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THE TOBACCO LAW

I. GENERAL OBJECTIVES

Article 1.

This Law regulates the relations in tobacco growing, buying, processing and trading as well as in tobacco products processing in Republic of Croatia.

Article 2.

For the purpose of this Law, tobacco is defined as the leaves of the cultivated plant species *Nicotiana tabacum* L. in all the forms and stages of growing, processing and packing which is not used for the final consumption.

For the purpose of this Law, tobacco products are defined as the products made from tobacco for smoking, chewing and snuffing.

Article 3.

The tobacco can be grown, produced, processed

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Article 11.

The tobacco producer who is the landowner or the holder of the land concludes the contract on tobacco production.

The landowner or the holder of land under paragraph 1 herein, can give a power of attorney for concluding Contract on the tobacco production to one member of his household only.

Article 12.

Legal persons who are not registered for tobacco processing are not allowed to deliver tobacco for processing.

Article 13.

Contracts on tobacco production under Article 10 are concluded for one year and can be concluded until 31st March of the current year.

Article 14.

Tobacco production holder keeps record of all concluded contracts on tobacco production.

Tobacco production holder is obliged to submit to the County Offices for Agriculture within determined periods the following reports:

1. the concluded contracts on tobacco production;
2. the land area contracted for growing of certain quantities of tobacco and
3. quantities, type, varieties and classes of produced and took over tobacco on the bases of the contracted production.

The contents of the records form article 1. and the report from article 2. above are prescribed by the minister of agriculture and forestry (in further text: minister).

Article 15.

Tobacco production holders are obliged to keep separate storage and other records on the quantities of tobacco produced and took over from their own or contracted production.

The records under paragraph 1 herein must contain the data on producer, quantity, type, varieties, class and total purchase price paid for tobacco that was produced or took over.

The contents of the records form article 1. above are prescribed by minister.

Article 16.

Tobacco producer under contracted production is obliged to allow the supervision of the fulfilment of contractual obligation in the production as well as the estimation of tobacco yield during the vegetation.

Article 17.

Total tobacco produced under contracted production has to be delivered and took over as follows:

- nonaromatic tobacco types Virginia, Burley until December 31st of the current year,
- other tobacco types until March 31st of the next year for the production of the previous year.

Article 18.

Tobacco grading according to the established standards is made during the taking over of the tobacco from the producer.

The proposal of the standards for tobacco grading is made by the CTIA, and is verified by The Ministry.

Article 19.

The commission composed of three members, who are tobacco production holders, takes over the tobacco.

One of the commission member under paragraph 1 herein has to be graduated engineer of agriculture.

Article 20.

If the tobacco producer is not satisfied with tobacco grading he can, within 24 hours since estimation has been made, submit a claim to County Commission Tobacco Grading (hereinafter: County commission) to make a new estimation.

The County commission has to estimate the tobacco quality at the latest within the three days since the claim was submitted.

Estimation of County commission is final.

The tobacco whose grading is denied will be held in the commissions' storehouse until the estimation will be finished.

Article 21.

The counties in which the tobacco is purchased establishes A County Commission which is consisted by three members from article 20. herein.

One member of The commission has to be nominated from the tobacco producers and one is a tobacco production holder representative while the third member has to be the graduated engineer of agriculture with working experience in growing, production, treating or tobacco processing.

III. THE TOBACCO PROCESSING

Article 22.

The produced tobacco can be processed only by the tobacco production holder.

The tobacco processing is accomplished according to the procedure and as prescribed by Croatian standards.

Article 23.

V. THE MONITORING OF TOBACCO USAGE IN THE CIGARETTES ON THE DOMESTIC MARKET

Article 26.

According to the provisions of this Law the tobacco products are: cigarettes, cigars, cigarillos, tobacco for smoking, tobacco for chewing and other tobacco products.

The tobacco products on the market of the Republic of Croatia are classified and entered in The Tobacco Products Label Register (Article 30, Paragraph 1, Item 4) with the purpose of tobacco usage controlling.

Article 27.

The cigarette classification is made according to the quality of tobacco mixtures and their organoleptic characteristics at smoking, according to characteristics of technical manufacturing meaning characteristics of package and presence of filter and according to the cigarette label.

According to the quality of tobacco mixtures and their organoleptic characteristics at smoking, the cigarettes are divided into cigarettes based on the mixture with at least 60 percent of non-aromatic Virginia hot air dried and Burley dried in shade tobacco types and into cigarettes based on the mixture with more than 40 percent of other tobacco types.

According to the technical manufacturing meaning, characteristics of package and presence of filter, the cigarettes are classified:

Article 33.

The agricultural inspector is authorised:

1. to control the tobacco production and demand the data and the information from the tobacco producer in order to conclude whether tobacco production is performed according to the provisions of this Law;
2. to control production, trade and usage of tobacco seedlings as well as trade and usage of tobacco seed;
3. to prohibit trade on tobacco seed, tobacco seedlings or tobacco if trade is not in full compliance with the provisions of this Law;
4. to control correctness and completeness of the records of signed contracts on the tobacco production as well as the tobacco produced and took over;
5. to control the grading and taking over of tobacco according to the prescribed measures;
6. to control if tobacco processing is made according to the prescriptions of this Law;
7. to control if the tobacco production tobacco processing holder fulfils all prescribed requirements;
8. to prohibit the tobacco processing if the tobacco production and the tobacco processing holder does not fulfil all prescribed conditions;

Article 34.

Tobacco or cut tobacco produced or distributed contrary to the provisions of this Law will be taken away.

The agricultural inspector will make a decision on destruction of produced or distributed tobacco seedlings and of planted out tobacco, if production or trade is performed contrary to the provisions of this Law.

Article 35.

The planted out tobacco under Article 34, paragraph 2 herein will not be destroyed if tobacco producer agrees to complete initiated tobacco production, and to deliver produced tobacco to the tobacco production holder what will be determined in a Decision by inspector.

The Decision under paragraph 1 herein will also determine obligations of the tobacco producers with regard to the application of the measures for pest control on tobacco, the time, the place and the way of tobacco delivery and as well as the other obligations of tobacco producers in the view of tobacco production and delivery.

The Decision under paragraph 1 herein has no influence on the responsibility for violations of tobacco producer.

Article 36.

The producer, the owner or the possessor of destroyed tobacco seedlings, planted out tobacco or took away tobacco according to provisions of this Law, has no right to compensation.

IX. TRANSITIONAL AND FINAL PROVISIONS**Article 42.**

