

Legislation in force for issuing work and business permits for EU citizens in Croatia

Under the Aliens Act¹ and Law on Amendments to the Aliens Act², an EU citizen may be employed in Croatia only if he/ she holds a work or business permit³, unless otherwise provided by the law⁴. Requests for a temporary stay permit can now be submitted at the same time as the request for work or business permit⁵.

Summary of differences between work and business permit:

	WORK PERMIT	BUSINESS PERMIT
• Target group	employees	entrepreneurs
• Application by	employer ⁶	entrepreneur personally ⁷
• Yearly quota	applied / not applied ⁸	not applied
• Investment / business plan	not required	not required
• Temporary stay permit	necessary ⁹	necessary ¹⁰
• Period of validity	1 year/ extension ¹¹	max 1 year/ extension
• Application at	police administration or police station ¹²	
• Decision by	Ministry of Interior ¹³	Ministry of Interior ¹⁴

¹ Official Gazette or NN/ 79/07 at www.nn.hr

² Official Gazette NN 36/09 at www.nn.hr

³ Articles 114-119 of the Aliens Act

⁴ Articles 139-141 of the Aliens Act, and Articles 44-45 of the Law on Amendments to the Aliens Act

⁵ Articles 48 and 50 of the Aliens Act, and Article 12-13 of the Law on Amendments to the Aliens Act

⁶ Articles 121-122 of the Aliens Act, and Articles 12 and 39 of the Law on Amendments to the Aliens Act

⁷ Article 134 of the Aliens Act, and Articles 12 and 43 of the Law on Amendments to the Aliens Act

⁸ Articles 118-119 of the Aliens Act

⁹ Articles 46-48 of the Aliens Act and Articles 11-12 and 43 of the Law on Amendments to the Aliens Act

¹⁰ Articles 46-48 of the Aliens Act and Articles 11-12 and 43 of the Law on Amendments to the Aliens Act

¹¹ Exceptionally, aliens subjected to Internal Transfer as per Article 119, point 4 of the Aliens Act can be granted work permit for 2 years

¹² Article 121 of the Aliens Act and Article 39 of the Law on Amendments to the Aliens Act for work permits & Article 134 of the Aliens act and Article 43 of the Law on Amendments to the Aliens Act for business permits

¹³ The competent police administration or police station. Decision is forwarded to employer.

¹⁴ Approval issued by the Croatian Chamber of Economy, as a requirement for issuing business permit, is not required for EU member states nationals (Article 42 of the Law on Amendments to the Aliens Act)

Note to the Reader: Currently, at the Ministry's web-site <http://www.mup.hr/1266.aspx> only the English translation of the Aliens Act, NN/79/07 is available, along with explanatory notes by the Ministry of Interior of the Republic of Croatia and downloadable application forms for regulating foreigner's status. The information on the Ministry's website is yet to be aligned with Law on Amendments to the Aliens Act newly adopted in 2009.

Brief notes about stay and work of aliens in Croatia (RH)

Stay of EU citizens in Croatia:

1. short-term stay up to 90 days within a period of 6 months (without visa)
2. temporary stay up to one year (permit required)
3. permanent residence (permit required)

Short-term stay of EU-citizens is subjected to registration requirements. For more information on short term stay, please consult the consular section of our website.

Applying for a temporary stay permit and work/or business permit

An alien who intends to reside in RH for the purposes of work or family reunification submits the **application for the issuance of a temporary stay permit** to the diplomatic mission or consular office of the RH in the country of residence, or to the police administration or police station in RH.

- for the purpose of **work based on the work permit**, the application for the alien is submitted by his employer at the same time as the application for the issuance of the work permit to the police administration or police station according to the place of registered office of the employer, or branch office or representative office (*Article 12 of the Law on Amendments to the Aliens Act*)

- for the purpose of **work based on the business permit**, the application is submitted by the alien in person or by legal representative to the police administration or police station based on the registered office of the company or trade in RH; location of performing the free profession; registered office of the company or branch office or representative office; or location of performing the service in tourism (*Article 12 of the Law on Amendments to the Aliens Act*).

Since 1 April 2009, aliens who are nationals of EU member states are not longer required to prove their contribution to growth of economic activities in Croatia; introduction of new production processes and technology; stimulation of creation of new workplaces and employment of local labour force through their activities. Also, approval of competent county chamber (earlier offices of state administration for the economy) is no longer required (*Article 41 of the Law on Amendments to the Aliens Act*).

Aliens who are nationals of EU member states and who provide services on behalf of a foreign employer can be granted business permit on the basis of the agreement on provision of services which a foreign employer or a craftsman has concluded with a trading company or a craft in Croatia (*Article 42 of the Law on Amendments to the Aliens Act*).

- for the purpose of **family reunification**, the **temporary stay permit** can be granted for the period of up to 1 year or until the expiration of the validity period of the temporary stay permit of the alien with whom reunification is sought. An alien who had an uninterrupted temporary stay permit for the purpose of family reunification in the duration of at least 2 years may be granted temporary stay for the same purpose with the term of validity of up to 2 years or until the expiration of the validity of the temporary stay permit of the alien with whom reunification is sought. (*Article 59 of the Aliens Act, and Article 17 of the Law on Amendments to the Aliens Act*).

According to the *Article 15 of the Law on Amendments to the Aliens Act*, categories of aliens entitled to the family reunification (*Article 56 of the Aliens Act*) have been extended.

Applying for extension of temporary stay permit

Applications for the extension of a temporary stay permit should be submitted to the police administration or police station **30 days**, at the latest, before expiry date of the valid temporary stay permit (*Article 49 of the Aliens Act*).

Conditions for terminating temporary stay of an alien are regulated in the *Article 54 of the Aliens Act* and *Article 14 of the Law on Amendments to the Aliens Act*. By exception from the condition that an alien can not stay out from the country more than 30 days, according to the *Article 14 of the Law on Amendments to the Aliens Act*, the temporary stay of any alien who stays out of RH for a period of up to 90 days for justified reasons shall not terminate if he notifies the relevant police administration or police station thereof.

Applying for permanent residence

An alien can be granted permanent residence if he/she has been granted temporary residence permit for an uninterrupted period of **5 years** by the date the application for permanent residence is submitted (*Article 78 of the Aliens Act*). The period is considered uninterrupted if the alien has been absent from the country not more than 10 months within 5 years, or once for the period of 6 months within 5 years.

Applying for extension of the work permit

The employer submits the request for extension of the work permit to the police administration or police station **45 days**, at the latest, before the expiry date of the valid work permit (*Article 126 of the Aliens Act*).

Applying for extension of the business permit

The alien submits the request for extension of the business permit to the police administration or police station **30 days**, at the latest, before the expiry date of the valid business permit (*Article 134 of the Aliens Act, and Article 43 of the Law on Amendments to the Aliens Act*).

The Law on Amendments to the Aliens Act is published in the Official Gazette (NN 36/09) on 23 March 2009, and has entered into force on the 8th day from publishing, i.e. on 31 March 2009, except for the provisions of the Article 4 of this Act.

Minister of Interior will, in cooperation with the Minister of Economy, within 30 days of the entry into force of this Law, amend By-law on Conditions for Issuing Approval, as stipulated in the article 213 of the Aliens Act.

The offices of state administration for the economy shall hand over the documents and case files to the competent county chambers within 30 days of the entry into force of this Law (*Article 67 of the Law on Amendments to the Aliens Act*).

Aliens whose temporary stay was approved before the entry into force of this Law under Article 37, para 1, item 4 of the Aliens Act (NN 109/03) and whose temporary stay was re-approved under Article 51, para 2 of the Aliens Act (NN 79/07), and who own real estate in RH, may be granted temporary stay for a period of up to one year (*Article 68 of the Law on Amendments to the Aliens Act*).

Proceedings commenced before entry into force of this Law will be completed under regulations of this Law (*Article 69 of the Law on Amendments to the Aliens Act*).

Disclaimer: This information has been compiled by the Embassy of the Kingdom of the Netherlands, based on current legislation, namely the Aliens Act and the Law on Amendments to the Aliens Act. It does not provide any legal ground, and the Embassy does not accept any claims for damages and loss resulting from the use of the information contained in this document.

Compiled by the Economic Section of the Embassy of the Kingdom of the Netherlands
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