoor space for a maximum of 50 guests (picnickers) at the same time,

3. accommodation services in a room and apartment up to a maximum of 10 rooms, that is, for 20 guests at the same time or accommodation services in a camp, with a maximum of 10 accommodation units, that is, for 30 guests at the same time only to guests to whom food, serving drinks and beverages (breakfast, half board or full board) services mainly of its own production are provided.

(3) Dishes, drinks and beverages which are served in a rural household must be common for the region in which that rural household is located.

(4) The Minister shall prescribe, by an Ordinance, the minimum requirements in relation to type, categories, requirements regarding category, marks of categories as well as manner for the categorisation of facilities in which accommodation services referred to in paragraph 2, item 3 of this Article are provided, and what is considered to be mainly own production, and which dishes, drinks and beverages are considered common for the region in which that rural household is located, as well as types of products which do not have to be from own production within the meaning of paragraph 2, item 1 and 2 of this Article.

(5) The provisions of Article 28 to 35 and 37 of this Act appropriately apply to the provision of services in rural households, with the remark that in the case of providing accommodation services the amount of sojourn tax must be visibly displayed, that is, expressed in the bill.

(6) The decision on authorisation for the provision of hospitality and catering services in a rural household is entered into the Registry on the provision of hospitality and catering services in rural households which is kept by the competent office.

(7) The Minister shall prescribe, by an Ordinance, the form, content and manner of keeping the Registry referred to in paragraph 5 of this Article.

VII SUPERVISION

Article 39

(1) Administrative supervision over the implementation of this Act and regulations adopted on the basis of this Act shall be conducted by the Ministry.

(2) Inspectional supervision over the implementation of this Act and regulations adopted on the basis of this Act, as well as other individual acts, requirements and manners in relation to business activities of the supervised legal and natural person, shall be conducted by competent economic inspectors (hereinafter: the economic inspectors) and other inspectors, each within their competence, pursuant to special regulation.

(3) The supervision over the prohibition to serve, that is, permit consumption of alcohol drinks to persons under 18 years of age shall also be conducted by police officers of the Ministry in charge of internal affairs (hereinafter: the police officers).

(4) When conducting supervision referred to in paragraph 3 of this Article, the police officers are authorised to submit the request for the initiation of a misdemeanour proceedings against an offender.

Article 40

(1) When conducting inspectional supervision in the area of hospitality and catering industry, that is, provision of hospitality and catering services, the economic inspector shall prohibit, by an oral decision in his record, further performance of hospitality and catering activities or provision of hospitality and catering services to a legal or natural person until the removal of the established deficiencies and, that is, for a period of at least 30 days:

- if the activities are performed without being entered into the prescribed register, or if he does not possess an authorisation,
- if the activities are performed without a decision establishing that premises, appliances and equipment fulfil the prescribed requirements.

(2) The decision referred to in paragraph 1 of this Article is carried out immediately by placing a seal on premises, facilities, appliances and other equipment for work or in another appropriate manner.

(3) The economic inspector shall forward a written copy of the decision referred to in paragraph 1 of this Article to the concerned party within a period of 8 days from the day on which the prohibition was pronounced orally. An appeal can be instituted only against the written copy of the decision.

(4) A legal or natural person to whom the oral decision referred to in paragraph 1 of this Article applies to, may submit within the period of 24 hours from the day on which his business premises were sealed, a written request for temporary unsealing of his premises and in the presence of an inspector immediately remove perishable foodstuffs from the same as well as take safety and other measures in order to prevent damage, after which the inspector shall immediately seal the business premises again.

(5) An appeal against the decision referred to in paragraph 3 of this Article shall not postpone its enforcement.

Article 41

(1) The economic inspector shall prohibit, by an oral decision pronounced on the spot to the hospitality and catering service provider or his representative, the provision of hospitality and catering services for the provider who does not comply with the prescribed working hours and place a seal on his appliances, equipment and other premises in which he performs hospitality and catering activity, and within the period of five days issue a written decision on the prohibition of business activity which shall last 30 days from the day of the pronounced oral decision.

(2) If there are perishable foodstuffs in the hospitality and catering facility, the hospitality and catering service provider shall submit, within the period of 24 hours from the day on which his business premises were sealed, a written request for temporary unsealing of his premises and in the presence of economic inspector immediately remove perishable foodstuffs from the same, after which the economic inspector shall immediately seal his business premises again.

(3) An appeal can be made only against the written copy of the decision referred to in paragraph 1 of this Article.

(4) An appeal against the decision shall not postpone its enforcement.

(5) By way of derogation, the measure of placing a seal referred to in paragraph 1 of this Article shall not be carried out if the hospitality and catering service provider submits to the economic inspector evidence that he has made a payment in the amount of HRK 30,000.00 to the State Budget.

(6) In the case referred to in paragraph 5 of this Article, the economic inspector shall terminate the administrative procedure by virtue of a conclusion and annul the oral decision referred to in paragraph 1 of this Article.

Article 42

(1) If a hospitality and catering facility or facility in which certain hospitality and catering services are provided does not fulfil the requirements prescribed by this Act or regulations adopted on the basis of this Act, the economic inspector shall order the removal of the established deficiencies and irregularities and establish the period of time in which those deficiencies and irregularities must be removed.

(2) If the deficiencies and irregularities referred to in paragraph 1 of this Article are not removed within the given period of time, the economic inspectors shall prohibit the performance of hospitality and catering activity, that is, provision of certain hospitality and catering services in the facility in which deficiencies and irregularities were established until the deficiencies and irregularities have been removed.

(3) If the deficiencies and irregularities referred to in Article 39 paragraph 2 of this Act endanger health or life of guests or workers, the economic and other inspectors referred to in Article 39, paragraph 2 of this Act shall prohibit the performance of hospitality and catering activity, that is, provision of certain hospitality and catering services until these deficiencies and irregularities have been removed.

(4) In the case referred to in paragraph 3 of this Article, the economic and other inspectors may pronounce the measure orally and demand the measure to be carried out without delay (immediately)

Article 43

(1) If the economic inspector establishes that camping equipment has been placed, for the purpose of camping, outside the camps from the group »Camps and other types of accommodation facilities« and areas designated for camping pursuant to Article 27, paragraph 2 and 3 of this Act he shall order, by an oral decision, the removal of tents, camp houses, camp trailers and other camping equipment demand the measure to be carried out without delay (immediately).

VIII PENAL PROVISIONS

Article 44

(1) A misdemeanour fine in an amount ranging from HRK 10,000.00 to 150,000.00 shall be imposed on a legal person:

1. for the provision of hospitality and catering services that have not been established by a decision of the Ministry, that is, the competent office, with the exception of the case referred in Article 11, paragraph 2 and 3 of this Act or for the provision of services referred to in Article 11, paragraph 2 and 3 of this Act without prior consent of a sanitary inspector on the fulfilment of sanitary requirements (Article 11, paragraph 1, 2 and 3),

2. if a hospitality or catering facility does not fulfil the minimum requirements prescribed for a certain type, and for facilities that are categorised also the requirements in relation to categorisation, as well as the requirements for the established special standard, that is, the quality mark or when it ceases to fulfil the mentioned requirements (Article 14, 15, 16 and 17),

3. for performing hospitality and catering activity without the decision from the competent office referred to in Article 20, paragraph 3 of this Act, that is, the decision from the Ministry referred to in Article 22, paragraph 1 of this Act, with the exception of the case referred to in Article 19, paragraph 2, 3 and 4 and Article 21, paragraph 1 and of this Act.

(2) The fine referred to in paragraph 1 of this Article shall be imposed on a legal person that performs hospitality and catering activity and does not have the right to perform that activity within the meaning of Article 3 of this Act.

(3) A fine in an amount ranging from HRK 5,000.00 to 15,000.00 shall also be imposed on a responsible person in the legal person for misdemeanours referred to in paragraph 1 and 2 of this Article.

(4) A fine in an amount ranging from HRK 5,000.00 to 15,000.00 shall be imposed on a natural person for misdemeanours referred to in paragraph 1 and 2 of this Article.

(5) For the misdemeanours referred to in paragraph 1 and 2 of this Article, the legal and natural person shall be fined as well as deprived of a material benefit gained from the misdemeanour.

(6) For the misdemeanours referred to in paragraph 1 and 2 of this Article, the economic inspector may charge a fine in the amount of HRK 2,500.00 on the spot on which the misdemeanour has been committed.

Article 45

(1) A misdemeanour fine in an amount ranging from HRK 5,000.00 to 100,000.00 shall be imposed on the legal person:

1. for failing to visibly display at the entrance into a hospitality and catering facility, or in the entrance hall of the hospitality and catering facility located in a building which is protected as a cultural good, in the prescribed manner, a signboard marking the hospitality and catering facility type, that is, the facility type and category, special standard, quality mark, as established by a decision of the competent office, that is the Ministry (Article 9, paragraph 1, item 1),

2. for failing to visibly display at the entrance into the facility a notice on working hours and working, that is, nonworking days, as well as for failing to comply with the displayed working hours (Article 9, paragraph 1, item 2),

3. for failing to establish house rules in accommodation facilities and display it at the reception as well as for failing to display excerpts from the house rules in all rooms and apartments (Article 9 paragraph 1, item 3),
 4. for failing to establish standard specifications of foodstuffs used for a specific dish, drink or beverage, and provide services that comply with the established standard specifications both in quantity and quality, or for failing to show the standard specification to a guest at his request (Article 9 paragraph 1, item 4),
 5. failing to visibly display prices of offered services, in a manner available to guests and comply with the noted prices, and when providing accommodation services also visibly display the amount of sojourn tax in price lists and make a sufficient number of price list copies available to guests (Article 9 paragraph 1, item 5),
 6. for failing to issue a bill for each provided service to a guest with stated type, quantity and price of provided services, that is, approved discount, and when providing accommodation services also express the amount of sojourn tax in the bill (Article 9 paragraph 1, item 6),
 7. for failing to comply with the prescribe working hours (Article 9 paragraph 1, item 7),
 8. for failing to prevent the taking out of drinks and beverages in order to be consumed outside the indoor premises of a hospitality and catering facility referred to in Article 8, paragraph 1, subparagraph 2 of this Act (Article 9, paragraph 1, item 8)
 9. for failing to keep a guest book, in the prescribed form, content and manner, in an accommodation facility (Article 9 paragraph 1, item 9),
 10. for failing to keep a book of complaints, in each facility and in the prescribed form, content and manner, and to submit the stated complaint to the State Inspector's Office within the prescribed period of time, as well as for failing to reply to the complaint within the prescribed period of time (Article 9 paragraph 1, item 10),
 11. for failing to insure guests in the accommodation facility against accidents (Article 9 paragraph 1, item 11),
 12. for failing to deliver a written notice on the termination of the performance of the activity in the hospitality or catering facility to the competent office, that is, the Ministry, within the prescribed period of time (Article 9, paragraph 1, item 12),
 13. for failing to display in a hospitality and catering facility in which services are provided to naturists, beside the name of the facility type, a mark that services are provided to naturists in that facility (Article 9, paragraph 4),
 14. for using a mark of the prescribed hospitality and catering facility type and category, special standard, that is, the quality mark that has not been established by the decision of the competent office, that is, the Ministry, when announcing and advertising services and publishing messages in commercial business activities (Article 10),
 15. for serving, that is, permitting consumption of alcohol drinks to persons under 18 years of age in the hospitality and catering facility, and for failing to visibly display a mark on the prohibition of serving, that is consumption of alcohol for persons under 18 years of age or for serving alcohol drinks contrary to the prescribed prohibition (Article 12).
- (2) A fine in an amount ranging from HRK 5,000.00 to 15,000.00 shall also be imposed on the responsible person in the legal person for misdemeanours referred to in paragraph 1 of this Article.
- (3) A fine in an amount ranging from HRK 5,000.00 to 15,000.00 shall be imposed on the natural person for the misdemeanours referred to in paragraph 1 of this Article.
- (4) For misdemeanours referred to in paragraph 1 of this Article, the economic inspector may charge a fine in the amount of HRK 1,500.00 at the place on which the misdemeanour has been committed.

Article 46

- (1) A fine in an amount ranging from HRK 5,000.00 to 50,000.00 shall also be imposed on a legal person for misdemeanours in the case of:
1. providing services in a closed facility without the decision from the competent office (Article 4, paragraph 2).
 2. if the closed hospitality and catering facility does not fulfil the requirements prescribed by this Act and other regulations. (Article 4, paragraph 2 and 3),

(2) A fine in an amount ranging from HRK 1,500.00 to 7,500.00 shall be imposed on the responsible person in the legal person for misdemeanours referred to in paragraph 1 of this Article.

(3) A fine in an amount ranging from HRK 5,000.00 to 15,000.00 shall also be imposed on a natural person for misdemeanours referred to in paragraph 1 of this Article.

(4) For the misdemeanours referred to in paragraph 1 of this Article, the legal and natural person shall be fined, as well as deprived of a material benefit gained from the misdemeanour.

(5) For misdemeanours referred to in paragraph 1 of this Article, the economic inspector may charge a fine in the amount of HRK 1,500.00 at the place on which the misdemeanour has been committed.

Article 47

(1) A fine in an amount ranging from HRK 3,000.00 to 15,000.00 shall be imposed on a natural person who is neither a craftsman nor a sole trader:

1. for providing accommodation services in more than 8 rooms that is 16 beds, which does not include the number of extra beds (Article 28, paragraph 4, item 1),
2. for providing accommodation services in a camp in more than 7 accommodation units, that is, for more than 25 guests at the same time, which does not include children under 12 years of age (Article 28, paragraph 4, item 2),
3. for providing breakfast, half board or full board services to guests to whom he does not provide accommodation services in a room, apartment or holiday house (Article 28, paragraph 4, item 3)
4. for offering and selling services referred to in Article 28, paragraph 4, item 1 and 2 of this Act contrary to Article 28, paragraph 5 of this Act (Article 28, paragraph 5),
5. if a facility in which he provides services does not fulfil the minimum requirements in relation to type as well as requirements regarding category (Article 29, paragraph 1),
6. if he does not fulfil the prescribed health requirements (Article 30, paragraph 2),
7. for failing to visibly display at the entrance into a facility or in its immediate vicinity, in the prescribed manner, a signboard marking the facility type and category, as established by a decision of the competent office (Article 31, paragraph 1, item 1) ,
8. for failing to display in each facility a mark of type and category, prices of services he provides, information on sojourn tax, and failing to comply with the listed prices (Article 31, paragraph 1, item 2),
9. for failing to establish standard specifications for foodstuffs, drinks and beverages for a specific dish, drink or beverage, if he provides such services, as well as for failing to provide services pursuant to established standard specifications and show the standard specification to a guest at his request (Article 31, paragraph 1, item 3),
10. for failing to issue a bill for each provided service to a guest with stated type, quantity and price of provided services, that is, approved discount (Article 31, paragraph 1, item 4),
11. for failing to keep a list of guests in the prescribed manner (Article 31, paragraph 1, item 5),
12. for using a mark of the prescribed facility type and category that has not been established by the decision of the competent office when announcing and advertising services and publishing messages in promotional materials (Article 31, paragraph 2),
13. for providing services referred to in Article 28 and 38 of this Act without the decision on authorisation, with the exception of the case referred to in Article 34, paragraph 1 of this Act (Article 33, paragraph 1),
14. if he provides hospitality and catering services in a rural household and he is not a member of the rural household, prepares and serves hot and cold dishes, as well as drinks and beverages that are not mainly from own production to guests (picnickers) or serves them to more than 50 guests (picnickers) at the same time, or serves mach, wine, fruit wines, other wine and fruit wine products, strong alcohol and alcohol drinks and home made cold meat cuts, which are not from own production or serves them to more than 50 guests (picnickers) at the same time or provides accommodation services in a room, apartment or camp to guests to whom he does not provide services related to food, serving drinks and beverages (breakfast,

half board or full board) mainly from own production or provides accommodation services in a room or apartment in more than 10 rooms, that is, for more than 20 persons at the same time, or in a camp in more than 10 accommodation units, that is, for more than 30 guests at the same time, or provides services related to food, serving drinks and beverages (breakfast, half board or full board) that are not mainly from own production to guests to whom he provides accommodation services, and in the case of providing accommodation services if he does not visibly display, that is, express in a bill the amount of sojourn tax or serves dishes, or serves drinks and beverages that are not common in a region in which that rural household is located (Article 38, paragraph 2, 3 and 5).

(2) For the misdemeanours referred to in paragraph 1, item 1, 2, 3 and 14 of this Article, apart from the fine pronounced, material benefit gained from the misdemeanour shall be confiscated.

(3) For the misdemeanours referred to in paragraph 1 of this Article, the economic inspector may charge a fine in the amount of HRK 1,000.00 at the place on which the misdemeanour has been committed.

Article 48

(1) A fine in an amount ranging from HRK 2,000.00 to 15,000.00 shall be imposed on a person who camps outside camps from the group »Camps and other types of accommodation facilities« and areas designated for camping outside camps pursuant to Article 27, paragraph 2 and 3 of this Act (Article 27, paragraph 4).

(2) For the misdemeanour referred to in paragraph 1 of this Article, the economic inspector may charge a fine in the amount of HRK 1,000.00 at the place on which the misdemeanour has been committed.

Article 49

For the misdemeanours established by Article 44 and 45 of this Act which have been committed for the second time in the same hospitality and catering facility within the period of two years from the first legally effective misdemeanour decision, a fine shall be imposed on the hospitality and catering service provider accompanied by a protection measure forbidding him to perform hospitality and catering activity in that facility during the period ranging from three months to one year.

Article 50

For the misdemeanours established by Article 44 and 45 of this Act which have been committed for the third time in the same hospitality and catering facility within the period of two years from the second legally effective misdemeanour decision, a fine shall be imposed on the hospitality and catering service provider accompanied by a protection measure forbidding him to perform hospitality and catering activity during the period ranging from six months to one year.

IX TRANSITIONAL AND FINAL PROVISIONS

Article 51

(1) Hospitality and catering service providers who, on the date of entry into force of this Act, perform hospitality and catering activity in the facilities referred to in Article 9, paragraph 1, item 2 and 3 of the Hospitality and Catering Industry Act (Official Gazette, No. 48/95, 20/97, 68/98, 45/99, 76/99, 92/01, 117/01, 4/02, 117/03 and 42/05) shall harmonise their business activities with the provisions of the Ordinance referred to in Article 14, paragraph 2 of this Act within the period of 5 years from the date of entry into force of that Ordinance.

(2) Hospitality and catering service providers who perform hospitality and catering activity in a hospitality and catering facility referred to in Article 33 and 34 that is in the manner prescribed by Article 15, paragraph 1 of the Hospitality and Catering Industry Act (Official Gazette, No. 48/95, 20/97, 68/98, 45/99, 76/99, 92/01, 117/01, 4/02, 117/03 and 42/05) shall harmonise their business activities with the provisions of the Ordinance referred to in Article 14,

paragraph 2 of this Act within the period of 3 months from the date of entry into force of that Ordinance.

(3) The competent office shall forbid, by a decision, the hospitality and catering service provider who fails to harmonise his business activities pursuant to paragraph 1 and 2 of this Article to perform hospitality and catering activity and establish the cessation of validity of the issued decision on the performance of hospitality and catering activity.

Article 52

(1) Legal and natural persons, that on the date of entry into force of this Act, provide hospitality and catering services in a closed facility pursuant to Article 4 of the Hospitality and Catering Industry Act (Official Gazette, No. 48/95, 20/97, 68/98, 45/99, 76/99, 92/01, 117/01, 4/02, 117/03 and 42/05), may continue their business activities, but shall obtain, within the period of 5 years from the date of entry into force of this Act, a decision on the fulfilment of the minimum requirements for a certain type of hospitality and catering facility prescribed by an Ordinance adopted on the basis of this Act.

(2) The competent office shall forbid, by a decision, a legal or natural person that fails to obtain the decision referred to in paragraph 1 of this Article to provide hospitality and catering services and establish the cessation of validity of the issued decision on the provision of services in the closed facility.

(3) By way of derogation from paragraph 1 of this Article, legal and natural persons, that on the date of entry into force of this Act provide hospitality and catering services in a closed facility for children for the purpose of organised children vacations, shall continue their business activities as the hospitality and catering facility referred to in Article 4, paragraph 1 of this Act.

(4) Until the expiry of the period referred to in paragraph 1 of this Article, the provisions of the Hospitality and Catering Industry Act (Official Gazette, No. 48/95, 20/97, 68/98, 45/99, 76/99, 92/01, 117/01, 4/02, 117/03 and 42/05) and regulations adopted for its implementation shall be applied to the provision of services in the facility referred to in paragraph 1 of this Article, with the exception of the facilities referred to in paragraph 3 of this Article.

(5) Until the regulations referred to in Article 4, paragraph 3 and 5 of this Act enter into force, the provisions of the Hospitality and Catering Industry Act (Official Gazette, No. 48/95, 20/97, 68/98, 45/99, 76/99, 92/01, 117/01, 4/02, 117/03 and 42/05) and regulations adopted for its implementation shall be applied to the facilities referred to in paragraph 3 of this Article.

Article 53

(1) Hospitality and catering service providers who, on the date of entry into force of this Act, perform hospitality and catering activity in accommodation facilities camps which are categorised, from the group »Camps and other types of accommodation facilities« and who, until the entry into force of this Act, have not obtained a decision on categorisation pursuant to the Ordinance on classification, minimum requirements and categorisation of other types of accommodation facilities from the group »Camps and other types of accommodation facilities« (Official Gazette, No. 175/03 and 106/04) shall obtain the decision on categorisation within the period of 2 years from the date of entry into force of the regulations referred to in Article 15, paragraph 2 of this Act.

(2) The Ministry, that is, the competent office shall forbid, by a decision, the hospitality and catering service provider who fails to obtain the decision referred to in paragraph 1 of this Article to perform hospitality and catering activity and establish the cessation of validity of the issued decision on categorisation.

Article 54

The Ministry shall forbid, by a decision, hospitality and catering service providers, who, on the date of entry into force of this Act perform hospitality and catering activity in accommodation facilities from the group »Hotels« which are categorised, and who have failed to obtain the decision on categorisation pursuant to the Ordinance on classification, categorisation, special standards and special quality of accommodation facilities from the group »Hotels« (Official

Gazette, No. 48/02, 108/02, 132/03 and 73/04) before the entry into force of this Act, to perform hospitality and catering activity and establish the cessation of validity of the issued decision on categorisation.

Article 55

(1) Natural persons (citizens) who, on the date of entry into force of this Act, provide hospitality and catering services in citizens' households shall continue providing hospitality and catering services in line with the provisions of this Act, which regulate the provision of hospitality and catering services in citizens' households, while the ones whose accommodation capacities exceed the limits prescribed by Article 28, paragraph 1 and 2 of this Act must harmonise their business activities with the provision of Article 28, paragraph 1, item 1 and 2 of this Act within the period of five years of the entry into force of this Act.

(2) Natural persons who, on the date of entry into force of this Act, provide hospitality and catering services in rural households shall harmonise their provision of services with the provision of Article 38, paragraph 2 of this Act within the period of one year of the entry into force of this Act.

(3) The competent office shall forbid, by a decision, a natural person who fails to harmonise his business activities pursuant to paragraph 1 and 2 of this Article to provide hospitality and catering services in his household, that is, rural household and establish the cessation of validity of the issued decision on authorisation.

Article 56

The period of time referred to in Article 23, paragraph 1 of this Act, during which the Ministry shall conduct categorisation of the hospitality and catering facilities referred to in Article 22, paragraph 1 of this Act anew and re-establish the special standard and quality mark for the facilities referred to in Article 16, paragraph 1 of this Act, for hospitality and catering facilities whose category, that is, special standard and quality mark has been established, by a decision, before the entry into force of this Act, starts running on the day on which these decisions became final.

Article 57

Procedures initiated before the entry into force of this Act shall be ended in accordance with the provisions of this Act.

Article 58

(1) The representative body shall adopt regulations pursuant to the authorisation arising from this Act within the period of two months of the entry into force of this Act.

(2) Until the entry into force of the regulations referred to in paragraph 1 of this Article of the Act, regulations adopted by the representative bodies pursuant to the authorisation arising from the Hospitality and Catering Industry Act (Official Gazette, No. 48/95, 20/97, 68/98, 45/99, 76/99, 92/01, 117/01, 4/02, 117/03 and 42/05), in the part which is not contrary to the provisions of this Act, shall remain in force.

(3) Individual decisions adopted by the administration of a local self-government unit pursuant to Article 11, paragraph 2 of the Hospitality and Catering Industry Act (Official Gazette, No. 48/95, 20/97, 68/98, 45/99, 76/99, 92/01, 117/01, 4/02, 117/03 and 42/05) which are contrary to the provisions of this Act shall cease to apply from the day this Act enters into force.

Article 59

The Minister shall adopt regulations pursuant to the authorisation arising from this Act within the period of two six of the entry into force of this Act.

Article 60

Until the entry into force of the regulations referred to in Article 58 and 59 of this Act, the regulations adopted for the implementation of the Hospitality and Catering Industry Act (Official Gazette, No. 48/95, 20/97, 68/98, 45/99, 76/99, 92/01, 117/01, 4/02, 117/03 and 42/05) shall remain in force.

Article 61

On the day this Act enters into force, the Hospitality and Catering Industry Act (Official Gazette, No. 48/95, 20/97, 68/98, 45/99, 76/99, 92/01, 117/01, 4/02, 117/03 and 42/05) and the provisions of Article 58, paragraph 5 of the Act on the State Inspector's Office (Official Gazette 76/99, 96/03, 151/03, 160/04, 174/04, 33/0., 48/05, 129/05 and 140/05) in the part which refers to the implementation of inspectional supervision in the area of hospitality and catering industry, that is, the provision of hospitality and catering services, shall cease to apply.

Article 62

If not otherwise regulated by an international agreement which is in force in the Republic of Croatia, the provision of Article 28, paragraph 3 of this Act shall enter into force on the date of the entry of the Republic of Croatia into full membership of the European Union.

Article 63

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

Class: 335-02/06-01/01
Zagreb, 8 December 2006

THE CROATIAN PARLIAMENT
The President of
the Croatian Parliament
Vladimir Šeks, m.p.