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*Please note that this translation is a purified text version including all amendments and decisions on the Act finishing with and including Amendments to the Act from the Official Gazette no. 141/2004 from October 13, 2004.*

## **JUDICIARY ACT**

### **I. GENERAL PROVISIONS**

#### **Article 1**

This Act regulates the organisation, competence and jurisdiction of courts, their internal organisation, the conditions for the appointment and removal of judges, jurors and Presidents of the courts as well as their rights and responsibilities, special arrangements regarding the Supreme Court of the Republic of Croatia, the protection of persons and the property of judicial bodies, the conditions and procedures for the appointment of official court interpreters, expert witnesses and appraisers, court and judicial administration, conditions for the employment of officials and employees, confidential official information and the provision of funds for the work of courts.

#### **Article 2**

Courts are state organs which exercise judicial power autonomously and independently within the limits of their lawful competences and jurisdiction.

#### **Article 3**

Courts shall protect the legal order of the Republic of Croatia as established by the Constitution and acts of legislature, and provide for the uniform application of laws and equal protection before the law.

Courts shall decide cases on the fundamental rights and duties of man and citizen, on the rights and duties of the Republic of Croatia, local self-government and administration, shall pronounce sanctions and other measures to the perpetrators of crimes, misdemeanours and petty offences specified by law, review the legality of individual acts of public administration and persons vested with public authority, decide disputes on personal relations, labour cases, commercial, property and other civil cases, and deliberate on other legal cases which may be provided for by law.

#### Article 4

Everyone is entitled to have his civic rights and obligations or his criminal liability fairly and publicly argued, within reasonable time, and for these to be decided upon by an independent and impartial court established by law.

Parties may agree to assign legal cases falling within judicial jurisdiction to arbitral tribunals, in accordance with law.

Everyone shall have the privilege to address petitions in respect of the operation of a court or work of a judge, unnecessary delays of procedure where a party has legal interest, or in respect of the professional behaviour of a judge or other judicial employee, and shall have the right to receive an answer.

#### Article 5

Courts shall administer justice in compliance with the Constitution and acts of the legislature.

Courts shall administer justice in compliance with international treaties which are a part of the legal order of the Republic of Croatia.

Courts shall apply other regulations which are adopted in accordance with the Constitution, an international treaty or a law of the Republic of Croatia.

#### Article 6

Any interference with the administration of justice, and, particularly, any use of public authority, the media, and, in general, public presentations, in order to interfere with the judicial process and its outcome, is forbidden.

A judicial decision may be reviewed and set aside only by a competent court and with respect to the due process of law.

Everyone in the Republic of Croatia shall respect and comply with a final and enforceable judicial decision.

#### Article 7

Cases falling within judicial jurisdiction shall in the first instance be decided by an individual judge. A panel of judges shall decide cases in the first instance in cases stipulated by law.

Courts of appeal shall deliberate in panels, and, in cases provided for by law, in Convention.

Jurors shall participate in judicial deliberations in accordance with law.

#### Article 8

Judges shall be appointed to and removed from their office under the conditions and according to a procedure which guarantees the professional work, independence and dignity of the judiciary.

## Article 9

A judge or a juror shall not be held responsible, taken into custody or punished for a given opinion or a vote cast in the course of judicial deliberation.

Judges shall have immunities in accordance with this Act.

A judge shall not be taken into custody, or be subject to criminal procedure, without permission of the High Judiciary Council.

A judge may be taken into custody without permission of the High Judiciary Council, only if he committed a crime for which the law provides imprisonment of five years or more and was apprehended at the scene of the crime which was in progress. The President of the High Judiciary Council shall be informed of such an act.

When the High Judiciary Council is not in session, permission to arrest a judge or to conduct a criminal proceeding against a judge or to make a decision on his/her immunity shall be given by the President of the High Judiciary Council. The decision of the President of the High Judiciary Council must be confirmed by the High Judiciary Council within eight days.

Judges have the privilege not to testify on the content of deliberations or on any other circumstances they must keep as an official secret.

## Article 10

Cases shall be assigned to judges and panels according to a schedule which is determined in advance on an annual basis. A case which, according to such a schedule, should be assigned to a particular judge or panel, may be assigned to another judge or a panel only if the original judge or panel is not able to perform their task.

President of the Supreme Court of the Republic of Croatia may determine, based on the prior opinion obtained from the Convention of the Supreme Court, that another court having subject matter jurisdiction is to proceed in a certain type of matters, i.e. an individual legal matter, if the court having geographical and subject matter jurisdiction pursuant to the law may not try these cases and reach a decision within a reasonable period, due to a large number of cases pending before this court.

The President of the Supreme Court of the Republic of Croatia shall issue a decree on the cases to be tried by another court having subject matter jurisdiction, bearing in mind that these cases are primarily the ones in which none procedural actions have been undertaken or in which only the initial actions have been undertaken, such as a response to the action, statement of defence and alike.

The Court which gives up a case to another court shall notify thereof in writing the parties or their respective attorneys or representatives.

In case from paragraph 1 of this Article, clients and their proxies are entitled to a compensation of public transportation costs. Attorneys are entitled to compensation of costs for their absence from the office during the travel and compensation of transportation costs set by the Tariff on Attorney's Awards and Compensation of Costs. These costs shall be paid out from the State Budget, if such costs exceed the ones that the clients would have incurred had the procedure taken place before the court of geographical jurisdiction.«

## Article 11

In the performance of judicial power, courts shall provide for mutual legal assistance.

State bodies and legal persons shall cooperate with courts in the performance of their judicial power.

Croatian courts shall render legal assistance to foreign courts in accordance with law.

Courts shall render legal assistance to arbitral tribunals if their request for assistance is grounded on law, if the requested action is legal, and if the court has jurisdiction. Legal assistance to foreign courts shall be rendered in accordance with the rules regulating legal assistance to foreign courts.

## Article 12

Courts shall have a rubber stamp containing the name of the court, and the name and the coat of arms of the Republic of Croatia.

Court buildings shall bear the name of the court and the coat of arms and shall fly the flag of the Republic of Croatia.

# II ORGANISATION, COMPETENCIES AND JURISDICTION

## 1. ORGANISATION OF COURTS

### Article 13

In the Republic of Croatia, judicial power shall be vested in:

- petty offence tribunals
- municipal courts
- county courts
- commercial courts
- The High Petty Offence Tribunal of the Republic of Croatia
- The High Commercial Court of the Republic of Croatia
- The Administrative Court of the Republic of Croatia

The highest judicial authority in the Republic of Croatia is the Supreme Court of the Republic of Croatia.

For certain legal territories, special courts may be established by a separate law.

### Article 14

Petty offence tribunals, municipal courts and commercial courts as the courts of first instance shall be established for the territory of one or more municipalities, one or more towns or a part of a town.

County courts shall be established for the territory of several municipal courts.

The High Petty Offence Tribunal of the Republic of Croatia, The High Commercial Court of the Republic of Croatia and the Administrative Court of Croatia shall be established for the territory of the Republic of Croatia and shall have their seats in Zagreb.

The Supreme Court of the Republic of Croatia shall have its seat in Zagreb.

#### Article 15

The Courts shall deliberate in their seats.

Petty offence tribunals, municipal courts and commercial courts may exceptionally exercise judicial power outside their seats on particular judicial days or may establish permanent offices or departments.

The Minister of Justice shall adopt a decision regulating judicial days and the establishment of permanent offices or departments upon a prior opinion of the President of the Supreme Court of the Republic of Croatia.

#### Article 15.a

Jurisdiction of municipal, county, commercial courts, High Commercial Court of the Republic of Croatia and the Supreme Court of the Republic of Croatia in litigation proceedings is regulated by the Civil Procedure Act (The Official Gazette of the Republic of Croatia, »*Narodne novine*«, Nos. 53/91, 91/92, 112/99, 88/01 and 117/03).

## 2. COMPETENCE AND JURISDICTION OF COURTS

#### Article 15b

Petty offence tribunals shall:

1. have first instance jurisdiction to adjudicate misdemeanours and petty offences, unless for such proceedings the subject matter jurisdiction of another body is stipulated by law;
2. pursue other activities provided for by law.

The law may provide for a petty offence tribunal to decide in a particular type of case from the competence of a petty offence tribunal from the territory of several petty offence tribunals.

#### Article 16

Municipal courts:

1. In criminal cases:
  - a) shall have first instance jurisdiction to adjudicate criminal offences for which imprisonment of up to ten years is prescribed, unless, based on law, another court has jurisdiction.
  - b) shall pursue other activities provided for by law.

#### **No. 2 DELETED**

3. Municipal Courts shall also handle:

- a) non-contentious and enforcement cases, unless they are within the competence of another court,
- b) cases regarding legacy, the land register, and shall keep the land registry,
- c) recognition and enforcement of decisions of foreign courts,
- d) international legal assistance,
- e) **DELETED**

Municipal courts shall decide in all cases which are not otherwise within the competence of some other court or a notary public.

Criminal cases against military persons, military officials and employees in armed forces for the criminal offences committed in the exercise of their duty or in connection with such duty shall be tried with the full jurisdiction of municipal courts.

In order to decide in the cases referred to in paragraph 3 of this Article, municipal courts shall establish a separate section or panel.

**Par. 5 DELETED**

Article 17

County courts:

1. shall have first instance jurisdiction to adjudicate crimes which may be punished by imprisonment of more than ten years,
2. shall conduct investigations and other acts, decide appeals against the decision of an investigating judge and make decisions about his proposals,
3. shall conduct proceedings for the extradition of indicted or convicted persons unless the law specifies the jurisdiction of the Supreme Court of the Republic of Croatia,
4. **DELETED**
5. **DELETED**
6. shall conduct investigatory notary public and disciplinary proceedings and decide such cases in the first instance when provided for by law,
7. shall hear appeals against decisions delivered in disciplinary proceedings regarding the malpractice of notaries public when provided for by law,
8. shall enforce foreign judicial decisions in criminal cases,
9. shall carry out any other activities which are provided for by law.

Article 18

(Erased)

Article 19

Commercial courts:

**1 AND 2 DELETED**

1. shall keep court registers.
2. In non-contentious procedures they shall decide on:
  - the registration of vessels in the shipping register and on the registration of rights related to these vessels, the limitation of liability of shipping operators, appeals concerning the allocation of liability in shipping disasters, unless provided for differently by law,
  - motions related to the incorporation, operation and winding-up of companies.
3. Commercial courts shall decide and enforce decisions delivered in the first instance, as well as disputes which arise in the course of the enforcement of these decisions. They may delegate the execution of non-pecuniary means of the execution debtor to municipal courts. Commercial courts shall also provide evidence related to proceedings falling within their jurisdiction, and conduct proceedings for the recognition and enforcement of foreign judicial decisions and arbitral awards in commercial cases.
4. In cases referred to in paragraph 1 of this Article, Commercial courts shall, on the basis of reliable documents, decide on and conduct enforcement procedures.
5. Commercial courts shall decide on safeguard measures in cases in which they have jurisdiction.
6. They shall also pursue other activities provided for by law.

## Article 19 a

The High Petty Offence Tribunal of the Republic of Croatia:

1. shall decide appeals against the decisions of petty offence tribunals delivered in the first instance and against other decisions of petty offence tribunals when stipulated by law;
2. shall decide on conflicts of jurisdiction among petty offence tribunals;
3. shall pursue other activities stipulated by law.

**ARTICLE 20 DELETED**

## Article 21

The Administrative Court of the Republic of Croatia

1. shall have jurisdiction to decide in cases against final administrative acts (administrative law cases),
1. and shall pursue other activities stipulated by law.

## Article 22

The Supreme Court of the Republic of Croatia shall:

1. ensure the uniform application of the law and equal protection of all citizens before the law;

2. discuss all important legal issues concerning judicial practice;
3. decide on extraordinary legal remedies against final decisions of all courts in the Republic of Croatia;
4. provide for the professional development of judges;

**PREVIOUSLY NOS. 4, 5, 6, 8 - DELETED**

Article 23

A higher court shall give objections to inferior courts concerning the shortcomings in their decisions which have been detected in the course of deciding on the legal remedy in the second instance review, or in any other way.

Higher courts shall request inferior courts to provide information regarding the application of legislation, problems which arise during trials, problems related to monitoring trials and in analysing judicial practice and other information, and may also directly look into the work of these courts, or arrange common meetings with a view to discussing the aforementioned issues.

A higher court, in exercising the powers referred to in paragraphs 1 and 2 of this Article, shall not in any way interfere with the independence and freedom of an inferior court to deliver a decision in an individual case.

**ARTICLE 24 DELETED**

III. INTERNAL ORGANISATION OF COURTS

1. JUDICIAL ADMINISTRATION

Article 25

Judicial administration includes providing the conditions for the proper operation of courts, and in particular: the organisation of the internal work of courts, care for the regular and timely operation of courts, the enforcement of criminal sanctions, procedures with persons in custody, the convening and assigning of jurors, procedures regarding permanent judicial assessors, court interpreters and expert witnesses, the certification of documents to be used abroad, dealing with submissions and complaints of parties regarding the operation of courts, specialist work related to the rights and duties of judicial officials and employees, taking care of the professional development of judges, judicial advisers, judicial trainees and other judicial officials or employees, statistics, the financial operations of courts and other activities which may be stipulated by law or by the rules of procedure on the internal operation of courts (hereinafter: Rules of Procedure).

Article 26

The President of a court shall administer it in accordance with the law and Rules of Procedure.

Where the President of a court is absent or is not able to perform his duty, judicial administration shall be the responsibility of a judge specified in a schedule of duties determined on an annual basis.

The President of the Supreme Court of the Republic of Croatia shall, in performing the duties of judicial administration, be assisted by the presidents of the departments of the Court and the Court

Clerk. Presidents of other courts shall be assisted by the presidents of the departments of the respective courts, court clerks or any other official determined by the President of a court.

## 2. JUDICIAL DEPARTMENTS

### Article 27

In courts in which there is more than one panel or more than one individual judge that hears cases in matters falling within several related legal areas, judicial departments shall be formed, composed of all the judges who decide in these matters.

The Minister of Justice is authorised to establish a department or a separate panel within a court for particular classes of cases or matters.

Each department shall be headed by a president appointed by the President of a court on the basis of an annual schedule of duties, upon a preliminary obtained opinion of the judges of the respective department.

### Article 28

At their meetings, judicial departments shall discuss issues important for the operation of the department, and in particular: the organisation of internal operations, the operation of the department, disputable questions of law, the unification of judicial practice, the promotion of the method of work and professional development of judges, judicial advisers and judicial trainees who work in the department.

At their meetings, judicial departments of county courts, of the High Petty Offence Tribunal and the High Commercial Court of the Republic of Croatia shall discuss issues of common interest for the inferior courts in their respective territories, **and issues relevant for application of regulations of certain legal areas falling within court's jurisdiction.**

At their meetings, judicial departments of the Administrative Court of the Republic of Croatia shall discuss issues important for the application of legal rules related to particular areas of public administration, and draft laws regarding issues falling within the competence of that court.

At their meetings, judicial departments of the Supreme Court of the Republic of Croatia shall discuss issues of common interest for some or all courts from the territory of the Republic of Croatia, and shall discuss and give opinions on draft regulations from a particular area of law.

### **PARAGRAPH 5 DELETED**

### Article 29

Meetings of judicial departments shall be convened and chaired by the president of a department, or the President of a court. When the president takes part in the work of the meeting of a judicial department, he chairs it and participates in the decision-making process.

The conventions of all judges of a court shall be convened upon the request of any judicial department or one quarter of all judges of that court.

A decision at a convention of judges or a judicial department shall be adopted by a majority of the votes of all judges of the court or department.

The President of a court, or a department, may invite outstanding scientists and experts in particular legal areas to participate in the Convention.

#### Article 30

Meetings of a department **or of judges** shall be convened when it is established that differences in understanding of the application of law exist among individual panels or judges, or when a particular panel or a judge departs from a previously adopted interpretation of law.

When, in a particular case, a panel or a judge delivers a decision which is incompatible with the interpretation of any other panel or judge, the president of the department or the President of the court may decide to suspend the transcription of the decision in order to discuss the divergent interpretation at the meeting of the department. If, in such a case, the department adopts an interpretation different from the one delivered by a panel or a judge, the panel or the judge in question shall reconsider their opinion.

Legal interpretation adopted at the meeting of the judicial department of the Supreme Court of the Republic of Croatia, Administrative Court of the Republic of Croatia, High Petty Offences Court of the Republic of Croatia, High Commercial Court of the Republic of Croatia and the county court shall be binding for all second-instance panels of the same department.

Binding character of the opinion of the lower-rank courts shall be in force until the department of the Supreme Court of the Republic of Croatia adopts a different opinion.

#### Article 31

Judicial divisions or services may be established to follow and study judicial practice.

Such divisions or services shall be presided over by a judge.

### 3. JUDICIAL COUNCILS

#### Article 31 a

A judicial council shall be established at a county court for the county courts and municipal courts from the territory of that particular county court.

A judicial council shall be established at the High Commercial Court of the Republic of Croatia for commercial courts, and for petty offence tribunals, at the High Petty Offence Tribunal.

The duties of the judicial council for the Administrative Court and Supreme Court of the Republic of Croatia shall be performed by the convention of all judges of each of these courts.

#### Article 31 b

A judicial council shall:

- assess the judges' performance,
- give an opinion on the candidates for judges at the courts within its scope
- propose candidates for Presidents of courts,
- pursue other duties laid down by this Act and Rules of Procedure.

Judicial councils shall submit reports on their work to the judges of the courts which have established them at least once a year, and if necessary, they shall also inform them in other ways about the performance of duties from within their jurisdiction.

#### Article 31 c

The Judicial Council of a county court shall consist of 15 members, of which 9 members shall be from among judges of the county court, and 6 from among the judges of the municipal courts in the respective territory.

If the county court, together with all municipal courts in that territory, has fewer than 50 judges, the Judicial Council shall have 9 members, of which 6 shall be from among the judges of the county court, and 3 from among the judges of the municipal courts in the respective territory.

If fewer than 6 judges work at a county court, they shall all be members of the judicial council, and 3 members from among the judges from the municipal courts in the respective territory.

The Judicial Council of commercial courts shall have 15 members, of which 9 shall be from among the judges of the High Commercial Court of the Republic of Croatia, and 6 from among the judges of commercial courts.

The Judicial Council of petty offence tribunals shall have 15 members, of which 9 members shall be from among the judges of the High Petty Offence Tribunal of the Republic of Croatia, and 6 from among the judges of petty offence tribunals.

First instance courts with more than 50 judges shall elect 6 of their judges to become members of a judicial council, who, together with the members elected from a higher court, shall constitute a Judicial Council of a particular first instance court.

#### Article 31 d

The members of judicial councils shall be elected for a period of 4 years by secret ballot.

#### Article 31 e

The members of judicial councils elected from among the judges of county courts shall be elected by county court judges, and the members of judicial councils elected from among the judges of municipal courts shall be elected by all judges of the municipal courts from the territory of a particular county court.

The members of the judicial council of commercial courts shall be elected from among the judges of the High Commercial Court of the Republic of Croatia or the High Petty Offence Tribunal of the Republic of Croatia by the judges of these courts, and the members from among the judges of commercial or petty offence tribunals, shall be elected by the judges of these courts.

#### Article 31 f

Participation in the work of a judicial council shall be the right and the responsibility of every judge.

Unless otherwise prescribed by this Act, candidates to act as members of judicial councils may be all the judges of the courts electing them who are performing the duty of judge on the day of the elections for judicial councils.

A judge against whom a disciplinary measure has been pronounced in the previous four years cannot become a member of a judicial council.

Presidents of courts cannot be members or Presidents of judicial councils, but may participate in their work without having a voting right when assessing the work of a judge or when giving an opinion on the candidates for judges of the courts in which they are presidents.

#### Article 31g

By no later than 1 December of the year in which the mandate of a judicial council expires, the President of the Judicial Council shall develop a separate list of candidates for each type of court. The data necessary for the list shall be provided by the Ministry of Justice and by the Presidents of the courts in which the judicial councils are established. The lists shall be made in alphabetical order, containing the number, the name of the candidate and a full or an abbreviated name of the court at which the judge works.

A list of candidates shall be displayed on the notice boards of the courts for which the judicial council is established not later than eight days prior to the election.

An objection may be raised to the electoral commission regarding the list within three days from the day of its being displayed on the notice board.

#### Article 31h

The electoral commission shall be responsible for the election, the supervision of the nomination of candidates, the voting and counting of the results of voting, and it consists of the president and two members.

Judicial council shall appoint the electoral commission prior to expiry of the deadline for determining the list of candidates.

The members of the judicial council and the candidates from the established list of candidates cannot at the same time be members of the electoral commission at the court at which the election is held.

#### Article 31i

The election shall take place not later than 15 days before the expiry of the mandate of the judicial council. Judicial council sets the date and venue for the election, making sure that all judges may vote freely.

#### **PARAGRAPH 2 DELETED**

The election shall be held **in a way that** every judge shall circle only as many candidates on the list given to him/her by the electoral commission, as there are members to be elected to the judicial council.

On the basis of the election and within two days, the electoral commission shall establish a list of candidates based on the number of votes received, and announce the names of the candidates who are elected members of judicial councils. The results shall be displayed on the notice boards of the courts for which a judicial council is elected.

The candidates who receive the largest number of votes shall be elected members of the judicial council. The candidates, who receive the next largest number of votes to the votes received by the elected members of the council, shall be considered their deputies.

If two or more candidates receive the same number of votes, the candidate who has more years of service as a judge of the court for which the elections are held shall be elected. If both candidates have the same number of years of service, seniority shall prevail.

#### Article 31j

A complaint against the announced list of candidates, the way the election was held and the results may be lodged within three days from the announcement and shall be decided in the first instance by the electoral commission. An appeal against the decision of the electoral commission may be lodged within two days and it will be decided by the judicial council.

The final results of the election for judicial councils shall be established by the judicial council ten days after the election. The judicial council shall inform the Presidents of the courts in the respective territory and the Ministry of Justice of the election results without delay.

#### Article 31k

A judicial council shall have a president and a deputy president elected by a majority vote of the members of the judicial council.

#### Article 31l

A judicial council shall decide at a session by a majority vote of all its members.

When deciding on the duties of the judicial council concerning the judges of county courts, of the High Petty Offence Tribunal of the Republic of Croatia and of the High Commercial Court of the Republic of Croatia, only the members of the judicial council who are judges of these courts shall participate.

A session of the judicial council shall be convened by its President by means of a written notice delivered to its members at least 8 days before the day it is to be held.

Minutes shall be made of the session of a judicial council.

#### Article 31 m

On the request of a judicial council, Presidents of courts shall provide data or perform any duty from within the competence of a judicial council and provide the venue and the conditions necessary for the work of the judicial council.

### Article 31n

A member of the judicial council shall cease to perform his/her duty prior to the expiry of his/her mandate in the following cases:

- if he/she so requests,
- if he/she ceases to perform the duty of a judge or is appointed as a judge at a court outside the territory for which a particular judicial council is competent, or if he/she is appointed President of a court,
- if he/she is elected as a member of the High Judiciary Council,
- if there is a final decision as a result of a disciplinary proceeding against him/her.

If a member of a judicial council ceases to perform his/her duty prior to the expiry of his/her mandate, a judicial council shall appoint his/her substitute, respecting the order established at the election for the members of the judicial council.

The mandate of the appointed substitute as a member of the judicial council shall last until the expiry of the mandate of the judicial council.

## IIIa. CODE OF JUDICIAL ETHICS

### Article 31.o

Code of judicial ethics (hereinafter: the Code) determines ethical principles and rules of conduct for judges, for the purpose of maintaining dignity and reputation of judicial duty. In performance of their duties and during their free time, judges must adhere to the law and the Code.

The Council consisting of presidents of all judicial councils in the Republic of Croatia adopt the Code.

The Chairperson of the Council from paragraph 2 of this Article is the president of the Judicial Council of the Supreme Court of the Republic of Croatia.

The Chairperson of the Council convenes the sessions of the Council. The Chairperson of the Council must convene a session of the Council if so requested in writing by one fourth of all presidents of judicial councils.

The Council decides in sessions by public vote, by majority vote of all its members.

### Article 31.p

The Chairperson of the Council manages the work in making the draft of the Code. The draft shall be delivered to all presidents of judicial councils in order for them to provide proposals and remarks within an appropriate term. Presidents of the judicial councils are obliged to inform the judges on the draft text.

Thereafter, the Council shall determine the proposal of the Code and deliver it to judges for discussion. The judges may provide remarks and proposals to the delivered proposal of the Code within 30 days.

Draft and proposal of the Code shall be delivered to the Association of Croatian Judges, the Legislation Committee of the Croatian Parliament and the minister in charge of judicial affairs for their opinion.

The Code shall be amended and supplemented in the same procedure as for its rendering, at the proposal of the Judicial Council of the Supreme Court of the Republic of Croatia, one fourth of judicial councils in the Republic of Croatia, majority of presidents of all judicial councils or the Association of Croatian Judges.

The President of the Supreme Court of the Republic of Croatia, the Legislation Committee of the Croatian Parliament, minister in charge of judicial affairs and at least ten judges may submit a proposal for amendments and supplements to the Code.

#### IV. SPECIAL PROVISIONS ON THE ORGANISATION OF THE SUPREME COURT

##### Article 32

The Supreme Court of the Republic of Croatia consists of a Criminal Law Department, Civil Law Department, Department for Following, Studying and Recording Judicial Practice, Department for Education of Judges and Computerisation, President's Office and other expert and auxiliary-technical organisational units.

Civil Law Department covers the areas of civil, commercial and administrative law.

Criminal Law Department covers the areas of criminal, petty-offences, and disciplinary proceedings pursuant to the regulations on attorneys and notary publics.

Judges shall be assigned to particular departments on the basis of an annual schedule of tasks.

The President's Office performs tasks related to court administration and international cooperation of the Supreme Court of the Republic of Croatia, which also includes the protocol for the needs of this court.

Regulations on protocol of the Croatian Parliament and the Government of the Republic of Croatia apply accordingly to the protocol tasks of the Supreme Court of the Republic of Croatia. The Supreme Court may, for the purposes of its protocol, use objects intended for the same purpose, that are at the disposal to the Croatian Parliament and the Government of the Republic of Croatia.

The internal organisation of the Supreme Court of the Republic of Croatia shall be closely regulated by the Rules of Procedure of the Supreme Court and the Judicial Rules of Procedure, pursuant to the law. The President of the Supreme Court shall adopt the Rules of Procedure of the Supreme Court of the Republic of Croatia, upon obtained opinion of the Convention of Judges.«

##### Article 32a

A person may be appointed President of the Supreme Court of the Republic of Croatia if he/she meets the general and special requirements for a judge of that court.

Before assuming his/her duty, the President of the Supreme Court of the Republic of Croatia shall take an oath before the President of the Republic of Croatia which reads:

"I swear that in performing my duty I shall abide by the Constitution and laws and protect the integrity, sovereignty and the state organisation of the Republic of Croatia as well as the freedoms and rights of man and citizen established in the Constitution and the law."

The President of the Supreme Court of the Republic of Croatia represents the Supreme Court of the Republic of Croatia, performs the duties of judicial administration and other duties stipulated by law and the Rules of Procedure of the Supreme Court of the Republic of Croatia.

If the President of the Supreme Court of the Republic of Croatia is a person who, prior to the appointment, did not work as a judge in that court, the High Judiciary Council shall appoint him a judge of that court.

If the President of the Supreme Court of the Republic of Croatia, on the basis of the decision of the House of Representatives of the Croatian Parliament (*Sabor*) or at his/her own request is relieved of this function before the expiry of his/her term of office or is not re-elected to this position, he/she shall continue to work as a judge in that court.

#### Article 32.b

A Secretary of the Supreme Court of the Republic of Croatia shall be appointed at the Supreme Court of the Republic of Croatia.

A person fulfilling requirements for senior court advisor may be appointed as the secretary.

The President of the Supreme Court of the Republic of Croatia shall appoint the Secretary of the Supreme Court of the Republic of Croatia, upon obtained opinion of the Convention of Judges of the Supreme Court of the Republic of Croatia.

#### Article 32.c

Unless provided differently by this Act, regulations on rights and duties of state officials shall apply accordingly to the Secretary of the Supreme Court of the Republic of Croatia.

#### Article 32.d

Secretary assists the President of the Court in performance of judicial administrative tasks, in particular the ones from Article 75 paragraph 3 of this Act, he/she initiates and conducts procedures related to minor breach of official duty of court officials and employees, and initiates the procedure related to serious breach of official duty, by corresponding application of Articles 80 and 81 of this Act.

#### Article 32.e

After the election of the President of the Supreme Court of the Republic of Croatia, the Secretary gives his mandate at the disposal of the new president, who decides whether to appoint the same person as the secretary within additional 30 days as of his/her entry into office.

If the President of the Supreme Court of the Republic of Croatia chooses not to reappoint the secretary, the secretary is entitled to be referred to the position of a senior court advisor at the departments or sections of the court, without having to apply for the vacancy announcement.

If the secretary chooses not to accept referral from paragraph 2 of this Article, he is entitled to

remuneration pursuant to the law regulating rights and obligations of state officials.

In case of dismissal during the secretary's mandate, the secretary is entitled to all rights from previous paragraph of this Article.

#### Article 33

The Convention of the Supreme Court of the Republic of Croatia consists of the President and all judges of that Court.

The Convention of Judges of the Supreme Court of the Republic of Croatia shall be convened and chaired by the President of the Court. The Convention must be convened upon the request of a department or of one quarter of all judges.

The President of the Court may, if necessary, invite faculty-of-law professors, outstanding scientists or experts in a particular area of law to participate in the Convention.

The adoption of valid decisions shall require the presence of not less than two thirds of all judges of the Court.

The adoption of valid decisions shall require the majority of votes of all judges of the Supreme Court of the Republic of Croatia.

#### Article 34

The Convention of Judges of the Supreme Court of the Republic of Croatia shall in particular:

- set general views in order to achieve the uniform application of law and equal protection before the law in the territory of the Republic of Croatia;
- give opinions regarding draft laws or other regulations which are intended to regulate the powers of the court or other questions important for the operation of the courts or the exercise of judicial practice;
- give guidelines to courts for the monitoring of judicial practice;
- issue reports for the Parliament (*Sabor*) of the Republic of Croatia;
- perform any other activities which may be stipulated by law or by the Rules of Procedure of the Court.

#### Article 35

The President of the Supreme Court of the Republic of Croatia may convene an Extended Convention of the Supreme Court of the Republic of Croatia.

The Extended Convention referred to in paragraph 1 of this Article shall consist of all judges of the Supreme Court of the Republic of Croatia and two representatives each of the High Petty Offence Tribunal, the High Commercial Court of the Republic of Croatia, the Administrative Court of the Republic of Croatia and every county court.

The Extended Convention of the Supreme Court of the Republic of Croatia shall discuss important issues of judicial practice and shall propose a candidate to act as member of the High Judiciary Council.

#### Article 36

General legal interpretations adopted by the Convention of the Supreme Court of the Republic of Croatia shall be binding on all panels of that Court, and may be altered only by the Convention.

General legal interpretations shall be communicated to courts and published in the way envisaged for the publication of the judicial practice.

Once the Convention of the Supreme Court adopts a general legal interpretation, a legal interpretation dealing with the same legal issue adopted at a departmental meeting of the Supreme Court of the Republic of Croatia shall no longer be binding for panels within that department.

### V. JUDICIAL ADMINISTRATION

#### Article 37

The Ministry of Justice shall have the powers of the highest body to conduct the tasks of judicial administration.

In order to perform the tasks of judicial administration, the Minister of Justice shall contact the Presidents of the respective courts.

The Minister of Justice, in carrying out the tasks of judicial administration, may annul or abolish any irregular or illegal act adopted in performing the tasks of judicial administration or only pass an act which has not been passed at all or has not been passed in a timely manner.

#### Article 38

Judicial administration includes activities which serve to improve the performance of judicial power, particularly drafting laws and other regulations intended to regulate the establishment, competencies, jurisdiction, composition and organisation of courts, judicial procedures, care for the education and professional specialisation of judges and other officials and employees, the financial means and facilities necessary for the operation of courts, international legal assistance, the execution of sentences delivered in respect of criminal offences, misdemeanours and petty offences, the collection of statistical and other data regarding the operation of courts, hearing the submissions and petitions of citizens in respect of the operation of courts, in particular those regarding unnecessary delays in procedure, or the conduct of judges or other employees in the course of judicial proceedings or other official acts, the supervision of the financial operations of courts, the supervision of the regular operation of courts and adherence to the Judicial Rules of Procedure, as well as other administrative tasks and duties stipulated by law.

#### Article 39

The tasks of judicial administration can be performed by senior **administrative** advisers and **administrative** advisers at the Ministry of Justice, and the tasks of international legal assistance by **independent administrative clerk**.

Senior **administrative** advisers must have the same professional qualifications as judges of county courts, while **administrative** advisers should have the same professional qualifications as those of judges of municipal courts.

#### Article 40

The Ministry of Justice shall keep records of judges, judicial advisers, judicial trainees and other judicial employees.

The records shall include the name and surname, date of birth, nationality, residence, school diplomas, professional title, knowledge of foreign languages, as well as all other information stipulated by law.

Courts shall forward the information referred to in paragraph 2 of this Article to the Ministry of Justice in accordance with the instructions of the Minister of Justice.

The recorded data shall be classified and may be used only for purposes of the implementation of this Act and other acts which regulate the rights, duties and responsibilities of judges and other judicial employees.

#### Article 41

Records shall include the following information:

1. personal data,
2. data concerning appointment and removal,
3. data concerning university degree grades,
4. data concerning professional development,
5. data concerning published expert or scientific papers,
6. data concerning evaluation of judicial work,
7. data concerning promotion,
8. data concerning disciplinary sanctions.

Personal data shall include the following: name, surname, father's name, day, month and year of birth, nationality, residence, information concerning a faculty-of-law diploma, specialist knowledge, financial status and the names of family members (spouse, children and parents).

Information included in records shall be classified.

Bodies which have the recorded data referred to in paragraph 1 of this Article shall be obliged to forward it to the Ministry of Justice.

#### Article 42

The Ministry of Justice may ask the courts to produce reports and information needed for the performance of activities falling within the judicial branch of government and the tasks of judicial administration. Within the scope of its competences, it may obtain direct insight into the work of the court and request reports on the reasons for not acting in a particular case, as well as request delivery of a case to be analysed and hold a common meeting with the courts in order to consider the issues connected with the performance of judicial power and the application of new regulations.

## Article 43

The Minister of Justice shall enact the Judicial Rules of Procedure.

The Judicial Rules of Procedure shall contain framework regulations for the organisation of courts and their internal operation, and in particular: rules on internal structure, rules concerning judicial records and auxiliary books, forms, file handling procedures, including filing and recording, international legal assistance procedures, public relations procedures, specific rules concerning the assignment of cases, rules concerning the convening and assigning of jurors, the operation of panels, departmental meetings and Conventions, rules concerning investigation, implementation rules concerning the handling and service of decisions which have to be translated into a language of an ethnic or national minority, daily or weekly time schedules, rules concerning seized objects and criminal procedures, rules concerning special insignia on judicial vehicles, rules concerning statistical analyses, standards for facilities and equipment, and any other matter which is important for the internal operation of courts.

The Judicial Rules of Procedure shall also regulate the organisation and operation of common services in court buildings which house more than one court.

## Article 44

When in service, judges shall wear a special robe.

The Minister of Justice shall regulate the style of the robe, when it should be worn, and the time table of its gradual introduction.

## Article 45

Judges and court officials shall have a special identification card. The Minister of Justice shall regulate the form of such a card, and the procedure for its distribution.

## VI. JUDGES AND JURORS

## 1. APPOINTMENT OF JUDGES

## Article 46

The Minister of Justice shall determine the number of judges for each court, in accordance with the framework standards of judicial practice.

## Article 47

The framework standards shall be issued by the Minister of Justice upon the proposal of an Extended Convention of the Supreme Court of the Republic of Croatia.

## Article 48

(Erased)

## Article 49

A citizen of the Republic of Croatia, who has completed studies at a faculty of law, has passed his/her bar examination, has experience in other legal jobs, has professional qualifications and proven work capacities may be appointed as judge.

## Article 50

A person who has passed the bar examination after having worked as an **adviser or secretary of the court** or in other judicial bodies for at least two years, who has worked as an attorney-at-law, a notary public, an assessor or a law professor at a faculty of law, or a person who has worked in other legal positions after having passed the bar examination, may be appointed as judge at a petty offence tribunal or a municipal court.

A person who has worked as an official in judicial bodies, or as an **adviser or secretary of the court** or in other judicial bodies, who has worked as an attorney-at-law, a notary public or an assessor for at least four years, and a person who has worked in other legal positions for at least six years after having passed the bar examination, may be appointed as judge at a commercial court.

A person who has worked as an official at a court or in other judicial bodies for at least eight years, or who has been an attorney-at-law, a notary public, an assessor, a law professor at a faculty of law for at least ten years, or a person who has worked in other legal positions for at least twelve years after having passed the bar examination, may be appointed as judge of a county court, the High Petty Offence Tribunal, the High Commercial Court of the Republic of Croatia, and the Administrative Court of Croatia<sup>1</sup>.

A person who has worked as an official at a court or in other judicial bodies for at least fifteen years or who has been an attorney-at-law or a notary public may be appointed as judge of the Supreme Court of the Republic of Croatia.

A university professor of law sciences who has passed the bar examination and has worked for at least 15 years may be appointed as judge of the Supreme Court of the Republic of Croatia.

## Article 51

In order to be appointed as judge of a court of higher jurisdiction, some conditions must be fulfilled, according to which a judge, apart from the conditions referred to in Article 50 of this Act, expert knowledge and the capacities to perform the task of a judge established in the assessment of the performance of judicial duty .

**1.a FULFILMENT OF JUDICIAL OBLIGATIONS**

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<sup>1</sup> *In doubt whether the working experience of a petty offence judge, realized prior to the entry into force of the Judiciary Act (»Narodne novine«, Nos. 3/94., 100/96., 131/97. and 129/00.) and the Act on Amendments and Supplements to the Petty Offences Act (»Narodne novine«, No. 33/95.) should be treated equally as working experience of an official at a court or in other judicial bodies, the working experience as a petty offence judge is to be treated equally as experience of an official at a court or in some other judicial bodies – This authentic interpretation of the Article 50. was made by the Croatian Parliament (»Sabor») on June 13, 2003 and published in the »Narodne Novine» no 101/2003.*

## Article 51.a

The work of judges is monitored in the following way:

- a) determining whether a judge fulfils his judicial duties and
- b) evaluation of judges.
- a) Fulfilment of judicial obligations

## Article 52

President of the court in which the judge performs his judicial duty determines the following for the previous calendar year:

1. has the judge rendered the number of decisions that he/she should have rendered based on framework plan for the work of judges, where the result of work will be determined according to subject matter of cases, in absolute numbers and percentage,
2. has the judge followed the deadlines in which he/she is obliged to publish, write and dispatch the decision, in a way that the deadlines have been fully met, i.e. met above 75% and below 75%,
3. how many appeals have been instituted against first-instance decisions and what type of decisions have been issued in the appellate proceedings (confirmed, repealed or modified), in absolute number and percentage, and how many decisions have been repealed due to essential breach of procedure,
4. how many extraordinary legal remedies have been instituted against second-instance decisions (confirmed, repealed or modified), in absolute number and percentage,
5. has the judge participated in modalities of professional training and post-graduate studies, in which ones in particular and in which way, as a participant or as a lecturer, has he been publishing scientific and professional articles or participated as a lecturer or associate lecturer at faculties of law, and working bodies for preparation of draft regulations. In such cases, the judge is obliged to submit a written report to the president of the court on the form and duration of such activities, at latest by December 31 of each calendar year,
6. has a judge been sentenced by a measure of temporary removal from judicial duties, has there been a disciplinary proceedings instituted and which decision has been issued in such a procedure. If disciplinary proceedings have been instituted and completed in the same year by the decision of the State Judicial Council on discontinuation of such proceedings or if a judge was cleared of responsibility, the fact of initiation and conduct of such a proceeding must not be stated in the decision of the president of the court determining the fulfilment of judicial duties. Has such a decision been issued in the following year, this circumstance shall be determined in the next decree,
7. other activities and procedures which enable the fullest possible determination on how a judge fulfils judicial obligations.«

## Article 52.a

If a judge has not rendered the number of decisions which he/she should have rendered based on framework plan for the work of judges, due to being burdened by extremely difficult and complex

cases, it shall be considered that he has achieved a satisfactory result in his work, increased by 10%. This fact shall be determined in the statement of decision of the decree whereby the president of the court determines fulfilment of judicial obligation.

#### Article 52.b

The President of the Court determines the circumstances from Article 52 and 52.a of this Act for the preceding calendar year in a decree issued by February 28 of the current year at latest.

The Deputy president shall issue such a decree for the president of the court who performs his judicial duties in addition to the judicial administration tasks.

#### Article 52.c

An unsatisfied judge is entitled to object to the decree of the president of the court within eight days as of delivery of such a decree.

The objection is filed to the president of immediately higher court through the president of the court who issued the disputed decree.

#### Article 52.d

President of the court who rendered the disputed decree may dismiss the objection as untimely or unallowed. If he determines that the objection has merit, president of the court may change the decree in whole or partially, within 15 days as of the receipt of the objection.

If the president of the court does not change his/her decree, he/she is obliged to deliver the objection within further three days to the president of the immediately higher court for decision, with the full file of the case attached.

The president of the court who issued the decree may submit his written response to the judge's objection.

#### Article 52.e

President of the immediately higher court may dismiss the judge's objection in a decree as untimely or unallowed, or he may reject it and confirm the first-instance decree, or may accept the objection and repeal or change the first-instance decree.

#### Article 52.f

Decree issued upon an objection from Article 52.e of this Act becomes final on the day of delivery to the judge.

An unsatisfied judge may file a constitutional complaint against this decree to the Constitutional Court of the Republic of Croatia.

### b) Evaluation of Judges

#### Article 53

Judicial council evaluates the judge in the procedure of appointment to some other court or when appointing him permanently to judicial duty.

The Judicial council evaluates the judge pursuant to all elements from Article 52 of this Act.

#### Article 53.a

When evaluating the performance of judicial duty, the judicial council takes into consideration a final decision of the president of the court from Article 52.f of this Act, as well as other documents related to the judge's work and oral discussion on the candidate.

Unless otherwise provided by this Act, provisions of the Act on General Administrative Procedure shall apply accordingly to the actions of the judicial council.

#### Article 53.b

Methodology of making the evaluation shall be determined by the council consisting of presidents of all judicial councils in the Republic of Croatia. The chairman of this council is the president of the judicial council of the Supreme Court of the Republic of Croatia, who convenes the sessions of this council. Sessions of the council must be convened if requested in writing by one fourth of all presidents of judicial councils in the country.

#### Article 53.c

The evaluation may be:

1. Unsatisfactory performance of judicial duty,
2. average and proper performance of judicial duty,
3. meets the criteria for promotion,
4. displays above-average knowledge, ability and results.

Decision on evaluation is reached by public vote.

#### Article 53.d

Decision on evaluation is composed of the introduction, statement of decision, statement of reasons (explanation) and legal remedy notice.

The introduction of the decision states the name of the judicial council that made the decision, date of the session when the evaluation was given and the number of council members participating in the work of the session.

The statement of decision of the decision states the evaluation from the previous article of this Act.

The statement of reasons (explanation) of the decision contains reasons for the decision.

The president of the council signs the decision on behalf of the judicial council.

#### Article 53.e

Decision shall be delivered to the judge that it refers to, to the president of the court in which the judge performs judicial duty and the ministry in charge of judicial affairs.

#### Article 53.f

A judge unsatisfied by the evaluation is entitled to file an objection within eight days as of the delivery of the decision, to a special council consisting of five judges of the Supreme Court of the Republic of Croatia. The objection is filed through the judicial council that has reached the disputed decision.

Judicial council that has reached the disputed decision may respond to the statements from the objection within eight days as of the delivery of the objection. Thereafter, within additional three-day deadline, the judicial council must deliver the case to the council of the Supreme Court of the Republic of Croatia.

#### Article 53.g

Council from Article 53.f paragraph 1 of this Act appoints the judicial council of the Supreme Court by majority vote of all members of the council, at same the time when determining the annual schedule of tasks at the Supreme Court of the Republic of Croatia for the following calendar year.

At the same time, five members are appointed, who will replace the members of the council in case of them being prevented from appearing (deputy members).

The president and deputy president of the council shall be appointed by the judicial council of the Supreme Court of the Republic of Croatia, after the appointment of the council, by two-third majority vote.

President and deputy president, members and deputy members of the council may perform their duty for two years in a row at most. After the expiry of a two-year period, they may be re-elected to the council.

#### Article 53.h

Council of the Supreme Court of the Republic of Croatia may dismiss the objection as untimely or it may reject it and confirm the evaluation of the competent judicial council, or it may accept the objection and repeal this decision, and if needed return it to the competent judicial council for repeated proceedings or it may modify it.

The judicial council of the competent court or a judge to whom the evaluation relates may file a constitutional complaint with the Constitutional Court of the Republic of Croatia against the decision of the council of the Supreme Court of the Republic of Croatia.

#### Article 53.i

A judge against whom the State Judicial Council issued a disciplinary sanction for minor breach of judicial duty must not be appointed to some other court prior to expiry of one year, counting from the day of issuing decision on disciplinary responsibility, and if proclaimed responsible for serious breach of judicial duty, he/she may not be appointed to some other court prior to expiry of three years counting as of the day of issuing such decision.

#### Article 54

Judicial council evaluates the judge appointed for the first time after he/she completes four years of his/her work.

In the evaluation of the judges appointed for the first time, provisions of Articles 53.a -53i. of this Act shall apply accordingly.

Six months prior to expiration of a five-year deadline from the day of appointment, the president of the court in which such a judge performs judicial duty shall notify the State Judicial Council that it is necessary to reach a decision on permanent appointment of a judge. In addition to this notice, the president of the court also delivers the evaluation of performance of judicial duty, which was given for that judge after the fourth year of work, as well as his/her opinion on whether this judge should be permanently appointed to judicial duty.

## 2. OBLIGATIONS AND RIGHTS OF JUDGES

### a) Performance of Judicial Duty

#### Article 55

A judge performs his/her judicial duty independently or as a member of a panel.

#### Article 56

The assignment of work in a court shall be made at the beginning of each calendar year.

In courts which do not have judicial departments, cases shall be assigned according to the alphabetical order of judges, in such a way that each judge is assigned one case from each register until all cases are assigned. Care shall be taken to balance the allocation of cases during the whole period of one year. Care shall also be taken as to the type and complexity of cases to be assigned from the same register.

In courts which have judicial departments, cases shall be assigned according to the alphabetical order of judges in each particular department, following the method described in paragraph 2 of this Article. All remaining cases shall be assigned in the same way and care shall be taken to balance the allocation of cases during the whole period of one year.

Cases shall be assigned to panels which decide in the first instance in alphabetical order of Presidents of a panel. The President of a second-instance panel shall assign cases to members of that panel in alphabetical order.

#### Article 57

The method of assignment described in Article 56 of this Act shall also be applied in cases where a particular judge is excluded or cannot perform his/her judicial work over a longer period of time.

### b) Obligations of Judges

#### Article 58

A judge's behaviour must not be detrimental to his/her dignity, or to the dignity of judicial power, and must not put in question his/her professional impartiality and independence or the independence of judicial power.

## Article 59

A judge must not disclose information concerning parties to a dispute, their rights, obligations or legal interest, which came to his/her knowledge in the course of the performance of his/her judicial duty. A judge shall keep the confidentiality of all information which was not disclosed during a trial.

## Article 60

A judge must not be a member of a political party, nor be involved in political activity.

## Article 61

A judge must not use his/her judicial position or dignity in pursuance of his/her rights.

A judge must not act as an attorney or notary public, or be a member of a board of directors or a board of auditors of a corporation or any other legal person.

A judge must not perform any other service or job which may impair his/her autonomy, impartiality or independence, or diminish his/her social dignity, or which are otherwise incompatible with a judicial function.

## Article 62

A judge must always develop professionally and participate in the programmes of professional education and development.

A judge may publish expert and scientific papers, may publish the contents of his/her delivered judicial decisions, take part in the work of expert or scientific conferences and commissions and in drafting legislation.

## Article 63

A judge shall have the obligation to inform in writing the President of a court about any work he has accepted, save that specified in Article 62 of this Act. The President of a court shall deliver that information to the President of the immediately superior court.

The President of a court shall make decisions regarding the incompatibility of a certain service or employment with the judicial function. The President of a superior court shall make such decisions in respect of Presidents of inferior courts. The Convention of the Supreme Court of the Republic of Croatia shall make such decisions in respect of the President of the Supreme Court of the Republic of Croatia.

A judge who is not satisfied with a decision regarding the incompatibility of a certain service or work with the judicial function may appeal to the Minister of Justice.

## c) Rights of Judges

## Article 64

Judges shall have the right to:

- a salary established for such a position;

- **bonus to the salary when a judge has been transferred to work at some other court,**
- compensation, instead of a salary, when he/she is not able to perform his judicial function;
- a pension, disability and health insurance, and all rights pertaining thereto according to general regulations;
- vacations and days off which pertain to judicial staff and an annual vacation of 30 working days;
- compensation for living expenses when away from his/her place of residence, and travelling expenses to and from the place of his/her family's residence on weekends and national holidays;
- compensation for business travel and expenses related to the performance of judicial duty;
- continuing education and specialisation, with funds which are allocated for that purpose.

**The Government of the Republic of Croatia determines in its decree the amount of bonus to the salary for a judge transferred to work at some other court.**

#### d) Transfers

##### Article 65

In cases of the abolishment or reorganisation of a court, the President of the Supreme Court of the Republic of Croatia shall transfer judges to other courts of the same level.

A judge may appeal against a transfer decision to the Convention of the Supreme Court of the Republic of Croatia within three days.

Judges may, with their consent, be transferred to other courts of the same or **different** level at the request of the President of the court to which they are transferred.

A decision on a temporary transfer to another court shall be made by the **president of the mutually immediately higher court** who shall inform thereof the High Judiciary Council.

A decision on the return of a temporarily transferred judge to the court to which he was appointed shall be made by the President of the Supreme Court of the Republic of Croatia who shall inform thereof the High Judiciary Council.

##### Article 65.a

A judge may, upon his/her approval, be transferred temporarily to work at a court of higher rank.

President of the higher court shall entrust him with tasks in making draft decisions from the competence of this particular court or some other corresponding tasks.

A judge transferred to some other court pursuant to Article 65 of the Judiciary Act ("*Narodne novine*", Nos. 3/94, 100/96, 115/97, 131/97, 129/00 and 67/01), i.e. paragraph 1 of this Article, is entitled to remuneration of costs due to special working conditions (lodging, use of personal car for official purposes etc.).

Special working conditions from paragraph 3 of this Article and the amount of remuneration of

costs due to such conditions are determined by the Ordinance of the minister in charge of judicial affairs.

#### Article 66

If a judge is appointed Minister of Justice, or State Secretary, or any other official of the Ministry of Justice, his/her judicial function shall be suspended for as long as he performs the executive function to which he/she is appointed.

A judge may, with his/her consent, be transferred to other positions in the Ministry of Justice, but not for longer than two years. His/her judicial function shall be suspended in that period.

In the cases specified in paragraphs 1 and 2 of this Article, a judge shall be entitled to decide which of the two salaries he/she wants to receive.

The Minister of Justice, acting with the consent of the President of a court where the respective judge performs his/her function, shall make the decision about the transfer referred to in paragraph 2 of this Article.

#### e) Liability for Damages Article 67

The Republic of Croatia shall be liable for damages caused to natural or legal persons, if those are caused by judicial malpractice.

The Republic of Croatia may recover the amount paid for damages from a judge, only if the latter has caused the damage intentionally or as a result of gross negligence.

The claim to recover the amount paid for damages from a judge referred to in paragraph 2 of this Article shall be limited to **one year** beginning from the day when the damages were actually paid to an injured person.

#### f) Termination of a Judicial Function Article 67a

The judicial function of a judge shall be terminated if he/she is dismissed from it by the High Judiciary Council in accordance with the Constitution and law.

A judge shall be dismissed from the judicial function in the court to which he/she was appointed by virtue of the law in the following cases:

- death;
- ~~— if he/she has reached 70 years of age; \*~~

*(\* This part of Article 67 a has been repealed by the decision of the Constitutional court from December 19, 2001, published in Official Gazette no. 5/2002. It was ruled that it is against the Constitution for the Court president to reach a decision regarding the 70 years of age of the judge since the Constitution states that it is only the High Judiciary Council who can make such a decision. Also, in the given case the right of a judge to appeal to the High Judiciary Council is impaired. Therefore, the decision has been based on the Article 122, paragraph 3, sub-paragraph 5 and the paragraph 4 in relation to the Article 123, paragraph 1 of the Constitution.)*

- on the day he/she started working at another court, or at another judicial or state body.

A decision establishing the circumstance referred to in paragraph 2 of this Article shall be made by the President of the court where the judge served and it shall be submitted to the High Judiciary Council and the Ministry of Justice.

### 3. JURORS

#### Article 68

Any citizens of the Republic of Croatia who has reached the age of eighteen and who is worthy of performing the function of juror may be appointed a juror.

The provisions of this Act concerning judges shall be applicable to jurors, unless otherwise established by law.

#### Article 69

Jurors shall be appointed for a period of four years, and may be re-appointed.

#### Article 70

Jurors of municipal courts, commercial courts and county courts shall be appointed by the County Council and the City Assembly of the City of Zagreb on the basis of nominations by municipal councils, city councils, trade unions, Employers' Associations and the Chamber of Commerce.

Jurors of other courts shall be appointed by the House of Representatives of the Parliament ("*Sabor*") of the Republic of Croatia on the basis of nominations proposed by the Minister of Justice in such a way that the proportional representation of all counties shall be provided for.

Regarding the nominees for jurors, the opinion of the President of a respective court shall be obtained before the appointment is made.

#### Article 71

Before assuming their function, jurors shall give the following solemn oath:

"I swear by my honour to perform the duty of a juror in accordance with the Constitution and laws of the Republic of Croatia, and to perform the juror's duty conscientiously and impartially."

Jurors of municipal courts, commercial courts and county courts shall give the oath in front of the President of the County Assembly of the City of Zagreb. Jurors of other courts shall give the oath in front of the President of the House of Representative of the Parliament ("*Sabor*") of the Republic of Croatia, or in front of a representative of that House who may be designated by the President.

#### Article 72

The President of a court shall not use the services of a juror who has been indicted or if a procedure for his/her removal from juror's duty has been initiated, for as long as these procedures have not been finally settled.

## Article 73

Jurors shall be entitled to have their expenses covered, to compensation for lost income or salary, and to an award.

The conditions and the amount of compensation and awards referred to in paragraph 1 of this Article shall be determined by a Book of Rules of the Minister of Justice.

## VIa. PRESIDENT OF THE COURT

## Article 73a

The President of a court shall be a judge who, along with this duty, also performs the work of judicial administration.

In courts with more than 20 judges, the President of a court may perform only the work of judicial administration.

The President of a court shall be appointed by the Minister of Justice from among the candidates nominated by the judicial council.

The President of a court shall be appointed for four years and may be re-appointed.

The President of a court who is not re-appointed shall continue to perform his/her judicial function in the court in which he/she was appointed as judge.

## Article 73b

The procedure for the appointment of the President of a court shall be initiated by the Minister of Justice or the judicial council not later than three months before the expiry of the term of office of the President of a court or not later than 30 days after the termination of the duty of the President of a court for some other reasons established by law.

## Article 73c

The Minister of Justice shall publish an advertisement in the official gazette "*Narodne novine*" and in a daily newspaper to invite candidates to apply for the vacancy of the President of a court within 30 days.

A candidate may be a judge who satisfies the requirements for a judge of that court ~~PART TWO OF THE SENTENCE DELETED. PARAGRAPH 3 ALSO DELETED.~~

The President of the Judicial Council shall request from the Minister of Justice an evaluation of the judicial performance and other data from the register of judges which are important for the establishment of the professional ability of the candidate for the President of a court.

The President of the Judicial Council may ask another judicial council for an opinion on the candidate.

#### Article 73d

On the basis of the data and the opinion referred to in Article 73c of this Act, the Judicial Council shall make a list of candidates who satisfy the requirement for the President of a court and propose to the Minister of Justice to appoint one of them President of the court.

The nomination of the Judicial Council must contain an explanation for each candidate and contain an evaluation of the judicial performance referred to in Article 54 of this Act.

#### Article 73e

The Minister of Justice shall make a decision on appointment within 30 days of receipt of the nomination.

If there are no applications in response to the advertisement, and the Minister of Justice does not appoint any of the candidates nominated by the Judicial Council as the President of a court, the procedure referred to in Article 73c of this Act shall be repeated.

In the repeated procedure, the Minister of Justice shall request an opinion of the Convention of the Supreme Court of the Republic of Croatia on the candidates nominated for the position of President of a court.

If the opinion referred to in the previous paragraph is positive for one or more candidates, the Minister of Justice shall appoint the President of a court from among the candidates nominated by the Judicial Council.

#### Article 73f

The President of a court shall appoint his/her deputy on the basis of an annual schedule of duties on the basis of a previously obtained opinion of the Judicial Council.

#### Article 73g

A judge may be dismissed from the position of President of a court when, in the supervision procedure of the tasks of judicial administration, it is established:

1. that the President of a court does not perform the tasks of judicial administration in accordance with the regulations or does not perform them in a timely fashion;
2. that the President of a court fails to perform supervision or directly violates the regulations concerning the assignment of cases;
3. that by violating the regulations or in some other way the President of a court has infringed the principle of judicial independence in trying cases;
4. that the President of a court has not been submitting requests to initiate disciplinary proceedings in cases stipulated by law;

The President of a court may alone ask to be relieved of the position of President of a court.

The dismissal of the President of a court for the reasons specified in paragraphs 1 and 2 of this Article shall not have an impact on the obligations and rights that the dismissed President has as a judge.

#### Article 73h

When, in exercising the right of supervision, a higher court establishes unlawfulness and irregularity in the performance of the tasks of judicial administration, it must inform thereof the Minister of Justice and propose the necessary measures for the lawful and regular performance of the tasks of judicial administration.

The body of the Ministry of Justice responsible for the supervision of the tasks of judicial administration shall act in the same manner.

The President of a court shall have the right to appeal against the report on the performed supervision and may request a repeated supervision of the tasks of judicial administration by the Supreme Court of the Republic of Croatia, which shall develop a written report on such repeated supervision.

#### Article 73i

If, on the basis of a report on the performed supervision, and after a written declaration of the President of a court and an obtained opinion of the Judicial Council, it is clear that the acts of unlawfulness and irregularity in performing the tasks of judicial administration are harmful to the regular and proper performance of tasks and the operation of a court, the Minister of Justice shall dismiss the President of a court, who shall continue to work as a judge.

The dismissal of the President of a court by the Minister of Justice shall be in writing and shall contain an appropriate explanation.

#### Article 73j

If, for any reason, the President of a court ceases to perform his/her duty before the expiry of his/her term of office, the Minister of Justice shall authorise a judge from the same or another court to perform the tasks of judicial administration for a period not longer than six months until a new President shall be appointed.

In courts undergoing the process of establishment, the Minister of Justice shall authorise a judge of the same or another court to perform the tasks of judicial administration until the court starts to operate.

### VII. JUDICIAL OFFICIALS AND EMPLOYEES

#### Article 74

President of courts acting upon the prior consent of the Minister of Justice shall determine the number of officials and employees who shall work on expert, office and technical assignments in courts.

The commencement and cessation of their work, salaries and other rights, duties and responsibilities related to their work shall be regulated by acts related to state officials and employees, and general labour regulations, unless otherwise stipulated by this Act.

Regulations concerning qualifications, the duration and conditions of training, the conditions of the professional examination, the contents and methods of the examination and other related issues shall be regulated by a special act of the Minister of Justice.

## 1. COURT CLERK

### Article 75

Courts which have more than 15 judges shall have a Court Clerk. The Court Clerk shall help the President of a court in judicial administration. A person who has graduated from a faculty of law may be **admitted** as a Court Clerk.

A person fulfilling requirements for senior court advisor may be admitted as a Secretary of the ~~Supreme Court of the Republic of Croatia~~,\* the Administrative Court of the Republic of Croatia, the High Petty Offence Tribunal of the Republic of Croatia and the High Commercial Court of the Republic of Croatia.

Secretary of the court organises and is responsible for the work of court clerks and employees, and takes care of tidily and timely performance of office and other technical tasks at the court, upon authorisation of the president of the court, he/she answers the client's complaints against the work of the court, and with the consent of the president of the court, decides

*(\* changes from Official Gazette 141/04)*

on the schedule of court clerks and employees during work, except for court advisers, and he/she also performs other tasks entrusted to him/her by the president of the court.

## 2. JUDICIAL ADVISERS

### Article 76

Courts may employ Judicial Advisers and Senior Judicial Advisers.

A person who has graduated from a faculty of law and has passed the bar examination may be admitted as Court Advisor at the municipal, petty offence and commercial court. A person who has graduated from a faculty of law, has passed the bar exam and has worked for at least two years as court advisor, state attorney or deputy state attorney, attorney or notary public, i.e. a person who has been working in other legal tasks for at least five years after passing the bar exam, may be admitted as senior court advisor at the above mentioned courts.

A person who meets the requirements prescribed for a judge of the municipal court may be a court advisor at the Supreme Court of the Republic of Croatia, Administrative Court of the Republic of Croatia, High Petty Offence Tribunal of the Republic of Croatia and county courts.

A person who meets the requirements prescribed for court advisor of the Administrative Court of the Republic of Croatia, High Petty Offence Tribunal of the Republic of Croatia, High Commercial Court of the Republic of Croatia and county courts may be admitted as senior court advisor at these courts, provided the person has worked as a judge, state attorney or deputy state attorney or notary public, i.e. as court advisor for at least five years, i.e. a person who has been working in other legal tasks for at least eight years after passing the bar exam.

A person who meets the requirements prescribed for a judge of the county court may be a senior

court advisor at the Supreme Court of the Republic of Croatia.

#### Article 76.a

Court advisors are authorised to independently conduct certain court proceedings, to evaluate evidence and determine facts.

Based on so conducted procedure, court adviser submits to a judge, who has been authorised by the president of the court, a written proposal based on which the judge renders the decision.

If the competent judge does not accept the proposal submitted by the court advisor, he shall conduct the procedure himself.

Court advisors are authorised to conduct proceedings and propose decisions in the context of paragraphs 1 and 2 of this Article in the following cases:

1. in litigation proceedings, in disputes for payment of monetary claim or compensation of damages if the value of the dispute does not exceed 50.000,00 kuna, i.e. at commercial courts, if the value of the dispute does not exceed 500.000,00 kuna,
2. in enforcement proceedings,
3. in probate proceedings,
4. in land-registry proceedings,
5. in non-contentious proceedings, except for proceedings for deprivation of contract capacity, dissolution of co-ownership and border disputes,
6. in petty-offence proceedings,
7. in the second-instance proceedings and proceedings related to extraordinary legal remedies, the court advisors report on the status of the file and prepare draft decisions.

### 3. EXPERT ASSOCIATES

#### Article 77

Courts may employ civil servants who are not lawyers, but who have two-year post-secondary school or university qualifications and the prescribed working experience of a special education specialist, a sociologist, a pedagogue, an economist, or a book-keeping and finance specialist.

Expert associates referred to in paragraph 1 of this Article shall assist judges in their work where their expert knowledge is required. They may also perform their tasks autonomously, when it is stipulated by law or by another regulation.

### 4. JUDICIAL TRAINEES

#### Article 78

Presidents of courts acting upon the consent of the Minister of Justice shall determine the number of judicial trainees.

The training of an established number of judicial trainees shall be financed from the Budget of the Republic of Croatia.

Conditions and manner of hiring judicial trainees at courts, as well as length and manner of performing their training, requirements which have to be met in order to stand for the bar examination, the method of passing the bar examination, examining committee, compensation for the work at the examining committee, levelling previously passed exams with the passed bar exam, and other issues related thereto, shall be regulated by special law.

## 5. PROTECTION OF PERSONS, COURT PROPERTY AND BUILDINGS

### Article 79

The judicial police shall protect and care for persons, property and court buildings, and preserve the decorum of courts.

Members of the judicial police shall carry out the tasks referred to in paragraph 1 in the form of physical and technical protection.

Physical protection shall mean the direct care and protection of persons and property by guarding persons and property and taking security measures and applying means of coercion.

Technical protection shall be carried out by technical means and devices in order to prevent unlawful acts against the persons, property and court buildings referred to in paragraph 1 of this Article and to prevent arms, equipment, explosive devices and other dangerous objects and substances from being taken into such buildings or to prevent the alienation of property.

### Article 79a

While performing his duty, a judicial policeman is authorised:

- to establish the identity of persons entering or leaving a court building;
- to prohibit the entry into a court building of unauthorised persons;
- to seize arms and dangerous equipment from persons entering a court building. This does not refer to persons guarding defendants or authorised persons of the Ministry of the Interior in performing their duties of bringing in defendants;
- to hold a person who is caught in the court building while perpetrating a criminal offence: a judicial policeman must immediately hand such a person over to the police;
- to evict from a court building persons who disturb the work of the court or behave contrary to the provisions of court rules.

A judicial policeman, acting on a previous warning, may apply coercion commensurate to the necessity of carrying out the authorisation referred to in paragraph 1 of this Article.

### Article 79b

The protection service shall be organised as a special organisational unit of the Ministry of Justice.

The scope of activities of the protection service, the conditions necessary for its operation, the powers of its officials, equipment, uniforms, official identity cards, the criteria for the necessary technical devices for protection and the number of members of such a service shall be established in a special Book of Rules adopted by the Minister of Justice.

#### Article 79c

In performing the tasks of immediate protection, a judicial policeman shall execute the orders of the President of the respective court.

### 6. RESPONSIBILITY OF JUDICIAL OFFICIALS AND EMPLOYEES

#### Article 80

Conduct proceedings due to minor breach of official duty of court clerks and employees is initiated by conclusion of the president of the court personally or based on the written proposal of superior officer. A conclusion on initiating the proceedings may not be appealed.

Conclusion on initiating proceedings is delivered to the court clerk or employee who may file a written response within three days as of delivery. If the proceedings have been instigated based on a written proposal of competent official, the court clerk is also delivered a written proposal of the superior officer, in addition to the conclusion on instigating proceedings.

The president of the court conducts the proceedings and renders the decree.

In the proceedings for minor breach of official duty, provisions of the Act on General Administrative Procedure shall apply accordingly.

#### Article 80.a

Proceedings instigated due to serious breach of official duty of court officials and employees is instituted by the president of the court and the proposal shall be delivered to the competent court of the judicial officers.

The proceedings shall be instituted on the day of submitting proposal to institute proceedings to the competent court of the judicial officers.

Provisions of the Act on Criminal Procedure on the contents of indictment shall apply accordingly to the contents of the proposal to institute proceedings due to a serious breach of official duty.

Court of the judicial officers shall notify the official and employee against whom the proceedings have been instituted on the proposal to initiate proceedings due to a serious breach of official duty, by delivery of a copy of the proposal together with attached evidence.

Officer or employee may file a written response within three days as of the delivery of the proposal.

Proceedings for a serious breach of official duty of court clerks and employees are conducted by the courts of the judicial officers, competent for officials and employees at the state administrative bodies, expert services of the Croatian Parliament and the Government of the Republic of Croatia.

## Article 80.b

Decree of the president of the court may order removal of the official or employee from the service, if criminal proceedings or proceedings due to a serious breach of official duty have been instituted against him, and the breach is of such nature that staying in the service during the proceedings might be harmful for the interests of the service.

## Article 81

The president of the court may in his conclusion transfer the authorities from Article 34 of this Act to a judge, and exceptionally to the secretary of the court or court advisor, either for all or only individual cases.

In the proceedings due to a breach of official duty or compensation of damages of court clerks and employees, appropriate regulations shall apply, regulating responsibility for breach of official duty or compensation of damages of state officials and employees, unless provided otherwise by this Act.

## VIII PERMANENT COURT INTERPRETERS, EXPERT WITNESSES AND ASSESSORS

## 1. PERMANENT COURT INTERPRETERS

## Article 82

Permanent court interpreters shall, upon the request of a court, a state body, a legal person or an individual citizen, translate spoken or written words from a language which is in public use into a foreign language, from a foreign language into a language which is in public use, or from one foreign language to another foreign language.

A person who has a university degree, has command of a foreign language and the language which is in official use, and has a sufficient degree of general and legal knowledge may be appointed as a permanent court interpreter.

Permanent court interpreters shall be appointed and removed by Presidents of County Courts or Commercial Courts. Permanent court interpreters shall be appointed for a period of four years and may be re-appointed.

An appeal to the Ministry of Justice can be brought against a decision by which an appointment is denied within 15 days after the decision was served.

The Minister of Justice shall regulate the methods for the assessment of whether the requirements which have to be met in order to be appointed as a permanent court interpreter have been fulfilled, the rights and obligations of permanent court interpreters, their salary and amount of compensation for expenses.

County Courts and Commercial Courts shall have a list of permanent court interpreters appointed within their territorial jurisdiction.

The Ministry of Justice shall, if necessary, publish a list of permanent court interpreters in the official gazette "*Narodne novine*".

## 2. PERMANENT EXPERT WITNESSES

### Article 83

Permanent expert witnesses shall provide courts with their expert knowledge which the courts do not possess, whenever such knowledge is needed in order to establish or clarify facts which have legal significance.

### Article 84

Expert testimony shall be given by legal persons or individuals.

In order to be eligible to give expert testimony, individuals should have at least a secondary school qualification in a specific discipline. Legal persons may give expert testimony only within their registered field of business, provided that their employees who are to testify meet the requirements which have to be met by individuals.

The Minister of Justice shall regulate the methods for the assessment of whether the requirements which have to be met in order to be appointed as a permanent expert witness have been fulfilled, the rights and obligations of permanent expert witnesses, their salary and amount of compensation for expenses.

### Article 85

Permanent expert witnesses - individuals and permanent expert witnesses who are employed by legal persons - shall be appointed and removed by Presidents of the County Courts or Commercial Courts within their territorial jurisdiction.

An appeal to the Ministry of Justice can be brought against a decision by which an appointment is denied within 15 days after the decision was served.

Permanent expert witnesses shall be appointed for a period of four years and may be re-appointed.

### Article 86

The Ministry of Justice shall, if necessary, publish a list of legal persons who provide expert testimony and a list of permanent expert witnesses in the official gazette "*Narodne novine*".

## 3. PERMANENT JUDICIAL ASSESSORS

### Article 87

Permanent judicial assessors shall, upon the request of a court, assess agricultural land, forests, residential and office buildings and other real estate, or moveable objects.

A person who has graduated from a professional school, a person who has had or still has a professional business licence, or a person who has exclusively worked, or still works, as a farmer or in forestry, may be appointed as a permanent judicial assessor.

Permanent judicial assessors shall be appointed and removed by Presidents of municipal courts, commercial courts or county courts. Permanent judicial assessors shall be appointed for a period of four years and may be re-appointed.

The Minister of Justice shall regulate the methods for the assessment of whether the requirements which have to be met in order to be appointed as a permanent judicial assessor have been fulfilled, the rights and obligations of permanent judicial assessors, their salary and amount of compensation for expenses.

## IX. NON-DISCLOSURE OF OFFICIAL SECRETS

### Article 88

Judges, jurors, court clerks, judicial advisers, senior judicial advisers, judicial trainees, officials, employees, trainees, court interpreters, expert witnesses and assessors shall have an obligation not to disclose official secrets, regardless of how they learned about them.

The following shall be deemed an official secret:

- any information which is specified by law or some other Act as an official secret;
- any information which is specified by an internal Act of a legal person, or another body, an organisation or an institution, as an official or business secret;
- any information or document which is classified as an official or business secret by a state body or a legal person, or another body, organisation or institution;
- any information or document which has been classified as confidential by the President of a court or an authorised official of the court.

### Article 89

Persons specified in Article 88 shall have an obligation not to disclose an official secret even if they cease to work in the court.

The President of a court may, for justified reasons, exempt a judge, judicial official or employee from an obligation not to disclose an official secret. The President of an immediately superior court may make such an exemption in respect of presidents of inferior courts. The Convention of the Supreme Court of the Republic of Croatia may exempt the President of the Supreme Court of the Republic of Croatia from the same obligation.

### Article 90

Press releases related to judicial proceedings in a particular case, and the operation of a court in general, shall be made by the President of a court, or any judge whom he may authorise to do so.

### Article 91

Judges, judicial officials and employees must not disclose information regarding the personal, family or financial matters of individuals, or the financial matters of legal persons to unauthorised persons, if they became aware of such information in the course of the judicial proceedings.

A judge or another person who is designated to do so on the basis of an annual schedule may allow persons authorised by law or the judicial rules of procedure to review the files of a case.

## X. FINANCING THE OPERATION OF COURTS

### 1. PROCUREMENT OF RESOURCES

#### Article 92

Money needed for the operation of courts shall be financed from the Budget of the Republic of Croatia.

Costs for the operation of courts include the funds needed for the regular operation of courts (salaries of judges, judicial officials and employees, utilities and supplies, replacement costs and costs of depreciation of equipment and buildings) and money for special purposes.

The funds referred to in paragraph 2 of this Article shall be allocated in an amount which will ensure the regular financing of the entire operation of courts on the basis of a previously obtained opinion of the Convention of the Supreme Court of the Republic of Croatia.

#### Article 93

The amount of money for the operation of courts shall be determined on the basis of a proposal of the Presidents of the courts.

Such proposals shall include an assessment of the regular or seasonal work load, the number of judges, judicial officials and employees needed, and other indicators which are important for the assessment of costs.

#### Article 94

Investigating judges who only perform the tasks of investigation have the right to pension insurance benefit calculated in such a way that every 12 months of work shall be calculated as 15 months for pension benefits.

### 2. SPECIAL PURPOSE FUNDS

#### Article 95

Special purpose funds are:

1. funds for financing trainees;
2. funds for the continuing professional development of judges, judicial officials and employees;
3. funds for specific expenses which include:
  - costs and compensation of jurors;
  - costs of judicial proceedings which, as a matter of law, have to be paid from judicial funds;
  - costs of seizures related to unpaid fines, and costs of criminal procedures;
  - mailing costs related to summons and subpoenas;
  - expenses made by judges related to lump sum payments in investigations;
  - costs related to pre-trial criminal procedures;
  - other costs related to the performance of judicial power.

The conditions for awarding compensation and amounts of lump sum payments for the investigation costs of judges, judicial officials and employees, and compensation related to pre-trial criminal procedures shall be determined by the Minister of Justice.

a) Procurement

Article 96

The Republic of Croatia shall provide courts with funds needed for technical equipment and office space in accordance with defined standards.

Counties, cities and municipalities may take part in the construction of capital objects and procurement of equipment for the courts.

b) Financial and Asset Operations

Articles 97

The financial and property operations of courts shall be dealt with in the same way as is applicable to public administration. Financial and property operations with parties shall be dealt with in accordance with an Act of the Minister of Justice.

The procurement of means for the operation of courts shall be governed by the regulations applicable to the procurement of means for the operation of state bodies.

c) Judicial Deposits

Article 98

When deposited funds are not withdrawn within two years after the delivery of a final decision on the restitution of a deposit which calls for a withdrawal of such a deposit, a court shall terminate the right of the depositor and transfer the said funds to the State Treasury of the Republic of Croatia.

## XI. TRANSITIONAL AND FINAL PROVISIONS

Article 99

Until the enactment of the Non-litigious Procedure Act and Land Register Act, all cases shall in the first instance be heard by an individual judge.

There shall be no recourse to review against decisions of second instance courts in non-litigious and land register matters unless otherwise stipulated by law.

Article 100

The Minister of Justice shall be authorised to enact a regulation concerning procedures for persons in custody (internal order rules) and specific provisions for the application of this Act.

Article 101

Until the enactment of the judicial rules of procedure in accordance with the provisions of this Act, the existing rules of judicial procedure shall be applied, unless it is incompatible with this Act.

Until enactment of rules which in accordance with the relevant provisions of this Act are to be enacted by the Minister of Justice, the existing rules shall be applied, unless they are incompatible with this Act.

The Minister of Justice shall enact the rules provided for by the relevant provisions of this Act within one year after the entry into force of this Act.

#### Article 102

(Article 43 of the Law on Amendments of the Judiciary Act)

Judges appointed according to the regulations which were valid until the entry into force of this Act shall continue to perform their judicial function in the court to which they were appointed.

Persons who worked as judicial advisers or senior judicial advisers until the entry into force of this Act shall be made equal regarding the years of service as advisers to the officials of judicial bodies.

#### Article 103

(Article 44 of the Law on Amendments of the Judiciary Act)

The election of members of judicial councils and the appointment of the Presidents of courts according to the provisions of this Act shall be carried out within three months from the day of entry into force of this Act.

The elections for judicial councils shall be held by the judicial councils of county courts or by those of the High Petty Offence Tribunal and the High Commercial Court which were established prior to the entry into force of this Act in a manner stipulated by law.

#### Article 104

(Article 45 of the Law on Amendments of the Judiciary Act)

The Legislation Committee of the House of Representatives of the Croatian *Sabor* is authorised to determine and to publish the final version of the Judiciary Act.

#### Article 105

(Article 46 of the Law on Amendments of the Judiciary Act)

This Act shall enter into force on the eighth day following its publication in the official gazette "*Narodne novine*".