



Twinning Light Project: Support to the Establishment of a State School for Judicial Officials



REPUBLIKA HRVATSKA
PRAVOSUDNA AKADEMIJA

DEUTSCHE STIFTUNG FÜR
INTERNATIONALE RECHTLICHE
ZUSAMMENARBEIT E.V.



Please note that the translation provided below is only provisional translation and therefore does NOT represent an official document of the Republic of Croatia. It confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published in Croatian language

NN 116/10

NN 57/11

Last check: 26.07.2011

ACT ON THE STATE JUDICIARY COUNCIL

I. GENERAL PROVISIONS

Article 1

This Act shall regulate the procedure and conditions for the selection of members and the president of the State Judiciary Council and for the termination of their duty, the procedure and conditions for the appointment, promotion, reassignment and dismissal of judges, the procedure for establishing their disciplinary liability, and the procedure for the appointment and dismissal of court presidents, as well as other issues related to the work of the State Judiciary Council (hereinafter: the Council).

Article 2

The Council is a sovereign and independent body which ensures the sovereignty and independence of judicial power in the Republic of Croatia.

Article 3

The Council shall have a seal containing its name and the name and coat of arms of the Republic of Croatia.

Article 4

(1) The Council shall have eleven members, consisting of seven judges, two university professors of law, and two members of Parliament, one of whom shall be from the opposition.

(2) Council members from the ranks of judges shall consist of:

- two judges of the Supreme Court of the Republic of Croatia;
- two county court judges;
- two municipal court judges;
- one judge of the specialised court.

II. PROCEDURE FOR THE ELECTION AND TERMINATION OF OFFICE OF MEMBERS AND OF THE PRESIDENT OF THE STATE JUDICIARY COUNCIL

Article 5

(1) Members of the Council shall be elected to a term of four years, noting that no one may be a member of the Council for two consecutive terms.

(2) If the duty of a Council member is terminated before the expiration of the term to which he or she has been elected, another member shall be elected in his or her place until the expiration of the term of the Council.

Bodies in charge of conducting elections for Council members

Article 6

The elections for members of the Council from the ranks of judges shall be conducted by the Commission for the Election of Council Members (hereinafter: the Commission), candidature committees and by electoral committees.

The Commission

Article 7

(1) The Commission consists of five members, two of whom are appointed from the ranks of judges of the Supreme Court of the Republic of Croatia, one from the ranks of judges of the High Commercial Court of the Republic of Croatia, one from the ranks of the High Misdemeanour Court of the Republic of Croatia, and one from the ranks of judges of the Administrative Court of the Republic of Croatia.

(2) The Commission is appointed by the General Session of the Supreme Court of the Republic of Croatia, which consists of all the judges of the Supreme Court of the Republic of Croatia, with the participation of two representatives of the High Misdemeanour Court of the Republic of Croatia, two representatives of the High Commercial Court of the Republic of Croatia, two representatives of the Administrative Court of the Republic of Croatia, and one representative of each county court (hereinafter Extended General Session).

(3) The Extended General Session shall adopt decisions by a majority vote.

(4) Members of the Commission may not stand as candidates for Council members.

(5) The Commission is appointed for a term of five years, and if the judicial office of a member of the Commission expires during his or her term of office, the Extended General Session shall appoint another member from the same rank of judges as the member whose term has expired.

(6) The President of the Commission shall be elected by the members of the Commission from among themselves.

(7) Technical support for the Commission shall be provided by the staff of the Council.

Article 8

The Commission for the Election of Council Members shall:

1. appoint the members of candidature and electoral committees and give instructions for their work,
2. sets the date, place and time of the voting in the candidature procedure,
3. ensure that elections for Council members are conducted in conformity with the law,
4. set up polling places at courts,
5. based on valid proposals, publish electoral lists for Council members;
6. establish the results of elections for Council members and publish them in the "Official Gazette".

Candidature and Electoral Committees

Article 9

(1) A candidature committee are appointed for every county court, High Misdemeanour Court, High Commercial Court, Administrative Court and for the Supreme Court of the Republic of Croatia.

(2) Candidature committee of a county court shall be responsible for the territory of that county court and of all the municipal courts within its jurisdiction, candidature committee of the High Misdemeanour Court of the Republic of Croatia shall be responsible for the High Misdemeanour Court and all the misdemeanour courts, candidature committee of the High Commercial Court shall be responsible for the High Commercial Court and all the commercial courts, candidature committee of the Administrative Court shall be responsible for the Administrative Court of the Republic of Croatia and the candidature committee of the Supreme Court of the Republic of Croatia shall be responsible for the Supreme Court of the Republic of Croatia.

- (3) Candidature and electoral committees shall consist of a president and two members.
- (4) Court presidents shall deliver proposals for members of candidature and electoral committees to the Commission.
- (5) Members of candidature and electoral committees may not be candidates on the electoral list for Council members.
- (6) Candidature committees shall collect candidatures for members of the Council and conduct the candidature procedure.
- (7) Electoral committees shall directly conduct the voting of judges at courts, and ensure the regularity and confidentiality of voting.

Article 10

- (1) Six months before the expiration of the term of office of members of the Council at the latest, the Council shall publish in the “Official Gazette” a public call for the submission of candidatures for members of the Council from the ranks of judges.
- (2) Six months before the expiration of the term of office of the members of the Council at the latest, the Council shall inform the deans of all faculties of law in the Republic of Croatia and shall also inform the Croatian Parliament about the expiration of the term of office of the members of the Council appointed by them.

Article 11

- (1) The date of conducting elections for Council members from the ranks of judges shall be set through a Commission Decision, which shall be published in the “Official Gazette”.
- (2) A minimum of 30 days must expire from the date of the announcement until the date of the election for Council members.
- (3) All judges shall have the right to vote in the elections.

Candidature procedure

Article 12

- (1) All judges shall have the right to propose candidates for members of the Council from the ranks of judges.
- (2) Any judge may stand as candidate for member of the Council, except a judge who has had a disciplinary measure pronounced against him or her in the last four years.

(3) Every candidate for member of the Council must give written consent for his or her candidature.

Article 13

(1) Proposals of candidates for members of the Council shall be submitted to the responsible candidature committee at the latest within 30 days of the day a public call for the submission of candidature was published.

(2) In the proposal for candidate, it shall be mandatory to state the court in which the judge performs his or her office.

Article 14

(1) Proposals of candidates for members of the Council from the ranks of judges of the Supreme Court of the Republic of Croatia shall be submitted to the candidature committee of the Supreme Court of the Republic of Croatia.

(2) Proposals of candidates for members of the Council from the ranks of county and municipal courts judges shall be submitted to the candidature committee responsible for the territory of the responsible county court

(3) Proposals of candidates for members of the Council from the ranks of judges of specialised courts shall be submitted to the candidature committees of the High Misdemeanour Court, High Commercial Court and Administrative Court of the Republic of Croatia.

(4) Responsible candidature committees shall establish the validity of the candidatures for members of the Council.

Article 15

(1) Candidature committees shall establish the list of proposed candidates and conduct the voting procedure which shall be by secret ballot.

(2) Candidature committees shall determine the time and place of the voting for proposed candidates, whereas the confidentiality of voting shall be secured.

(3) All the judges of the municipal courts from the territory of the responsible candidature committee vote for the candidates from the ranks of the judges of the municipal courts, all the judges of the county court from the territory of the responsible candidature committee vote for the candidates from the ranks of the judges of the county courts, all the judges of the specialized court vote for the candidates from the ranks of the judges of the specialized courts, and all the judges of the Supreme court of the Republic of Croatia vote for the candidates from the ranks of the judges of the Supreme court.

Article 16

(1) Candidature committees shall submit to the Commission after the conducted voting the results of the voting.

(2) The Commission shall establish the lists of candidates which shall be compiled separately for members of the Council from the ranks of judges of the Supreme Court of the Republic of Croatia, separately for members of the Council from the ranks of county court judges, separately for members of the Council from the ranks of municipal court judges, and separately for members of the Council from the ranks of judges of specialised courts.

(3) The list of candidates for members of the Council from the ranks of judges of the Supreme Court of the Republic shall consist of six candidates who have won the most number of votes.

(4) The list of candidates for members of the Council from the ranks of county court judges shall consist of one candidate who has won the most number of votes in the territory of the responsible candidature committee for each county court.

(5) The list of candidates for members of the Council from the ranks of municipal court judges shall consist of one candidate who has won the most number of votes in the territory of the responsible candidature committee for each county court.

(6) The list of candidates for members of the Council from the ranks of specialized court judges shall consist of nine candidates, that is three from the territory of the candidature committee of the High Misdemeanour Court, three from the territory of the candidature committee of the High Commercial Court and three from the territory of the candidature committee of the Administrative Court.

(7) The established lists of candidates shall be published by the Commission on the web page of the Supreme Court of the Republic of Croatia.

(8) Candidates shall not be permitted to withdraw from the list after the publication of the list of candidates.

Conducting elections

Article 17

(1) Eight days before the elections at the latest, the Commission shall announce the polling places and deliver to the electoral committees a list of judges who are to vote at a particular polling place.

(2) For the candidates from all the lists referred to in the Article 16 par. 3., 4., 5. and 6 of this Act, all the judges shall vote.

Voting and determining the voting results

Article 18

(1) Voting shall be done in person on ballot papers.

(2) No one may vote on behalf of another person.

(3) The printing of ballot papers shall be directly supervised by the Commission.

Article 19

(1) There shall be a separate ballot paper for each candidate list referred to in Article 16 paragraph 2 of this Act, which shall include:

1. the name and surname of candidates, and the courts where they perform their judicial office;
2. the number of candidates which is to be elected from that list for the Council.

(2) Candidates shall be recorded on the list in alphabetical order by surname.

Article 20

(1) A ballot paper shall be completed by circling the number of the candidates who are being selected for Council members from that list.

(2) A ballot paper shall be valid if it may be determined with certainty and without doubt for which candidates a judge has voted.

Article 21

An invalid ballot paper shall be one:

1. which has not been completed;
2. which has been completed in such a way that it is impossible to determine with certainty the will of the voter and for which candidate he or she has voted;
3. on which the voter voted for more candidates than are to be elected from the list.

Article 22

Voting shall last continuously from 9 a.m. to 4 p.m.

Article 23

(1) When the voting is completed, the electoral committee shall first count the unused ballot papers and place them in a special envelope, which shall be sealed.

(2) Subsequently, the electoral committee, pursuant to the official records, shall establish the total number of judges who have voted, according to the list of judges, or according to an excerpt from the list of judges.

(3) After establishing the number of judges who have voted, the committee shall open the ballot boxes and count the votes.

Article 24

(1) If it is established when counting the votes at the polling place that the number of votes according to the list of judges is larger than the number of votes according to the ballot papers, the result of the vote according to the ballot papers shall be valid.

(2) If it is established when counting the votes at the polling place that a smaller number of judges voted than the number of votes in the ballot box, the electoral committee shall immediately cease to operate and shall deliver the material, accompanied by a report, to the Commission.

(3) The Commission shall invalidate the voting at the particular polling place, dismiss the electoral committee, and appoint a new one, determining new elections to be conducted at that polling place within 8 days if it establishes that the irregularities referred to in paragraph 2 of this Article may affect the election results.

Article 25

(1) When the electoral committee determines the voting results at the polling place, it shall record in the official records of its work:

- the number of judges according to the excerpt from the list of judges;
- the number of votes received by individual candidates from the lists for the election of Council members;
- the number of ballot papers which have been found invalid.

(2) The official records shall be signed by all the members of the electoral committee.

Article 26

The electoral committee shall deliver the official records of its work together with other electoral material to the Commission at the latest within 24 hours from the closing of the polling places.

Article 27

(1) If candidates who have entered the composition of the Council have an equal number of votes on the list for the election of Council members, the voting shall be repeated.

(2) The Commission shall determine a repeat vote at all polling places for this particular list of candidates within eight days.

(3) At the repeated elections, only candidates with an equal number of votes shall be included on the list.

Article 28

(1) The Commission shall determine the results of voting and adopt a decision announcing:

1. the number of judges included in the lists of judges, the number of judges who voted, the number of votes received by individual candidates from the list of candidates, and the number of invalid ballot papers;
2. the name and surname of candidates who have been elected as Council members.

(2) Those candidate who received the highest number of votes shall be elected as Council members

Article 29

(1) Any candidate may file a complaint on irregularities in the candidature procedure and in the elections.

(2) Complaints shall be filed with the Commission within 48 hours, counting from the end of the day when the action against which the complaint has been filed was carried out.

(3) It shall be the duty of the Commission to adopt a decision on the complaint within 48 hours, counting from the end of the day when the complaint was filed.

Article 30

(1) If the Commission, when deciding upon the complaint, establishes that there have been irregularities which significantly affected or could have affected the results of the elections, the actions shall be invalidated and it shall be prescribed that these actions be repeated within a determined period which must allow for the elections to be held on the day when they have been announced.

(2) If there is no opportunity to repeat the invalidated actions, or if the irregularities concern the voting procedure and they have had a significant effect on the results of the elections, or could have had such an effect, the Commission shall invalidate the elections and determine a period in which the elections are to be repeated.

Article 31

(1) A complainant shall be entitled to appeal against the decision of the Commission to the panel of the Supreme Court of the Republic of Croatia consisting of five judges, which is established by the Annual Assignment Schedule of the Supreme Court of the Republic of Croatia.

(2) The appeal shall be filed with the Extended General Session through the Commission within 48 hours, counting from the end of the day when the challenged decision was received.

(3) The Panel of the Supreme Court of the Republic of Croatia shall render a decision upon the appeal within 48 hours from the day of its receipt.

Article 32

The filing of a complaint or an appeal in the procedure of protecting the elections shall not suspend the performance of the electoral actions prescribed herein.

Article 33

The funds to cover the costs of the elections shall be earmarked in the budget of the State Judiciary Council.

Article 34

(1) Members of the Council from the ranks of university professors of law shall be elected by all the professors of law faculties in the Republic of Croatia, on the proposal of the faculty councils.

(2) The faculty councils shall establish electoral lists of candidates for council members.

(3) The electoral procedure of the Commission for conducting the elections and the manner in which the elections are conducted shall be regulated by the Rules of Procedure adopted by the deans of the faculties of law.

Article 35

Two members of the Council shall be appointed by the Croatian Parliament from among its Members of Parliament, of whom one shall be from the opposition.

Article 36

When the office of a member of the Council from the rank of judges is terminated before the expiration of the term to which he or she was elected, the candidate who received the largest number of votes on the list containing the Council member whose office was terminated shall become a new member of the Council.

Article 37

When the office of a member of the Council from the ranks of university professors and members of Parliament is terminated before the expiration of the term to which he or she was elected, the Council shall, within 30 days at the latest, request the authorised body to instigate a procedure for the election of another member of the Council.

Article 38

(1) Elected members of the Council shall assume their office within 30 days of the date of their election.

(2) They shall assume their office by taking an oath before the president of the Supreme Court of the Republic of Croatia which reads: "I hereby do solemnly swear with my honour that I shall perform my office of member of the State Judiciary Council in conformity with the Constitution and the laws of the Republic of Croatia and that I shall fulfil my duty to the best of my abilities".

(3) If the elected member of the Council, without a justified reason, fails to take the oath referred to in paragraph 2 of this Article, it shall be deemed that he or she has not been elected.

Article 39

During the time members of the Council are in office, they may not be appointed to a judicial office in a higher instance court, nor may they be elected court presidents.

Article 40

- (1) The office of a member of the Council shall terminate:
 - on termination of the office on the basis of which he or she was elected, on the day of termination of that office.
- (2) The decision establishing the termination of the office of a member of the Council shall be delivered by the president of the Council, and of the office of president of the Council, by the deputy president.
- (3) A member of the Council shall be dismissed from office before the expiration of the term for which he or she was elected:
 - at his or her own request;
 - if he or she has been convicted for criminal offence;
 - if he or she has permanently lost the ability to perform his or her office;
- (4) The decision on dismissing of a member of the Council shall be delivered by a majority of votes of all the members of the Council.
- (5) The decision on dismissing members of the Council from the ranks of members of Parliament and university professors shall be delivered by the body which elected or appointed them, whereas for the members of the Council from the ranks of judges the decision shall be delivered by the Council.
- (6) Member of the Council against which a criminal procedure has been initiated for the criminal offence prosecuted ex officio, and for which a 5-year or longer prison sentence may be pronounced, cannot be involved in the work of the Council until the procedure is finally terminated. Decision on removal from office is delivered by the Council.

Article 41

- (1) The president and deputy president of the Council shall be elected by the members of the Council from among themselves for a term of four years, and the president of the Council must come from the rank of judges.
- (2) The president of the Council shall:
 1. represent the Council;
 2. convene and chair the sessions of the Council;
 3. propose the agenda for the sessions;
 4. announce the results of voting;
 5. sign acts adopted by the Council;
 6. ensure the enactment of Council decisions;
 7. perform other activities prescribed by law or by a general legal act.

III. SCOPE OF WORK AND OPERATION OF THE STATE JUDICIARY COUNCIL

Article 42

(1) The scope of work of the Council shall include:

- appointing judges;
- appointing and dismissing court presidents;
- deciding on the immunity of judges
- reassigning judges;
- conducting disciplinary proceedings and deciding on the disciplinary liability of judges;
- deciding on the dismissal of judges;
- participating in the training and professional development of judges and court staff;
- conducting the procedure of enrolment of candidates in the State School for Judicial Officials and the procedure of the final examination;
- adopting the Methodology for Assessing Judges;
- managing judges' personal files;
- managing judges' declarations of assets.

(2) A member of the Council shall be excluded from the performance of his/her duties as a member of the Council during the procedure of appointment of judges, appointment or dismissal of court presidents, transfer of judges, decision-making on the dismissal of judges, disciplinary proceedings, procedures for enrolment and final examination of candidates in the State School for Judicial Officials, keeping and verifying judges' declarations of assets, and the procedure of decision-making on the immunity of a judge, if the candidate or judge, or one of the candidates or judges, is:

- 1) the member's spouse, or common-law partner or relative by marriage up to the second degree, regardless of whether the marital or common-law relationship has ended or not,
- 2) the member's relative in direct line of descent up to any degree, and in collateral line of descent to the fourth degree,
- 3) related to the member as guardian, ward, adoptive parent, adopted child, provider, dependent, foster child or foster parent.

(3) Immediately upon learning of the existence of any grounds for exclusion referred to in paragraph 2 herein, a member of the Council shall cease to perform all actions relating to the procedure in question, and he/she shall inform the Council accordingly.

(4) If a member of the Council is aware of any circumstances, other than those referred to in paragraph 2 herein, which cast doubt over his/her impartiality in any of the procedures listed in paragraph 1 herein, he/she shall immediately inform the Council thereof, and the Council shall adopt the appropriate decision.

Article 43

(1) The Council shall decide at its session.

(2) The sessions shall be convened by the president, or, in his or her absence, by the deputy president.

(3) In exceptional cases, the session may be convened on the proposal of a minimum of five members of the Council.

Article 44

The Council shall adopt decisions with a majority of votes of all the members of the Council unless otherwise specified by this Act.

Article 45

(1) Professional, administrative and accounting activities for the Council shall be performed by a Secretariat headed by the secretary of the Council.

(2) The regulations that relate to civil servants and employees shall apply to the position, rights and obligations of civil servants and employees performing the activities referred to in paragraph 1 of this Article.

(3) The secretary of the Council shall hold the position of head of sector/service in the Ministry.

Article 46

(1) The secretary of the Council shall be appointed by the Council through a public recruitment procedure.

(2) The conditions for the appointment of the secretary shall be prescribed in the Rules of Procedure of the Council.

Article 47

(1) The Council shall adopt Rules of Procedure which regulate the operation of the Council and the internal organisation and the operation of the Secretariat and its services.

(2) The Rules of Procedure shall be adopted by the Council with a majority of a minimum of eight votes of its members.

(3) The Rules of Procedure shall be published on the Council's website.

IV. APPOINTMENT OF JUDGES

Article 48 (*valid until 31.12.2012, Art. 101*)

A person who is a national of the Republic of Croatia and has completed a graduate university study of law and has passed the judicial examination, and who has professional experience in conformity with this Act, professional capacities and proven working capacities may be appointed judge.

Article 49 (*valid until 31.12.2012, Art. 101*)

(1) A person who, after passing the judicial examination, has worked as an advisor at a court or other judicial body for a minimum of two years, or who has been an attorney, public

notary, public notary assessor or university professor of law for a minimum of two years may be appointed judge of a misdemeanour, municipal, commercial and administrative court.

(2) A person who has worked on other legal tasks for a minimum of four years after passing the judicial examination may be appointed judge of a misdemeanour, municipal, commercial and administrative court. Years of service as trainee at a court, in a state attorney office, a public notary office or an attorney office after passing the judicial examination shall be recognised as work on other legal tasks.

(3) A person who has worked as a judicial official for a minimum of 8 years, or who has been a judicial advisor, attorney, public notary, public notary assessor or university professor, or assistant lecturer of law for a minimum of 12 years after passing the judicial examination, or a person who has worked on other legal tasks for a minimum of 12 years after passing the judicial examination may be appointed judge of a county court, the High Misdemeanour Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia and the Administrative Court of the Republic of Croatia.

(4) A person who has worked as a judicial official for a minimum of 15 years or has been an attorney or public notary for the same number of years may be appointed judge of the Supreme Court of the Republic of Croatia.

(5) A university professor of law who has passed the judicial examination and has a minimum of 20 years of service and who has proven himself or herself through his or her professional work in a specific area of law and through the publication of professional and research papers may also be appointed judge of the Supreme Court of the Republic of Croatia.

Article 50

(1) When appointing judges, account shall be taken of the representation of judges who are members of national minorities, in conformity with the provisions of the Constitutional Act on the Rights of National Minorities.

(2) When members of national minorities submit an application for an announced vacancy for the position of judge, they shall be entitled to invoke the rights to which they are entitled in conformity with the provisions of the Constitutional Act on the Rights of National Minorities.

Article 51 *(in force from 1.1.2013, Art. 103)*

(1) A person who has completed the State School for Judicial Officials may be appointed judge of a misdemeanour, municipal, commercial and administrative court.

(2) A person who works as a judicial official for a minimum of 8 years may be appointed judge of a county court, the High Misdemeanour Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia, and the High Administrative Court of the Republic of Croatia.

(3) A person who has worked for a minimum of 15 years as a judicial official, has been for the same number of years an attorney, public notary, university professor of law who has passed the judicial examination and has a minimum of 15 years of professional experience after passing the judicial examination, and a renowned lawyer who has passed the judicial

examination and has a minimum of 20 years of professional experience, who has proven himself or herself through his or her professional work in a specific area of law, and through the publication of professional and research papers may be appointed judge of the Supreme Court of the Republic of Croatia.

Article 52

(1) The Ministry of Justice shall by the end of the calendar year at the latest issue a plan to fill vacancies for the positions of judges in all courts of the Republic of Croatia for the next two years and deliver it to the president of the Supreme Court of the Republic of Croatia and to the president of the Council.

(2) The plan referred to in paragraph 1 of this Article shall be amended if the facts based on which it was adopted change significantly in the course of the year.

Article 53

The announcement of vacancies for positions of judge shall be published by the Council in the "Official Gazette", and also in another way if necessary, and shall contain an invitation to candidates to submit within a certain period, which must be no shorter than 15 days nor longer than 30 days, an application containing proof that they meet the prescribed conditions for appointment as judge, and data on their work.

Article 54 (*valid until 31.12.2012, Art. 101*)

~~(1) Candidates who have filed an application based on the announcement and who stand as candidates for judge for the first time shall enter a test before the Council. The test shall consist of writing a paper which represents the drafting of complete judgements on the merits in accordance with the type and instance of the court to which they are appointed, based on a specific case file.~~

(1) Candidates who have filed applications based on the announcement, and who are not judges, shall be examined by the Council. The examination shall consist of one or more papers to be written by the candidate, in line with the provisions of the Ordinance adopted by the State Judiciary Council.

~~(2) Candidates shall write their paper under a personal code name.~~

(2) Candidates shall write their papers under personal code names.

~~(3) Candidates may be scored with a maximum of 100 points for their written paper.~~

(3) Candidates may score a maximum of 120 points for their written paper(s).

(4) Candidates may achieve a maximum of 30 points based on their average marks during their studies

(5) Candidates which have achieved the best scores in the written test and on the basis of their average marks during their studies shall be invited for an oral interview which will serve to assess their motivation to work in the judiciary, their ability to resolve conflicts and render decisions, and their sense of justice and responsibility in performing judicial office.

(6) A candidate may be scored with a maximum of 20 points in the oral interview.

(7) Based on the results of the test, average marks during their studies and the interview, the Council shall compile a list of candidates in order of merit and render a decision on appointment.

(8) List of candidates in order of merit shall be published on the Council's web pages and consists of a total number of points and points awarded according to the each of the set criteria.

(9) The Council shall adopt an Ordinance on methods of conducting and evaluating the written test referred to in paragraph 1 of this Article,, on the methods of evaluating average marks awarded during the studies referred to in par 4 of this Article, as well as of the oral interview referred to in paragraph 5 of this Article.

Article 55

~~(1) In the promotion procedure, that is when a judge submits an application following the announcement of a vacancy in a higher instance court, the Council shall request from the competent council of judges an assessment of the performance of judicial office.~~

(1) When a judge applies for a job following the announcement of a vacancy, the Council shall request an evaluation of his/her performance in judicial office from the relevant council of judges.

~~(2) Based on the total score established by an assessment of performance of judicial office, the Council shall compile a list of candidates in order of merit.~~

(2) On the basis of the total score achieved in the evaluation of performance in judicial office and in an interview, for which a maximum of 20 points may be awarded, the Council shall compile a ranking list of candidates.

(3) The decision of the Council concerning the appointment of judges must be based on the total score achieved and the established list of candidates in order of merit.

(4) The list shall be published on the Council's website and consists of a total number of points and points awarded according to the each of the set criteria listed in Article 79. paragraph 1 of the Courts Act.

Article 56 *(in force from 1.1.2013, Art. 103)*

~~When the Council appoints candidates who have completed the State School for Judicial Officials as judges, the election shall be based on the final grade that the candidates achieved in the State School.~~

(1) When the Council appoints candidates who have graduated from the State School for Judicial Officials as judges, the selection shall be based on the final grades achieved by the candidates in the State School and the number of points received by them for their interviews.

(2) Candidates may score a maximum of 20 points for their interviews.

Article 57

(1) The Council shall invalidate a decision on the appointment of a judge if it establishes that:

- the appointed judge did not meet the conditions for appointment;
- the decision was based on false data and evidence;
- the judge has not taken the oath of office, unless there was a justified reason not to do so, within six months of his or her appointment;
- the appointment was the result of a criminal offence committed by the candidate and established by a final court decision on the existence of a criminal offence and criminal liability.

(2) The Council may instigate a procedure for invalidating the decision on appointment ex officio or on the request of the president of the Supreme Court of the Republic of Croatia, the council of judges of the court in which the judge performs judicial office, the president of the court or the president of an immediately higher court.

Article 58

Before assuming office, the judge shall take an oath of office before the president of the Council or a member of the Council designated by the president.

Article 59

The oath, which is given and signed by the judge, shall read:

“I hereby do solemnly swear that in the capacity of my judicial office I shall uphold the Constitution, the law, international agreements and other effective sources of law, I shall judge to the best of my abilities, conscientiously and impartially, protecting the integrity, sovereignty, and the constitutional order of the Republic of Croatia, and the freedoms and rights of man and citizen guaranteed by the Constitution and the law.”

V. REASSIGNMENT OF JUDGES

Article 60

(1) In the case where a court is abolished or restructured, the Council shall reassign judges to another court of the same instance.

(2) Any merger or separation of courts, changes in the internal structure of the court and changes in the needed number of judges at a court shall be deemed as restructuring of the court pursuant to the Framework Criteria for the Work of Judges.

(3) Against the decision on the reassignment judge may initiate an administrative dispute.

Article 61

(1) A judge may agree to be temporarily deployed to work in another court of the same instance for a period of two years which may be extended for a maximum of another two years.

(2) A judge may be temporarily deployed to work in another court, when in that court exist indispensable need for a judge because of the increased inflow of cases or because of a longer absence from work of a judge who performs his or her judicial office at that court.

(3) The decision on the reassignment of a judge to another court shall be made by the Council on the proposal of the president of the court to which the judge is being deployed, with previous opinion of the president of the court in which the judge has been performing his or her judicial office, and the opinion of the president of the Supreme Court.

VI. DISCIPLINARY PROCEEDINGS

Article 62

(1) A judge shall be liable for the commission of disciplinary offences.

(2) Disciplinary offences shall be the:

1. behaviour contrary to the basic principles of the Code of Judicial Ethics
2. careless performance of judicial office;
3. failure to act pursuant to a decision of an immediately higher court referred to in Articles 27 and 28 of the Courts Act;
4. performance of any service, tasks or activities incongruent with judicial office;
5. causing of disruptions in the work of a court which have a significant impact on the
6. disclosure of an official secret concerning the performance of judicial office;
7. damaging of the reputation of the court or of judicial office in any other way;
8. exercise of judicial power; failure to submit a declaration of assets or the untruthful presentation of data in the declaration of assets.

(3) Disciplinary proceedings for the disciplinary offence referred to in paragraph 2, subparagraph ~~1~~ 2 of this Article shall be instigated in particular if:

1. the judge, without a justified reason, fails to draft and dispatch court decisions;
2. the judge's performance has been negatively evaluated by the council of judges;
3. without a justified reason, the number of decisions that the judge has rendered within a period of one year is significantly below the average in the Republic of Croatia.

(4) If disciplinary proceedings have been instigated against a judge for the disciplinary offence referred to in paragraph 2, subparagraph ~~2~~ 3 of this Article, the Council shall inform the competent state attorney office thereof.

Article 63

(1) ~~For the committed disciplinary offences, the following disciplinary penalties may be imposed:~~

- ~~1. a reprimand;~~

- ~~2. a fine amounting to one third of the salary earned in the previous month for a maximum period of six months;~~
- ~~3. dismissal from office.~~

(1) The following disciplinary penalties may be imposed for disciplinary offences committed:

1. a reprimand,
2. a fine of up to one third of the salary earned in the previous month for a period of one to three months,
3. a fine of up to one third of the salary earned in the previous month for a period of four to six months,
4. a fine of up to one third of the salary earned in the previous month for a period of seven to twelve months,
5. removal from office.

(2) Where the disciplinary penalty of removal from office has been imposed on a judge, the Council may decide to postpone the enforcement of the penalty for a period of not less than six months and not more than two years.

(3) The Council may apply a conditional penalty of removal from office if it considers that, even without the enforcement of this disciplinary penalty, it can be expected that the purpose of the penalty will be fulfilled, that is, that the judge, in the continuation of his/her performance of judicial office, will cease to behave in the way which caused the disciplinary penalty of removal from office.

(4) The Council shall revoke the conditional penalty and rule that the imposed penalty be enforced if the penalized judge commits one or more disciplinary offences in the period of probation.

(5) The conditional penalty cannot be revoked more than one year after the expiry of the period of probation.

(6) When pronouncing a penalty for a disciplinary offence, the following shall be taken into account in particular: the graveness of the offence and the consequences caused, the degree of responsibility, the circumstances under which the disciplinary offence was committed, the earlier performance and conduct of the judge, and other circumstances which affect the pronouncement of the penalty.

(7) When deciding on the liability and the penalty for the disciplinary offence, the provisions of the Criminal Code shall apply appropriately.

(8) The competent council of judges shall be informed of the pronounced penalty within 24 hours, as shall the president of the court where the judge performs his or her office, and the ministry responsible for justice, which keeps records of pronounced penalties.

Article 64

~~A judge against whom the State Judiciary Council has pronounced a disciplinary penalty of reprimand shall not be appointed to a higher court before a period of two years has expired~~

~~from when the decision pronouncing the penalty became final, and, if a fine was imposed, he or she shall not be appointed to a higher court before a period of three years has expired from the date when the decision imposing the sentence became final.~~

(1) A judge on whom the Council has imposed the disciplinary penalty of reprimand shall not be appointed to another court before the expiry of one year from the day on which the decision on the disciplinary penalty became final.

(2) A judge on whom the Council has imposed the disciplinary penalty referred to in Article 63(1)(2) herein shall not be appointed to another court before the expiry of one year from the day on which the decision on the disciplinary penalty became final.

(3) A judge on whom the Council has imposed the disciplinary penalty referred to in Article 63(1)(3) herein shall not be appointed to another court before the expiry of two years from the day on which the decision on the disciplinary penalty became final.

(4) A judge on whom the Council has imposed the disciplinary penalty referred to in Article 63(1)(4) herein shall not be appointed to another court before the expiry of three years from the day on which the decision on the disciplinary penalty became final.

(5) A judge on whom the Council has imposed the disciplinary penalty referred to in Article 63(1)(5) herein shall not be appointed to another court before the expiry of four years from the day on which the decision on the disciplinary penalty became final.

Article 65

(1) Disciplinary proceedings may not be instigated one year after the committed disciplinary offence and the perpetrator became known, or three years after the commission of the disciplinary offence.

2) If the disciplinary offence involves criminal liability, disciplinary proceedings may be instigated within the limitation period of criminal proceedings, provided that these proceedings have been instigated.

(3) The limitation period for the execution of the disciplinary penalty shall expire one year after it has acquired legal force.

~~(4) The penalty of reprimand shall be deleted from the records ex officio two years from the date when the decision rendering it became final, and, in the case of a fine, after three years.~~

(4) Disciplinary penalties shall be erased from the records ex officio within a period of one year after the expiry of the time limits set forth in Article 64 herein.

Article 66

~~(1) The disciplinary procedure bodies are the Disciplinary Committee (the Great Disciplinary Committee) and the Investigative Committee (the Small Disciplinary Committee).~~

~~(2) The Disciplinary Committee shall be composed of all members of the Council.~~

~~(3) The State Judiciary Council shall appoint the Investigative Committee.~~

~~(4) The Investigative Committee shall conduct disciplinary proceedings, establish facts and present arguments about them before the Disciplinary Committee.~~

~~(5) Two members of the Investigative Committee shall always be judges. The members of the Investigative Committee shall elect the president of the Committee from amongst themselves. The president of the Committee shall be a judge of at least the same instance as the judge against whom disciplinary proceedings are conducted.~~

~~(6) The Disciplinary Committee shall deliver a decision by a majority vote of all the Disciplinary Committee members.~~

~~(7) If disciplinary proceedings are conducted against a member of the Council, this member shall be excluded from deciding in the disciplinary proceedings.~~

(1) The disciplinary proceedings shall be conducted by the Council.

(2) A decision on disciplinary responsibility shall be adopted by a majority of votes of all members of the Council.

(3) If the subject of disciplinary proceedings is a member of the Council, that member shall be excluded from participating in the decision-making in the disciplinary proceedings.

(4) The Council may appoint an investigative committee for individual disciplinary proceedings, composed of judges of regular or specialized courts. The investigative committee shall establish the facts and present them during the proceedings before the Council.

Article 67

~~(1) If there are grounds to believe that a judge has committed a disciplinary offence, the president of the court or a person authorised to perform court administration tasks at the court where the judge performs his or her judicial office shall file a motion to instigate disciplinary proceedings against the judge in question.~~

~~(2) The motion to instigate proceedings for the commission of a disciplinary offence may also be filed by the president of an immediately higher court, the president of the Supreme Court of the Republic of Croatia, the council of judges, and the minister responsible for justice.~~

~~(3) The motion to instigate proceedings shall be represented before the Council by the authorised claimant referred to in paragraphs 1 and 2 of this Article or by a person authorised by him or her.~~

~~(4) If investigative actions must be conducted before deciding on the instigation of disciplinary proceedings, they shall be conducted by a judge designated by the president of the Council.~~

(1) If there are grounds for suspicion that a judge has committed a disciplinary offence, the president of the court, or the person authorized to perform court administration tasks at the court in which the judge performs his or her judicial office, shall instigate disciplinary proceedings against the judge in question.

(2) The disciplinary proceedings referred to in paragraph 1 herein can also be instigated by the minister responsible for justice, president of the immediately higher court, president of the Supreme Court of the Republic of Croatia, or the council of judges.

(3) The disciplinary proceedings shall be instigated by a motion filed by an authorized claimant as stipulated in paragraphs 1 and 2 herein. The authorized claimant is a party to the proceedings, and can be represented by a person duly authorized by him or her.

(4) Immediately upon receipt of a motion, the Council may appoint an investigative committee composed of judges of regular or specialized courts, with the task of establishing the facts necessary to decide on the possible instigation of disciplinary proceedings.

(5) At the beginning of each calendar year, the Council shall establish a list of judges of regular and specialized courts who will engage in the activities referred to in paragraph 4 herein.

Article 68

~~(1) Disciplinary proceedings are instigated by the filing of a motion to instigate disciplinary proceedings.~~

(1) The motion to conduct disciplinary proceedings shall be filed in writing and shall include personal data on the judge whose disciplinary liability is requested to be established, the facts and the legal description of the disciplinary offence, the proposal of a determined disciplinary penalty to be pronounced, and a statement of reasons from which the grounds for suspicion may be derived.

~~(3) Immediately after the receipt of the motion, the Council shall form a Disciplinary Committee for the purpose of conducting disciplinary proceedings.~~

~~(4) In the course of the disciplinary proceedings, the Disciplinary Committee may determine specific enquires to be conducted by a member of the Disciplinary Committee authorised by it.~~

(2) If the Council has appointed an investigative committee under Article 66(4) herein, the committee shall report to the Council in writing on the facts and inquiries carried out, which provide the grounds for the reasonable suspicion that a judge or court president has committed a disciplinary offence. If necessary, the committee shall provide its explanations orally, at a hearing.

Article 69

(1) The authorised claimant may make amendments or additions to the motion. If the claimant amends or adds to the motion outside the hearing, the Disciplinary Committee shall schedule a hearing at the latest within 15 days from the receipt of the motion. The authorised claimant, the judge and his or her defence council shall be summoned to the hearing, as well as the president of the competent council of judges, providing that the council of judges is not the claimant.

(2) Before the hearing, all evidence on which the decision on disciplinary proceedings may not be based shall be removed from the case file.

Article 70

- (1) In the procedure of deciding on disciplinary liability, an opportunity shall be given to the judge against whom the procedure is conducted to present his or her defence personally, in writing, or through the defence counsel selected by him or her.
- (2) The decision by which the disciplinary liability of the judge is established and by which a disciplinary penalty against him or her is pronounced may relate solely to the disciplinary offence and the person determined in the claimant's motion.
- (3) The decision shall be drawn up and delivered to the parties within 15 days of its rendering.

Article 71

- (1) The judge shall have the right to lodge an appeal with suspensive effect against a decision on dismissal from office, or on disciplinary liability.
- (2) The claimant shall also have the right to lodge an appeal against the decision on disciplinary liability.
- (3) The appeal shall be lodged with the Constitutional Court of the Republic of Croatia within 15 days of the delivery of the decision.

Article 72

- (1) Disciplinary proceedings shall be conducted by adequately applying the provisions of the Criminal Procedure Act, unless otherwise specified herein.
- (2) When rendering a decision on disciplinary liability and pronouncing disciplinary penalties, the Council shall not be bound by the motion of the claimant in disciplinary proceedings.
- (3) No fees shall be paid for disciplinary proceedings, and the costs of the procedure shall be borne by the court where the judge performs his or her office.

VII. SUSPENSION FROM OFFICE

Article 73

- (1) A judge shall be suspended from office:
 - if criminal proceedings have been instigated against him or her for a criminal offence punishable by imprisonment for five years, or by a more severe sentence, or while he or she is in detention;
 - for being convicted of a criminal offence which makes him or her unworthy of performing judicial office; or
 - for the commission of a grave disciplinary offence.
- (2) A judge may be suspended from office:
 - if criminal proceedings have been instigated against him or her for a criminal offence punishable by imprisonment for up to five years;
 - if he or she performs a service, task or activity incongruous with the performance of judicial office;

– if the authorised claimant in a motion to instigate disciplinary proceedings has proposed the disciplinary penalty of dismissal from office.

(3) The motion to suspend a judge from office shall be filed with the Council by the president of the court where the judge performs his or her judicial office, the president of an immediately higher court, the competent council of judges, or the president of the Supreme Court of the Republic of Croatia.

(4) The decision on suspension in the case referred to in paragraph 1 of this Article shall be rendered by the president of the court, and in the cases referred to in paragraph 2 of this Article, the decision shall be rendered by the Council without delay.

Article 74

(1) A decision on temporary suspension shall be made in writing, accompanied by a statement of reasons.

(2) The judge shall have the right to lodge an appeal against the decision on temporary suspension in conformity with Article 69, paragraph 2 herein. The appeal shall not suspend the enforcement of the decision.

Article 75

(1) Temporary suspension from office shall be determined for a period of three months, following which the Council, for justified reasons, may extend it in the same way by a further three months. Temporary suspension may last until disciplinary proceedings have been finally completed, which, in such a case, the Council must conduct within one year.

(2) During temporary suspension from office, the judge shall have the right to half of his or her salary.

(3) If disciplinary proceedings end with an acquittal, the decision on temporary suspension shall be terminated by virtue of law on the date when the decision of the Council becomes final. In this case, or if the disciplinary measures of a fine or reprimand had been imposed, the judge shall have the right to the payment of the difference in the unpaid salary for the duration of the consequences of the decision on suspension from office.

VIII. TERMINATION OF JUDICIAL OFFICE

Article 76

(1) The judicial office of a judge shall terminate by virtue of law at the court to which he or she was appointed:

- on the day of assuming office at another court or in a judicial or government body;
- by death.

(2) The ruling which determines the establishment of the circumstances referred to in paragraph 1 of this Article shall be rendered by the Council on a proposal of the president of the court in which the judge performed his or her office.

Article 77

(1) The judicial office of a judge shall be terminated if, in conformity with the Constitution and the law, the Council dismisses him or her from this office.

(2) The Council shall dismiss a judge:

1. at his or her own request;
2. if he or she becomes permanently incapable of performing his or her office;
3. if he or she is convicted of a criminal offence which makes him or her unworthy of performing judicial office;
4. if, pursuant to the law, due to the commission of a grave disciplinary offence, the Council thus decides;
5. when he or she turns 70 years of age.

(3) A judge who himself or herself requires to be dismissed from office shall file a motion with the Council through the president of the court where the judge performs his or her office.

(4) If the judge has permanently lost the capacity to perform judicial office, or if he or she has been convicted of a criminal offence which makes him or her unworthy to perform judicial office, or when he or she turns seventy years of age, the motion to the Council to instigate the dismissal procedure shall be filed by the president of the court, the president of an immediately higher court, the president of the Supreme Court of the Republic of Croatia or the competent council of judges.

Article 78

The motion for dismissal in the case of permanent loss of capacity to perform judicial office shall be submitted on the basis of a final decision:

- of the court on the removal of legal capacity; or
- of a competent body stating that the judge's physical and psychological characteristics incapacitate him or her from performing judicial office.

Article 79

(1) The judge whose dismissal is proposed must have the opportunity to state his or her opinion on the motion for dismissal.

(2) The decision on dismissal shall be adopted by the Council with a majority of votes of all members.

(3) The decision on dismissal must be accompanied by a statement of reasons.

(4) A judge shall have the right to lodge an appeal against the decision on dismissal which shall have a suspensive effect on the execution of the decision. The appeal shall be lodged with the Constitutional Court of the Republic of Croatia within 15 days of the delivery of the decision.

IX. THE PROCEDURE OF APPOINTMENT AND DISMISSAL OF COURT PRESIDENTS

Article 80

- (1) The Council shall appoint court presidents.
- (2) A court president shall be appointed for a period of 4 years. A court president may not be appointed for more than two consecutive terms **except in courts with no more than five judges.**
- (3) A court president who has not been reappointed shall continue to perform judicial office at the court in which he or she was appointed judge.
- (4) **The restriction referred to in paragraph 2 herein shall apply to appointments made after this Act has entered into force.**

Article 81

- (1) Three months at the latest before the expiration of the term to which a court president has been appointed, or 30 days at the latest after the termination of the office of a court president for other reasons specified by law, the Council shall announce a vacancy for court president.
- (2) The announcement shall be published in the “Official Gazette”, and, if necessary, in another way, and it shall contain an invitation to candidates to submit, within a period which must be no shorter than 15 days or longer than 30 days, an application with proof of meeting the conditions for appointment and a programme of work.

Article 82

A judge may be appointed court president if he or she is a judge of the same type and same instance of court at which the court president is to be appointed, or if he or she is a judge of a higher court.

Article 83

- (1) Upon the expiration of the deadline for submitting applications, the Council shall request an opinion about the candidates and an assessment of the performance of judicial office from the competent council of judges, which is obliged to provide the assessment within 30 days.
- (2) The applications of all the candidates with enclosed documentation shall be delivered to the competent council of judges with a request for an opinion.
- (3) The opinion of the council of judges for each candidate must be reasoned and must contain an assessment of the programme of work.
- (4) An opinion about the candidates for president shall be requested from the president of the immediately higher court, who is obliged to provide it within 30 days.

Article 84

- (1) The Council shall adopt a decision on the appointment of a court president based on opinions gathered, interviews with the candidates, assessment of their proposed programmes of work and on their organizational capabilities.

(2) The Council shall adopt a reasoned opinion on the appointment of a court president within 30 days of the day of receipt of the opinion on the candidates from the councils of judges and the president of the immediately higher court.

(3) If no candidates reply to the announcement or if the Council fails to appoint any candidates for court president, the appointment procedure for court president shall be repeated.

Article 85

(1) The office of court president shall terminate:

- when his or her judicial office is terminated, on the day of termination of judicial office;
- in the case of a merger of courts, on the day when the courts are merged.

(2) The decision on the termination of the office of court president shall be rendered by the Council.

(3) The Council shall dismiss a court president from office when:

1. during an inspection of the performance of court administration tasks, illegal activities and irregularities in performing court administration tasks are established which inflict damage on the regular and due performance of tasks and on the operation of the court;
2. through the failure of supervision or directly, the court president violates regulations on the assignment of cases;
3. by violating regulations or in any other way, the court president infringes the principle of independence of judges in rendering judgements;
4. he or she fails to file a motion to instigate proceedings for the commission of a disciplinary offence in cases provided for by law;
5. with his or her conduct or in any other way he or she has inflicted harm on the reputation of the court or judicial office;
6. he or she has been temporarily suspended from judicial office.

(4) The procedure for dismissal of a court president shall be conducted by applying the provisions of this Act on the disciplinary procedures against judges.

(5) A motion for the dismissal of a court president may be filed by the president of the immediately higher court, the president of the Supreme Court of the Republic of Croatia and the minister of justice.

(6) A court president may also request to be dismissed from the office of court president.

(7) Against the decision of the Council on dismissal court president may initiate an administrative dispute.

Article 86

Before a decision is rendered on the dismissal of a court president for the reasons specified in Article 83 paragraph 3, subparagraphs 1, 2, 3, 4 and 5 herein, the Council shall request a written deposition from the court president.

X. JUDGES' DECLARATIONS OF ASSETS

Article 87

- (1) Judges shall submit a report on their assets, permanent income, and the assets of their spouse and minor children with the state of affairs on the day of submission to the State Judiciary Council within 30 days from the day when they first assumed their office, and if significant changes have occurred during the performance of their office, at the end of the year in which the change occurred.
- (2) In the report referred to in paragraph 1 of this Article, judges shall also submit data on their annual savings if they exceed the annual amount of net income of judges.
- (3) The form and content of the assets report form shall be prescribed by the Council in an ordinance.
- (4) The public shall have the right to view the assets declaration, in conformity with special laws.

Article 88

- (1) The State Judiciary Council shall manage the judges' declarations of assets.
- (2) After the first submission of the declaration of assets of a judge the Council shall request from Tax Office and other authorities the data they can provide about his or her assets and compare them with the data given in the declaration of assets.
- (3) If a judge fails to deliver data on the manner of acquisition of the assets he or she has listed in the declaration of assets, the State Judiciary Council shall request a written explanation from the judge.
- (4) If the data in the declaration of assets which the Council acquired in the manner referred to in the par 2 of this Article differ from the data given by the judge in his or her declaration of assets, as well as if from the judge's explanation can be established that there is a disproportion in relation to the earnings and assets of the judge, the Council shall notify the president of the court in which the judge performs his or her judicial office in order to instigate disciplinary proceeding.

Article 89

- (1) The State Judiciary Council shall manage the judges' personal files.
- (2) Judges shall have the right to view their personal files.
- (3) The Ordinance on the content of personal files, the method of managing judges' personal files, and the right to view them shall be adopted by the Council.

XI. MEANS OF OPERATION

Article 90

- (1) Funds for the operation of the Council shall be provided from the State Budget of the Republic of Croatia.

(2) The president of the Council shall be the executor of the financial plans for the funds referred to in paragraph 1.

Article 91

The Council shall submit a proposal of the annual budget for its work to the Government of the Republic of Croatia.

Article 92

(1) For the performance of their office, the president and the members of the Council shall be entitled to reimbursement for incurred costs, for wages or earnings lost, and remuneration.

(2) The decision on the terms and amount of reimbursement and remuneration referred to in paragraph 1 of this Article shall be rendered by the Government of the Republic of Croatia.

XII. TRANSITIONAL AND FINAL PROVISIONS

Article 93

(1) Judges who were appointed to a term of five years pursuant to regulations in force till the entry into force of this Act shall be deemed to be appointed permanently.

(2) Individual decisions on permanent appointment referred to in paragraph 1 of this Article shall be rendered by the State Judiciary Council within three months of this Act entering into force.

Article 94

(1) All the judges' appointment procedures which are pending shall be continued and shall be conducted pursuant to the provisions of the Act that was in force before the entering into force of this Act, except that judges shall be appointed permanently.

(2) All procedures before the Council shall be conducted and completed pursuant to the provisions of the Act that was in force before the entry into force of this Act.

Article 95

Procedures for the appointment of court presidents which have been initiated and not completed shall be completed pursuant to the provisions of this Act.

Article 96

(1) The Council shall align the Ordinance referred to in Article 54 paragraph 7 herein with the provisions of this Act within three months of its entry into force.

(2) The Council shall establish a Secretariat within six months of this Act entering into force.

Article 97

(1) The Council shall adopt the Ordinance referred to in Article 87, paragraph 3 and Article 89, paragraph 3 herein within three months of this Act entering into force.

(2) Until the Ordinance referred to in paragraph 1 of this Article is adopted, the Ordinance on the manner of proceeding with reports on the assets of judges, state attorneys and deputy state attorneys ("Official Gazette" 24/07 and 20/10) shall remain in force.

Article 98

Deans of law faculties shall adopt the Rules of Procedure for the work of the electoral committees within three months of this Act entering into force.

Article 99

The election of Committee members shall be conducted within three months of this Act entering into force.

Article 100

(1) The election of Council members pursuant to the provisions of this Act shall be conducted at the latest within four months of this Act entering into force.

(2) Thirty days after the elections for members of the Commission, the president of the Supreme Court of the Republic of Croatia shall convene the first founding session of the Commission.

(3) The Commission shall deliver a decision on announcing elections for members of the Council.

(4) Present State Judiciary Council shall publish in the "Official Gazette" public call for the submission of candidatures for members of the Council from the ranks of judges, and shall notify the deans of law faculties in Republic of Croatia as well as the Croatian Parliament to appoint members of the Council from among their ranks.

Article 101

Articles 48, 49 and 54 of this Act shall cease to be in force on 31 December 2012.

Article 102

Act on the State Judiciary Council ("Official Gazette", no. 58/93, 49/99, 129/00, 150/05 and 153/09) shall cease to be in force by virtue of the entry into force of this Act.

Article 103

This Act shall come into force on the eighth day after the day of its publication in the Official Gazette, with the exception of Articles 51 and 56 of this Act, which shall come into force on 1 January 2013.