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TO THE EUROPEAN UNION  
– CROATIA –**

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Subject : EUROPEAN UNION COMMON POSITION  
Chapter 28: Consumer and Health Protection

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**EUROPEAN UNION COMMON POSITION**  
**(Revision of CONF-HR 22/07)**

**Chapter 28: Consumer and health protection**

This position of the European Union is based on its general position for the Accession Conference with Croatia (CONF-HR 2/05), and is subject to the negotiating principles endorsed by the Accession Conference (CONF-HR 5/05), in particular:

- any view expressed by either party on a chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements - even partial agreements - reached during the course of the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established;

as well as to the requirements set out in points 13, 16 and 26 of the Negotiating Framework.

The EU underlines the importance for Croatia of compliance with the Stabilisation and Association Agreement as well as the Accession Partnership, which constitute basic elements of the pre-accession strategy.

The EU encourages Croatia to continue the process of alignment with the *acquis* and its effective implementation and enforcement, and in general develop already before accession, policies and instruments as close as possible to those of the EU.

The EU notes that Croatia, in its addendum (CONF-HR 5/09) to the negotiating position on Chapter 28 (CONF-HR 9/07) accepts the *acquis* under chapter 28 as in force on 1 June 2009, and that Croatia declares that it will be ready to implement it by the date of its accession to the European Union.

## Consumer protection

The EU takes note of the adoption of the National Consumer Protection Programme (2007–2008) by the Croatian Parliament, and of the detailed information provided on it. The EU takes note that preparations for a new National Consumer Protection Programme for a period of four years have started.

The EU takes note of the activities carried out in 2007 in the framework of the Year of Consumer Education in Croatia for raising awareness on consumer protection. The EU encourages Croatia to continue to provide continuous and quality consumer education and information.

As regards the legal framework, the EU takes note that Croatian legislation in the area of consumer protection is to a great extent aligned with the *acquis*, but that certain adjustments are still required. The EU welcomes the further progress made by Croatia in order to finalise the transposition process.

Concerning **product safety related issues**, the EU takes note of the amendment of the General Product Safety Act to reach further harmonisation, *inter alia* in the field of dangerous imitations. The EU invites Croatia to complete legal alignment in this field, in particular with respect to the definition of European harmonised standards providing for the presumption of conformity with general safety requirements. In this respect, the EU takes note of the commitment given by Croatia to fulfil all the requirements of the *acquis* in this area as soon as possible, no later than six months before the accession to the EU.

In view of the above, the EU notes that the requirements of the first closing benchmark related to the amendment of the General Product Safety Act in order to further align the Croatian legislation in the field of consumer protection with the *acquis* set out in the EU common position (CONF-HR 22/07) have been fulfilled.

The EU also takes note of Croatia's wish to participate in the Community's Rapid Alert System (RAPEX) even before accession. The EU reminds Croatia of the need to continue preparations in this respect, and takes note of the establishment of the RAPEX contact point at the State Inspectorate. The EU invites Croatia to complete as soon as possible legal alignment in this field, in particular with respect to compliance with the guidelines on the functioning of RAPEX, and takes note of the commitment given by Croatia to fulfil all the requirements of the *acquis* in this area as soon as possible, no later than six months before the accession to the EU.

Furthermore, the EU takes note of the amendment of the Civil Obligations Act aiming at aligning with the *acquis* on liability for defective products.

Concerning **non-safety related issues**, the EU welcomes the adoption of the Consumer Protection Act that aims at ensuring further alignment in many of the outstanding areas of the *acquis*, such as unfair terms in consumer contracts, price indications, doorstep sale, distance sales, distance marketing of financial services, unfair commercial practices, timeshare and injunctions.

In view of the above, the EU notes that the requirements of the first closing benchmark related to the adoption of a new Consumer Protection Act in order to further align the Croatian legislation in the field of consumer protection with the *acquis* set out in the EU common position (CONF-HR 22/07) have been fulfilled.

Furthermore, the EU takes note of the amendment of the Civil Obligations Act aiming at aligning with the *acquis* on package travel and on certain aspects of the sale of consumer goods and associated guarantees. The EU also takes note of the adoption of the Act on Unpermitted Advertising aiming at aligning with the *acquis* on misleading/comparative advertising. As regards consumer credits, the EU takes note of the adoption of the Consumer Credit Act aiming at completing legal alignment in this field.

Furthermore, the EU takes note of the Croatian statement that Croatia will ensure, by accession, alignment with the *acquis* on the cooperation between national authorities responsible for the enforcement of the consumer protection laws. The EU takes note that Croatia has provided further information in this respect.

As regards **administrative capacity**, the EU takes note of Croatia's plans to further strengthen the institutional and operational frameworks for efficient application and enforcement of the *acquis* in the field of consumer protection. In particular, the EU takes note of the restructuring of the Consumer Protection Department of the Ministry of Economy, Labour and Entrepreneurship, as well as of the Consumer Protection Department of the State Inspectorate, and of the training provided in various areas of consumer protection in order to improve the technical competence of staff. The EU also takes note that the State Inspectorate has developed procedures for subcontracting product tests and the criteria to be met by test laboratories. Furthermore, the EU takes note of the setting up of the Central Consumer Protection Information System, accessible to consumers since March 2008, which connects the Ministry of Economy, Labour and Entrepreneurship, the State Inspectorate and the Consumer Protection Counselling Centres. The EU invites Croatia to continue to strengthen the State Inspectorate, in particular with a view to the model of supervision, sampling and testing, to financial, technical and IT resources, as well as to training and continuous professional development.

In view of the above, the EU notes that the requirements of the first closing benchmark related to the demonstration of adequate administrative structures and enforcement capacity to implement correctly the consumer protection *acquis* by the time of accession set out in the EU common position (CONF-HR 22/07) have been fulfilled.

Furthermore, the EU encourages Croatia to further support its consumer movement.

As for consumers' access to justice, the EU takes note that the new Consumer Protection Act introduces the system of out-of-court settlement of consumer disputes. The EU takes note that a special record of consumer disputes was established in October 2008, and that training of judges is ongoing. The EU encourages Croatia to continue to improve consumers' access to justice and alternative settlement of consumer disputes.

## Public health

The EU takes note of the Croatian statement that there is nothing in the current administrative structures and available infrastructure that would hinder the alignment with the *acquis* in the field of public health.

In the field of **tobacco**, the EU welcomes the adoption of the Act on the Restriction of the Use of Tobacco Products aiming at completing legal alignment with the Tobacco Advertising Directive and the Tobacco Products Directive. The EU also takes note of the ratification of the WHO Framework Convention on Tobacco Control by Croatia in March 2008.

In view of the above, the EU notes that the requirements of the fourth closing benchmark related to the achievement of substantial progress in transposing the EC tobacco control *acquis* set out in the EU common position (CONF-HR 22/07) have been fulfilled.

In line with the EU recommendation on the prevention of smoking and initiatives to improve tobacco control, the EU encourages Croatia to adopt legislation to remove tobacco products from self-service displays in retail outlets, to prohibit the sales of sweets/toys which resemble tobacco in the context of the prevention of tobacco sales to children and adolescents, to introduce the use of price measures to discourage tobacco product consumption and to introduce measures to protect against exposure to second-hand smoke.

In the area of **communicable diseases**, the EU takes note of Croatia's intention to maintain and further improve its existing communicable disease control system. The EU acknowledges that the Croatian legislation on communicable diseases is largely compatible with the *acquis*. The EU takes note of the adoption of the Act on the Protection of the Population from Communicable Diseases which aims at completing legal alignment, among others, with the EU list of communicable diseases and case definitions. The EU notes that the list of communicable diseases was published towards the end of 2007 and distributed to all physicians in the country, and that it is currently being amended pursuant to new *acquis*. The EU also takes note that the necessary revision of the national legislation to take into account recent developments in the *acquis* in particular due to the current epidemiological situation concerning Influenza A(H1N1) is scheduled for the end of 2009. Furthermore, the EU takes note of the foreseen adoption by Croatia of the National Generic Integrated Plan for Coordinated Action in Public Health Emergencies by the end of 2009. The EU also takes note that Croatia participates in the EU Early Warning and Response System (EWRS) as well as in the regulatory committee in the area of communicable diseases and within the dedicated surveillance networks run by the European Centre for Disease Prevention and Control (ECDC), and that it has designated contact persons and institutions for the Health Security Committee (HSC).

As regards human **blood**, the EU takes note that Croatia has issued three additional ordinances aiming at completing legal alignment in the fields of technical requirements, traceability and quality assurance of blood and blood components.

In view of the above, the EU notes that the requirements of the second closing benchmark related to the adoption of the legislation aiming at transposing the Commission implementing directives in the area of blood and blood components set out in the EU common position (CONF-HR 22/07) have been fulfilled.

In the field of human **tissues and cells**, the EU welcomes the adoption of the Act on Medically Assisted Fertilisation aiming at completing legal alignment as regards reproductive cells. The EU takes note of the publication of the related Ordinances and invites Croatia to provide further information on this. The EU also takes note of the amendment of the Act on Explantation and Transplantation of the Parts of Human Body for Therapeutic Purposes aiming at completing legal alignment, *inter alia*, with respect to reporting of serious adverse events and reactions for all tissues and cells.

In view of the above, the EU notes that the requirements of the third closing benchmark related to the adoption of legislation aiming at transposing the *acquis* on tissues and cells set out in the EU common position (CONF-HR 22/07) have been fulfilled.

As regards **administrative capacity**, the EU takes note of the establishment, in the Ministry of Health and Social Welfare, of the Department for the Inspection and Monitoring of Blood, Tissues and Cells. The EU also takes note of the foreseen increase of staff numbers and of the training plans, as well as of the intention of Croatia to take advantage of IPA (Pre-Accession Instrument) support in order to further strengthen the administrative capacity in the fields of blood, tissues and cells.

In view of the above, the EU notes that the requirements of the second and third closing benchmarks related to the demonstration of adequate administrative capacity to properly implement and enforce the legislation in the fields of blood, tissues and cells by the time of accession set out in the EU common position (CONF-HR 22/07) have been fulfilled.

The EU also reminds Croatia of the need to continue to focus on upgrading and restructuring of the facilities for handling blood, blood components, tissues and cells in order to meet the EU technical requirements. The EU takes note of the further detailed information provided by Croatia on its plans to restructure its blood transfusion services and that a new network is being established since November 2007. The EU also takes note of the updated information provided by Croatia on the plans to accredit the tissues and cells banks in accordance with the EU Directive on human tissues and cells.



The EU takes note of the preparation by Croatia of a National Strategy for Mental Health Protection 2009–2013 and of its foreseen adoption by the end of 2009. In general, in the field of **mental health**, the EU invites Croatia to pay due attention to the creation of community-based services as an alternative to institutionalisation and to the allocation of sufficient financial resources in the mental health care.

The EU takes note of the several measures taken by Croatia in the fields of **drug** abuse prevention, **nutrition, alcohol, health inequalities and cancer screening** in line with the *acquis*. Particularly, the EU takes note of the adoption of the Action Plan to Combat Drug Abuse 2009–2012, as well as of the elaboration of the Action Plans on nutrition and alcohol. The EU also takes note of the information provided by Croatia on its participation in the international cooperation in the field of cancer.

In the area of **electromagnetic fields**, the EU takes note that Croatia has issued an Ordinance on the minimum health and safety requirements regarding the exposure of workers to the risks arising from electromagnetic fields, aiming at completing legal alignment in this field. The EU also takes note of the appointment of a focal point for the area of non-ionising radiation in the Ministry of Health and Social Welfare.

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In view of all the above considerations, the EU notes that, at this stage, this chapter does not require further negotiations.

Monitoring of progress in the alignment with and implementation of the *acquis* will continue throughout the negotiations. The EU underlines that it will devote particular attention to monitoring all specific issues mentioned above with a view to ensuring Croatia's administrative capacity to enforce the adopted legislation and to apply EU technical requirements in the area of public health. Particular consideration needs to be given to the links between the present chapter and other negotiation chapters. A final assessment of the conformity of Croatia's legislation with the *acquis* and of its implementation capacity can only be made at a later stage of the negotiations. In addition to all the information the EU may require for the negotiations in this chapter and which is to be provided to the Conference, the EU invites Croatia to provide regularly detailed written information to the Stabilisation and Association Council on progress in the implementation of the *acquis*.

In view of all the above considerations, the EU will, if necessary, return to this chapter at an appropriate moment.

Furthermore, the EU recalls that there may be new *acquis* between 1 June 2009 and the conclusion of the negotiation.

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