

Pursuant to Article 34 of the Foreign Exchange Act (Official Gazette 96/2003, 140/2005, 132/2006, 150/2008, 92/2009 and 153/2009) and Article 42 paragraph (3) item (12) of the Act on the Croatian National Bank (Official Gazette 75/2008), the Council of the Croatian National Bank, at its session on 14 April 2010, adopted the following

**Decision on the manner in which residents may withdraw and deposit foreign cash and checks from/in a bank account**

**GENERAL PROVISIONS**

**I**

This Decision regulates:

- the manner in which residents that may receive or execute payments in foreign cash and checks denominated in foreign currency in accordance with the regulations governing the prevention of money laundering and terrorist financing, regulations governing foreign exchange operations and tax regulations, withdraw or deposit foreign cash and checks denominated in foreign currency from/in a bank account;
- the time limit in which the residents have to deposit the collected foreign cash and checks denominated in foreign currency in a bank account; and
- the conditions under which they may hold foreign cash and checks denominated in foreign currency in the cash register.

**II**

For the purposes of this Decision, residents shall be:

- a) legal persons with a registered office in the Republic of Croatia, with the exception of their branches abroad,
- b) branches of foreign companies and sole traders enrolled in the register kept with the competent public authority or public administration in the Republic of Croatia; and
- c) sole traders, craftsmen and other natural persons with a registered office or domicile in the Republic of Croatia independently performing an economic activity for which they are registered.

**DEPOSITING AND WITHDRAWING FOREIGN CASH AND CHECKS**

**III**

(1) The residents referred to in item II of this Decision shall withdraw foreign cash and checks from their bank account to execute payments and shall deposit the collected foreign cash and checks in their bank account within three working days from the date of collection.

(2) The residents referred to in item II of this Decision shall provide an agreement, invoice or a pro-forma invoice when withdrawing or depositing foreign cash or checks from/in their bank account.

(3) Where foreign cash and checks are deposited in a bank account on the basis of a pro-forma invoice, the resident shall subsequently provide to the bank the agreement or the invoice stipulating the delivery of goods or services or some other fulfilment of obligation.

(4) Where foreign cash and checks are deposited or withdrawn in/from a bank account based on a pro-forma invoice, the bank shall keep special records of the foreign cash and checks paid out or collected and keep the pro-forma invoices for the supervisory bodies.

(5) The residents referred to in item II of this Decision who have withdrawn foreign cash or checks to execute payments based on a pro-forma invoice, shall provide to the bank, within 60 days from the date of withdrawing cash or checks, evidence that that cash and/or checks have been used for payment or else pay them back into their bank account.

(6) A maritime agent shall be allowed to withdraw from his bank account foreign cash arising from foreign exchange inflows from a foreign shipping company without having to provide an agreement, invoice or a pro-forma invoice, for the purpose of delivering it to the authorised person of the foreign shipping company for the payment of costs of services in Croatian ports, payment of salaries and a supply of a ship's cash register with cash.

## **FOREIGN CASH AND CHECKS IN THE CASH REGISTER**

### **IV**

(1) The residents referred to in item II of this Decision may hold foreign cash and checks in their cash register for business expenses abroad. The residents referred to in item II of this Decision who provide services in international goods and passenger traffic and emergency medical assistance, may hold foreign cash and checks in the cash register for the payment of costs of transportation and goods on business trips abroad. The average daily balance of foreign cash and checks in the cash register per quarter may amount to maximum EUR 1,500.00.

(2) Registered residents or their agents for:

- a) providing catering and tourist services (night-stays, full or half board accommodation and transportation services),
- b) providing airport, harbour, marine and mooring services, motorway services and supply of foreign aircrafts and ships with fuel and lubricants and other consumable goods,
- c) the sale of goods from a "D" type customs warehouse, and
- d) the sale of tickets and documents of goods carriage directly or through travel agencies for the account of non-residents

may hold foreign cash and checks in the cash register for the purpose of paying the balance to the buyer. The average daily balance of foreign cash and checks in the cash register per quarter may amount to maximum EUR 3,000.00.

(3) The average daily balance of foreign cash and checks in the cash register in a quarter shall be calculated by summing up daily balances on each day in a quarter and dividing the number thus obtained by the number of calendar days in that quarter.

(4) The Croatian National Bank may issue an approval to residents for holding the amount of foreign cash and checks in the cash register in excess of the amount prescribed in paragraphs (1) and (2) of this item. The approval under this paragraph shall be issued for a period of one year. In addition to a well-argued application for the issuing of the approval under this item, the residents shall enclose:

- a certificate from the register of companies,
- data on the required average daily balance of foreign cash and checks in the cash register,
- a fee in accordance with the Administrative Fees Act.

Where necessary, the Croatian National Bank may also require that other documentation be provided.

(5) The residents registered for organising games of chance in casinos who have concluded concession agreements and obtained approval from the Ministry of Finance for organising games of chance in casinos shall be allowed to hold foreign cash and checks in the cash register for the purpose of payments of non-residents for participation in the games of chance and payments of winnings from games of chance to non-residents, in accordance with the regulation governing the organisation of games of chance.

## **FINAL PROVISIONS**

### **V**

As of the date of entry into force of this Decision, the provisions of 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) which have not been repealed by virtue of the Regulation on amendments to the Foreign Exchange Act (Official Gazette 153/2009) shall cease to be valid.

### **VI**

This Decision shall enter into force on the eighth day after the day of its publication in the Official Gazette.

No.: 745/2010

Zagreb, 14 April 2010

Croatian National Bank  
Council Chairman  
Governor  
**Željko Rohatinski**