

## Unofficial consolidated version

(Official Gazette 96/2003, 140/2005, 132/2006, 150/2008, 92/2009, 133/2009 – Payment System Act, 153/2009, 145/2010, 76/2013, 52/2021 and 141/2022)

# FOREIGN EXCHANGE ACT

## TITLE I

### Basic provisions

#### Subject matter of the Act

#### Article 1

- (1) This Act governs:
1. transactions between residents and non-residents in foreign means of payment and in euro;
  2. transactions between residents in foreign means of payment;
  3. unilateral transfers of assets from and into the Republic of Croatia that cannot be considered transaction executions between residents and non-residents.
- (2) The transactions referred to in paragraph (1) of this Article shall imply current and capital transactions and their execution by means of payments, collection or transfers.

*Under Article 1 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, Article 1, paragraph (1), item (1) has been amended.*

#### Implementation of the legal acts of the European Union

#### Article 1.a

This Act ensures the implementation of the following acts of the European Union:

Regulation (EU) 2018/1672 of the European Parliament and of the Council of 23 October 2018 on controls on cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005 (OJ L 284, 12. 11. 2018) – hereinafter referred to as 'Regulation (EU) 2018/1672'.

*Under Article 1 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 67/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), after Article 1, a title and Article 1.a and have been added.*

*Under Article 1 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which entered into force on 3 June 2021, Article 1.a has been amended.*

*Under Article 1 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, the character '1' designating item (1) and items (2) and (3) have been deleted.*

#### Residents and non-residents

#### Article 2

- (1) Under the terms of this Act, the term residents shall mean:

1. legal persons with a head office in the Republic of Croatia, except their foreign branches;
2. branches of foreign companies and sole traders enrolled in a register kept by a competent government authority or administration in the Republic of Croatia;
3. sole traders, craftsmen, and other natural persons with a head office or a place of residence in the Republic of Croatia who are self-employed and perform the economic activity of their registration (hereinafter: individual undertakings);
4. natural persons with a place of residence in the Republic of Croatia;
5. natural persons staying in the Republic of Croatia on the basis of a valid residence permit for a minimum period of 183 days, except diplomatic and consular representatives of foreign countries and their family members;

*Under Article 1 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, a new text has been added to item (5).*

6. diplomatic, consular and other representative offices of the Republic of Croatia abroad financed by the budget and Croatian citizens employed in those representative offices, including their family members.

(2) All other persons not stated in paragraph (1) of this Article shall be considered non-residents.

#### Banks and authorised companies

##### Article 3

- (1) For the purposes of this Act, the term bank shall mean:
- a credit institution under the law governing the operation of credit institutions, which is authorised by the Croatian National Bank to conduct the operations governed by this Act;
  - a branch of a third-country credit institution, which is authorised by the Croatian National Bank to establish a branch and to conduct the operations governed by this Act;
  - a credit institution of a Member State that is authorised under the law governing the operation of credit institutions to conduct the operations governed by this Act;
  - the Croatian Bank for Reconstruction and Development.

*Under Article 1 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, paragraph (1) has been amended.*

- (2) Authorised company shall imply a company licensed by the Croatian Financial Services Supervisory Agency, which conducts securities transactions pursuant to provisions of the Capital Market Act.

#### Foreign means of payment

##### Article 4

Foreign means of payment, for the purposes of this Act, shall mean foreign exchange, i.e. monetary claims in foreign currency on a payment service provider, foreign cash (banknotes and coins) and checks and bills of exchange denominated and payable in foreign currency.

*Under Article 3 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, Article 4 has been amended.*

Securities and derivative financial instruments  
Article 5

- (1) Securities shall mean the securities defined in accordance with the Capital Market Act.
- (2) Derivative financial instruments, under the terms of this Act, shall mean the securities or agreements whose value changes in accordance with the changes in the value of financial instruments and any other legal arrangements from which they are derived.

*Under Article 2 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, paragraphs (2) and (3) have been deleted and the former paragraph (4) has become paragraph (2).*

Domestic and foreign securities  
Article 6

- (1) Domestic securities, under the terms of this Act, shall mean the securities issued by a resident issuer and depository bills issued abroad on the basis of the underlying domestic security.
- (2) The securities not referred to in paragraph (1) of this Article shall imply foreign securities.

Capital transactions  
Article 7

- (1) Under the terms of this Act, capital transactions shall mean the transactions concluded between residents and non-residents, as well as unilateral transfers of assets for the purpose of transferring capital, other than current payments and transfers referred to in Article 8 of this Act.
- (2) The capital transactions referred to in paragraph (1) of this Article shall comprise:
  1. direct investments,
  2. investments in real estate,
  3. securities transactions,

*Under Article 3 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, item (3) has been partly amended.*

4. transactions with units in investment funds,
5. credit transactions,
6. deposit transactions,
7. payments related to insurance agreements,
8. unilateral transfers of assets;
  - a) personal transfers of assets,
  - b) physical transfers of assets.

*Under Article 3 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, in paragraph (2), item (4) has been deleted and the former items (5) to (9) have become items (4) to (8).*

- (3) Capital transactions shall also comprise transactions involving the alienation of rights acquired through investments, or securities referred to in paragraph (2) of this Article, as well as the repatriation of assets and transfer of the balance of assets in liquidation or of the bankruptcy estate.

Current transactions and current payments  
Article 8

- (1) Current transactions shall mean transactions concluded between residents and non-residents for a purpose other than a transfer of capital.
- (2) Payments and transfers arising from current transactions shall comprise:
1. all payments due in connection with foreign goods and services trade and other current operations, including services and short-term banking and credit facilities;
  2. payments due as interest on loans and as net income from other investments;
  3. payments of moderate amounts for loan amortization, direct investments depreciation and the distribution of profits based on ownership holdings;
  4. transfers in connection with remittances from workers abroad, pensions, disability allowances, and other social benefits, taxes and dues, interstate cooperation, settlement of insurance claims, lottery gains, compensations for concessions, membership fees and fines (penalties) and moderate remittances for family living expenses.

Direct investments  
Article 9

- (1) Direct investments, under the terms of this Act, shall mean all investments by residents abroad and all investments in the Republic of Croatia by non-residents, made with a purpose of establishing permanent economic relationships and gaining considerable control over the managing of a legal person.
- (2) The following situations shall be identified as those whose purpose is to establish permanent economic relationships and to gain considerable control over the managing of a legal person:
1. the establishment of, or an increase in the initial capital of a company fully owned by the investor, the establishment of a branch or acquisition of an already existing company into full ownership of an investor or investment for the purpose of performing the activities of an individual undertaking;
  2. investment into a new or an existing company, provided the investor acquires a holding in the minimum amount equalling 10% of the initial capital of a company, or a minimum 10% of the voting rights, following the fulfilment of the conditions referred to in paragraph (1) of this Article;
  3. loans with a minimum maturity of five years, granted for the purpose of establishing permanent economic relationships, provided such loans can be classified as subordinate or hybrid claims.
- (3) Following the establishment of a direct ownership relationship between residents and non-residents in terms of paragraphs (1) and (2) of this Article, direct investment transactions shall also comprise:
1. reinvested earnings or any direct investor's share in the profits of a company, which is not distributed in the form of dividends or other forms of profit distribution;
  2. debt transactions between any direct investor and a company into which direct investment has already been made. This shall comprise debt securities, commercial loans, financial loans and

other debtor-creditor relations. Investments by financial institutions involving debt transactions related to current operations shall not be considered direct investments; only the transactions motivated by a permanent interest in ownership status shall be considered direct investments.

- (4) The following shall not be considered direct investments: investments by investment funds, brokerage firms, pension funds, insurance undertakings, banks and other persons granted by the Croatian Financial Services Supervisory Agency a status of an institutional investor, in accordance with a special law, and investments in financial assets made for the purpose of issuing depository bills.
- (5) The following shall exceptionally be considered direct investments: investment by a bank into another bank or other financial institution whose main activity is the provision of financial services and investment by an insurance undertaking into another insurance undertaking, provided such investments fulfil the conditions referred to in paragraph (2) of this Article.

#### Securities transactions Article 10

- (1) Securities transactions, under the terms of this Act, shall mean securities transactions in the capital and money markets and transactions with units in investment funds, which are not investment transactions in terms of Article 9 of this Act.
- (2) Securities transactions referred to in paragraph (1) of this Article shall comprise:
  1. issuance, listing, and the sale of domestic securities abroad;
  2. issuance, listing, and the sale of foreign securities in the Republic of Croatia;
  3. investments by residents into securities abroad;
  4. investments by non-residents into securities in the Republic of Croatia.
- (3) The listing of securities referred to in paragraph (2) of this Article shall mean the beginning of trading in foreign securities in the Republic of Croatia or in domestic securities abroad in stock exchanges or regulated public markets.

#### Credit transactions Article 11

- (1) Credit transactions, under the terms of this Act, shall mean commercial and financial loans. Credit transactions, under the terms of this Act, shall also include sureties and guarantees.
- (2) Commercial loans, under the terms of this Act, shall mean deferred payments, or advance payments for goods and services. Commercial loans shall also include bank funding for deferred and advance payments and transactions involving purchases of receivables (factoring and forfaiting), provided the underlying transaction from which the claims arise can be characterized as a commercial loan.
- (3) Financial loans, under the terms of this Act, shall mean all loans except the loans referred to in Article 9, paragraph (2), item (3) and paragraph (2) of this Article. Financial loans shall also comprise all forms of financing involving commercial transactions (trade in goods and services) in which residents are not a contractual party to the transaction. Financial loans shall not comprise sureties and guarantees.

*Under Article 4 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, a new text has been added to paragraph (3).*

- (4) Credit transactions referred to in Article 9, paragraph (2), item (3) of this Act and all credit transactions referred to in this Article, except deferred and advance payments up to 12 months, based on a commercial transaction, shall be concluded in a written form. Bank loan agreements shall always be concluded in a written form.

#### Deposit transactions

##### Article 12

- (1) The deposit transactions referred to in Article 7, paragraph (2), item (7) of this Act shall mean transactions based on deposit agreements concluded between non-residents and a bank and between residents and a non-resident financial institution.

- (2) Under the terms of this Act, deposit transactions shall also include current account agreements.

#### Payments based on insurance agreements

##### Article 13

Payments based on insurance agreements shall include premium payments and payments of insured amounts on the basis of insurance agreements between a non-resident insurance undertaking and a resident as a beneficiary and a resident insurance undertaking and a non-resident as a beneficiary.

#### Unilateral transfers of assets

##### Article 14

- (1) Unilateral transfers of assets shall mean those transfers of assets from the Republic of Croatia abroad or from abroad to the Republic of Croatia, which cannot be characterized as transaction executions between residents and non-residents and which may take the form of personal and physical transfers of assets.

- (2) Personal transfers of assets shall be transfers of assets from the Republic of Croatia and into the Republic of Croatia on the basis of gifts and grants, fixed income, inheritance, settlement of immigrants' debts in parent country, transfer of immigrants' assets abroad and income of non-resident persons employed in the Republic of Croatia.

- (3) Deleted.

*Under Article 4, paragraph (2) of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, on 1 January 2010, paragraph (3) was deleted.*

- (4) Physical transfers, under the terms of this Act, shall mean any transfer of euro cash, foreign cash, checks and materialized securities from and into the Republic of Croatia.

*Under Article 4 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, Article 14, paragraph (4) has been amended.*

Payments, collections and transfers in foreign means of payment between residents  
and between residents and non-residents  
Article 15

- (1) There shall be no restrictions on payments and collections in foreign exchange, foreign cash and checks and transfers of foreign currency assets between residents and between residents and non-residents.
- (2) Payments and collections in foreign cash between residents and between residents and non-residents in the Republic of Croatia shall comply with anti-money laundering and counter-terrorism and tax regulations.
- (3) The provisions of the act governing fiscalization in cash transactions shall apply to the manner of and the time limits for depositing foreign cash in the account and to the maximum balance in the cash register in payments and collections in foreign cash referred to in paragraph (2) of this Article.

*Under Article 2 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, a new text has been added.*

*Under Article 5 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, Article 15 and the title above it have been amended.*

Foreign exchange accounts and foreign exchange savings deposits accounts of residents  
Article 16

- (1) Residents may keep foreign exchange in foreign exchange accounts or in foreign exchange savings deposits accounts in banks in the Republic of Croatia. The Croatian National bank shall stipulate the conditions for and the manner of opening and maintaining foreign exchange accounts and foreign exchange savings deposits accounts.
- (2) Any bank opening a foreign exchange account and taking a foreign exchange savings deposit shall be obliged to establish the identity of the relevant resident.
- (3) Banks shall be obliged to keep data on foreign exchange account holders and holders of foreign exchange savings deposits accounts referred to in paragraph (1) of this Article for five years following the closing of the account.
- (4) The amount of interest and the way it is calculated and paid and the currency in which the interest and the principal are to be paid shall be laid down in an agreement concluded between the bank and the resident.

*Under Article 16 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, Article 16 ceased to have effect on 1 January 2012.*

Article 17

Deleted.

*Under Article 6 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, Article 17 and the title above it have been deleted.*

Transactions with derivative financial instruments  
Article 18

- (1) The provisions of this Act relating to transactions that serve as a basis for transactions with derivative financial instruments shall apply to transactions with derivative financial instruments.
- (2) Deleted.
- (3) Deleted.

*Under Article 4, paragraph (2) of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, on 1 January 2010, paragraphs (2) and (3) were deleted.*

TITLE II  
Capital transactions  
II. 1 Direct investments

Direct investments by non-residents and residents  
Article 19

- (1) Direct investments by non-residents in the Republic of Croatia shall be unrestricted, unless otherwise provided by special laws.
- (2) Direct investment abroad by residents shall be unrestricted.

Protection of direct investments  
Article 20

- (1) Transfer abroad of profits made by any non-resident through direct investment shall be unrestricted, provided that all profit tax relating to the amount to be transferred abroad has been paid in the Republic of Croatia.
- (2) Transfer abroad of the balance of assets in liquidation or of the bankruptcy estate shall be unrestricted, provided that all tax and other legally prescribed obligations relating to such business have been met in the Republic of Croatia.

II. 2 Investments in real estate  
Article 21

Any resident shall be allowed to transfer funds abroad for the purpose of acquiring ownership of real estate abroad provided all legally prescribed obligations have been settled.

II. 3 Securities transactions

## Article 22

Securities transactions shall be conducted in accordance with the regulations governing the securities market.

*Under Article 5 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, the title of section II.3 has been amended.*

*Under Article 5 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, Article 22 has been amended and the title above it has been deleted.*

## Article 23

Deleted.

*Under Article 6 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, Article 23 and the title above it have been deleted.*

## Article 24

Deleted.

*Under Article 7 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, Article 24 and the title above it have been deleted.*

## Article 25

Deleted.

*Under Article 8 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, Article 25 and the title above it have been deleted.*

## Article 26

Deleted.

*Under Article 9 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, Article 26 and the title above it have been deleted.*

## II.4 Transactions with units in investment funds

### Article 27

Transactions involving units in investment funds shall be conducted in accordance with the regulations governing investment funds operations.

*Under Article 10 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, Article 27 and the title above it have been amended.*

## II. 5 Credit transactions

### Article 28

- (1) Banks may conduct credit transactions with non-residents in their own name and for their own account, in their own name and for the client's account and in the client's name and for the client's account.
- (2) Resident legal persons or individual undertakings, pursuant to this Act, may conduct credit transactions with non-residents in their own name and for their own account and in their own name and for the client's account.
- (3) Other residents may conduct credit transactions with non-residents in their own name and for their own account.
- (4) Deleted.

*Under Article 4, paragraph (2) of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, on 1 January 2011, paragraph (4) was deleted.*

*Under Article 16 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, paragraph (4) has been deleted.*

- (5) When granting loans and issuing guarantees and sureties on behalf of non-residents, residents shall provide those instruments of collateral which are required to ensure a security of the credit transaction, guarantee and surety offered.
- (6) Deleted.

*Under Article 1 of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, paragraph (6) has been amended.*

*Under Article 4, paragraph (2) of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, on 1 July 2010, paragraph (6) was deleted.*

*Under Article 11 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, the section title above Article 28 has been amended.*

## II. 6 Deposit transactions

### Article 29

Deleted.

*Under Article 12 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, the section title above Article 29 has been amended.*

*Under Article 4, paragraph (2) of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, on 1 January 2011, Article 29 was*

*deleted.*

*Under Article 16 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, Article 29 has been deleted.*

Deposit transactions of non-residents  
Article 30

*Ceased to have effect on 1 January 2012.*

- (1) Non-residents may open foreign exchange and kuna accounts in banks.
- (2) Any bank opening an account shall establish the identity of the non-resident.
- (3) Data on account owners referred to in paragraph 1 of this Article shall be kept by the bank for five years following the closing of the account.
- (4) The Croatian National Bank shall prescribe the conditions and the manner governing the opening and managing of the accounts.
- (5) Deleted.

*Under Article 13 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, paragraph (5) has been deleted.*

*Under Article 16 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, Article 30 ceased to have effect on 1 January 2012.*

II. 7 Payments based on insurance agreements  
Article 31

Payments based on insurance agreements shall be unrestricted, provided the agreement is concluded in accordance with the regulations governing insurance.

*Under Article 14 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, the section title above Article 31 has been amended.*

TITLE III  
Payments, collections and transfers  
III. 1 General provisions

External payments  
Article 32

Deleted.

*Under Article 16 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, Article 32 has been deleted.*

Time limits for the execution of external payment orders  
Article 33

Deleted.

*Under Article 16 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, Article 33 has been deleted.*

Article 34

Deleted.

*Under Article 15 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, paragraph (2) has been amended.*

*Under Article 1 of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 92/2009, which entered into force on 29 July 2009, on 1 January 2010, paragraph (1) was deleted.*

*Under Article 2 of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, Article 34 has been amended.*

*Under Article 3 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, Article 34 and the title above it have been amended.*

*Under Article 7 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, Article 34 and the title above it have been deleted.*

III. 2 Payments and transfers based on capital transactions  
Article 35

- (1) Payments and transfers based on capital transactions shall be unrestricted provided each such transaction is entered into in accordance with this Act and all tax obligations arising from such a transaction have been settled in the Republic of Croatia.
- (2) By way of derogation from the provisions of paragraph (1) of this Article, each transfer abroad of profits earned by non-residents through direct investments in the Republic of Croatia shall be subject to the application of Article 20, paragraph (1) of this Act.
- (3) Deleted.

*Under Article 16 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, Article 35 has been amended.*

*Under Article 35 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, on 1 January 2008, paragraph (3) was deleted.*

III. 3 Unilateral transfers of assets – physical transfers of assets

## Article 36

Deleted.

*Under Article 17 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, a new text has been added to item (2).*

*Under Article 4, paragraph (2) of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, on 1 January 2010, Article 36 was deleted.*

## Article 37

Deleted.

*Under Article 18 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, in paragraph (2), a part of the text has been deleted.*

*Under Article 4, paragraph (2) of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, on 1 January 2010, Article 37 was deleted.*

## Article 38

Deleted.

*Under Article 4, paragraph (2) of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, on 1 January 2010, Article 38 was deleted.*

## Special provision

### Article 39

Deleted.

*Under Article 19 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, Article 39 has been amended.*

*Under Article 16 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, Article 39 has been deleted.*

## Controls on cash – definition of terms

### Article 40

The terms used in this Act relating to controls on cross-border transfers of cash shall have the same meaning as the terms determined in Article 2, paragraph (1) of Regulation (EU) 2018/1672, relating to the definitions: 'cash', 'entering or leaving the Union', 'currency', 'bearer-negotiable instruments', 'commodity used as a highly-liquid store of value', 'prepaid card', 'competent authorities', 'carrier', 'unaccompanied cash', 'criminal activity', 'Financial Intelligence Unit (FIU)'.

*Under Article 20 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, the section title above Article 40 has been amended and paragraph (3) added.*

*Under Article 2 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), Article 40 and the title above it have been amended.*

*Under Article 2 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which entered into force on 3 June 2021, Article 40 and the title above it have been amended.*

Controls on cash brought into the Republic of Croatia and taken out of the Republic of Croatia into another Member State  
Article 40.a

- (1) Natural persons entering the Republic of Croatia from another Member State or leaving the Republic of Croatia and entering another Member State, or entering the Republic of Croatia from another Member State, shall, upon request from the authorised customs official or border police official declare the cash they are carrying if that cash equals a value of EUR 10,000.00 or more, in writing, using the declaration form containing the information referred to in Article 3, paragraph (2) of Regulation (EU) 2018/1672.
- (2) The obligation of declaration referred to in paragraph (1) of this Article shall not be considered fulfilled if the information provided is incorrect or incomplete or if the cash has not been made available for control.

*Under Article 21 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, Article 40.a and the title above it have been added.*

*Under Article 3 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), Article 40.a and the title above it have been amended.*

*Under Article 3 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which entered into force on 3 June 2021, Article 40.a and the title above it have been amended.*

Temporary detention of cash  
Article 40.b

- (1) The Customs Administration shall temporarily detain cash if:
  1. the obligation to declare accompanied cash under Article 3 of Regulation (EU) 2018/1672 has not been fulfilled;
  2. the obligation to disclose unaccompanied cash under Article 4 of Regulation (EU) 2018/1672 has not been fulfilled;
  3. the obligation to declare cash referred to in Article 40.a of this Act has not been fulfilled;
  4. there are indications that the cash, irrespective of the amount, is related to criminal activity.

- (2) The Customs Administration shall issue a decision on a temporary detention of cash referred to in paragraph (1) of this Article in accordance with the provisions of the law regulating misdemeanour proceedings, which shall not exceed 30 days.
- (3) After the Customs Administration carries out a thorough assessment of the necessity and proportionality of a further temporary detention, it may decide to extend by means of a decision the period of temporary detention referred to in paragraph (2) of this Article to a maximum of total 90 days.
- (4) An appeal may be filed against the decision referred to in paragraphs (2) and (3) of this Article within three days of the day of receipt of the decision.
- (5) No appeal filed against the decision referred to in paragraphs (2) and (3) of this Article shall stay its execution.
- (6) The appeal filed against the decision referred to in paragraphs (2) and (3) of this Article shall be decided in the second instance by the High Misdemeanour Court of the Republic of Croatia.
- (7) When the cash in temporary detention cannot be returned, after expiry of three years of the date on which the decision on the return of cash becomes final, the cash in temporary detention shall become the revenue of the state budget.

*Under Article 4 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which entered into force on 3 June 2021, after Article 40.a, Article 40.b and the title above it have been added.*

#### Article 40.c

*Under Article 4 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which entered into force on 3 June 2021, after Article 40.b, Article 40.c and the title above it have been added.*

*Under Article 8 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, Article 40.c and the title above it have been deleted.*

#### Fictitious agreements

##### Article 41

No resident shall settle false claims or issue orders for payments to non-residents on the basis of fictitious agreements or invoices, or conclude agreements not based on actual prices.

#### TITLE IV

##### Foreign exchange market and the exchange rate

##### Foreign exchange market

##### Article 42

- (1) Foreign exchange market, under the terms of this Act, shall comprise all foreign exchange purchase and sale transactions.

- (2) Banks shall conclude foreign exchange purchase and sale transactions in their own name and for their own account and in their own name and for the client's account, and other persons in their own name and for their own account.
- (3) Any purchase or sale of foreign means of payment in the Republic of Croatia by residents and non-residents shall be conducted in banks. The Ministry of Finance may also conduct its foreign exchange purchase and sale transactions in the Croatian National Bank.

*Under Article 22 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, the first sentence of paragraph (3) has been amended.*

- (4) Residents referred to in Article 2, paragraph (1), items (4) and (5) of this Act and natural non-resident persons may also conduct foreign cash purchase and sale transactions and the sale of checks denominated in a foreign currency through authorised exchange offices.

*Under Article 4 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, paragraph (4) has been amended.*

- (5) Unless listed in paragraph (4) of this Article, residents and non-residents shall not be allowed to conduct their foreign exchange purchase and sales transactions through authorised exchange offices.

- (6) Deleted.

*Under Article 22 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, paragraph (6) has been added.*

*Under Article 4, paragraph (2) of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, on 1 January 2010, paragraph (6) was deleted.*

#### Purchase and sale of foreign exchange through spot and forward transactions Article 43

- (1) Participants in the foreign exchange market may purchase and sell foreign exchange through spot and forward transactions.
- (2) Forward foreign exchange purchase and sale transactions, under the terms of this Act, shall mean any purchase or sale transaction with a maturity of not less than two working days from the date of agreement.

#### Exchange rate determination Article 44

The exchange rate of foreign currencies against the euro shall be freely determined on the foreign exchange market, on the basis of supply and demand.

*Under Article 9 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, Article 44 has been amended.*

Exchange rate list of the Croatian National Bank  
Article 45

The provisions of the act governing the introduction of the euro as the official currency in the Republic of Croatia shall apply to the publication of the exchange rate list of the Croatian National Bank and to the use of the midpoint exchange rates of the Croatian National Bank for the euro in relation to other currencies.

*Under Article 4 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), in Article 45, paragraph (4) has been deleted.*

*Under Article 10 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, Article 45 and the title above it have been amended.*

Authorised exchange offices  
Article 46

(1) Exchange transactions conducted by authorised exchange offices shall comprise the purchase of foreign cash and checks denominated in a foreign currency and the sale of foreign cash in exchange for euro cash.

*Under Article 23 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, paragraph (1) has been amended.*

*Under Article 5 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, paragraph (1) has been amended.*

*Under Article 11 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, paragraph (1) has been amended.*

(2) Authorised exchange offices shall be resident craftsmen, sole traders and legal persons with an authorisation from the Croatian National Bank to conduct exchange transactions.

*Under Article 1 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 140/2005, which entered into force on 6 December 2005, paragraph (2) has been amended.*

*Under Article 23 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, paragraph (2) has been amended and new paragraphs (3) and (4) have been added.*

(3) The authorised exchange office referred to in paragraph (2) of this Article may conduct exchange transactions provided it meets the following conditions:

1. it uses protected euro-based software certified by the Croatian National Bank;
2. it has entered into an agreement with a bank on the conduct of exchange transactions;
3. it has its exchange activity enrolled in the court register or register of trades and crafts; and
4. an authorised exchange office that is a craftsman or a sole trader and, in the case of an exchange office that is a legal person, a member of the management board or executive director of a joint

stock company that has a management board, a procurator, or any of the qualified owners of the authorised exchange office referred to in Article 46.a, paragraph (1), item (2) and paragraph (2) item (2) of this Act, has not been convicted by a judgement with final force and effect of any of the following criminal offences in the Republic of Croatia:

- the offences referred to in Article 279 (concealment of illegally obtained money) of the Criminal Code (Official Gazette 110/1997, 27/1998 and 50/2000 – Decision of the Constitutional Court of the Republic of Croatia, 129/2000, 51/2001, 111/2003 and 190/2003 – Decision of the Constitutional Court of the Republic of Croatia, 105/2004, 84/2005, 71/2006 and 110/2007);

- the offences referred to in Article 173 (drug abuse), Article 175 (human trafficking and slavery), Article 187.a (preparation of criminal offenses against the values protected by international law), Article 223 (violation of confidentiality, integrity and availability of computer data, programmes or systems), Article 223.a (computer forgery), Article 224.a (computer fraud), Article 274 (counterfeit of money), Article 275 (counterfeit of securities), Article 276 (counterfeit of value tokens), Article 277 (the production, procurement, possession, sale or making available of counterfeiting devices), Article 278 (counterfeit of labels for goods, measures and weights), Article 279 (money laundering), Article 286 (evasion of taxes and other levies), Article 287 (violation of the obligation to keep trading and business books), Article 291 (unconscionable business conduct), Article 292 (abuse of authority in business dealings), Article 293 (fraud in business dealings), Article 294.a (accepting a bribe in business dealings), Article 294.b (giving a bribe in business dealings), Article 311 falsification of documents), Article 312 (falsification of official documents), Article 313 (special cases of falsification), Article 314 (the production, procurement, possession, sale or making available of document falsification devices) and Article 315 (certification of untrue content) of the Criminal Code (Official Gazette 110/1997, 27/1998 and 50/2000 – Decision of the Constitutional Court of the Republic of Croatia, 129/2000, 51/2001, 111/2003 and 190/2003 – Decision of the Constitutional Court of the Republic of Croatia 105/2004, 84/2005, 71/2006, 110/2007, 152/2008, 57/2011 and 77/2011 – Decision of the Constitutional Court of the Republic of Croatia);

- the offences referred to in Article 98 (terrorist financing), Article 105 (slavery), Article 106 (human trafficking), Article 190 (unauthorised manufacture of drugs and drugs trafficking), Article 191 (allowing drug use), Article 246 (abuse of trust in business dealings), Article 247 (fraud in business dealings), Article 248 (violation of the obligation to keep trading and business books), Article 252 (accepting a bribe in business dealings), Article 253 (giving a bribe in business dealings), Article 256 (evasion of taxes or customs duties), Article 258 (subsidy fraud), Article 265 (money laundering), Article 274 (counterfeit of money), Article 275 (counterfeit of securities), Article 276 (counterfeit of value tokens), Article 277 (counterfeit of labels for goods, measures and weights), Article 278 (falsification of documents), Article 279 (falsification of official or business documents), Article 281 (certification of untrue content), Article 283 (the production, procurement, possession, sale or making available of counterfeiting devices) or any of the offences against computer systems, programmes and data (Title XXV) referred to in the Criminal Code; or

- any of the offences prescribed by this Act;

or abroad, for offences meeting the description of criminal offences referred to in indents 1, 2,

3 and 4 of this item, and, where it has been convicted with finality of any of these offences, at least five years have elapsed since the verdict's finality, where the time spent serving the term shall not be included in this five-year period.

*Under Article 1 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 140/2005, which entered into force on 6 December 2005, paragraph (3) has been amended.*

*Under Article 5 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, item (4) has been amended.*

*Under Article 5 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), item (1) has been amended.*

*Under Article 11 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, item (1) has been amended.*

- (4) A qualified owner, within the meaning of this Act, shall be a natural or a legal person directly holding a minimum 25% stake or 25% shares or other rights on the basis of which it partakes in the management of a legal person.
- (5) The Croatian National Bank shall prescribe the conditions for exchange transactions and the manner in which they are to be conducted.

Application for the issue of the authorisation to conduct exchange transactions  
Article 46.a

- (1) An application for the issue of the authorisation to conduct exchange transactions shall be accompanied by:
  1. the original or a certified copy not older than 30 days from the date of application of the certificate from the register of companies or the register of crafts;

*Under Article 24 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, a new text has been added to item (1).*

2. a list of qualified owners for the applicant – a legal person, stating their full names and places of residence and the number and the place of issue of their personal identification documents or company name and address of the head office as well as their individual, percentage shares in the equity capital of the applicant;

*Under Article 24 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, item (2) has been amended.*

3. an agreement or preliminary agreement on exchange transactions concluded with a bank;

*Under Article 24 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, a new text has been added to item (3).*

4. an agreement or preliminary agreement on the purchase of a protected computer programme for exchange transactions concluded with the producer whose programme has been certified by the Croatian National Bank and a certificate of authenticity by which the producer of the protected computer programme attests that the programme in question has been certified;

*Under Article 24 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, in item (4) a part of the text has been amended and a part deleted.*

5. data proving that the persons referred to in Article 46, paragraph (3), item (4) of this Act have not been convicted abroad for offences meeting the description of criminal offences referred to in Article 46, paragraph (3), item (4) of this Act, not older than three months.

*Under Article 24 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, item (5) has been deleted.*

*Under Article 6 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, a comma has been added in item (4) and item (5) has been added.*

- (2) Where the qualified owner of the applicant is a legal person, the applicant shall supply, in addition to the documentation referred to in paragraph (1) of this Article, the following documentation for each such qualified owner:
  1. the original or a certified copy of an excerpt from the court register, not older than 30 days from the date of application,
  2. a list of its qualified owners who are natural persons, stating their full names and places of residence and the number and the place of issue of their personal identification documents, as well as their individual, percentage shares in the equity capital.

*Under Article 24 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, paragraph (2) has been amended.*

- (3) The Croatian National Bank shall obtain data on no-criminal history status referred to in Article 46, paragraph (3), item (4) of this Act, upon a justified request, from the criminal history records.

*Under Article 24 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, paragraph (3) has been added.*

- (4) Any application which is not accompanied by all the necessary documentation referred to in this Article of the Act shall be considered incomplete.

*Under Article 2 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 140/2005, which entered into force on 6 December 2005, Article 46.a and the title above it have been added.*

*Under Article 6 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, a part of the text in paragraph (3) has been amended and paragraph (4) added.*

*Under Article 6 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which*

*entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), in Article 46.a paragraph (4) has been amended.*

Deciding on the application for the issue of the authorisation to conduct exchange transactions  
Article 46.b

- (1) The Croatian National bank shall refuse the application for the issue of the authorisation to conduct exchange transactions:
1. if it establishes that the applicant has not concluded an agreement or a preliminary agreement for the purchase of protected computer programme for the conduct of exchange transactions certified by the Croatian National Bank and for which the Croatian National Bank has issued a certificate of authenticity for the protected software which is the subject of the agreement or a preliminary agreement; or
  2. if it establishes that the applicant has not concluded an agreement or a preliminary agreement with a contractual bank;
  3. if it establishes that the applicant that is a craftsman or a sole trader and, in the case of an applicant that is a legal person, a member of the management board or executive director of a joint stock company that has a management board, a procurator, or any of the qualified owners of the applicant referred to in Article 46.a, paragraph (1), item (2) and paragraph (2), item (2) of this Act, does not meet the conditions referred to in Article 46, paragraph (3), item (4) of this Act;
  4. if it follows from other available data that business activities or operations or conduct of the person referred to in item (3) of this paragraph might threaten the legitimate business operations of the authorised exchange office; or
  5. if winding-up or bankruptcy proceedings have been initiated against the applicant.

*Under Article 25 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, paragraph (1) has been deleted and in the former paragraph (2) which has become paragraph (1), items (1), (2), (3) and (4) have been amended and the former paragraphs (3) and (4) have become paragraphs (2) and (3).*

*Under Article 7 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, item (3) has been amended, a new text has been added to item (4) and item (5) has been added.*

*Under Article 7 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), in Article 46.b, paragraph (1), item (3) has been amended.*

- (2) The Croatian National Bank shall adopt the decision on the application no later than within 60 days from the receipt of a valid application for the issue of the authorisation to conduct exchange transactions.

*Under Article 7 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), in Article 46.b paragraph (2) has been amended.*

- (3) A resident shall submit an application for the enrolment of exchange office operations in the

register of companies or the register of trades and crafts after receiving the authorisation to conduct exchange transactions.

*Under Article 2 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 140/2005, which entered into force on 6 December 2005, Article 46.b and the title above it have been added.*

Grounds for the revocation of the authorisation to conduct exchange Transactions  
Article 46.c

- (1) The Croatian National Bank shall revoke the authorisation to conduct exchange transactions:
1. if the authorised exchange office does not begin conducting exchange transactions within 180 days from the date of authorisation;
  2. if the authorisation has been obtained on the basis of false documentation or information,
  3. if, after being granted authorisation, the authorised exchange office conducts exchange transactions without fulfilling the conditions referred to in Article 46, paragraph (3), items (1), (2) and (4);
  4. if the authorised exchange office has been convicted on the basis of a final judgement of any of the gross misdemeanours referred to in Article 63, paragraph (1), item (4) of this Act, in case of a misdemeanour committed in relapse or if the value of foreign cash or euro cash that was the subject of the misdemeanour exceeds EUR 30,000.00;
  5. if the authorised exchange office does not allow the person authorised by the Financial Inspectorate of the Republic of Croatia to conduct supervision;
  6. if the authorised exchange office, which has obtained the authorisation on the basis of a preliminary agreement on exchange transactions concluded with a bank or on the basis of a preliminary agreement on the purchase of a protected computer programme for exchange transactions, within the time limit set in the authorisation of the Croatian National Bank, does not submit the agreement on exchange transactions concluded with a bank or a certificate of the producer of the protected computer programme attesting the authenticity of the purchased and installed programme; or
  7. if the authorised exchange office fails to submit the requested information and evidence to the Croatian National Bank referred to in Article 46.e, paragraph (3) of this Act, within the time limit set in the authorisation of minimum 30 days.

*Under Article 26 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, item (2) has been deleted and the former item (3) has become item (2), the former item (4) has been amended and has become item (3) and a new item (4) has been added.*

*Under Article 8 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, a part of the text in item (5) has been deleted, item (6) has been amended and item (7) has been added.*

*Under Article 12 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, item (4) has been amended.*

- (2) No appeal can be made against a decision withdrawing authorisation for the conduct of exchange transactions, but an administrative dispute may be initiated.

- (3) Each authorised exchange office whose authorisation for the conduct of exchange transactions has been withdrawn by the Croatian National Bank shall be removed from the court register or the register of trades and crafts on the basis of a decision issued by the Croatian National Bank.
- (4) The authorised exchange office that has had its authorisation for the conduct of exchange transactions withdrawn shall not be allowed to apply for a new authorisation for the conduct of the same activity, before expiry of a one-year period from the date when the decision on the withdrawal of authorisation has been served.

*Under Article 2 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 140/2005, which entered into force on 6 December 2005, Article 46.c and the title above it have been added.*

*Under Article 26 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, paragraphs (2), (3) and (4) have been added.*

Cessation of effect of the authorisation to conduct exchange transactions  
Article 46.d

Authorisation to conduct exchange transactions shall cease to have effect:

1. on the date when the decision on withdrawal of authorisation to conduct exchange transactions is served;
2. on the date when a winding-up or bankruptcy proceeding is initiated against the authorised exchange office;
3. upon removal of the authorised exchange office from the court register or the register of trades and crafts.

*Under Article 27 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, Article 46.d and the title above it have been added.*

*Under Article 9 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, a new text has been added to item (2).*

Notification of changes  
Article 46.e

- (1) Each authorised exchange office shall notify the Croatian National Bank about all changes in the court register or the register of trades and crafts within 8 days from the date of change being entered into the register as well as about changes in qualified owners referred to in Article 46.a, paragraph (1), item (2) and paragraph (2), item (2) of this Act within 8 days from the date of change.
- (2) In addition to the notification referred to in paragraph (1) of this Article, the authorised exchange office shall supply an excerpt from the court register or the register of trades and crafts for the applicant and a list of new qualified owners as well as other documentation pertaining to the new qualified owners pursuant to Article 46.a, paragraph (1), item (2) and paragraph (2) of this Act.
- (3) The authorised exchange office referred to in Article 46, paragraph (2) of this Act shall supply to the Croatian National Bank on request the information and evidence on the fulfilment of the

conditions referred to in Article 46, paragraph (3) of this Act.

*Under Article 27 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, Article 46.e and the title above it have been added.*

*Under Article 10 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, paragraph (3) has been added.*

#### Article 47

Deleted.

*Under Article 4, paragraph (3) of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, paragraph (4) shall cease to have effect on the day of accession of the Republic of Croatia to the European Union.*

*Under Article 16 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, paragraph (4) shall cease to have effect on the day of accession of the Republic of Croatia to the European Union.*

*Under Article 13 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, the words 'TITLE V', the title of TITLE V and the title above Article 47 and Article 47 have been deleted.*

#### Article 48

Deleted.

*Under Article 13 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, Article 48 and the title above it have been deleted.*

### TITLE VI

#### Business books and reporting

##### VI. 1 General provisions governing reporting on external operations

#### Reporting obligation

##### Article 49

- (1) Residents shall, in accordance with the provisions of this Act and subordinate legislation, inform the Croatian National Bank about all cross-border transactions they have entered into. Banks, authorised companies, the Central Depository Agency, public notaries and bodies of customs administration shall also inform the Croatian National Bank about any cross-border third-person transactions of which they learn in the course of conduct of their business, pursuant to the provisions of this Act and subordinate legislation.

*Under Article 28 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, paragraph (1) has been amended.*

- (2) Residents covered by the reporting obligation shall allow the Croatian National Bank and the Ministry of Finance – Financial Inspectorate of the Republic of Croatia, and the Customs Administration, to examine their business books and other business documentation, for the purpose of data verification.
- (3) The Croatian National Bank shall define in detail the conditions, the substance, the manner and the procedure of reporting.
- (4) The Croatian National Bank shall compile the Republic of Croatia statistics on the balance of payments, external debt stock and international investment position.

*Under Article 14 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, 141/2022, which entered into force on 1 January 2023, paragraph (4) has been amended.*

- (5) For the purpose of controlling foreign exchange operations and compiling the Republic of Croatia statistics on the balance of payments, external debt stock and international investment position, residents shall submit to the Croatian National Bank data on external operations and transactions in the manner and within the time limits prescribed by a special decision of the Croatian National Bank.

*Under Article 3 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 140/2005, which entered into force on 6 December 2005, a new text has been added to item (5).*

*Under Article 14 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, paragraph (5) has been amended.*

- (6) Residents covered by the obligation to report to the Croatian National Bank on capital transactions with non-residents shall, at the request of the Ministry of Finance – Financial Inspectorate of the Republic of Croatia, submit data on actual owners of a non-resident with which they conclude transactions if the non-resident in question is an off-shore undertaking.

*Under Article 3 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 140/2005, which entered into force on 6 December 2005, paragraph (6) has been added.*

## VI. 2 Control book

### Article 50

- (1) The residents referred to in Article 2, paragraph (1), items (1), (2) and (3) of this Act, except banks, shall keep control books on all payments and collections arising from external capital transactions, irrespective of whether the data entered in that book should also be entered in other books and records which such residents are obliged to keep pursuant to other regulations.
- (2) The control book shall be made available to foreign exchange control officials immediately and not later than on the next working day.
- (3) The Minister of Finance shall prescribe, in a decree, the content and manner of keeping control books.

*Under Article 8 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), Article 50 has been amended.*

VI. 3 Reporting on direct and other equity investment  
Article 51

- (1) The Croatian National Bank shall prescribe the manner of reporting and collecting data on direct and other equity investments.
- (2) Residents shall report to the Croatian National Bank on direct and other equity investments, in the manner and within the time limits determined by a decision of the Croatian National Bank.

*Under Article 11 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, Article 51 has been amended.*

VI. 4 Reporting on securities transactions  
Article 52

- (1) The Croatian National Bank shall prescribe the manner of reporting and collecting data on securities transactions.
- (2) Residents shall report to the Croatian National Bank on securities transactions, in the manner and within the time limits determined by a decision of the Croatian National Bank.

*Under Article 12 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, Article 52 has been amended.*

VI. 5 Reporting on credit transactions  
Article 53

- (1) Residents shall report to the Croatian National Bank on any credit transactions with non-residents in the manner and within the time limits prescribed by a decision of the Croatian National Bank.

*Under Article 13 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, a new text has been added to paragraph (1).*

- (2) For reporting purposes, the Croatian National Bank may stipulate that credit transactions also comprise certain other transactions between residents and non-residents, the economic purpose of which equals that of a credit transaction.

VI. 6 Reporting on deposit transactions  
Article 54

Residents shall report to the Croatian National Bank on the transactions and balances in their accounts abroad and in the accounts of their branches abroad in the manner and within the time limits laid down in a decision by the Croatian National Bank.

TITLE VII  
Supervision  
VII. 1 General provisions

Supervisory bodies  
Article 55

Supervision over transactions pursuant to this Act shall be exercised by the Ministry of Finance – the Financial Inspectorate of the Republic of Croatia and the Customs Administration (hereinafter: supervisory bodies).

*Under Article 15 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, Article 55 has been amended.*

Exchange of information between supervisory bodies  
Article 56

- (1) The supervisory bodies referred to in Article 55 of this Act and the Croatian National Bank shall exchange information needed by the supervisory body in the process of supervision or by the Croatian National Bank to compile the statistics referred to in Article 49, paragraph (4) of this Act.
- (2) The exchange of information shall include the provision of notification of the irregularities established, which are important for the operation of the supervisory body or the compilation of statistics by the Croatian National Bank.
- (3) The provision of information on the supervised person needed by the supervisory bodies referred to in paragraph (1) of this Article for supervisory purposes or by the Croatian National Bank for compiling the statistics referred to in Article 49, paragraph (4) of this Act shall not be considered disclosure of a secret as defined by special regulations.
- (4) The supervisory bodies referred to in paragraph (1) of this Article and the Croatian National Bank shall define the content of the notifications and the manner in which such notifications are to be provided by means of an agreement on the exchange of information.

*Under Article 4 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 140/2005, which entered into force on 6 December 2005, paragraph (2) has been added.*

*Under Article 16 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, Article 56 has been amended.*

VII. 2 Real competence

Competence of the Ministry of Finance – the Financial Inspectorate  
of the Republic of Croatia  
Article 57

- (1) The Ministry of Finance – the Financial Inspectorate of the Republic of Croatia shall supervise the application and the implementation of this Act and the operations of residents and non-residents

performing their business or other activity in the territory of the Republic of Croatia.

- (2) Residents and non-residents referred to in paragraph (1) of this Article shall allow authorised person of the Financial Inspectorate unrestricted supervision and control of their business operations and shall make available or send to them, on request, all required documentation and data on the business activity the resident is exercising abroad.

*Under Article 14 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, a part of the text in paragraph (2) has been amended.*

#### Competence of the Ministry of Finance – Financial Inspectorate Article 58

- (1) The Ministry of Finance – Financial Inspectorate shall supervise foreign exchange transactions of banks, branches and representative offices of foreign banks.
- (2) The Ministry of Finance – Financial Inspectorate shall supervise the work of authorised exchange offices.

*Under Article 17 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, Article 58 and the title above it have been amended.*

#### Authorities competent for controls on cash Article 59

- (1) The authority competent for the implementation of Regulation (EU) 2018/1672 and for the implementation of the controls on cash referred to in Article 40.a of this Act shall be the Customs Administration.
- (2) The Government of the Republic of Croatia shall issue a decree regulating that for economical reasons the controls on accompanied cash referred to in paragraph (1) of this Article are also to be performed by the border police if reasons of security thus allow.
- (3) When the controls on cash are performed by border police officials, the authorised customs officials shall provide them with instructions and professional assistance.
- (4) The declaration forms referred to in Article 3, paragraph (3) and Article 4, paragraph (3) of Regulation (EU) 2028/1672 and the declaration forms referred to in Article 40.a of this Act shall be available in customs offices and on the websites of the Customs Administration and the Financial Inspectorate.
- (5) The Customs Administration shall be the authorised prosecutor responsible for initiating misdemeanour proceedings for the misdemeanours referred to in Articles 69 to 69.c of this Act.

*Under Article 9 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), Article 59 has been amended.*

*Under Article 5 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which entered into force on 3 June 2021, Article 59 and the title above it have been amended.*

Record-keeping, exchange and storage of data  
Article 59.a

- (1) The Customs Administration shall keep and manage records of data collected in accordance with Article 3, Article 4, Article 5, paragraph (3) and Article 6 of Regulation (EU) 2018/1672 in accordance with the technical rules referred to in Article 16, paragraph (1), item (c) of Regulation (EU) 2018/1672.
- (2) The Customs Administration shall record data on the transfer of cash referred to in Article 40.a of this Act and data on the transfer of cash referred to in Article 40.a of this Act of a value below EUR 10,000.00 if there are indications that it is related to criminal activity.
- (3) The Customs Administration shall communicate the collected data on the transfer of cash referred to in Article 40.a of this Act to the Anti-Money Laundering Office at the latest within three days of the day of cash transfer.
- (4) The Customs Administration shall communicate the collected data on the transfer of cash referred to in Article 40.a of this Act for which there are indications that it is related to criminal activity, irrespective of the amount, to the Anti-Money Laundering Office at the latest on the first working day of the day of cash transfer.
- (5) The Customs Administration shall keep the records of data on the transfer of cash referred to in Article 40.a of this Act and the transfer of cash referred to in Article 40.a of this Act for which there are indications that it is related to criminal activity, irrespective of the amount, for a period of five years of the day of collection and that period may be extended to further three years provided that:
  1. the Anti-Money Laundering Office, after having made a thorough assessment of the necessity and proportionality of such extended record-keeping determines that such further record-keeping is justified for the purposes of the execution of its prevention of money laundering and terrorist financing tasks; or
  2. the competent authorities referred to in Article 89 of this Act, after having made a thorough assessment of the necessity and proportionality of such further record-keeping and if they consider it justified for the purposes of execution of their tasks related to effective enforcement of control of the fulfilment of the obligation to declare cash, determine that such further record-keeping is essential.
- (6) After expiry of the time limits referred to in paragraph (5) of this Article, personal data and information collected in accordance with paragraphs (1) and (2) of this Article shall be destroyed in accordance with the law regulating archival materials and archives.

*Under Article 6 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which entered into force on 3 June 2021, after Article 59, Article 59.a and the title above it have been added.*

TITLE VIII  
Penalty provisions

VIII.1 Misdemeanours  
Article 60

- (1) A fine of EUR 9,290.00 to EUR 132,720.00 shall be imposed for misdemeanour on any legal or natural person who:
1. settles a false external claim or issues an external payment order to a bank based on a fictitious agreement or invoice;
  2. concludes an agreement with a legal or a natural person abroad on the import or export of goods or services that does not state the actual prices.

*Under Article 18 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, paragraph (1) has been amended.*

- (2) A fine of EUR 4,640.00 to EUR 13,270.00 shall be imposed for misdemeanours referred to in paragraph (1) of this Article on any management board member, any person authorized to manage funds in a legal person's account or other responsible person of the legal person.

*Under Article 18 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, paragraph (2) has been amended.*

Article 61

- (1) A fine of EUR 6,630.00 to EUR 132,720.00 shall be imposed for misdemeanour on banks or other legal persons which, when concluding loan agreements, issuing guarantees or sureties in favour of non-residents, fail to secure instruments of collateral or secure such instruments of collateral whose value is evidently disproportionate to the cost of the loan or the highest amount of the issued guarantee.

*Under Article 19 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, paragraph (1) has been amended.*

- (2) A fine of EUR 2,650.00 to EUR 13,270.00 shall be imposed on any management board member or other responsible person committing misdemeanours referred to in paragraph (1) of this Article.

*Under Article 19 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, paragraph (2) has been amended.*

- (3) In the event of agreements referred to in paragraph (1) of this Article, concluded with non-residents who, on account of their credit worthiness, may with certainty be expected to repay the loan on time and in full, the persons committing the misdemeanour may be granted a remission of the fine.

*Under Article 10 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), in Article 61, paragraph (3), a part of the text has been deleted.*

- (4) In the event of agreements referred to in paragraph (1) of this Article, concluded with non-residents who have duly paid all their due debts towards the bank, the person committing the

misdemeanour shall be granted a remission of the fine.

#### Article 62

(1) A fine of EUR 6,630.00 to EUR 66,360.00 shall be imposed for misdemeanour on any legal or natural person who:

1. conducts exchange transactions without authorisation from the Croatian National Bank or without an agreement with a bank or fails to use certified computer programs in exchange transactions;

*Under Article 5 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 140/2005, which entered into force on 6 December 2005, a new text has been added to item (1).*

*Under Article 29 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, a part of the text in item (1) has been replaced.*

*Under Article 20 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, paragraph (1) has been amended.*

2. fails to allow a person authorized by the Financial Inspectorate of the Republic of Croatia to exercise supervision or prevents such a person from carrying out its official duty.

(2) A responsible person of a legal person committing misdemeanours referred to in paragraph (1) of this Article shall be fined between EUR 1,320.00 and EUR 6,630.00 for such a misdemeanour.

*Under Article 20 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, paragraph (2) has been amended.*

(3) For misdemeanours referred to in paragraph (1) of this Article, the body in charge of misdemeanour proceedings, may, in addition to a fine, impose a preventive measure involving a ban to conduct exchange transactions or other activities that were the subject of supervision for a period of three months to one year, except for payments and transfers referred to in Article 8 of this Act.

(4) Foreign cash and euro cash, as the subjects of misdemeanours referred to in paragraph (1), item (1) of this Article shall, on the basis of a ruling on misdemeanour, be seized in favour of the Government Budget of the Republic of Croatia.

*Under Article 20 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, paragraph (4) has been amended.*

#### Article 63

(1) A fine of EUR 1,990.00 to EUR 26,540.00 shall be imposed for a misdemeanour on any legal or natural person who:

1. transfers funds abroad for the purpose of purchasing real estate abroad, without fulfilling the conditions laid down by this Act;
2. executes or collects a payment in foreign cash contrary to this Act;

3. fails to submit reports to the Croatian National Bank on transactions and balances in its accounts abroad and in the accounts of its branches abroad in the manner and within the time limits prescribed by the Croatian National Bank;
  4. fails to comply with the conditions for and the manner of conducting currency exchange transactions, as prescribed by this Act and decisions of the Croatian National Bank;
  5. purchases or sells foreign cash, lends or borrows foreign cash, acts as a mediator in foreign cash purchase, sale or lending contrary to this Act;
  6. fails to submit to the Croatian National Bank within the prescribed time limits required reports on its external foreign exchange operations or activities it performs abroad, or does it in a way different from that prescribed for reporting, fails to provide the requested documentation and data to the Financial Inspectorate of the Republic of Croatia, or fails to keep business books on such operations in the prescribed manner;
  7. fails to supply to the Croatian National Bank within the prescribed time limit the notification and the documentation referred to in Article 46.e of this Act;
  8. conducts exchange transactions as an authorised exchange office without that activity being registered in the court register or the register of trades and crafts.
- (2) A responsible person of the legal person shall be fined between EUR 390.00 and EUR 2,650.00 for the misdemeanour referred to in paragraph (1) of this Article.
- (3) In cases of gross misdemeanours referred to in paragraph (1) of this Article, where the value of the subject of misdemeanour exceeds EUR 15,000.00, or where the misdemeanour is committed in relapse, or is committed in an especially dangerous way, the legal or natural person and the responsible person of a legal person shall be fined for such misdemeanours between EUR 3,980.00 and EUR 53,080.00.
- (4) Foreign cash and euro cash, as the subject of the misdemeanour referred to in paragraph (1) of this Article or foreign cash or euro cash as the subject of a payment transaction resulting from a misdemeanour, shall be seized in misdemeanour proceedings on the basis of a ruling on misdemeanour.
- (5) By way of exception, in cases involving minor misdemeanours as determined by this Act, where there are special extenuating circumstances, the body in charge of misdemeanour proceedings may decide that the foreign cash and euro cash referred to in paragraph (1) of this Article shall not be seized or shall be seized only in part.

*Under Article 6 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 140/2005, which entered into force on 6 December 2005, a new text has been added to item (18).*

*Under Article 7 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which entered into force on 3 June 2021, in Article 63, paragraph (1), item (21) a part of the text has been deleted.*

*Under Article 7 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which entered into force on 3 June 2021, in Article 63, paragraph (1), item (22) a part of the text has been amended and a part deleted.*

*Under Article 30 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, items (4), (5), (6) and (7) have been deleted, item (8)*

*has been amended and items (8.a), (20), (21), and (22) have been added.*

*Under Article 3 of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, items (10) and (14) have been amended.*

*Under Article 4, paragraph (2) of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, on 1 January 2010, items (9) and (15) were deleted.*

*Under Article 4, paragraph (2) of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, on 1 July 2010, item (10) was deleted.*

*Under Article 4, paragraph (2) of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, on 1 January 2011, items (8.a) and (11) were deleted.*

*Under Article 15 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, item (1) has been deleted, item (14) has been amended, a part of the text in item (22) has been amended and item (23) has been added.*

*Under Article 16 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, items (8.a), (11) and (13) have been deleted.*

*Under Article 11 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), in Article 63, paragraph (1), items (21) and (22) have been amended.*

*Under Article 21 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, the entire Article 63 has been amended.*

#### Article 64

- (1) A fine of EUR 4,640.00 to EUR 66,360.00 shall be imposed for a misdemeanour on a bank that:
1. concludes a loan agreement abroad for the account of others when it is not licensed to provide services involving external credit transactions;
  2. conducts any foreign exchange operation without authorization or oversteps the authority granted to it by virtue of the authorisation obtained from the Croatian National Bank;
  3. concludes an agreement on exchange transactions with a person that does not fulfil the conditions prescribed by this Act;
  4. concludes an agreement with an authorized exchange office that does not contain the elements prescribed as obligatory by a decision of the Croatian National Bank;
  5. fails to submit a report to the Croatian National Bank, where this is prescribed by this Act, or fails to supply data to the Financial Inspectorate of the Republic of Croatia within the prescribed time limits or in the prescribed manner;
  6. conducts external payment transactions or manages foreign exchange accounts contrary to regulations of the Croatian National Bank.

(2) A responsible person of the bank shall be fined EUR 260.00 to EUR 4,640.00 for the misdemeanour referred to in paragraph (1) of this Article.

*Under Article 31 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, items (1) and (5) have been deleted.*

*Under Article 16 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, item (6) has ceased to have effect.*

*Under Article 16 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010, which entered into force on 1 January 2011, on 1 January 2012, item (11) ceased to have effect.*

*Under Article 22 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, the entire Article 64 has been amended.*

#### Article 65

Deleted.

*Under Article 32 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, Article 65 has been deleted.*

#### Article 66

Deleted.

*Under Article 33 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, Article 66 has been deleted.*

#### Article 67

Deleted.

*Under Article 34 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, Article 67 has been deleted.*

#### Article 68

Deleted.

*Under Article 4, paragraph (2) of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, on 1 January 2010, Article 68 was deleted.*

#### Article 69

(1) A fine of EUR 5,300.00 to EUR 53,080.00 shall be imposed for misdemeanour on any legal person failing to submit a disclosure declaration, in writing or electronically using the declaration form, of cash of a value of EUR 10,000.00 or more entering or leaving the European Union through the

Republic of Croatia, or providing incorrect or incomplete information, as a sender or a recipient or a representative thereof, within 30 days of the receipt of the request from the Customs Administration to do so (Article 4 of Regulation (EU) No 2018/1672).

- (2) A fine of EUR 3,310.00 to EUR 33.180,00 shall be imposed on any craftsman or self-employed person committing the misdemeanour referred to in paragraph (1) of this Article.
- (3) A fine of EUR 660.00 to EUR 13,270.00 shall be imposed on any natural person committing the misdemeanour referred to in paragraph (1) of this Article.
- (4) A fine of EUR 390.00 to EUR 13,270.00 shall be imposed on the responsible person of a legal person for the misdemeanour referred to in paragraph (1) of this Article.

*Under Article 12 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013 ), Article 69 has been amended.*

*Under Article 8 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which entered into force on 3 June 2021, Article 69 has been amended.*

*Under Article 23 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, paragraphs (1) to (4) of Article 69 have been amended.*

#### Article 69.a

A fine of EUR 660.00 to EUR 13,270.00 shall be imposed on any natural person entering or leaving the European Union through the Republic of Croatia and carrying cash of a value of EUR 10,000.00 or more who fails to fulfil the obligation to declare such cash to the Customs Administration or border police in writing or electronically using the declaration form, or provides incorrect or incomplete information or fails to make such cash available for control (Article 3 of Regulation (EU) 2018/1672 and Article 59, paragraph (4) of this Act).

*Under Article 9 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which entered into force on 3 June 2021, after Article 69, Article 69.a has been added.*

*Under Article 24 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, Article 69.a has been amended.*

#### Article 69.b

A fine of EUR 660.00 to EUR 13,270.00 shall be imposed on any natural person that, at the time of entry or following entry into the Republic of Croatia from another Member State or at the time of leaving the Republic of Croatia and entry into another Member State, upon request of the authorised customs official or border police official, fails to fulfil the obligation to declare cash carrying in a value of EUR 10,000.00 or more, in writing, using the form containing the information referred to in Article 3, paragraph (2) of Regulation (EU) 2018/1672, or provides incorrect or incomplete information or fails to make such cash available for control (Article 40.a of this Act).

*Under Article 9 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which*

*entered into force on 3 June 2021, after Article 69.a Article 69.b has been added.*

*Under Article 25 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, Article 69.b has been amended.*

#### Article 69.c

- (1) If the value of cash that is the subject of misdemeanour is EUR 100,000.00 or more or if the cash that is the subject of misdemeanour was hidden or if the misdemeanour was committed in another particularly disrespectful manner:
  1. a fine up to EUR 265,440.00 shall be imposed on any legal person committing the misdemeanour referred to in Article 69, paragraph (1) of this Act;
  2. a fine up to EUR 132,720.00 shall be imposed on any craftsman, self-employed person or a natural person committing the misdemeanour referred to in Article 69, paragraph (1) of this Act;
  3. a fine up to EUR 132,720.00 shall be imposed on any natural person committing the misdemeanour referred to in Article 69.a or 69.b of this Act.
- (2) A fine of up to EUR 26,540.00 shall be imposed on the responsible person of a legal person for the misdemeanour referred to in paragraph (1), item (1) of this Article.

*Under Article 9 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which entered into force on 3 June 2021, after Article 69.b, Article 69.c has been added.*

*Under Article 26 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, paragraph (1), items (1), (2) and (3) and paragraph (2) of Article 69.c have been amended.*

#### Article 69.d

- (1) The fine imposed for the misdemeanours referred to in Articles 69 to 69.c of this Act shall not exceed 60% of the amount of the undeclared cash.
- (2) The amount of the fine and costs of the misdemeanour proceedings for the misdemeanours referred to in Articles 69 to 69.c of this Act shall be settled by forced collection from temporarily detained cash unless paid within the time limit set in the decision on misdemeanour.

*Under Article 9 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which entered into force on 3 June 2021, after Article 69.c Article 69.d has been added.*

#### Article 70

- (1) The Financial Inspectorate and the Customs Administration, when performing foreign exchange control shall temporarily seize, against a receipt, the euro and foreign exchange cash and the cash referred to in Article 40.b of this Act as well as the documentation and other objects used to commit the misdemeanour, which result from the misdemeanour or may be used as evidence in misdemeanour proceedings, in accordance with the regulations governing misdemeanour proceedings.

*Under Article 27 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 141/2022, which entered into force on 1 January 2023, paragraph (1) of Article 70 has been amended.*

- (2) The supervisory bodies referred to in paragraph (1) of this Article shall pay the assets temporarily seized by them immediately into the special accounts of the Ministry of Finance – the Financial Inspectorate and the Customs Administration.

*Under Article 13 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), a new text has been added to Article 70.*

*Under Article 10 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which entered into force on 3 June 2021, Article 70 has been amended.*

#### Article 71

Persons authorized by the Financial Inspectorate of the Republic of Croatia may impose a temporary restriction or a ban on certain activities of legal or natural persons even before the initiation of misdemeanour proceedings, by sealing work equipment or business premises, if there is reasonable doubt that the misdemeanour referred to in Article 62, paragraph 1 of this Act has been committed.

#### Article 72

When a natural person is designated as the person committing certain misdemeanours, the persons committing such misdemeanours may be citizens in the capacity of natural persons, sole traders, craftsmen and other self-employed natural persons performing the activity of their registration, unless it follows from the elements of a specific act or a specific regulation that the person committing the misdemeanour may only be one of those persons.

#### Article 73

Deleted.

*Under Article 14 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), Article 73 has been deleted.*

#### Article 74

- (1) The Financial Inspectorate of the Republic of Croatia shall conduct misdemeanour proceedings of the first instance.
- (2) An appeal may be filed with the High Misdemeanour Court of the Republic of Croatia against the ruling of the Financial Inspectorate of the Republic of Croatia.

#### Article 74.a

The misdemeanours defined under this Act shall be considered financial misdemeanours.

*Under Article 11 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 52/2021, which entered into force on 3 June 2021, after Article 74, Article 74.a and the title above it have been added.*

## VIII. 2 Criminal offences Article 75

Persons engaging in illicit purchase, sale, borrowing or lending of foreign cash, in the mediation in the purchase, sale or lending of foreign cash, or engaging in illicit exchange transactions without authorisation from the Croatian National Bank and without an agreement with a bank, shall be punished with a prison sentence of up to five years or with a fine of up to one hundred and fifty daily amounts.

*Under Article 7 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 140/2005, which entered into force on 6 December 2005, a new text has been added to Article 75.*

*Under Article 15 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), in Article 75, a part of the text has been replaced.*

## Article 76

Responsible persons which, by concluding agreements, arranging for transactions, or in any other way purchasing, selling or lending foreign cash, or mediating in the purchase, the sale or lending of foreign cash for a legal person contrary to this Act, or arranging for exchange transactions in a legal person without authorisation from the Croatian National Bank or an agreement with a bank, shall be punished with a prison sentence of up to five years or with a fine of up to one hundred and fifty daily amounts.

*Under Article 8 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 140/2005, which entered into force on 6 December 2005, a new text has been added to Article 76.*

*Under Article 16 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union (1 July 2013), in Article 76, a part of the text has been replaced.*

## TITLE IX Transitional and final provisions

### Time limits for the adoption of subordinate legislation Article 77

The Ministry of Finance and the Croatian National Bank shall adopt subordinate legislation pursuant to this Act within 90 days after its coming into effect.

### Time limits for lifting restrictions on certain capital transactions Article 78

- (1) As of 1 January 2011, Article 28, paragraph (4), Article 29, Article 39 and Article 63, paragraph (1), items (8.a) and (11) of this Act and the Decision on the conditions for issuing approvals for opening foreign exchange accounts abroad (Official Gazette 111/2003, 189/2004 and 124/2006) shall cease to have effect.

*Under Article 35 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 132/2006, which entered into force on 14 December 2006, paragraph (1) has been amended.*

- (2) As of 1 January 2011, Article 32, Article 33, Article 63, paragraph (1), item (13) and Article 64, paragraph (1), item (6) of this Act as well as the below listed subordinate legislation shall cease to have effect:
- Decision governing the conditions for and the manner of performing external payment operations (Official Gazette 88/2005, 18/2006 and 132/2007);
  - Instructions for the implementation of the Decision governing the conditions for and the manner of performing external payment operations (Official Gazette 136/2005, 143/2005, 37/2006, 134/2007 and 4/2008);
  - Instructions for the use of lettered abbreviations and numerical denotations of countries and states and monetary units in non-domestic payment transactions (Official Gazette 75/2007, 77/2007, 112/2007, 95/2008, 28/2009, 45/2009 and 67/2009);
  - Instructions for the use of collection and payment basis codes in external payment operations (Official Gazette 136/2005 and 24/2006); and
  - Decision on collecting data on external payment operations (Official Gazette 136/2005 and 24/2006).
- (3) As of 1 January 2012, Article 16, Article 30, and Article 64, paragraph (1), item (11) of this Act and the following subordinate legislation shall cease to have effect:
- Decision governing the opening and managing of foreign exchange accounts and foreign exchange savings deposit accounts of residents with a bank (Official Gazette 111/2003, 138/2003, 176/2004 and 122/2005); and
  - Decision governing the conditions for and the manner of opening and managing non-resident bank accounts (Official Gazette 124/2006, 131/2006 and 74/2007).
- (4) As of the day of accession of the Republic of Croatia to the European Union, Article 47, paragraph (4) of this Act shall cease to have effect.

*Under Article 1 of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 150/2008, which entered into force on 22 December 2008, a part of the text in paragraph (1) has been deleted and paragraphs (2) and (3) have been added and the former paragraph (2) has become paragraph (4).*

*Under Article 1 of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 92/2009, which entered into force on 29 July 2008, paragraphs (2), (3) and (4) have been amended.*

*Under Article 4, paragraph (1) of the Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009, a part of the text in paragraph (1) has been deleted, paragraphs (2), (3) and (4) have been added and the former paragraph (2) has been amended and has become paragraph (5).*

*Under Article 16 of the Act on Amendments to the Foreign Exchange Act, Official Gazette 145/2010,*

*which entered into force on 1 January 2011, Article 78 has been amended.*

**Transitional and Final Provisions**  
***(Amendments to the Foreign Exchange***  
***Act, Official Gazette 145/2010)***

**Article 17**

As of the date of entry into force of this Act, the authorisation for the conduct of exchange transactions issued to an authorised exchange office undergoing a winding-up procedure on the day of entry into force of this Act, shall cease to have effect. **It shall apply as of 1 January 2011.**

**Article 18**

In the entire text of the Act, the words 'Foreign Exchange Inspectorate' are replaced by the words 'Financial Inspectorate of the Republic of Croatia', the words 'Croatian Securities Exchange Commission' are replaced by the words 'Croatian Financial Services Supervisory Agency', the words 'Central Depository Agency' are replaced by the words 'Central Depository & Clearing Company' and the words 'Securities Market Act' are replaced by the words 'Capital Market Act' in the appropriate grammatical case.

Laws and subordinate legislation that shall be superseded following the adoption of this act and subordinate legislation that shall remain in effect until new subordinate legislation is enacted  
Article 79

- (1) On the date of entry into force of this Act (Official Gazette 96/2003), the Foreign Exchange System, Foreign Exchange Operations and Gold Transactions Act (Official Gazette 91A/1993, 36/1998 and 32/2001), the External Credit Transactions Act (Official Gazette 43/1996), the Decree on establishing a deadline referred to in Article 3, paragraph (1) of the External Credit Transactions Act (Official Gazette 62/2001) and the subordinate legislation enacted on the basis of these acts, shall cease to have effect, with the exception of:
- a) subordinate legislation enacted on the basis of the Foreign Exchange System, Foreign Exchange Operations and Gold Transactions Act (Official Gazette 91A/1993, 36/1998 and 32/2001), in the segment not contrary to this Act, which comprises:
    - Decision on collecting data on foreign direct and portfolio investments (Official Gazette 4/1997);
    - Decision on collecting data on international transactions related to communications services (Official Gazette 62/2001);
    - Decision on collecting data on international transactions related to insurance (Official Gazette 62/2001);
    - Decision on the method of performing exchange transactions (Official Gazette 44/2001);
    - Decision on the method of and deadlines for submitting reports on the purchase and sale of foreign exchange in the foreign exchange market (Official Gazette 57/2001);
    - Decision on the conditions under which foreign legal persons may be given approvals for depositing foreign cash in foreign exchange accounts (Official Gazette 107/1993);

- Decision on the conditions under which foreign persons may acquire claims in the currency of the Republic of Croatia (Official Gazette 114/1993 and 14/1996);
- Decision on conditions for obtaining an authorization to settle claims abroad in foreign cash (Official Gazette 107/1993, 116/1993, 97/1994, 2/1995 and 87/2001);
- Decision on the conditions under which claims from abroad may be settled in non-transferable currencies (Official Gazette 115/1993);
- Decision on the general conditions for giving approvals to domestic persons to keep foreign exchange in accounts abroad (Official Gazette 17/2002 and 10/2003);
- Decree on keeping a control book on each foreign trade transaction and external credit transaction (Official Gazette 112/1993);
- Decision on the method of performing external payments operations (Official Gazette 99/1993, 97/1994, 2/1996 and 7/1996);
- Decision on the necessary documentation to be submitted by foreign legal persons to banks authorized for external payments operations, in which they are opening a domestic or a foreign currency account (Official Gazette 38/1999);
- Decision on withdrawing foreign cash from foreign exchange accounts of foreign legal persons (Official Gazette 28/1997);
- Decision on taking into and out of the country domestic cash in international passenger traffic (Official Gazette 44/1994 and 88/1998);
- Decision on the amount of foreign exchange that domestic natural persons may take out of the Republic of Croatia in international passenger traffic (Official Gazette 99/1993);
- Decision on the conditions under which domestic natural persons may take checks and other securities denominated in foreign currency out of the Republic of Croatia in international passenger traffic (Official Gazette 107/1993);
- Decision on the conditions under which domestic and foreign currency, checks and other securities may be taken into and out of the Republic of Croatia in postal and other type of parcels (Official Gazette 99/1993, 107/1993, and 50/1994);
- Decision on collecting data on international transport services (Official Gazette 80/1998);
- Instructions on the method and the procedure of reporting on the balance of claims from abroad (Official Gazette 53/1999), except items V, VI, VIII and XI of the Instructions which cease to have effect;

b) subordinate legislation enacted on the basis of the External Credit Transactions Act (Official Gazette 43/1996), which comprises:

- Decision on the registration of external credit transactions (Official Gazette 132/1999);
- Decision on the changes in the KZ2 and KO2 forms (Official Gazette 147/1999), which shall remain in effect until subordinate legislation referred to in Article 77 of this Act is enacted.

(2) As of the date of entry into force of this Act, Article 41, Article 64 and Article 73, paragraph (2) of the Trade Act (Official Gazette 11/1996, 75/1999, 76/1999, 62/2001, 109/2001 and 49/2003 - amended text), and subordinate legislation enacted pursuant to Article 41 of the Trade Act (Decision on external compensation transactions, Official Gazette 54/1997) shall cease to have effect.

**TRANSITIONAL AND FINAL PROVISIONS**  
**(Act on Amendments to the Foreign Exchange Act,**  
**Official Gazette 140/2005, which entered into force on 6 December 2005)**

*Time limit for the adjustment of authorised exchange offices*

Article 9

- (1) Authorised exchange offices referred to in Article 46, paragraph (2) of the Foreign Exchange Act (Official Gazette 96/2003) that are on the day of entry into force of this Act registered to conduct exchange transactions and that conduct exchange transactions on the basis of an agreement concluded with a bank, shall adjust their operations to the provisions of this Act within a year from its entry into force.
- (2) Authorised exchange offices referred to in paragraph (1) of this Article that fail to adjust their operations to the provisions of this Act within the prescribed time limit shall be removed from the register of companies or the register of trades and crafts on the basis of a decision of the Croatian National Bank.

*Entry into force of this Act*

Article 10

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

**TRANSITIONAL AND FINAL PROVISIONS**

**(Act on Amendments to the Foreign Exchange Act,**

**Official Gazette 132/2006, which entered into force on 14 December 2006)**

*Time limits for the adjustment of the authorised exchange offices*

Article 36

- (1) Authorised exchange offices which have been issued authorisations for the conduct of exchange transactions prior to the entry into force of this Act, shall supply to the Croatian National Bank the documentation in accordance with Article 24 of this Act within 90 days of the date of entry into force of this Act.
- (2) The Croatian National Bank shall withdraw its authorisation for the conduct of exchange transactions from each authorised exchange office which fails to act in accordance with the time limits and the procedures determined in paragraph (1) of this Article.
- (3) The Croatian National Bank shall withdraw its authorisation for the conduct of exchange transactions from the authorised exchange office referred to in paragraph (1) of this Article, if it establishes on the basis of criminal records data and other sources that the conditions referred to in Article 25 of this Act have been met.
- (4) Proceedings initiated prior to the entry into force of this Act shall be completed in accordance with the provisions of this Act.
- (5) In proceedings referred to in paragraph (4) of this Act, the Croatian National Bank shall decide on each application within 180 days of the date of entry into force of this Act.
- (6) Authorised exchange offices referred to in Article 46, paragraph (2) of the Foreign Exchange Act (Official Gazette 96/2003) registered, as on the date of entry into force of the Act on Amendments to the Foreign Exchange Act (Official Gazette 140/2005) for the conduct of exchange transactions and conducting exchange transactions on the basis of an agreement with a

bank, which have not applied for an authorisation to conduct exchange transactions until the date of entry into force of this Act, shall apply for an authorisation to conduct exchange transactions pursuant to the provisions of Article 46.a of the Foreign Exchange Act (Official Gazette 140/2005) and amendments referred to in Article 24 of this Act within 30 days of the date of entry into effect of this Act.

- (7) Where the authorised exchange office referred to in paragraph (6) of this Act fails to apply for an authorisation to conduct exchange transactions within the time limits and in accordance with the procedure laid out in paragraph (6) of this Article, the business of the conduct of exchange transactions shall be deleted from the court register or the register of trades and crafts, based on a decision by the Croatian National Bank.

*Entry into force of this Act*

Article 37

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

**TRANSITIONAL AND FINAL PROVISIONS**

**(Regulation on Amendments to the Foreign Exchange Act,  
Official Gazette 150/2008, which entered into force on 22 December 2008)**

Article 1

In the Foreign Exchange Act (Official Gazette 96/2003, 140/2005 and 132/2006), in Article 78, paragraph (1), after the words 'Article 35, paragraph (3) of this Act' a full stop is inserted and the rest of the sentence is deleted.

After paragraph (1), paragraphs (2) and (3) are added which read:

'(2) Article 28, paragraph (6) and Article 63, paragraph (1), item (10) of this Act shall cease to have effect on 1 August 2009.

(3) Article 14, paragraph (3), Article 18, paragraphs (2) and (3), Article 28, paragraph (4), Article 29, Article 34, paragraph (1), Article 36, Article 37, Article 38, Article 42, paragraph (6), Article 63, paragraph (1), items (8.a), (9), (11), and (15) and Article 68 of this Act shall cease to have effect on 1 January 2010.'

The former paragraph (2) becomes paragraph (4).

Article 2

This Regulation shall enter into force on the day of its publication in the Official Gazette.

**TRANSITIONAL AND FINAL PROVISIONS**

**(Regulation on amendments to the Foreign Exchange Act, Official Gazette 92/2009,  
which entered into force on 29 July 2009)**

Article 1

In the Foreign Exchange Act (Official Gazette 96/2003, 140/2005, 132/2006 and 150/2008), in Article 78, paragraphs (2), (3) and (4) are amended to read:

'(2) Article 14, paragraph (3), Article 18, paragraphs (2) and (3), Article 28, paragraph (4), Article 29, Article 34, paragraph (1), Article 36, Article 37, Article 38, Article 42, paragraph (6), Article 63, paragraph (1), items (8.a), (9), (11) and (15) and Article 68 of this Act shall cease to have effect on 1 January 2010.

(3) Article 28, paragraph (6) and Article 63, paragraph (1), item (10) of this Act shall cease to have effect on 1 February 2010.

(4) Article 47, paragraph (4) of this Act shall cease to have effect on the day of accession of the Republic of Croatia to the European Union.'

#### Article 2

The Regulation on Amendments to the Foreign Exchange Act (Official Gazette 150/2008) shall cease to have effect by virtue of the entry into force of this Regulation.

#### Article 3

This Regulation shall enter into force on the day of its publication in the Official Gazette.

### **TRANSITIONAL AND FINAL PROVISIONS (Payment System Act, Official Gazette 133/2009, which entered into force on 1 January 2011)**

*Cessation of effect of individual provisions of the Foreign Exchange Act and regulations adopted under those provisions*

#### Article 159

(1) Article 32, Article 33, Article 63, paragraph (1), item (13) and Article 64, paragraph (1), item (6) of the Foreign Exchange Act (Official Gazette 96/2003, 140/2005, 132/2006, 150/2008 and 92/2009) and the following subordinate legislation shall cease to have effect on the date of entry into force of this Act:

- 1) the Decision Governing the Conditions for and the Manner of Performing External Payment Operations (Official Gazette 88/2005, 18/2006 and 132/2007) and the Instructions Adopted under this Decision; and
- 2) the Decision on Collecting Data on External Payment Operations (Official Gazette 136/2005 and 24/2006).

(2) The Decision on the Generation and Use of International Bank Account Number (IBAN) (Official Gazette 162/2004) shall apply *mutatis mutandis* until the entry into force of the subordinate legislation referred to in Article 157 of this Act.

### **TRANSITIONAL AND FINAL PROVISIONS (Regulation on amendments to the Foreign Exchange Act, Official Gazette 153/2009, which entered into force on 31 December 2009)**

#### Article 4

In Article 78, paragraph (1), after the words 'Article 35, paragraph (3) of this Act' a full stop is inserted and the rest of the sentence is deleted.

After paragraph (1), new paragraphs (2), (3) and (4) are added, which read:

'(2) Article 14, paragraph (3), Article 18, paragraphs (2) and (3), Article 36, Article 37, Article 38, Article 42, paragraph (6), Article 63, paragraph (1), items (9) and (15) and Article 68 of this Act and:

- the Decision on the conditions for issuing approvals for personal transfers abroad of assets relating to gifts and grants (Official Gazette 111/2003 and 149/2003),
  - the Decision governing the taking in and out of the country cash, checks and materialised securities (Official Gazette 111/2003, 69/2006 and 82/2006), and
  - the Decision on the manner and conditions under which residents may execute or receive payments arising from transactions with non-residents in domestic cash, foreign cash and checks (Official Gazette 54/2006 and 132/2007), with the exception of the provisions of II, item III, paragraphs (3) and (4), item IV, paragraph (1), item V, item VII, paragraphs (2) to (4), item VIII, item X, item XII and item XIII, which shall apply until the entry into force of the subordinate legislation referred to in Article 34 of this Act,
- shall cease to have effect on 1 January 2010.

(3) Article 28, paragraph (6) and Article 63, paragraph (1), item (10) of this Act shall cease to have effect on 1 July 2010.

(4) Article 28, paragraph (4), Article 29, Article 63, paragraph (1), items (8.a) and (11) of this Act and the Decision on the conditions for issuing approvals for opening foreign exchange accounts abroad (Official Gazette 111/2003, 189/2004 and 124/2006) shall cease to have effect on 1 January 2011.'

The former paragraph (2) becomes paragraph (5) and is amended to read:

'(5) Article 47, paragraph (4) of this Act shall cease to have effect on the day of accession of the Republic of Croatia to the European Union.'

#### Article 5

The Regulation on Amendments to the Foreign Exchange Act (Official Gazette 92/2009) shall cease to have effect by virtue of the entry into force of this Regulation.

#### Article 6

This Regulation shall be published in the Official Gazette and shall enter into force on 31 December 2009.

### **TRANSITIONAL AND FINAL PROVISIONS** **(Act on Amendments to the Foreign Exchange Act,** **Official Gazette 145/2010, which entered into force on 1 January 2011)**

#### Article 17

As of the date of entry into force of this Act, the authorisation for the conduct of exchange transactions issued to an authorised exchange office undergoing a winding-up procedure on the day of entry into force of this Act, shall cease to have effect.

#### Article 18

In the entire text of the Foreign Exchange Act (Official Gazette 96/2003, 140/2005, 132/2006 and 153/2009), the words 'Foreign Exchange Inspectorate' are replaced by the words 'Financial Inspectorate', the words 'Croatian Securities Exchange Commission' are replaced by the words 'Croatian Financial Services Supervisory Agency', the words 'Central Depository Agency' are replaced by the words 'Central Depository & Clearing Company' and the words 'Securities Market Act' are replaced by the words 'Capital Market Act' in the appropriate grammatical case.

#### Entry into force

#### Article 19

This Act shall be published in the Official Gazette and shall enter into force on 1 January 2011.

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **(Act on Amendments to the Foreign Exchange Act,**

#### **Official Gazette 76/2013, which entered into force on the day of accession of the Republic of Croatia to the European Union – 1 July 2013)**

#### Article 17

- (1) As of the date of entry into force of this Act, the Decision on medals and tokens similar to euro coins (Official Gazette 132/2007 and 34/2010) shall cease to have effect.
- (2) The Decision on procedures for handling foreign cash suspected of being counterfeit (Official Gazette 21/2007 and 34/2010) shall remain in effect after the entry into force of this Act, pending the adoption of relevant subordinate legislation based on a special law, and shall apply to all foreign cash except that denominated in the euro.
- (3) The Minister of Finance shall, within 90 days of the date of entry into force of this Act, issue a decree pursuant to Article 8 of this Act.
- (4) The Decree on keeping a control book on external current and capital transactions (Official Gazette 145/2003) shall apply *mutatis mutandis* until the entry into force of the decree referred to in paragraph (3) of this Article.

#### Article 18

- (1) Any procedures for the issue and withdrawal of the authorisation for the conduct of exchange transactions not completed by the entry into force of this Act shall be subject to Articles 5 and 7 of this Act.
- (2) The Croatian National Bank shall withdraw the authorisation for the conduct of exchange transactions from the authorised exchange office if it establishes on the basis of criminal records data and other sources that the conditions referred to in Article 5 of this Act have been met.

#### Article 19

This Act shall be published in the Official Gazette and shall enter into force on the day of accession of the Republic of Croatia to the European Union.

**TRANSITIONAL AND FINAL PROVISIONS**  
**(Act on Amendments to the Foreign Exchange Act,**  
**Official Gazette 52/2021, which entered into force on 3 June 2021)**

Article 12

The Government of the Republic of Croatia shall issue the decree referred to in Article 5 of this Act at the latest within one year of the day of entry into force of this Act.

Article 13

This Act shall be published in the Official Gazette and shall enter into force on 3 June 2021.

**TRANSITIONAL AND FINAL PROVISIONS**  
**(Act on Amendments to the Foreign Exchange Act,**  
**Official Gazette 141/2022, which entered into force on 1 January 2023)**

Article 28

- (1) The authorised exchange office shall deliver to the Croatian National Bank within three months of the day of entry into force of this Act a copy of the agreement on the purchase of the software referred to in Article 11, paragraph (2) of this Act.
- (2) If the authorised exchange office fails to deliver to the Croatian National Bank within the time limit referred to in paragraph (1) of this Article a copy of the agreement on the purchase of the software referred to in Article 11, paragraph (2) of this Act, the authorisation to conduct exchange transactions issued to it by the Croatian National Bank shall cease to have effect with the expiry of the time limit referred to in paragraph (1) of this Article.

Article 29

- (1) As of the date of entry into force of this Act, the Decision on the manner in which residents may withdraw and deposit foreign cash and checks from/in a bank account (Official Gazette 48/2010) and the Decision on payments and collections in foreign means of payment in the country (Official Gazette 111/2005, 16/2015 and 108/2022) shall cease to have effect.
- (2) As of the date of entry into force of this Act, the approvals for keeping foreign cash in cash registers issued by the Croatian National Bank in 2022 based on the Decision on the manner in which residents may withdraw and deposit foreign cash and checks from/in a bank account (Official Gazette 48/2010) shall cease to have effect.

Article 30

This Act shall be published in the Official Gazette and shall enter into force on the day of introduction of the euro as the official currency in the Republic of Croatia.