STATUTE
OF THE CROATIAN POST AND ELECTRONIC COMMUNICATIONS AGENCY

October, 2008
I. GENERAL PROVISIONS

Article 1

This Statute of the Croatian Post and Electronic Communications Agency (hereinafter: the Statute) shall regulate the name and seat, internal organization, scope and competence, management, general acts, publicity of work, funds for performing activities, and other issues of importance for the operation of the Croatian Post and Electronic Communications Agency (hereinafter: the Agency).

Article 2

(1) The Agency is an autonomous, independent and non-profit legal entity with public authority within the scope and competence prescribed by the Electronic Communications Act ("Official Gazette", no. 73/08), (hereinafter: the Act) and a special law regulating the field of postal services.

(2) The founder of the Agency is the Republic of Croatia, and founding rights are exercised by the Croatian Parliament and the Government of the Republic of Croatia. The Agency is entered into the court register.

(3) The Agency is accountable to the Croatian Parliament for its work.

(4) Any type of influence on the Agency’s work that might jeopardize its autonomy and independence shall be prohibited.

Name

Article 3

(1) The Agency shall perform activities within its scope, work and take part in legal affairs under the name: HRVATSKA AGENCIJA ZA POŠTU I ELEKTRONIČKE KOMUNIKACIJE.

(2) The English name of the Agency shall be: CROATIAN POST AND ELECTRONIC COMMUNICATIONS AGENCY.

(3) The abbreviated English name of the Agency shall be: HAKOM

Seat

Article 4
(1) The seat of the Agency is in Zagreb.
(2) The name of the Agency shall be placed on the building of the Agency’s seat that is on the building where he Agency performs activities for which it was founded.
(3) The Agency Council may decide on the change of the seat of the Agency.

**Seal, stamp, and logo**

**Article 5**

(1) The Agency shall have its own seals and stamps as follows:
   1. The seal round in shape with a 38 mm diameter, and the text on the seal, written in circle in Croatian: “REPUBLIKA HRVATSKA – HRVATSKA AGENCIJA ZA POŠTU I ELEKTRONIČKE KOMUNIKACIJE, ZAGREB”, with the national coat of arms of the Republic of Croatia in the middle of the seal.
   2. The square stamp with the name and the seat of the Agency.
   3. The entry seal rectangular in shape size 40x65 mm with the text: HRVATSKA AGENCIJA ZA POŠTU I ELEKTRONIČKE KOMUNIKACIJE, ZAGREB including the space reserved for the classification number and the entrance date.

(2) The seal with the national coat of arms of the Republic of Croatia referred to in Article 1 Item 1 of this Article shall be used on the acts made by the Agency in accordance with public authority prescribed by the Act and a special law regulating the field of postal services.

(3) Stamps as referred to in paragraph 1 items 2 and 3 of this Article shall be used in the daily office work of the Agency, and in the affairs outside the competence within the public authority prescribed by the Act a special law regulating the field of postal services.

**Article 6**

(1) Every seal and stamp of the Agency has its classification number.
(2) The President of the Croatian Post and Electronic Communications Agency Council (hereinafter: the President of the Agency Council) shall pass a decision on the production and number of seals, stamps and entrance stamps, the manner of their use and people responsible for keeping them.

**Article 7**

(1) The Agency can use have its own logo.
(2) The content and the shape of the logo of the Agency shall be determined by the Agency Council.
II. SCOPE AND THE COMPETENCE OF THE AGENCY

Article 8

The Agency is the national regulatory agency that carries out regulatory and other tasks under the scope and competence prescribed by the Act and a special law regulating the field of postal services.

Competence of the Agency

Article 9

(1) The following regulatory and other tasks shall be within the competence of the Agency:

1. adoption of secondary legislation for the implementation of the Act, which are under the competence of the Agency pursuant to the provisions of the Act;

2. monitoring and regulation of prices, pricing systems and general business terms and conditions of operators in the market of electronic communications networks and/or services;

3. adoption of decisions concerning the definition of relevant markets, carrying out of market analysis and imposition and withdrawal of regulatory obligators to operators with significant market power;

4. adoption of decisions concerning the determination of operators of universal services and the definition of their rights and obligations;

5. resolution of disputes between operators of electronic communications networks and/or services and between operators of electronic communications networks and operators providing value added services;

6. imposition of obligations to infrastructure operators and resolution of disputes concerning the right of way and shared use of electronic communications infrastructure and associated facilities;

7. adoption of decisions concerning the prohibition of provision of electronic communications networks and services;

8. adoption of decisions concerning the granting, transfer and revocation of individual licenses for use of the radio frequency spectrum on the basis of a public tender and public auction;

9. adoption of the Addressing Plan, Numbering Plan and the radio frequency assignment plans, and drawing up of the proposal for the Radio Frequency Allocation Table;

10. adoption of decisions concerning the must-carry rules for radio and television channels;
11. resolution of disputes between subscribers and operators of public communications services;

12. management of the radio frequency spectrum and the addressing and numbering space in electronic communications;

13. expert supervision over the application of the Act and secondary legislation adopted pursuant to the Act;

14. radio frequency spectrum control and measurement, testing and determination of causes of interference in the radio frequency spectrum;

15. technical inspection and radio measurements and the calculation and measuring of the electromagnetic field value;

16. conclusion of concession agreements with electronic media broadcasters pursuant to a special law regulating the field of electronic media;

17. issuing of certificates, approvals, special authorisations and other acts in accordance with the provisions of the Act and regulations adopted pursuant to the Act;

18. keeping and regular updating of the radio frequency spectrum database and other databases and registers, records and other data collected by this Agency pursuant to the provisions of the Act and regulations adopted pursuant to the Act;

19. regular publishing of data, information and documents in the field of electronic communications, in particular market development indicators, in accordance with the provisions of the Act and regulations adopted pursuant to the Act;

20. participation in the preparation of proposals of strategies, studies, guidelines, programmes and implementation plans establishing the general principles and objectives of the policy for the development of electronic communications in the Republic of Croatia;

21. participation in defining national priorities in relation to the planning of construction, installation and use of public electronic communications networks and electronic communications infrastructure and associated facilities,

22. participation in the development of electronic communications services of special interest for the Republic of Croatia;

23. participation in defining and adopting implementation plans for the established principles and policy objectives for the development of electronic communications in the Republic of Croatia;

24. provision of expert opinions and explanations concerning the application of the Act and regulations adopted pursuant to the Act;

25. organisation of public counselling and expert gatherings and the conduct of market analysis and opinion polls concerning certain issues in the electronic communications sector;

26. international cooperation in the electronic communications sectors and participation in the work of administrative and working bodies of competent European and international organisations and institutions in the electronic communications sector;

27. conclusion of bilateral and multilateral implementing agreements in the electronic communications sector, on the basis of received authorisations;
28. cooperation with competent national regulatory authorities of Member States of the European Union, associations of competent regulatory authorities and national regulatory authorities of other countries in electronic communications;

29. carrying out of other tasks defined by the Act.

(2) The following regulatory and other tasks related to the postal and courier services shall be within the competence of the Agency:

1. issue licenses for the provision of postal services and passing decisions on the termination of the license’s validity;

2. establish the amount of funds of the state budget in accordance with the special law regulating the field of postal services;

3. define the manner of accounting separation of business activities in accordance with the special law regulating the field of postal services;

4. dispute settlement related to the granting access to the public postal network;

5. determine the prices of reserved postal services, upon the public operator’s request;

6. perform expert supervision over the application of the provisions of the law regulating the field of postal services and secondary legislation adopted pursuant to the law regulating the field of postal services within the competence of the Agency;

7. monitor the application of postal and courier service prices and propose to the competent body of state administration to undertake legal measures in cases when postal or courier service provider set or apply prices contrary to the provisions of the law regulating the field of postal services;

8. approve the terms and conditions of postal and courier service providers;

9. approving the general act of the public operator regulating conditions and prices of access to the public postal network;

10. monitor the development of the postal industry and postal and courier service market and undertake necessary measures to ensure equal and efficient competition on the postal and courier service market;

11. ensure adherence to the rights to perform reserved postal services;

12. provide expert opinions on individual issues within the scope of work;

13. ensure equal and favourable conditions for the use of universal postal services to the users of services;

14. cooperate with foreign postal regulatory bodies;

15. cooperate with international postal organizations and institutions and participate in the work of its expert bodies and work groups;

16. perform other activities pursuant to the provisions of this Act and other regulations passed pursuant to of the law regulating the field of postal services and secondary legislation adopted pursuant to the law regulating the field of postal services.

(3) Regulatory and other tasks as referred to in paragraph 1, Items 1 to 19 and paragraph 1, Items 1 to 6 of this Article, the Agency shall perform as public authority.
Agency’s Annual Report

Article 10

(1) The Agency’s Council shall submit the Agency’s annual activity report to the Croatian Parliament and to the Government of the Republic of Croatia. The report shall contain in particular the following:

1. information about fulfilment of objectives and tasks established in the Agency’s annual work programme, and, in particular, about the application of the established principles and objectives of the electronic communications development policy;
2. information about the development of the electronic communications market and the fulfilment of regulatory principles and objectives referred to in Article 5 of this Act;
3. information about the development of the postal services market and the fulfilment of regulatory principles and objectives in accordance with a special law regulating the postal services sector;
4. financial reports and the Agency’s final statement;
5. other information important for an overview of the development of the electronic communications and postal services markets in the Republic of Croatia;
6. other information related to the implementation of this Act, a special law regulating the postal services sector and regulations adopted pursuant to these acts.

(2) The annual report referred to in paragraph 1 of this Article shall be submitted at the latest by the end of April for the previous calendar year.

(3) Upon request of the Croatian Parliament or the Government of the Republic of Croatia, the Agency’s Council must, within the maximum of 30 days from the receipt of the request, submit the report referred to in paragraph 1 of this Article for a period shorter than one year.

III. MANAGING THE AGENCY

Agency’s Council

Article 11

(1) The Agency shall be governed by the Agency’s Council consisting of seven members, including a Chairman and a Deputy Chairman of the Agency’s Council, appointed and dismissed by the Croatian Parliament upon proposal of the Government of the Republic of Croatia.

(2) The Chairman, Deputy Chairman and members of the Agency’s Council shall be appointed for a period of five years with the possibility of reappointment.
Rights and Liabilities of the Members of the Agency Council

Article 12

(1) The Chairman, Deputy Chairman and members of the Agency’s Council shall perform their duty professionally, as employees of the Agency.

(2) To be appointed member of the Agency’s Council a person must be Croatian citizen domiciled in the Republic of Croatia with completed graduate studies or specialised graduate studies in electronic communications, postal services, law or economics, adequate work experience and active knowledge of at least one foreign language (English, French or German). At least one member of the Agency’s Council must have a completed a graduate course or a specialised graduate course in the field of electronic communications, postal services, law and economics. Five members of the Agency’s Council must have at least five years of work experience in the electronic communications sector, and two members of the Agency’s Council must have at least five years of work experience in the postal services sector.

(3) The members of the Agency’s Council may not be state officials, high-ranking persons in bodies of political parties, units of local and regional self-government or unions or persons employed, having influence or performing other tasks in legal entities subject to the application of provisions of this Act and a special law regulating the postal services sector, or members of their management boards, supervisory boards or management councils. They may not be owners, stockholders or shareholders in legal entities subject to the provisions of this Act, or carry out perform any other tasks that may result in a conflict of interest.

(4) The members of the Agency’s Council shall be entitled to publish expert and scientific papers and participate in the work of expert or science gatherings.

(5) The members of the Agency’s Council must behave in the manner that does not damage their personal reputation or the reputation of the Agency or jeopardize autonomy and independence in the performance of their duty or autonomy and independence of the Agency.

(6) In the carrying out of their tasks specified by this Act, a special law regulating the postal services sector and the Agency’s Statute, the members of the Agency’s Council must act conscientiously and in accordance with the moral and ethical principles and rules of profession.

(7) The Chairman, Deputy Chairman and members of the Agency’s Council shall be employees of the Agency who are, during their term of office, entitled to a salary established by a decision of the Government of the Republic of Croatia.

(8) The Chairman of the Agency’s Council shall conclude an employment contract with the Agency. Deputy Chairman and members of the Agency’s Council shall conclude an employment contract with the Chairman of the Agency’s Council.
(9) The employment contract concluded by the Chairman, Deputy Chairman and members of the Agency’s Council shall in detail determine their employment related rights, as other rights during the performance of their duties for the Agency’s Council.

(10) Material rights of the Chairman, Deputy Chairman and members of the Agency’s Council shall include: use of the company car and mobile phone, use of the Agency business card for business needs, per diems and costs of business trips in within the country and abroad, in accordance with the existing regulations, and the right to reimbursement of all properly documented costs related to business costs, costs of business consultations, visits to professional fairs and exhibitions, professional trainings, procurement of home and foreign professional literature and magazines and costs of memberships in professional associations, and other rights in accordance with the existing regulations.

**Dismissal of members of the Agency’s Council**

**Article 13**

(1) The Croatian Parliament shall dismiss the Chairman, Deputy Chairman or a member of the Agency’s Council before the expiry of his term of office, upon proposal of the Government of the Republic of Croatia, in the following cases:

upon his/her request;

if it is established that, when he/she was proposed to become a member of the Agency’s Council, he/she gave false information or failed to give information about circumstances important for his/her appointment;

serious professional misconduct defined by the Agency’s Statute;

inability to properly carry out his/her duty for more than six months in the row;

permanent loss of ability to perform his/her duty;

final conviction of a criminal offence;

non-fulfilment of objectives and tasks defined in the Agency’s annual work programme occurrence of circumstances referred to in Article 8, paragraph 7 of this Act.

(2) Before the expiry of their term of office, the Agency must inform the Government of the Republic of Croatia of the existence of reasons for dismissal of the Chairman, Deputy Chairman or a member of the Agency’s Council.

(3) The Chairman, Deputy Chairman or a member of the Agency’s Council, after their dismissal from duty in case referred to in paragraph 1, items 1, 4, 5 and 7 of this Article shall be entitled to a remuneration amounting to the last salary they received in the month preceding their dismissal until they start receiving salary on another basis or until they become entitled to a pension in accordance with general legislation, but for a maximum of one year after their dismissal.

**Severe infringements of duties of the members of the Agency Council**

**Article 14**
It shall be considered as a severe infringement of duties of the Chairman, Deputy Chairman and members of the Agency Council:

1. if they act or behave in such a way to damage their personal reputation or the reputation of the Agency;
2. if they jeopardize autonomy and independence in the performance of their duty or autonomy and independence of the Agency.

IV. PROCEDURE FOR THE ADOPTION OF DECISIONS AND OTHER ACTS

Decision-making in Agency’s affairs

Article 15

(1) The Agency’s Council shall decide on the Agency’s affairs in accordance with Article 9, paragraph 1, items 1 to 10 of the Statute pursuant to the Act, and on affairs referred to in Article 9, paragraph 2, items 1 to 5, 8 and 9 of the Statute under the competence of the Agency’s Council in accordance with a special law regulating the postal services sector.

(2) The Agency Council shall carry out the following tasks:

1. submit the annual activity report in accordance with Article 10 of the Statute,
2. adopt the Agency’s Statute, the annual financial plan and the annual financial statement of the Agency as well as the Agency’s annual work programme with prior consent of the Government of the Republic of Croatia,
3. adopt internal rules of the Agency, especially:
   - Ordinance on Internal Organization of the Agency,
   - Ordinance on the work of the Agency,
   - Ordinance on Job Systematization of the Agency,
   - Ordinance on Salary and Other Material Rights of the Employees of the Agency,
   - Ordinance on the Business Secret of the Agency,
   - and other internal rules in accordance with the Act and this Statute.
4. appoint the Director of the Agency on the basis of a public competition,
5. dismiss the Director of the Agency in the case as referred to in Article 22 of this Statute,
6. supervise the implementation and realization of the annual work programme of the Agency, and other programmes, plans and internal rules within its competence,
7. appoint and dismiss assistants of the Director of the Agency, upon proposal of the Director of the Agency,
8. give guidelines and instructions to the Director of the Agency and supervise the implementation of those guidelines and instructions,
9. give guidelines and instructions to the electronic communications and postal supervisors and supervise the implementation of those guidelines and instructions,
10. prepare proposals for secondary legislation that is competence of the Ministry that is the Minister in accordance with the provisions of the Act or upon the request of the Ministry that is the Minister,
11. carry out other tasks defined by this Act, a special law regulating the postal services sector.

(3) In affairs under the competence of the Agency the decision-making procedure shall be initiated ex officio or upon a party’s request.

**Adoption and enforcement of Agency’s decisions**

**Article 16**

(1) The Agency’s Council shall adopt decisions by a majority vote of all members of the Agency’s Council in accordance with the Rules of Procedures of the Agency Council.
(2) Decisions and other administrative acts of the Agency shall be final in the administrative procedure.

**Chairman of the Agency Council**

**Article 17**

(1) The Chairman of the Agency’s Council shall carry out the following tasks:
   1. represent the Agency;
   2. be accountable for the lawfulness of the work of the Agency;
   3. convoke and preside the meetings of the Agency’s Council;
   4. sign decisions and other documents of the Agency’s Council;
   5. conclude the employment contract with the Deputy Chairman of the Agency’s Council, members of the Agency’s Council and the Director of the Agency;
   6. undertake all legal activities on behalf of the Agency;
   7. propose measures for the improvement of the Agency’s Council work;
   8. decide independently, in accordance with the financial plan of the Agency, to acquire, burden or alienate real estate or another asset of the Agency, if the value of the property does not exceed the amount of 4,000,000,00 kuna, above that amount and up to 8,000,000,00 kuna the approval by the Agency Council is required, and if the amount exceeds 8,000,000,00 kuna the approval by the Government of the Republic of Croatia, is needed;
9. carry out other tasks provided for in the Act, a special law regulating the postal services sector, the Agency’s Statute or other internal rules and the decisions of the Agency’s Council

(2) The Chairman of the Agency’s Council may transfer a part of his or her authorities as referred to in paragraph 1 of this Article to the Director of the Agency.

(3) Authorities as referred to in paragraph 2 of this Article the Chairman of the Council shall transfer by his/her decision.

Deputy Chairman of the Agency’s Council

Article 18

The Deputy Chairman of the Council shall help the Chairman of the Agency’s Council in performing his/her duties stipulated by the Act and this Statute, and in the absence of the Chairman of the Agency’s Council he/she shall perform with every right duties of the Chairman of the Agency’s Council.

V. AGENCY’S ADMINISTRATIVE SERVICE

Article 19

(1) The Agency shall have an administrative service performing expert, administrative and technical tasks of the Agency.

(2) The organization of the administrative service of the Agency and rights and liabilities of the employment shall be stipulated by the internal rules adopted by the Agency Council on the basis of this Statute.

Director of the Agency

Article 20

(1) The Agency’s administrative service shall be managed by the Agency’s Director.

(2) The Director of the Agency shall be accountable for his work to the Agency’s Council.

(3) The Director of the Agency shall be appointed by the Agency’s Council on the basis of a public competition for a period of four years with the possibility of reappointment.

(4) To be appointed Director of the Agency a person must be a Croatian citizen domiciled in the Republic of Croatia with completed graduate or specialized graduate studies in electronic communications, postal services, law or economics, with at least three years of managerial work experience in the field of electronic communications and postal services and active knowledge of at least one foreign language (English, French or German).
(5) Provisions of the Article 12 paragraphs 3,4,5,6 apply in a suitable way to the Director of the Agency.

(6) The Director of the Agency shall carry out his/her duties in a professional capacity, as an Agency’s employee, and during his/her term of office he/she shall be entitled to a salary and other material rights in accordance with the Agency’s internal rules.

(7) The Director of the Agency shall conclude an employment contract with the Chairman of the Agency’s Council.

Article 21

The Director of the Agency shall carry out the following tasks:

1. manage the business operations of the Agency;
2. be held accountable for the work of the Agency’s administrative service;
3. propose the annual work programme of the Agency, the annual financial plan, annual activity report and the Agency’s annual financial statement to the Agency’s Council;
4. propose the adoption of decisions and other administrative acts to the Agency’s Council;
5. prepare for the Agency’s Council proposals for secondary legislation within the competence of the Agency and in accordance with the provisions of the Act;
6. prepare for the Agency’s Council proposals of the Statute and internal rules of the Agency as referred to in Article 15 paragraph 2 Item 4 of the Statute;
7. conclude employment contracts with Assistant Directors of the Agency and other employees of the Agency’s administrative service;
8. carry out tasks delegated to him or her in accordance with Article 17, paragraph 2 and 3 of the Statute, looks after proper usage of the asset and means for work, and undertakes measures for the establishment of accountability of the employees in accordance with the Act and internal rules of the Agency;
9. proposes ways of the investment sustainability and procurement that is selling of the basic means in accordance with the financial plan of the Agency;
10. carry out other tasks defined by the Act, a special law regulating the postal services sector and the Agency’s Statute.

Dismissal of the Director of the Agency

Article 22

(1) The Agency’s Council shall dismiss the Director of the Agency before the expiry of his term of office in accordance with the procedure and in cases prescribed by the Institutions Act, and in the following cases:

   1. upon his/her request;
2. if it is established that, during public tender for the appointment of the Director of the Agency, he/she gave false information or failed to give information about circumstances important for his/her appointment;

3. serious professional misconduct defined by the Article 16 of the Agency’s Statute;

4. inability to properly carry out his/her duty for more than six months in a row;

5. permanent loss of ability to carry out his/her duty;

6. final conviction of a criminal offence;

7. occurrence of circumstances referred to in Article 12, paragraph 3 of this Statute;

8. occurrence of circumstances which lead to the termination of the employment contract in accordance with special regulation or general labour legislation;

9. if he/her does not act in accordance with the regulations and internal rules of the Agency, or unjustifiably does not implement Agency’s decisions or acts against them,

10. if he/her causes greater damage to the Agency with his/her misconduct or neglects or unconscientiously performs his/her duties causing disruption in the Agency’s activities.

(2) In cases as referred to in paragraph 1 Item 8, 9 and 10, prior to the dismissal the Director of the Agency shall be given an opportunity to express himself on the reasons for his/her dismissal.

(3) In case of the dismissal of the Agency’s Director, acting Director will be appointed, and the Agency shall open a public competition within 30 days from the date of the appointment of the acting Director.

(4) The provisions of Article 13, paragraph 3 of this Statute shall apply mutatis mutandis to the Director of the Agency after his dismissal.

**Assistant Director of the Agency**

**Article 23**

(1) The Director of the Agency may have one or more assistants for individual areas who are appointed and dismissed by the Agency’s Council, upon proposal of the Director of the Agency.

(2) Assistant Directors of the Agency shall conclude employment contracts with the Director of the Agency.

**Internal organization of the Agency**

**Article 24**

(1) The internal organization of the Agency shall be regulated by the Statute and the internal rules adopted by the Agency Council.
(2) For the purpose of the undisturbed, rational and efficient performance, the Agency shall perform its activities within departments as basic organizational units of the Agency. Departments will consist of sections.

(3) The detailed internal organization, the number and titles of the organizational units, job descriptions, the number of employees with required qualifications, the powers and accountability of the employees shall be stipulated by the Ordinance on Internal Organization of the Agency and the Job Systematization

VI. FUNDS FOR CARRYING OUT OF THE AGENCY'S TASK

Article 25

(1) The Agency shall keep separate accounting for the electronic communications sector and for the postal services sector.

(2) The funds for the carrying out of the tasks of Agency, in accordance with the annual financial plan, shall be secured from the following sources:

1. from the fee for the use of addresses and numbers;
2. from the fee for the use of the radio frequency spectrum;
3. from the fee for performance of other tasks of the Agency in the percentage of the total annual gross revenue earned by operators in the previous calendar year by providing electronic communications networks and services on the market, except for electronic media broadcasters broadcasting their radio and television programmes by means of their own electronic communications network used exclusively for that purpose.

(3) The calculation and the amount of fees and the manner of payment of fees referred to in paragraph 2 of this Article shall be prescribed by an ordinance adopted by the Agency’s Council, on the basis of the Agency’s annual financial plan, at the latest by the end of the current year for the following calendar year.

(4) The funds for the carrying out regulatory and other tasks of Agency related to the area of postal and courier services shall be secured from the state budget of the Republic of Croatia.

(5) The Agency shall transfer the surplus of collected funds compared to the annual financial plan to the following calendar year.

(6) The Agency shall be accountable for its liabilities by its entire assets, and the Republic of Croatia shall have joint and several liabilities for the Agency’s obligations.

(7) The Agency’s liabilities shall first be settled from its own assets, and then from the State Budget of the Republic of Croatia.

(8) The Agency’s financial reports shall be subject to annual audit performed by an independent authorized auditor in accordance with the special regulation on audit.
(9) Funds of the Agency shall keep its transfer account in accordance with the regulation on payment transfers.

(10) The Agency shall manage book-keeping and financial reporting in accordance with the regulation accounting of the non-profit organizations.

**Annual activity report and annual work programme of the Agency**

**Article 26**

(1) The Agency’s Council shall adopt the annual financial plan of the Agency and Agency’s annual work programme with the prior approval of the Government of the Republic of Croatia.

(2) The annual financial plan shall establish the revenues and expenditures of the Agency for the current budgetary year.

(3) The financial plan shall be adopted at the latest 30 days before the end of the current budgetary year.

(4) The financial plan of the Agency may be amended during the year, in accordance with the established procedure.

(5) The Chairman of the Agency’s Council shall be the order-issuing authority for the execution of the financial plan.

(6) The annual programme shall in particular define the objectives and tasks of the Agency in the performance of regulatory and other tasks provided for in this Act and a special law regulating the postal services sector.

(7) The Agency’s Council shall adopt the annual work programme of the Agency for the next year before the end of the current year at the latest.

**VII. TRANSPARENCY OF THE AGENCY’S WORK**

**Article 27**

(1) The work of the Agency shall be public.

(2) The Agency shall keep and regularly update databases with all registers and records kept for the purpose of performing tasks within its competences in accordance with the Act.

(3) The Agency shall keep and regularly update radio frequency spectrum database in accordance with the Act.

(4) Databases referred to in paragraphs 1 and 2 of this Article must be accessible to the public on the Agency’s web site, free of charge and in the electronic form.

(5) The Agency’s web site must be regularly maintained and updated by the Agency and offering the possibility of comprehensive data browsing according to chosen parameters.
(6) The Agency shall, on a regular basis and free of charge, publish on its website and in the Official Gazette, and, where relevant, in another adequate manner, in particular the following acts and information:

- decisions and other administrative acts of the Agency;
- public tenders and invitations to public consultations;
- expert opinions and explanations about the application of this Act and regulations adopted pursuant to this Act;
- statistical and other indicators of the electronic communications and postal services market development;
- Statute of the Agency, the Agency’s annual financial plan and the realization of this plan, the Agency’s annual financial statement and Agency’s annual work programme;
- list of postal and courier service providers;
- decision of the Government of the Republic of Croatia as referred to in Article 12 paragraph 7 of the Statute;
- other data and information about the functioning and business operations of the Agency.

(7) Statistical and other indicators of the electronic communications and postal services market development referred to in paragraph 4 of this Article must be updated and published on the Agency’s website at least every three months.

(8) For the purpose of regular publication of acts and information referred to in paragraphs 2, 3 and 5 of this Article, and other information important for the work of the Agency, the Agency may publish an official journal in printed and electronic form.

(9) Final judgements and decisions of the Administrative Court of the Republic of Croatia in administrative disputes initiated pursuant to the provisions of Article 18 of the Act shall be published in the Official Gazette and on the Agency’s website, and may also be published in any other appropriate manner.

(10) By way of derogation from the provisions of this Article, acts and information regarded as classified within the meaning of Article 29 of the Statute or special data secrecy regulations shall not be made publicly available.

(11) The publicity of the Agency’s work shall be ensured through the cooperation with the media and by informing other institutions on the Agency’s work and activities.

**Public consultation procedure**

**Article 28**

(1) Before adopting decisions and other administrative acts with significant influence on the relevant market, which are adopted pursuant to the provisions of this Act, the Agency shall publish the proposal for the decision or another administrative act for the purpose of a public consultation in order to enable all interested parties to give their opinions, comments and proposals in relation to the proposed measures.
(2) The duration of the public consultation referred to in paragraph 1 of this Article may not be shorter than 30 days and the subject matter and the procedure shall be published pursuant to the provisions of Article 27 of this Statute.

(3) The public consultation procedure in accordance with paragraphs 1 and 2 of this Article shall also apply in the procedure for the adoption of regulations the Act, which are in the competence of the Agency in accordance with the provisions of the Act, also of the annual financial plan and the annual work programme of the Agency, the Addressing Plan and the Numbering Plan, the Radio Frequency Allocation Table and radio frequency assignment plans, and in the procedure for the adoption of their amendments.

(4) The Agency must ensure, on its website or in any other appropriate manner, the establishment of a single information centre providing immediate public insight and participation in all current public consultations and public access to the results of public consultations, taking into account the confidentiality of data pursuant to the provisions of the Article 29 of the Statute and special regulations on data secrecy.

VIII. DATA SECRECY PROTECTION

Article 29

(1) The Chairman, Deputy Chairman and members of the Agency’s Council, the Director of the Agency and employees of the Agency’s administrative service, as well as other legal entities and natural persons, entrusted by the Agency with the performance of certain tasks shall be obliged to keep the secrecy of classified data or a business secret, regardless of the manner in which they have learnt about it, during and after they have finished carrying out the tasks or during their employment and after the termination thereof for as long as the data is designated with a degree of secrecy or until they are relieved from the obligation to keep the data secret by the owner of the data.

(2) Classified data or a business secret referred to in paragraph 1 of this Article, shall in particular include the following:

- any information that is classified or designated as business secret in accordance with a special law or another regulation;
- any information that is classified or designated as business secret in accordance with internal rules or other act of the owner of the information;
- any information that is specially designated as classified information or as a business secret, by the owner of the information;
- any information classified or designated as business secret in accordance with the Agency’s internal rules.

(3) By way of derogation from the provisions of paragraphs 1 and 2 of this Article, data or acts that have in any way been made publicly available or published on the basis of special regulations or decisions of data owners, shall not be regarded as classified data or a business secret.
IX. COOPERATION WITH THE EUROPEAN MEMBER STATES AND EUROPEAN COMMISSION

Article 30

In the procedure for the imposition of a certain regulatory obligation on an operator pursuant to the provisions of this Act, the Agency shall cooperate with and adjust its actions with the competent national regulatory authorities of other Member States of the European Union and with the Commission in order to ensure a consolidated application of the relevant acquis communautaire concerning internal market.

X. SAFETY AT WORK

Article 31

The Agency must ensure safety at work and implement safety measures (protection of people and property) in accordance with the law regulating the area of safety at work and internal rules of the Agency.

XI. AMENDMENTS TO THE STATUTE AND INTERPRETATION OF THE STATUTE

Article 32

(1) Amendments to the Statute may be proposed by the Chairman of the Agency’s Council, Deputy Chairman of the Agency’s Council or member of the Agency’s Council and the Director of the Agency.

(2) Amendments to the Statute shall be adopted in the established procedure.

Article 33

In case of ambiguity or disagreements in the application of the provisions of this Statute, the Council of the Agency shall be competent for its interpretation.

XII. TRANSITIONAL AND FINAL PROVISIONS

Article 34

(1) The internal rules as referred to in Article 15 paragraph 2 item 4 of this Statute shall be adopted by the Agency Council within six months from the entry into force of this Statute.
(2) All issues that are related to the work of the Agency, but not regulated by the Act and the Statute shall be regulated in a suitable manner by the provisions of the Act on Institutions.

Article 35

(1) This Statute shall be adopted by the Agency Council, with the prior approval of the Government of the Republic of Croatia.

(2) This Statute shall enter into force on the day of its publication in the Official Gazette.

(3) After entering into force this Statute shall be published on the official web site of the Agency.

Class: 012-01/08-01/01
Register no.: 376-07-08-05 MT

PRESIDENT OF THE AGENCY’S COUNCIL
Gašper Gaćina

The Statute of the Agency was published on 11 October 2008 in the Official Gazette no. 116/08 and entered into force on the same date.