

***Notice to businesses and individuals who trade or factually or legally dispose
with raw tobacco***

Definition of raw tobacco under national excise legislation

Raw tobacco is defined under the Excise Duties Act (Official Gazette 106/2018) as a harvested tobacco, regardless of the degree of its processing or treatment, if it is not regarded as manufactured tobacco i.e. does not meet the definition of manufactured tobacco.

Special control measures on raw tobacco - general

Since 26 September 2015 the Republic of Croatia applies the special national control measures on raw tobacco coming from or going to other Member States of the EU, including situations where the consignment is just physically passing through the territory of the Republic of Croatia.

Special control measures on raw tobacco - scope

Under the special national control measures the national excise legislation prescribes obligations for businesses and individuals performing operations with raw tobacco within the EU, as follows:

1. Obligation of registration and obligation to obtain special authorisation from the Croatian Customs Administration (refers to natural and legal persons established in the Republic of Croatia) and obligation to maintain a record of raw tobacco,
2. Obligation to notify the Croatian Customs Administration of:
 - the intended entry of raw tobacco into the territory of the Republic of Croatia,
 - the intended dispatch of raw tobacco from the territory of the Republic of Croatia,
 - the intended transit of raw tobacco through the territory of the Republic of Croatia,as well as accompanying document for the movement of goods entering/going out from/transiting through the territory of the Republic of Croatia.
These obligations refer only to the EU movement of raw tobacco.
3. Obligation to dispose with documents concerning purchase and/or possession (in case of delivery, transport or storage of raw tobacco in the territory of the Republic of Croatia or sale of raw tobacco involving natural and legal persons established in the Republic of Croatia).

1. Obligation of registration and obligation to obtain special authorisation

All natural and legal persons, established in the Republic of Croatia, intending to:

- hold, store, trade with raw tobacco or
- factually or legally dispose with raw tobacco in any other way,

including the exclusive performance of financial transactions or actions that cover the issuing, confirmation or certification of any book-keeping or accounting document, conclusion of contract or participation in contractual relations, or the issuing, confirmation or certification of transport or some other document as purchaser, seller, agent, consignee or consignor

need to register with the Croatian Customs Administration and to obtain a special authorisation for such operations, including the obligation to lodge a guarantee. The special authorisation may include additional control measures.

No obligation of registration and no obligation to obtain a special authorisation are envisaged for:

- persons performing exclusively the activity of transport of raw tobacco (carriers),
- persons established in the Republic of Croatia having the status of manufacturer of tobacco or processor of tobacco under the Croatian Tobacco Act - regulating the handling of tobacco in production, purchase, treatment and/or trade in tobacco (under competence of the Ministry of Agriculture), acting in accordance with it,
- persons established in the Republic of Croatia having the status of authorised warehousekeeper (manufacturer of manufactured tobacco) under excise legislation.

No obligation to obtain a special authorisation is envisaged for:

- persons established in the Republic of Croatia having the status of authorised warehousekeeper or registered consignee under excise legislation.

Obligation of record keeping

The holder of a special authorisation for operations with raw tobacco needs to maintain a record of raw tobacco received, dispatched, ordered, delivered, and stored by the commercial name of the product, the CN code, the quantity, consignors, customers and purchasers, as well as a record on the movement of raw tobacco. This obligation refers to the EU movements/transactions of raw tobacco.

2. Notification of intended entry / dispatch / transit of raw tobacco

Notification of intended entry

In the situation where raw tobacco **is entering** the territory of the Republic of Croatia from another EU Member State a holder of a special authorisation for operations with raw tobacco (consignee), a processor of tobacco (consignee) or any other person bringing raw tobacco into the Republic of Croatia is obliged to:

- **notify** the Customs Administration – the Excise Liaison Office (hereinafter: the ELO) **of the intended entry of raw tobacco**, at least 24 hours before the intended entry by sending a duly filled **O-PD form** via e-mail to the functional mailbox of the ELO: ELO@carina.hr
- enable the Customs Administration to verify and perform supervision of the consignment without any obstacles.

Authorised warehousekeeper (manufacturer of manufactured tobacco) established in the Republic of Croatia is not obliged to submit notification.

Notification of intended dispatch

In the situation where raw tobacco **is going out** from the territory of the Republic of Croatia to another EU Member State a holder of a special authorisation for operations with raw tobacco (consignor), a processor of tobacco (consignor) or any other person taking raw tobacco out of the Republic of Croatia is obliged to:

- **notify** the Customs Administration – the ELO **of the intended dispatch of raw tobacco**, at least 24 hours before the intended dispatch by sending a duly filled **O-PD form** via e-mail to the functional mailbox of the ELO: ELO@carina.hr
- enable the Customs Administration to verify and perform supervision of the consignment without any obstacles.

Authorised warehousekeeper (manufacturer of manufactured tobacco) established in the Republic of Croatia is not obliged to submit notification.

Obligations of carriers:

Notification of intended entry/dispatch - general

Carriers taking out or bringing raw tobacco into the territory of the Republic of Croatia should not take over the consignment from a consignor in the Republic of Croatia or hand it over to a consignee in the Republic of Croatia if a notification of intended dispatched or intended entry has not been duly submitted.

Notification of intended entry

Carriers bringing raw tobacco into the territory of the Republic of Croatia from another EU Member State should submit a notification of intended entry of raw tobacco only in the case where a holder of a special authorisation for operations with raw tobacco, a processor of tobacco or any other person bringing raw tobacco into the Republic of Croatia has not respected the national provisions prescribing obligation to notify the Customs Administration.

In this case a carrier is obliged to:

- **notify** the Customs Administration – the **ELO of the intended entry of raw tobacco**, at least 24 hours before the intended entry by sending a duly filled **O-PD form** via e-mail to the functional mailbox of the ELO: ELO@carina.hr

Carriers are not obliged to submit the notification if a holder of special authorisation a processor of tobacco or any other person did it instead.

Notification of intended dispatch

Carriers taking raw tobacco out from the territory of the Republic of Croatia to another EU Member State should submit a notification of intended dispatch of raw tobacco only in the case where a holder of a special authorisation for operations with raw tobacco, a processor of tobacco or any other person dispatching raw tobacco from the Republic of Croatia has not respected the national provisions prescribing obligation to notify the Customs Administration.

In this case a carrier is obliged to:

- **notify** the Customs Administration – the **ELO of the intended dispatch of raw tobacco**, at least 24 hours before the intended dispatch by sending a duly filled **O-PD form** via e-mail to the functional mailbox of the ELO: ELO@carina.hr

Carriers are not obliged to submit the notification if a holder of special authorisation a processor of tobacco or any other person did it instead.

Notification of transit

In case of transit of raw tobacco i.e. where a consignment of raw tobacco moving between two EU Member States is just passing through the territory of the Republic of Croatia, a carrier is obliged to:

- **notify** the Customs Administration – the **ELO of the intended transit of raw tobacco**, at least 24 hours before the intended transit by sending a duly filled **O-NK form** and a copy of CMR consignment note via e-mail to the functional mailbox of the ELO: ELO@carina.hr

Carriers can start transportation of these goods after receiving a confirmation of the ELO that the formal conditions for the movement have been fulfilled.

IMPORTANT!: In situations where a duly filled O-NK form, alongside with a copy of CMR consignment note, is submitted to the ELO on Friday after 3 pm or on the working day prior to the national or state holiday in the Republic of Croatia, the above-mentioned confirmation of the ELO (that the formal

conditions for the movement have been fulfilled) shall be issued on the first following working day.

In all situations abovementioned carriers should enable the Customs Administration to verify and perform supervision of the consignment without any obstacles.

Accompanying document

- A printed version of notification with a proof of its delivery by e-mail (i.e. a printed version of the O-PD/O-NK form and of e-mail sent to the ELO) must accompany the consignment, alongside with documents concerning purchase and/or possession. This document must be presented to the competent authorities upon request throughout the movement on the territory of the Republic of Croatia.

3. Obligation to dispose with documents concerning purchase and/or possession

Delivery, transport, storage or sale of raw tobacco are not allowed without documents concerning purchase and/or possession of raw tobacco. These documents include all documents and other evidence that show that raw tobacco is duly in possession or handled, and they must include at least the following information concerning:

1. a consignor and his right to deliver raw tobacco,
2. a consignee and his right to receive and dispose with raw tobacco,
3. a carrier,
4. a vehicle registration number,
5. a direction of the movement of the consignment of raw tobacco, and
6. details about the value of the consignment and terms of payment.

This obligation refers to the EU movements/transactions of raw tobacco in case of:

- delivery, transport or storage of raw tobacco in the territory of the Republic of Croatia coming from/going to another Member State or
- sale of raw tobacco within the EU involving natural and legal persons established in the Republic of Croatia.

Any holder of a special authorisation, carrier or any other person involved in operations with raw tobacco should be able to present upon request of the competent authority documents concerning purchase and/or possession of raw tobacco.

Taxation

Where it is established that raw tobacco is the subject of unlawful action (in the case of unlawful production, treatment, possession, storage, trade or some other unlawful, either factual or legal, disposition with raw tobacco) all quantities of raw tobacco that are the subject matter of such actions will be subject to the calculation and payment of excise duty.