

CHAMBER OF DEPUTIES OF THE PARLIAMENT OF THE REPUBLIC OF CROATIA

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby pass the following

DECREE

promulgating the Political Parties Act

I hereby promulgate the Political Parties Act as enacted by the Chamber of Deputies of the Parliament of the Republic of Croatia at its session of 30 July 1993.

No.: PA4-61 /1 -93

Zagreb, 7 August 1993

Dr. Franjo Tudman

President of the Republic of Croatia

POLITICAL PARTIES ACT

I. GENERAL PROVISIONS

Article 1

By virtue of their free establishment and ongoing participation in the efforts to actualize the political will of citizens, political parties shall embody the expression of the democratic multiparty system as a component of the highest values of the constitutional order of the Republic of Croatia.

Through the establishment of political parties, citizens shall be assured of the right to freedom of association with a view to protecting their interests or advocating their political, social, economic, national, cultural or other beliefs and objectives.

This Act shall regulate the legal status and the methods and procedures for the establishment, registration and dissolution of political parties.

Article 2

For the purposes of this Act, political parties shall be deemed associations whose objectives, as expressed in their platforms and charters, focus on efforts to foster and marshal the political will and political activities of citizens.

Article 3

The activities of political parties shall be public.

By way of exception, political parties may exclude the public in cases set forth in their charters.

Article 4

Political parties shall be organized and operate according to the territorial principle, and shall not establish their organizational units in central government bodies, local and regional governmental bodies, enterprises, institutions, the armed forces, the police and other legal persons.

Article 5

A political party shall be administered by its members, either directly or through their elected representatives in its governing bodies established pursuant to its charter.

II. ESTABLISHMENT AND REGISTRATION OF POLITICAL PARTIES

Article 6

A political party may be established by a minimum of one hundred (100) Croatian citizens of legal age and with legal capacity.

Any Croatian citizen of legal age and with legal capacity may become a member of a political party under uniform conditions as laid down in its charter.

Article 7

Political parties shall be entered in a register.

As of the date of its entry in the register, each political party shall obtain the status of a legal person.

The register of political parties shall be maintained by the Ministry of Public Administration. The Minister of Public Administration shall establish the forms and methods for maintaining the register of political parties.

The register of political parties shall be public.

Political parties not registered in compliance with the provisions of this Act may not operate in the territory of the Republic of Croatia.

Article 8

Each political party shall notify the Ministry of Public Administration of the establishment and operation of its organizational units (chapters, branches) within fifteen (15) days after the date of their establishment.

The organizational units of political parties shall not have the status of legal persons.

The Minister of Public Administration shall set forth the forms and procedures for releasing notices on the establishment and operation of the organizational units of political parties.

Article 9

Each political party shall enclose the following in its application for entry in the register of political parties:

- minutes of the meeting of, and decisions made by, its constituent body;
- its platform and charter;
- a list of its founders and members of its governing bodies;
- the names of persons authorized to represent it and act on its behalf; and
- the Croatian citizenship certificates of its founders and members of its governing bodies.

Article 10

The charter of each political party shall contain provisions on:

- its name and headquarters;
- its symbol;
- representation and activity on its behalf;
- its objectives and methods of operation;
- its membership;
- its organizational units;
- its governing bodies, methods for their election and recall, their term of office and decision-making methods;
- its operating resources; and
- its dissolution and disposal of its assets in the event of its dissolution.

Upon its registration, each political party shall publish its charter in a daily newspaper or *Narodne novine* (the official journal of the Republic of Croatia).

Article 11

A political party's application for entry in the register of political parties shall be rejected if its name is not clearly distinct from those of the already registered political parties.

If the Ministry of Public Administration receives applications for the registration of two or more political parties having the same name, it shall accept the application for the registration of that political party which submits its application first.

The name of each political party shall be in the Croatian language.

The name of a political party may also be entered in the register of political parties in its translation into one or more foreign languages, provided that its name in the Croatian language is first listed.

In addition to the full name of a political party, its short name may also be used, provided that it contains a characteristic part of its name.

Any such short name shall be entered in the register of political parties.

Each political party shall use its name and short name as entered in the register of political parties, both in terms of form and substance.

If, in addition to its Croatian version, the name or short name of a political party is entered in the register of political parties in its translation into a foreign language, the political party may use any such translation of its name or short name only together with its name in the Croatian language.

The name or short name of a political party in a foreign language shall not be written in letters larger or more prominent than those used for its name in the Croatian language.

Article 12

The word "Croatia" in any language whatsoever, including any derivative thereof, or any element of the flag or the coat of arms of the Republic of Croatia, including any imitation thereof, may be incorporated into the name or symbol of a political party in a manner which promotes the reputation and dignity of the Republic of Croatia.

The names or symbols of political parties shall contain no official national designations or names of other states.

Article 13

Each political party shall submit its application for entry in the register of political parties within fifteen (15) days after the date of its constituent assembly.

The Ministry of Public Administration shall make a decision on all applications for entry in the register of political parties.

The decision on any entry in the register shall specify the date of such entry, the registration number under which such entry has been made, and the name and official headquarters of the political party.

Article 14

The Ministry of Public Administration shall make its decision on any application for entry in the register of political parties within 30 days after the date when such application for entry is duly submitted.

If the Ministry of Public Administration establishes that any application for entry in the register is not accompanied by all enclosures required under Article 9 of this Act or that the programme and charter of any political party fail to comply with the provisions of this Act, it shall seek rectification of any identified shortcomings from the applicant for registration within 30 days.

If the applicant for registration fails to rectify any identified shortcomings within the required period, the Ministry of Public Administration shall reject such application for entry in the register of political parties.

Article 15

If the Ministry of Public Administration fails to make a decision on entry in the register of political parties within the period specified in Article 14(1) of this Act, the political party in question shall be deemed entered in the register as of the next day following the expiry of said period.

The provision of paragraph (1) of this Article shall not apply in the event specified in Article 14(2) of this Act.

Article 16

Political parties shall notify the Ministry of Public Administration of any changes to their platforms, charters, names, headquarters, the names of persons authorized to represent them and act on their behalf and the membership of their governing bodies, as well as their dissolution, within fifteen (15) days after the date when any such change occurs.

Any such notification shall be accompanied by minutes of the meetings of their highest governing bodies and their decisions approving such changes.

A decision shall be made on the entry of any change to the name or headquarters of a political party or the names of persons authorized to represent it or act on its behalf in the register of political parties.

Article 17

Any application for entry in the register of political parties shall be rejected if the applicant uses the programme of the political party in question to promote or call for any violence aimed at undermining the democratic constitutional order, independence or territorial integrity of the Republic of Croatia.

III. FUNDING OF POLITICAL PARTIES

Article 18

Political parties shall be non-profit organizations.

In order to pursue their political objectives, political parties may receive revenues from membership fees, voluntary contributions, publishing activities, the sale of publicity materials, organization of party events, the central budget, local and regional budgets, profits generated by companies they own and any such other sources as may be deemed eligible under relevant regulations.

Article 19

A portion of the funds required for the work of political parties whose candidates have, as a result of elections, been elected deputies to the Parliament of the Republic of Croatia shall be secured in the central budget on an annual basis.

The funds required for the work of political parties specified in paragraph (1) of this Article shall be secured to the amount equal to twenty-four average gross base salaries payable to employees and officials employed with governmental bodies of the Republic of Croatia.

In addition to the funds specified in paragraph (2) of this Article, political parties shall also be provided with funding in proportion to the number of their deputies in the Parliament of the Republic of Croatia. Such funding shall be provided by tripling the total amount of funds appropriated under the criterion laid down in paragraph (2) of this Article, dividing it by the total number of seats in the Parliament of the Republic of Croatia, and multiplying it by the number of deputies from a particular political party.

If a deputy has been elected as a candidate of two or more political parties, the funds specified in paragraph (3) of this Article shall be distributed among such political parties in equal portions, and if a political party does not have at least one candidate elected as a deputy to the Parliament of the Republic of Croatia for the purposes of this Article, it shall not participate in the distribution of funds specified in paragraph (2) of this Article.

The funds required for the work of political parties shall be allocated by the Committee on Elections, Appointments and Administrative Affairs of the Chamber of Deputies of the Parliament of the Republic of Croatia.

Article 20

Political parties shall publicly disclose the origin and purpose of any funds received thereby during each calendar year.

If a political party acquires or uses any funds contrary to law, or fails to present them in its operating records and financial statements, it shall forfeit its right to receive any funding under Article 19 hereof for the next calendar year. Any funds acquired contrary to law shall be appropriated to the central budget and, pursuant to legislation governing execution of the central budget of the Republic of Croatia for the current year, allocated for humanitarian purposes.

Article 21

Political parties shall maintain their operating records and prepare their financial statements in compliance with the accounting regulations of the Government of the Republic of Croatia applicable to non-profit legal persons.

Article 22

Political parties specified in Article 19(1) of this Act shall submit their annual accounts for the previous year to the Parliament of the Republic of Croatia.

Prior to their submission to the Parliament of the Republic of Croatia, such annual accounts shall be reviewed by the State Audit Office.

IV. DISSOLUTION OF POLITICAL PARTIES

Article 23

A political party shall be dissolved:

- (i) if the competent administrative body decides on its dissolution;
- (ii) if it is ascertained that it has ceased to operate and if its highest governing body has held no session even though a period twice as long as that laid down in its charter for holding such session has elapsed;
- (iii) if it has been banned from operating pursuant to a ruling of the Constitutional Court of the Republic of Croatia.

The circumstances specified in paragraph 1(i) and (ii) of this Article shall be established by the Ministry of Public Administration.

In the cases specified in paragraph 1(i) and (ii) of this Article, decisions on the dissolution of political parties shall be made by the Ministry of Public Administration.

In the event specified in paragraph 1(iii) of this Article, the political party in question shall be erased from the register as at the date of the announcement of the decision to ban its operation.

Article 24

The decisions made by the Ministry of Public Administration under Articles 13(3), 14(3), 17 and 23(3) of this Act may not be appealed, but may be subject to the initiation of administrative lawsuits.

V. OVERSIGHT

Article 25

The Ministry of Public Administration shall oversee implementation of this Act.

VI. PENAL PROVISIONS

Article 26

A fine in the dinar equivalent of DM 70 to 270 shall be imposed on any political party:

- which fails to publicly disclose the origin and purpose of any funds received thereby during the calendar year (Article 20(1)); or
- which acquires or uses any funds contrary to law or fails to report them in its annual accounts (Article 20(2)).

For any offence specified in paragraph (1) of this Article, a fine in the dinar equivalent of DM 70 to 200 shall also be imposed upon the accountable officer of such political party.

Article 27

A fine in the dinar equivalent of DM 70 to 340 shall be imposed on any political party:

- which has established its organizational units in the organizational units of central governmental bodies, local and regional governmental bodies, enterprises, institutions, the armed forces, the police and other legal persons (Article 4); or
- which fails to notify the Ministry of Public Administration of the establishment and operation of its organizational units within the required period (Article 8); or
- which fails to submit its application for registration within the required period (Article 13); or
- which fails to notify the Ministry of Public Administration of any changes to its platform, charter, name, headquarters, the names of persons authorized to represent it and act on its behalf and the membership of its governing bodies, as well as its dissolution, within the required period (Article 16).

For any offence specified in paragraph (1) of this Article, a fine in the dinar equivalent of DM 14 to 70 shall also be imposed upon the accountable officer of such political party.

Article 28

The amount of any fine specified in Articles 26 and 27 of this Act shall be adjusted by applying the mean exchange rate quoted by the National Bank of Croatia on the date of its collection.

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 29

Political parties shall align their charters with the provisions of this Act within six months after its entry into force.

Article 30

The Minister of Public Administration shall pass the regulations he/she is authorized to pass under this Act within three months after its entry into force.

Article 31

Upon its entry into force, this Act shall supersede the Political Organizations Act (as published in *Narodne novine*, no. 19/90, 28/90, 59/90 and 2/91).

The Ordinance on Forms and Methods for Maintaining the Register of Political Organizations (as published in *Narodne novine*, no. 27/90) shall remain in force pending enactment of the regulations specified in Articles 7(4) and 8(3) of this Act.

Article 32

This Act shall enter into force on the eighth day following the date of its publication in *Narodne novine*.

Class: 007-03/92-01 /08

Zagreb, 30 July 1993

CHAMBER OF DEPUTIES OF THE PARLIAMENT OF THE REPUBLIC OF CROATIA

Stjepan Mesić (*m.p.*)

Speaker

of the Chamber of Deputies of the Parliament