

# CROATIA

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## VUKMIR

***Is there case law or any statutory regulation governing advertising and promotion incentives? Are there any special consumer protection laws? What role do free gifts, tie-in offers, sweepstakes, rebates and other benefits, play in this context?***

There is a Consumer Protection Law in Croatia. The one currently in force was enacted back in 2007 and replaced the Consumer Protection Law of 2003. Promotional activities such as free gifts, tie-in offers, sweepstakes, rebates and other benefits are generally allowed, as long as the awards are not of high value and the awarding depends on an objective criterion. This however is not prescribed by the Consumer Protection Law, but represents the standpoint of the Croatian Ministry of Finance as the authority in charge of award games which on the other hand require special permissions.

***In your jurisdiction, are there any industry sectors which are subject to special regulations for advertising and promotion incentives (for instance the health products and pharmaceutical industries in some countries)? Please name applicable statutes and self-regulatory codes.***

There are no special regulations for advertising and promotion incentives applying to certain industry sectors only. There are special regulations for certain industry sectors such as food, alcohol, tobacco and pharmaceuticals, but they do not refer to advertising and promotion incentives in particular.

***Does industry self-regulation replace or supplement government and legislative regulation of advertising and promotion incentives? Is self-regulation an effective tool?***

In Croatia self-regulation supplements government and legislative regulation of advertising and promotion incentives. It is an effective tool. However, it is not specific depending on the industry, but it is generally prepared and enforced by the advertising agencies associations, meaning that it mostly applies to all types of industries.

***To what extent do promotional incentives extended to staff in public institutions pose legal issues in your jurisdiction (i.e., paying for travel and accommodation costs on the occasion of conferences, personal entertainment, hidden education sponsoring, sponsoring of school snacks for promotional purposes)?***

The approach in such case would depend to a certain extent on whether the promotional incentives come from inside or outside the public institution. If coming from outside the public institution, this would generally be forbidden. Certain code of conduct rules may apply too.

***Are there any formal disclosure requirements for promotional incentives (i.e., rule of separation of procurement from personal dealings, rules of employer consent requirements, written form requirements, adequacy of consideration granted for a service)?***

In Croatia there are no explicit and prescribed disclosure requirements for promotional incentives. Some of those principles might apply however in practice, especially before courts and other institutions.