

THE CROATIAN PARLIAMENT

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

DECISION

PROMULGATING THE ACT ON AMENDMENTS TO THE STATE AID ACT

I hereby promulgate the Act on Amendments to the State Aid Act enacted by the Croatian Parliament at its session of 30 April 2004.

No.: 01-081-04-1627/2
Zagreb, 5 May 2004

President of the Republic of Croatia
Stjepan Mesić

THE ACT ON AMENDMENTS TO THE STATE AID ACT

Article 1

In Article 3 paragraph (2) of the State Aid Act (Official Gazette, No 47/03) the word "recipients" shall be replaced by the word "beneficiaries of state aid".

Article 2

Article 5 shall be changed to read as follows:

"The Competition Agency (hereinafter: the Agency) shall have the authority to authorise and monitor the implementation of general and individual state aid , as well as order the recovery of general and individual state aid which has been granted or used contrary to the law.

Article 3

The subtitle standing above Article 7 shall be changed to read as follows:

"Expert Teams and Advisory Bodies of the Council"

Article 7 shall be changed to read as follows:

"In the performance of the activities from its scope relating to state aid the Competition Council may establish expert teams and advisory bodies. Their forms, staffing and competences shall be laid down by the Statute of the Agency.

Article 4

Item e) in Article 9 paragraph (2) shall be deleted.

Article 5

The subtitle standing above Article 16 shall be changed to read as follows:

"Procedures and Register of State Aid"

Article 6

The subtitle standing above Article 18 shall be changed to read as follows:

"Official Secrecy"

Article 18 shall be changed to read as follows:

- (1) "The president and the members of the Competition Council, the members of expert teams and advisory bodies and the employees of the Agency shall be obliged to keep the official secret, irrespective of the way they came to know it, and the obligation of official secrecy shall also continue to be in effect after the expiry of the term of office, i.e. their employment therewith.
- (2) Under the term official secret referred to in paragraph (1) of this Article, shall be considered, in particular the following:
 - a) all which is defined to be an official secret by law or other regulations;
 - b) all which is defined to be an official or a business secret on the basis of any general act of the beneficiary of state aid;
 - c) all that the beneficiaries of state aid particularly identified to be an official or business secret;
 - d) all correspondence with the European Commission and other authorities of the European Communities.
- (3) Without prejudice to the provisions of paragraph (1) and (2) of this Article, data and documents which have been made accessible to the general public in any way, or decisions of managing or administrative bodies of the beneficiaries of state aid published to be available to the general public pursuant to particular regulations, shall not be considered an official secret."

Article 7

Throughout the text of the State Aid Act (Official Gazette, No 47/2003) the words "director general of the Agency" shall be replaced by the words "Competition Council".

Article 8

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

Class. No. 421-01/04-01/01
Zagreb, 30 April 2004

THE CROATIAN PARLIAMENT
President
of the Croatian Parliament
Vladimir Šeks