

CROATIAN PARLIAMENT

1833

Pursuant to Article 88 of the Constitution of the republic of Croatia I hereby issue

THE DECISION

**ON THE PROMULGATION OF THE STATE ATTORNEY'S OFFICE
ACT**

I promulgate the State Attorney's Office Act, adopted by the Croatian Parliament at the session held on 30 June 2009

Class: 011-01/09-01/111
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Zagreb, 30 June 2009

President of the Republic of Croatia
Stjepan Mesić

STATE ATTORNEY'S OFFICE ACT

**PART I
GENERAL PROVISIONS**

Article 1

(1) This Act regulates: structure and jurisdiction of the State Attorney's Offices, requirements and procedures for appointment and dismissal of State Attorneys and their Deputies, their duties, authorities, rights and obligations, as well as their disciplinary accountability, performance of duties regarding justice administration and state attorney administration in State Attorney's Offices, requirements for admission of civil servants and employees, nondisclosure of official information, and provision of financial recourses in view of operation of the State Attorney's Offices, as well as other issues relevant for functioning thereof.

(2) This Act further regulates organization, operation of the State Attorney's Council, the requirements and procedure for the election of the president and members, and other issues relevant for operation thereof.

(3) Expressions used in this Act, for persons in the masculine form, are used neutrally and relate to males and females (state attorney/(woman) state attorney, investigator/(woman) investigator, advisor/(woman) advisor, judge/(woman) judge et.)

Article 2

(1) The State Attorney's Office is an autonomous and independent judicial body authorized and bound to act against perpetrator of criminal offences and other punishable acts, to undertake legal actions in view of protecting the assets of the Republic of Croatia, and to file legal remedies in view of protecting the Constitution and law.

(2) The State Attorney's Office executes its authority pursuant to the Constitution, laws, international treaties that constitute part of the legal order of the Republic of Croatia, and other provisions adopted pursuant to the Constitution, a treaty and law of the Republic of Croatia.

(3) Every form of influence, especially any form of coercion towards State Attorneys, abuse of public authority and personal influence, and the use of media and public statement in view of criminal cases for which proceedings are instituted *ex officio*, as well in view of the cases in which the State Attorney performs his/her rights and duties legally in view of protecting the assets of the Republic of Croatia, is prohibited.

Article 3

The State Attorney's Office is established as an integral judicial body, competence, authority and jurisdiction of which is determined by law.

Article 4

The State Attorney is responsible for the performance of operations within the scope of the State Attorney's Office which s/he represents and administers.

Article 5

Any person has the right to file petitions and complaints regarding the work of a State Attorney or the work of a lower ranking the State Attorney's Office to the ministry competent for justice matters or to the corresponding State Attorney, and receive the answer thereto within acceptable deadline.

Article 6

The Attorney General of the Republic of Croatia (hereinafter: the Attorney General), the State Attorney and the Deputy Attorney General or the Deputy State Attorney (hereinafter: the Deputy State Attorney), shall not be held liable for legal opinion issued in view of the case assigned to him/her, unless in case of statutory infringement from the part of the Attorney General, the State Attorney or the Deputy State Attorney, which constitute a criminal offence.

Article 7

(1) The State Attorney's Office has the official seal containing the name of the State Attorney's Office, and the name and coat of arms of the Republic of Croatia.

(2) The name of the State Attorney's Office, the coat of arms and the flag of the Republic of Croatia must be on a visible spot on the building where the State Attorney's Office is located.

(3) The State Attorney's Office has the insignia, the design and content of which is determined by the Ordinance on the Internal Order.

PART II
ORGANIZATION, JURISDICTION AND WORK

Chapter I
ORGANIZATION

1. Organization of State Attorney's Offices

Article 8

(1) The State Attorney's Office of the Republic of Croatia is established for the total territory of the Republic of Croatia.

(2) In the Republic of Croatia, organization can be the following:

- for one or several municipal courts – Municipal State Attorney's Office;
- for jurisdiction of a county, or commercial court -County State Attorney's Office.

Article 9

(1) Each State Attorney's Office acts in accordance with its subject-matter jurisdiction and territorial jurisdiction, unless proscribed otherwise.

(2) Municipal State Attorney's Offices are subordinated to County State Attorney's Offices, and the latter are subordinated to the State Attorney's Office of the Republic of Croatia.

Article 10

(1) The Act may provide other organizational forms for the State Attorney's Office for prosecuting perpetrators of specific criminal offences. Jurisdiction, authority, organization and organizational status thereof are regulated by law.

(2) Pursuant to paragraph 1 of this Article, it is possible to establish a special State Attorney's Office for instituting proceedings against perpetrators of specific criminal offences as proscribed by law, prosecution of which is obligatory for the Republic of Croatia pursuant to the international law.

2. Collegiate Body of the State Attorney's Office

Article 11

(1) The Collegiate Body of the State Attorney's Office consists of the State Attorney and all Deputy State Attorneys within the State Attorney's Office.

(2) In case there are not deputies or there are less than three Deputy State Attorneys at the State Attorney's Office, issues from Article 12 of this Act are decided by the Collegiate Body of a higher ranking State Attorney's Office with equal participation and voting of the State Attorney and the Deputies of the inferior State Attorney's Office.

Article 12

The Collegiate Body of the State Attorney's Office performs the following:

- provides an opinion regarding performance of state attorney duties based on the complaint in the course of evaluation procedure;
- proposes candidates for election as members of the State Attorney Council from the ranks of deputy state attorneys,
- provides an opinion regarding candidates for Deputy State Attorney positions in their or one rank lower State Attorney's Office;

- provides an opinion regarding candidates for State Attorney positions in one rank lower State Attorney's Office;
- provides an opinion regarding the annual task schedule;
- performs other tasks as proscribed herewith.

Article 13

- (1) The Collegiate Body of the State Attorney's Office of the Republic of Croatia consists of the Attorney General and all Deputies thereof.
- (2) The Collegiate Body of the State Attorney's Office of the Republic of Croatia decides on disqualification of the Attorney General.
- (3) The collegiate body of the State Attorney's Office of the Republic of Croatia shall undertake actions specified herein regarding the selection and dismissal of members of the State Attorney's Council
- (4) In addition to the tasks referred to in Article 12 herein, the collegiate body of the State Attorney's Office of the Republic of Croatia shall also perform the following tasks:

- provide opinions on draft acts or another regulation important for the work of the state attorney office or for the performance of state attorney office duties;
- provide opinions and positions in proceedings before the Constitutional Court of the Republic of Croatia;
- establish general instructions for state attorney offices;
- consider reports which are delivered to the Croatian Parliament;
- provide an opinion on the existence of grounds for the dismissal of a county or municipal state attorney;
- perform other tasks pursuant to the Rules of Procedure of the State Attorney's Office.

- (5) The Collegiate Body of the State Attorney's Office renders the decision from paragraph 2 of this Act by majority vote.
- (6) The Collegiate Body formulates its opinion on the issues from paragraph 4 of this Act at its session by majority vote.

Article 14

- (1) The Attorney General may also convene an extended Collegiate Body of the State Attorney's Office of the Republic of Croatia. The extended Collegiate Body consists of all Deputies of the Attorney General, County State Attorneys and heads of special State Attorney's Offices.
- (2) The extended Collegiate Body considers draft legislation when these determine the power of State Attorney's Office or regulate other issues relevant for the work of State Attorney's Office or other state attorney duties.

Article 15

- (1) The session of the Collegiate Body is convened by the Attorney General, i.e. State Attorney or, in absence thereof, Deputy State Attorney.
- (2) The Attorney General, i.e. State Attorneys, participate in the work of the Collegiate Body without voting rights when providing opinion on exercise of state attorney duty, on candidates for Deputy State Attorneys, and on candidates for lower ranking State Attorneys.
- (3) When providing its opinion on the issues from paragraph 2 of this Act, the Collegiate Body renders decision at its session by majority vote of all of its members with the right to vote.
- (4) Minutes are kept on the work of the Collegiate Body.

3. Departments and Sections

Article 16

- (1) The following departments are established in the State Attorney's Offices: Criminal Department for criminal cases and Civil-Administrative Department for civil and administrative cases.
- (2) The Attorney General can determine the establishment of the Investigation Department for a County or Municipal State Attorney's Office.
- (3) The State Attorney nominates the head of the Investigation Department by taking into consideration his/her expertise in instigating pre-trial procedures and realizing in that part of the proceeding the rights and duties of the State Attorney as proscribed by Article 38, paragraph 2 of the Criminal Procedure Act.
- (4) The Investigation Department consists of Deputy State Attorneys and advisors skilled and competent in investigating criminal acts and cooperating with other state bodies participating in the prosecution.

Article 17

- (1) It is possible to establish sections as expert bodies within these departments, consisting of no less than three Deputy State Attorneys specialized for specific types of cases.
- (2) Assignment of Deputy State Attorneys into departments and sections, as well as head thereof is determined by the annual task schedule.

Article 18

- (1) If a special Investigation Department is established in a State Attorney's Office, deputies thereto perform the following:
 - collection of evidence for which there is a risk of postponement;
 - upon recommendation of the State Attorney or Deputy, collection of evidence for cases which are not under investigation;
 - upon decision of the State Attorney and in cooperation with the Deputy State Attorney in charge of the case, specific collection of evidence during preliminary investigation proceedings;
 - offer legal aid to other State Attorney's Offices, and participate in international legal aid proceedings.
- (2) The State Attorney or Deputy in charge of the case may always decide to perform independent collection of evidence from item 2 and 3 from this Article.
- (3) The Attorney General can always proscribe other issues within the scope of the Investigation Department by virtue of the Rules of Procedure of the State Attorney's Office.

Article 19

At their sessions, Criminal and Civil-Administrative Departments discuss issues of interest for operation of the departments, especially for monitoring operations, as well as contentious legal issues, standardization of proceedings and other issues proscribed by the Rules of Procedure of the State Attorney's Office.

Chapter II

TASKS OF STATE ATTORNEY'S OFFICE AND JUDICIAL ADMINISTRATION

1. Tasks of State Attorney's Office Administration

Article 20

- (1) Tasks of the State Attorney's Office Administration include securing conditions for regular work and business operation of the State Attorney's Office, and especially: organization of internal operations of the State Attorney's Office, securing regular and timely performance of works of the State Attorney's Office, tasks regarding preconditions and complaints on the work of the State Attorney's Office, specialized tasks regarding realization of duties and rights of civil servants and employees of the State Attorney's Office, securing specialized training for State Attorneys, Deputy

State Attorneys, advisors, trainees and other civil servants and employees of the State Attorney's Office, keeping statistical records, financial and material operations of the State Attorney's Office, and other tasks as proscribed by law and the Rules of Procedure of the State Attorney's Office.

(2) In view of supporting realization of tasks from paragraph 1 of this Article, and especially in view of registering criminal charges, supervising movement and structure of criminal and other cases, supervising work of State Attorney's Offices and individual officials in State Attorney's Offices and their evaluation, the Attorney General establishes and supervises the Information System of the State Attorney's Office as an interactive data base in real time.

Article 21

(1) The State Attorney performs tasks of the State Attorney's Office Administration pursuant to law and the Rules of Procedure of the State Attorney's Office.

(2) In the case of prior commitment or absence of the State Attorney, his/her works regarding State Attorney's Office Administration and other conferred tasks is performed by the Deputy State Attorney appointed pursuant to the annual tasks schedule.

(3) In the case of prior commitment or absence of the State Attorney in the State Attorney's Office where there is no Deputy State Attorney, and also when State Attorney is not appointed, the State Attorney of a higher ranking State Attorney's Office can appoint a Deputy State Attorney from that Office or a State Attorney, i.e. Deputy State Attorney of the local State Attorney's Office, to perform works of the State Attorney, i.e. Deputy State Attorney temporarily or for the period not exceeding six month a year.

(4) In the case of absence or prior commitment of the Attorney General, as well as when the Attorney General is not appointed, his/her tasks are temporarily performed by the Deputy appointed pursuant to the annual tasks schedule.

(5) The Attorney General is assisted in performance of the tasks of the State Attorney's Office Administration by deputies – head of the department and secretary of the State Attorney's Office. In other State Attorney's Offices, the State Attorney is assisted by deputies – head of the department and secretary of the State Attorney's Office or a civil servant appointed by the State Attorney.

Article 22

(1) Internal Control Department is established in view of supervising the work of State Attorney's Offices, surveying the entire work of the local State Attorney's Offices, keeping monthly and annual statistics and securing professional training of State Attorneys, Deputy State Attorneys, advisors, trainees and other civil servants and employees of the State Attorney's Office of the Republic of Croatia.

(2) International Legal Assistance and Cooperation Department is established in view of directing international cooperation, providing legal assistance and services to international and regional organizations the Republic of Croatia is a member of or with which the Republic of Croatia cooperates pursuant to a corresponding agreement.

(3) Issues appertaining to the work of the Internal Control Department and the International Legal Assistance and Cooperation Department are regulated by the Rules of Procedure of the State Attorney's Office.

2. Judicial Administration

Article 23

(1) The tasks of the Judicial Administration are performed by the ministry competent for judicial matters.

(2) Regarding performance of works of the Judicial Administration, the ministry competent for judicial matters refers to the State Attorney's Office of the Republic of Croatia which forwards the requests to corresponding State Attorney's Offices.

(3) The ministry competent for judicial matters in relation to performance of works of the State Attorney's Office Administration can revoke or cancel wrongful acts adopted while performing administrative activities, or adopt an act which, while performing administrative activities, has not been adopted or has not been adopted in timely manner.

Article 24

Judicial administration includes the tasks necessary for the exercise of powers of State Attorney's Offices, and especially the drafting of acts and other regulations for establishment, scope and organization of the State Attorney's Office, securing education and professional training of State Attorneys, Deputy State Attorneys and other civil servants and employees, securing material, financial, office and other conditions for the work of State Attorney's Offices, collecting statistical and other data concerning the operation of State Attorney's Offices, examination of citizens' petitions and complaints concerning the work of State Attorney's Offices in relation to postponements in evaluating the grounds of filed criminal charges or in relation to the conduct of a State Attorney, Deputy State Attorney or any other employee of the State Attorney's Office towards a client during the proceedings or in performance of any official action, supervision of financial and material operations of the State Attorney's Offices, surveillance of regular performance of works of the State Attorney's Office, as well as other administrative tasks and duties as proscribed by law.

Article 25

(1) The Ministry in charge of judicial matters keeps records of State Attorneys, Deputy State Attorneys, trainees and other employees at the State Attorney's Offices.

(2) Records on trainees and other employees of the State Attorney's Office contain the following information: name, date of birth, nationality, place of residence, educational background, title, foreign language competence and other data as proscribed by law.

(3) Data from paragraph 2 of this Act are submitted to the ministry competent for judicial matters by the State Attorney's Offices in the manner proscribed by the minister competent for judicial matters.

(4) Recorded data constitute an official secret and can be used only for the implementation of this Act as well as acts regulating rights, duties and liabilities of State Attorney, Deputy State Attorney and other employees of the State Attorney's Office.

(5) In performing tasks of the state attorney administration, the records referred to in paragraph 1 of this Article are kept, as well as by the ministry responsible for judicial affairs, also by the State Attorney Council for state attorneys and deputies and for advisors who attend the State School for Judicial Officials, and by the State Attorney's Office of the Republic of Croatia for state attorney trainees and other staff of state attorney offices.

(6) The manner of delivering data and keeping records shall be regulated in conformity with special regulations on personal data protection and the Rules of Procedure of the State Attorney's Council.

Article 26

(1) State Attorneys' and Deputy State Attorneys' records contain the following data:

1. personal data;
2. appointment and dismissal data;
3. higher education records;
4. records of trainees practice;
5. published academic papers;
6. evaluation of performing state attorney duties;
7. promotion records;
8. disciplinary sanctions.

(2) Personal data consist of the following: name, PIN, name of the father, date of birth, nationality, place of residence, completed law school, passed bar examination, special interests, income data, family members (spouse, children and parents) data.

(3) Recorded data are confidential pursuant to specific acts.

(4) Bodies holding information necessary for keeping records from paragraph 1 of this Article must submit them to the ministry competent for judicial matters and to the State Attorney's Council.

Article 27

(1) If the Attorney General fails to reply at the request of the ministry competent for judicial matters (Article 23, paragraph 2) within reasonable deadline, or if upon receipt of the reply of the Attorney General, the ministry in question deems it necessary regarding the case in view of performing tasks from this Act, the ministry competent for judicial matters may directly request from State Attorney's Offices to submit those reports and data in relation to the works within its scope of judicial matters that it holds necessary, and can have direct insight into this segment of the work of State Attorney's Offices, as well as request reports on reasons for failure to act in individual cases.

(2) Direct insight into the work of State Attorney's Offices regarding performance of judicial administration from paragraph 1 of this Article is performed by judicial inspectors of the ministry competent for judicial matters.

(3) Operations of judicial inspectors are performed by senior administrative advisors and Deputy State Attorneys allocated in the ministry in charge of judicial matters pursuant to Article 126 of this Act.

(4) Senior administrative advisors performing operations of judicial inspectors must meet the conditions for the Deputy County State Attorney.

Article 28

(1) The minister in charge of judicial matters adopts the Rules of Procedure of the State Attorney's Office upon the proposal of the Attorney General.

(2) The Rules of Procedure of the State Attorney's Office regulates rules regarding internal organization, office management, register and subsidiary ledgers maintenance, keeping records, work forms, rules regarding public releases, implementation rules regarding instigating proceedings and issuing decisions in language and script of ethnic minorities and national majority group, rules on surveillance of material and financial operations and regular performance of works in State Attorney's Offices, daily and weekly working hours, rules regarding keeping statistical records, standards for business premises and equipment, and other issues relevant for internal operation of State Attorney's Offices.

(3) In addition, the Rules of Procedure of the State Attorney's Office regulate manner of performance of common tasks by several State Attorney's Offices as well as other institutions if seated in the same building.

Article 29

The Attorney General, State Attorneys, Deputy State Attorneys, advisors and associates receive an official identity card. The minister competent for judicial matters proscribes the form thereof and procedure for issuing.

Chapter III JURISDICTION AND ACTIVITIES

1. Jurisdiction

Article 30

(1) State Attorney's Office in charge of criminal proceedings acts against perpetrators of criminal offences prosecuted *ex officio* or on the grounds of a motion, and in view of performing this function, enjoys the right and duties proscribed by law.

(2) Notwithstanding the provisions of paragraph 1 of this Article, in the case where a warrant to present evidence is requested from the judge of investigation, in order to render a ruling on pre-trial detention and the hearing of evidence, and to carry out other actions which, in conformity with the

Criminal Procedure Act, are performed by the judge of investigation, the municipal state attorney's office shall proceed before the county court when dealing with criminal offences under the jurisdiction of a municipal court.

(3) State Attorney's Office in charge of misdemeanor charges acts pursuant to jurisdiction proscribed by law.

(4) The competent State Attorney's Office represents the Republic of Croatia in all proceedings instituted in view of protecting property rights and interest of the Republic of Croatia before courts, administrative and other institutions, unless proscribed otherwise by law or a decision based thereon reached by a competent state body.

Article 31

(1) Subject-matter jurisdiction and territorial jurisdiction of the State Attorney's Office is regulated pursuant to provisions of laws establishing jurisdiction of courts before which they exercise their powers, unless proscribed otherwise by this Act.

(2) If the Municipal State Attorney's Office employs a smaller number of staff, the Attorney General may decide that matters of the pre-trial procedures concerning that State Attorney's Office will be performed by the County State Attorney's Office.

(3) Regarding matters before commercial court, territorial jurisdiction of which overlaps with territorial jurisdiction of two or more County State Attorney's Offices, jurisdiction of a corresponding County State Attorney's Office is decided according to registered main office of legal person, i.e. registered main office or place of residence of the individual merchant or craftsman representing a party to the proceedings, i.e. regarding whom bankruptcy or liquidation proceedings have been instituted.

(4) When parties to the proceedings include several persons from paragraph 3 of this Act from territorial jurisdiction of several County State Attorney's Offices, and when these include a foreign legal or natural person, jurisdiction vests in the County State Attorney's Office on the territory of which is the main office of the commercial court conducting the proceedings.

(5) The County State Attorney's Office initiating representation in the proceedings before the commercial court will continue to represent until the end of the proceedings unless circumstances from paragraph 3 and 4 of this Article determining its jurisdiction, change.

Article 32

(1) Municipal State Attorney's Offices represent the Republic of Croatia in proceedings before a municipal court or administrative bodies, unless proscribed otherwise by law or other provisions of competent bodies based thereon. Municipal State Attorney's Offices bring a legal action before the Administrative Court of the Republic of Croatia regarding administrative cases from their jurisdiction.

(2) County State Attorney's Offices represent the Republic of Croatia in proceedings before a county court or a commercial court, unless proscribed otherwise by law or other provisions of competent state bodies based thereon.

(3) The State Attorney's Office of the Republic of Croatia takes all legal action from its jurisdiction in view of protecting the Constitution of the Republic of Croatia and legality before the Constitutional Court of the Republic of Croatia, undertakes legal action from its jurisdiction before the Supreme Court of the Republic of Croatia, Constitutional Court of the Republic of Croatia, High Commercial Court of the Republic of Croatia, and international and foreign courts and other bodies.

Article 33

(1) The State Attorney's Office competent under Article 32 of this Article has further jurisdiction over proceedings in which the State Attorney's Office is a party pursuant to special law.

(2) In enforcement procedure in view of obtaining payment of criminal proceeding costs or confiscation of pecuniary gains, the State Attorney has the rights and power of bailiff.

(3) In proceedings for peaceful settlement of disputes, jurisdiction is vested in the State Attorney's Office competent for settlement of disputes pursuant to Article 32 of this Act.

Article 34

(1) The Attorney General may decide that representation in specific civil and legal actions is performed by a single State Attorney's Office for a territory with several courts with territorial jurisdiction and subject-matter jurisdiction, and pursuant to Article 54, paragraph 2 and 3 of this Act, in view of expediency and cost-effectiveness.

(2) The decision from paragraph 1 of this Article is immediately delivered to the competent court or administrative body.

2. Activities

Article 35

(1) The State Attorney performs work within the competence of the State Attorney's Office, represents the State Attorney's Office and is responsible for operation and administers the State Attorney's Office.

(2) The State Attorney's Office may nominate one or more Deputy State Attorneys.

(3) Deputy State Attorneys work on individual cases from the field of criminal, civil or administrative law assigned to them in objective and independent manner. Assignment of cases is regulated by the Rules of Procedure of the State Attorney's Office.

(4) Deputy State Attorney is liable for performing operations within the assigned case and is authorized to perform all measures vested in the State Attorney by law. Autonomy in work and decision-making process may be limited by law or pursuant to Article 54 of this Act.

(5) When replacing the State Attorney, the Deputy State Attorney is authorized to perform actions before court or any other state body vested in the State Attorney pursuant to law. State Attorney can give his/her Deputy State Attorney procedural instructions pursuant to Article 54 of this Act.

(6) Deputy State Attorney is obliged to inform State Attorney upon his/her request, about specific cases or decisions he/she is about to reach, and is further obliged to inform the State Attorney in relation to individual cases of special national interest or in relation to cases raising complex factual or legal issues.

(7) Deputy State Attorney performs other actions pursuant to this Act and instructions of the State Attorney in charge.

3. Non-disclosure of Information

Article 36

(1) State Attorneys, Deputy State Attorneys, advisors, associates, trainees, officials and employees are obliged not to disclose classified information or information proclaimed confidential by virtue of law notwithstanding the manner in which they have come across these information.

(2) Classified information are those marked as classified by the authorized body pursuant to proscribed procedures, as well as data marked as classified which are delivered to the Republic of Croatia by other states, international organizations or institutions with which the Republic of Croatia cooperates.

(3) The following is considered confidential in activities of the State Attorney's Office:

1. cases in the competence of the State Attorney for juveniles;
2. records of the State Attorney's Office during investigation procedures and other activities at the State Attorney's Office until reaching decision to bring charges;
3. records of the State Attorney's Office on collection of evidence before launching an investigation, and when investigation is not under way;
4. records of the State Attorney's Office during investigation;
5. data and documents on criminal, civil and administrative, and other cases classified by the State Attorney or Deputy State Attorney.

(4) The Rules of Procedure of the State Attorney's Office regulate classification levels of information marked as classified by virtue of paragraph 3 of this Article, classification and declassification procedure, and access to information, their protection and surveillance.

Article 37

(1) Obligation of non-disclosure of information is regulated by virtue of this Act and the Data Protection Act.

(2) Disqualification from the obligation regarding non-disclosure of data is regulated by a special act. Regarding the State Attorney, the decision is rendered by the next higher ranking State Attorney in line, and regarding the Attorney General, the decision is rendered by the Government of the Republic of Croatia.

Article 38

(1) Public announcements via mass media regarding proceedings of individual cases, as well as operations of the State Attorney's Office are given by the State Attorney, or Deputy State Attorney authorized by the former.

(2) The Attorney General of the Republic of Croatia may authorize another person for public relation activities regarding announcements of operations of the State Attorney's Office.

Article 39

(1) Keeping, inquiry and correction of personal data kept in the records of the State Attorney's Office, as well as surveillance thereof are regulated by the Personal Data Protection Act, Regulation on Storage and Special Technical Protection Measures for Special Categories of Data (*Official Gazette*, no. 139/04) and the Rules of Procedure of the State Attorney's Office.

(2) State Attorney, Deputy State Attorney, official or employee are prohibited to disclose to unauthorized persons any personal, family or income data of natural persons, i.e. income data of legal persons which they become aware of during legal proceedings.

(3) For each collection of personal data the records are established and kept according to special regulations.

(4) Authorization for reading and copying records of the State Attorney's Office is given by the authorized State Attorney pursuant to provisions of the Rule of Procedure of the State Attorney's Office.

Chapter IV REPORTS

1. Reports to the Croatian Parliament

Article 40

(1) The State Attorney's Office of the Republic of Croatia shall submit a report to the Croatian Parliament on the situation and trends in reported crimes in the previous year, on cases concerning the protection of property interests of the Republic of Croatia, on specific legal issues, and on the structure and status of personnel.

(2) The annual report may highlight the condition and functioning of the legal system, shortcomings in the legislation and in the internal operation of state attorney offices, and may provide proposals for improvement.

(3) After considering the report, the Croatian Parliament, if it deems necessary, shall take positions concerning the situation and trends in crime and shall establish the obligations of the competent ministries and other government bodies to improve the efficiency of criminal prosecution with a view to preventing crime and improving the protection of the property interests of the Republic of Croatia."

2. Monthly and Annual Reports of State Attorney's Offices

Article 41

- (1) State Attorney's Offices submit monthly reports to a higher ranking State Attorney's Office. These reports contain the following: data on completed proceedings, proceedings pending and operations that are under way or will be performed. The higher ranking State Attorney's Office can demand that reports are made according to the types of cases.
- (2) Annual Report submitted by State Attorney's Offices to a higher ranking State Attorney's Office contain the following: overview of lodged, solved and unsolved cases, overview of the structure of criminal, civil and administrative cases, criminal proceedings and representation cases, and overview of submitted legal remedies and success thereof.
- (3) The Attorney General is obliged to submit to the ministry competent for judicial matters the annual report on lodged, solved and unsolved cases with the statement of reason, and instigated proceedings on the grounds of a serious misconduct of an official and disciplinary proceedings against officials and employees of the State Attorney's Offices.
- (4) In the Annual Report the State Attorney's Offices can refer to difficulties in operation, shortcomings in legislation, internal operation of the State Attorney's Office or courts, and, if necessary, submit corresponding proposals for changes.

3. Special Reports

Article 42

- (1) Concerning cases of special state interest or in which complex facts and legal issues are raised, a lower level state attorney office shall inform a higher level state attorney office of actions which have already been undertaken, and on its further intentions.
- (2) The State Attorney General shall report to the minister responsible for judicial affairs on criminal proceedings instigated against judges and state attorneys.
- (3) The State Attorney General, on the request of the minister responsible for judicial affairs, shall submit a report on specific types of criminal procedures.
- (4) The time and manner of submitting special reports shall be regulated by the Rules of Procedure of the State Attorney's Office.

Chapter V

OPERATIONAL FINANCIAL RESOURCES AND PROPERTY OF STATE ATTORNEY'S OFFICES

1. Operational Financial Resources

a) Securing Financial Resources

Article 43

- (1) Financial resources for operation of the State Attorney's Office are secured from the state budget of the Republic of Croatia.
- (2) The amount of financial resources for operation is secured pursuant to regulations applying to securing financial resources for operation of courts.
- (3) Financial resources from paragraph 2 of this Article are secured in the amount sufficient for regular performance of all operations of the State Attorney's Office.

Article 44

- (1) The amount of financial resources for operation of the State Attorney's Office is regulated pursuant to proposal of the State Attorney for securing financial means.
- (2) Proposal for securing financial means for the State Attorney's Office contains evaluation of the scale of regular and periodical operations, necessary number of officials, civil servants and employees, and other indicators necessary for determining the amount of financial means.

Article 45

Salaries of State Attorneys, Deputy State Attorneys, civil servants and employees are secured pursuant to law.

b) Financial Resources for Special Purposes

Article 46

- (1) Financial resources for special purposes include the following:
 1. trainees' activities;
 2. professional training for State Attorneys, Deputy State Attorneys, State Attorney's Office civil servants and employees;
 3. costs for special purposes which include the following:
 - compensation for performance of tasks regarding pre-trial criminal procedures;
 - costs of criminal procedures;
 - advance payments for costs of civil procedures and execution of court decisions;
 - other costs regarding the performance of activities of State Attorney's Office.
- (2) Terms and amount of compensation for performance of pre-trial procedures are regulated by the minister competent for judicial matters.

c) Investments

Article 47

The Republic of Croatia secures special financial means for technical equipment and working premises pursuant to standards for State Attorney's Offices as proscribed by the minister competent for judicial matters.

d) Financial and Material Operations

Article 48

- (1) Financial and material operations of State Attorney's Offices is performed pursuant to the manner proscribed for state administration bodies.
- (2) Financial resources for operation of State Attorney's Offices are secured pursuant to regulations for securing financial means for operation of courts.

2. Protection of Persons, Assets and Premises of State Attorney's Offices

Article 49

- (1) Protection and insurance of persons, assets and premises of State Attorney's Offices and maintenance of order in the State Attorney's Office is performed by judicial police.
- (2) Members of judicial police perform operations from paragraph 1 of this Article by means of physical and technical protection pursuant to order and instruction of the authorized State Attorney.

(3) Physical protection implies immediate safeguarding and protection of persons and assets by direct use of safety measures and means of coercion.

(4) Technical protection is performed with technical means and devices in view of preventing wrongful actions towards persons, premises and assets from paragraph 1 of this Article, and in view of preventing bringing weapons, tools, explosive devices and other harmful substances on the premises, or theft of assets.

PART III JURISDICTIONS, DUTIES AND OPERATING PROCEDURES OF STATE ATTORNEYS

Chapter VI

GENERAL JURISDICTION

1. Legal Assistance

Article 50

(1) The State Attorney's Office is obliged to receive complaints, reports and statements from citizens, state bodies and legal persons regarding issues within its line of work in view of taking actions pursuant to its jurisdiction.

(2) The State Attorney's Office can request information from citizens regarding their complaints, reports, claims and applications.

Article 51

In performing their duties, State Attorney's Offices are obliged to offer each other legal assistance. State bodies and legal persons are obliged to offer legal assistance to State Attorney's Office regarding performance of its duties.

Article 52

(1) State Attorney's Office is authorized by other state bodies or legal persons to request delivery of records and reports if these concern matters from its scope of work.

(2) State bodies and other legal persons must submit requested documents to the State Attorney's Office unless legal limitations proscribe otherwise.

(3) State bodies must offer assistance to the State Attorney's Office when the latter requests it regarding official matters unless legal limitations proscribe otherwise.

(4) State bodies must inform the State Attorney's Office on all procedures regarding which the State Attorney's Office is obliged or authorized to take specific measures or use legal means.

(5) State bodies and other legal persons act without postponement on a written request of the State Attorney's Office and take corresponding measures if these are proscribed by law.

(6) Courts must enable access to documents for State Attorneys and Deputy State Attorneys. Upon request from the State Attorney's Office, courts must submit legally effective and finalized case files.

Article 53

Authorized State Attorney can engage experts outside the field of law in specific cases to support him/her in the procedure as advisors and offer expert assistance to the State Attorney's Office.

2. Obligatory Operating Procedures

Article 54

(1) State Attorney is authorized to give to the Deputy State Attorney of the same State Attorney's Office or to a lower ranking State Attorney's Office, obligatory working and procedural instructions, if this is necessary in view of the uniform implementation of law, as well as the order and instruction for settling a specific case.

(2) State Attorney is authorized to assume performance of all or specific tasks from the Deputy State Attorney of the same State Attorney's Office or from a lower ranking State Attorney's Office. The State Attorney can, for legitimate reasons, entrust another Deputy State Attorney of the same State Attorney's Office or a lower ranking State Attorney's Office to act in a specific case.

(3) Obligatory instruction regarding individual case or decision on taking over an individual case from a lower ranking State Attorney's Office or decision on entrusting a lower ranking State Attorney's Office with a case in question, are given in writing with the statement of reason.

(4) If obligatory instruction or decision from paragraph 3 of this Article due to special reasons and especially if there is a risk of statute of limitations, is not possible to submit in writing, such oral instruction will be subsequently verified in writing.

Article 55

(1) Deputy State Attorney or State Attorney of a lower ranking State Attorney's Office, who deems the submitted obligatory instruction regarding representation in a specific case wrongful, has the right, unless the matter cannot be postponed, to inform the State Attorney thereon and to request a written instruction, if only oral one has been given, or to request resubmission of the written instruction. State Attorney must issue a written instruction or repeat the written instruction with the statement of reason. If not, the instruction is deemed to have been withdrawn.

(2) If the Deputy State Attorney in the State Attorney's Office or the State Attorney in a lower ranking State Attorney's Office deems the instruction regarding representation in a case wrongful and unfounded or unsuitable for achieving expected legal results, the State Attorney can, upon a written request including the statement of reason, disqualify Deputy State Attorney or State Attorney of a lower ranking State Attorney's Office from proceeding further with a case in question, unless there is a risk of postponement, and assign the case in question to another Deputy State Attorney or to another lower ranking State Attorney's Office.

(3) Deputy State Attorney or a lower ranking State Attorney cannot be held responsible for expressed opinion from paragraph 1 of this Article or for the request that is submitted pursuant to paragraph 2 of this Article.

(4) Data and information about instructions and decisions from Article 54 of this Act, destined for achieving corresponding court decision, can be released to public prior to court decision only by the State Attorney pursuant to Article 38 of this Act. After the court decision, the Deputy State Attorney or State Attorney of a lower ranking State Attorney's Office submitting the request within the meaning of paragraph 2 of this Article, is not bound by obligation of nondisclosure of confidential information from Article 36 and 118 of this Act.

3. Surveillance of Operations

Article 56

(1) The State Attorney's Office of the Republic of Croatia in performing surveillance of operations of State Attorney's Offices must take corresponding measures and especially perform direct inspections of the entire work and business operations of each State Attorney's Office.

(2) County State Attorney's Offices must perform inspection of the entire work of Municipal State Attorney's Offices once every second year.

(3) Higher ranking State Attorney's Office shall comment to a lower ranking State Attorney's Office on deficiencies detected in the process of deciding on legal remedy or in some other way.

Chapter VII

JURISDICTION AND DUTIES OF STATE ATTORNEY IN CRIMINAL PROCEEDINGS

1. Deciding on Criminal Charges and Preparation of Indictment

a) Deciding on Criminal Charges

Article 57

State Attorney's Office decides independently on criminal charges against a perpetrator of a criminal offence prosecuted *ex officio*, and prepares the indictment for trial before the court of jurisdiction.

Article 58

(1) When taking measures and performing operations from Article 30, paragraph 1 of this Article, State Attorney's Office must prosecute the perpetrator of a criminal offence whose prosecution is *ex officio* or on the grounds of a motion, pursuant to terms proscribed by law and provisions pursuant to law.

(2) Resolution of a legal issue adopted at the meeting of the Criminal Department of the Supreme Court of the Republic of Croatia, binds the State Attorney in deciding on criminal charges, unless the State Attorney believes that resolution of the legal issue in question demands decision of the European Court of Justice regarding validity and interpretation of provisions and measures of the European Union, when s/he acts in accordance with Article 18, paragraph 3 of the Criminal Procedure Act.

(3) If filing criminal charges depends on resolution of a specific legal issue, the resolution of which lies in jurisdiction of a court in another procedure or in jurisdiction of another state body, the State Attorney can determine for the party pressing charges or other interested parties acceptable deadline for instituting proceedings before the court or that body. Upon expiry of this deadline, State Attorney can drop the charges.

Article 59

(1) State Attorney decides on criminal charges filed in one of the criminal charges registers by explaining evaluation of terms and legal obstacles for prosecuting as proscribed by the Criminal Procedure Act or a special law. Prosecution of a person cannot be based on freedom to choose between prosecuting or dropping charges.

(2) State Attorney evaluates anonymous, pseudo-anonymous and wanton criminal charges pursuant to legal terms (Article 206, paragraph 1 of the Criminal Procedure Act). State Attorney can immediately drop them with a brief statement of reason if they are visibly unfounded or unsound, or if they mostly repeat the content of the previously dropped charges.

(3) The Rules of Procedure of the State Attorney's Office proscribe detailed provisions for the State Attorney regarding reports and party pressing charges, contents of the minute in case of pressing criminal charges orally, manner of checking whether the report is in the Information System of the State Attorney's Office, informing the party pressing charges to make corrections and modifications, making records and amending criminal charges register, and layout and content of the state attorney form.

Article 60

(1) If all conditions are met pursuant to which the court of jurisdiction must remit punishment against the perpetrator of a criminal offence pursuant to the Criminal Code, the State Attorney can drop the charges.

(2) If all conditions are met pursuant to which the court of jurisdiction may remit punishment pursuant to the Criminal Code, the State Attorney, with approval of the judge of investigation or other competent judge in this proceeding, can drop the charges. Prior to deciding on approval, the judge will hear the victim, i.e. injured person. It is not possible to file a complaint against this decision.

(3) State Attorney can, pursuant to paragraph 2 of this Article, drop charges for criminal offence against a Croatian citizen committed abroad or when criminal charges are brought against a Croatian citizen before a foreign or international criminal court.

Article 61

During the period in which State Attorney drops the charges conditionally, statute of limitations does not run.

Article 62

(1) When deciding on criminal charges regarding a criminal offence with elements of domestic violence among relatives and other related persons which carries a fine or maximum sentence of five years in prison, the State Attorney can drop charges if s/he believes that instituting proceedings would not be efficient due to the nature of a criminal offence, circumstances under which it has been committed, personal characteristics of the perpetrator and injured person, and nature of their relation.

(2) In view of determining these circumstances, the State Attorney can call the party pressing charges, the victim and the suspect to attend a hearing. At the hearing, the State Attorney can try reaching mediation assisted by expert associates of the State Attorney's Office and advisors of the Social Welfare Centre. Attempt of mediation can be entrusted to municipal court or social welfare institution before issuing an indictment, with a warning regarding nondisclosure of confidential information the institution has collected. In a warrant regarding entrusting, State Attorney states the deadline within which mediation must be performed, i.e. within which the institution must be informed about the result of mediation.

b. Investigations and Collection of Evidence

Article 63

(1) State Attorney performs investigations when s/he deems it necessary in view of consolidating operations and measures of pre-trial proceedings, faster and more effective performance of pre-trial proceedings and effective resolution of the issue.

(2) Police and other state bodies delivering data requested by the State Attorney, as well as the police when performing investigations requested by the State Attorney, can request from the State Attorney to convene an advisory meeting. State Attorney immediately summons the meeting. At the meeting, the state body that has requested the meeting will present disputable issues and actions, performance of which has been requested by the State Attorney, but that cannot be performed; State Attorney will then clarify the warrant and, if necessary, adapt it accordingly. If the meeting is held in view of the warrant issued to the police, the State Attorney will clarify the warrant and issue a warrant on further performance of investigation. At the meeting it is possible to discuss other matters relevant for investigation.

(3) State Attorney can convene an advisory meeting during the work on complex cases in which investigations are performed by the police and other state bodies. The purpose of the meeting is to identify and check cooperation methods, exchange collected data and identify direction of uniform investigative operations of the police and other state bodies.

(4) State Attorney can convene a meeting from paragraph 2 of this Article when necessary.

(5) Invited state bodies must ensure in due time the presence of their representatives at the meeting. Consequences of unjustified non-attendance are regulated by a special agreement.

(6) State Attorney can demand from police officers performing complex investigations of serious criminal offences to request an advisory meeting before arresting the suspects.

Article 64

(1) Annual list of investigators that can be entrusted with collecting evidence in pre-trial proceedings (Article 213, paragraph 1 and 2; Article 219, paragraph 2 of the Criminal Procedure Act) is determined by the County State Attorney having jurisdiction at the corresponding State Attorney's Office.

(2) Before drawing up the annual list of investigators, the County State Attorney requests from the police and other state bodies to submit a list of investigators that have been appointed (identified) to perform these activities pursuant to a special law.

(3) The State Attorney's Office of the Republic of Croatia submits annual lists of investigators to the heads of the state bodies the employees of which are on these lists.

(4) The annual list of investigators include individuals who, regarding cases under investigation and special regulations, have a corresponding experience and skills for investigation criminal offences in view of which collection of evidence is performed, as well as for cooperation with other state bodies participating in pre-trial proceedings.

Article 65

(1) State Attorney issues the order to the investigator. Before issuing the order, the State Attorney will, if possible, receive opinion from the head of the corresponding organizational unit of the state body which the investigator belongs to.

(2) Investigator performs collection of evidence pursuant to provisions of the Criminal Procedure Act and professional standards.

(3) In the order entrusting the investigator with performing specific collection of evidence, the State Attorney can warn the investigator about legal provisions s/he is bound to abide by, and shall determine deadlines within which the investigator must perform the stated activities.

(4) If the investigator without justified reasons does not act pursuant to the order or breaches the order, the State Attorney will inform the investigator's superior officer.

(5) If the investigator was not able to act pursuant to the order, s/he shall notify the State Attorney. In that case, the State Attorney shall perform collection of evidence on his/her own or shall issue another order to another investigator and inform the superior officer thereupon.

(6) State Attorney decides on disqualification of an investigator.

Article 66

(1) The order to the investigator is issued in written form. If the order, due to risk of postponement, cannot be issued in writing, it can be given orally. Such oral order will be subsequently verified in writing within 24 hours.

(2) State Attorney shall indicate in the order the personal data of the investigators and measures that are to be taken. S/he can further issue other orders the investigator must abide by.

(3) If the investigator must perform demanded activities in cooperation with another investigator or the police, the State Attorney shall indicate this clearly in the order.

c. Deadlines for State Attorney's Office Activities

Article 67

(1) State Attorney or Deputy State Attorney shall, without postponement, decide on criminal charges s/he is entrusted with.

(2) If s/he does not render a decision or take corresponding actions regarding a case, without justified reasons within fifteen days from the receipt of a report, s/he must inform the State Attorney or a superior State Attorney thereupon and the latter shall take measures necessary for processing the case without postponement.

(3) If criminal charges are brought against a police officer, the State Attorney shall perform investigation on his/her own; if investigation is not performed, s/he shall perform necessary collection of evidence on his/her own in view of decision on issuing an indictment. State Attorney follows the same procedure if criminal charges are brought against another official authorized for detecting and reporting criminal offences for which proceedings are instituted *ex officio*.

Article 68

- (1) Decision on criminal charges for which regular proceedings are instituted is rendered within the deadline proscribed by the Criminal Procedure Act or another law.
- (2) If criminal charges are brought for a criminal offence for which the State Attorney cannot order investigation (summary procedure), s/he shall reach the decision on those criminal charges within a six-month deadline from filing criminal charges in the criminal charges register.
- (3) If the State Attorney does not decide on criminal charges within the deadline from paragraph 2 of this Act, s/he must inform a senior State Attorney on the reasons due to which the decision has not been rendered.
- (4) A higher ranking State Attorney can extend the deadline from paragraph 2 of this Article for additional six months upon the proposal accompanied by the statement of reason by the State Attorney.
- (5) If the perpetrator of a criminal offence in question remains unknown after the expiry of the six-month deadline from filing criminal charges into the criminal charges register, the file will be entered into the record.
- (6) If the record contains criminal charges file for which a five-year prison sentence is proscribed, the State Attorney shall, upon expiry of one year from the date of entering the file into records, ascertain whether and what measures have been taken for the purpose of finding the identity of the perpetrator.

d. Specificities of State Attorney's Inquiries and Evidence Collection

Article 69

- (1) Unless State Attorney must interrogate the suspect before termination of investigation pursuant to the Criminal Procedure Act, the State Attorney will undertake this as soon as possible after issuing the order on investigation and completing the first evidence collection, especially if the perpetrator is a minor or when s/he is arrested due to reasonable doubt that s/he has committed a criminal offence sanctioned with a prison sentence exceeding eight years or if prosecution has been instituted against a legal person.
- (2) When the Criminal Procedure Act proscribes interrogation of the suspect before termination of investigation, or issuing of the indictment in a regular procedure, this interrogation shall be performed by the State Attorney. Before issuing the indictment in a summary procedure, the State Attorney performs interrogation on his/her own, unless this is not possible due to emergent action or other justified circumstances.
- (3) If the State Attorney's Office is not equipped with audio-video recording or does not employ experts for handling equipment, the State Attorney shall perform investigation in a corresponding police administration or in a higher ranking State Attorney's Office.
- (4) The Rules of Procedure of the State Attorney's Office determine the form and content of the minute regarding interrogation of the suspect, defendant and witness, security measures regarding authenticity of an audio-video recording and manners of its application.

Article 70

- (1) If expert witness testimony is not possible, the State Attorney entrusts a corresponding institute or state body therewith. In other cases, the State Attorney determines the expert witness from the court experts list, and if this is not possible, s/he determines another expert.
- (2) Expert fee is determined and paid pursuant to provisions determining fees regarding court proceedings.

Article 71

Notwithstanding situations when it is proscribed by a special law, pursuant to the decision of the State Attorney, in complex cases state attorney advisors and associates can prepare execution of specific evidence procedures, receive statements and proposals and individually perform collection of evidence

they have been entrusted with by the State Attorney. Minute thereon is verified by the State Attorney no longer than forty-eight hours upon execution thereof.

e. Final Decision on Criminal Charges and State Attorney Inquiries and Decision on Issuing an Indictment

Article 72

- (1) When a special law proscribes dropping of criminal charges on the basis of efficiency, Deputy State Attorney shall, prior to deciding thereon inform the State Attorney.
- (2) Deputy State Attorney shall act pursuant to the manner proscribed by paragraph 1 of this Article also prior to signing the statement regarding decision on the basis of the agreement of the parties.
- (3) Prior authorization of a higher ranking State Attorney is necessary for issuing statement from Article 286, paragraph 2 of the Criminal Procedure Act.

Article 73

Prior to finalization of investigation and if investigation has not been performed before indictment, the State Attorney makes a list of performed activities regarding collection of evidence, a list of documents, objects, recordings and other files that can be used in evidence. Evidence is listed chronologically pursuant to the date of receipt and under the number under which they have been entered into the file list.

2. Agreeing on the Terms of Admittance of Guilt and Sanction

Article 74

- (1) When the State Attorney acts pursuant to provisions of the Criminal Procedure Code on efficiency of criminal procedure, allowing negotiating with the defendant regarding pleading guilty for the indictment pursuant to which selection and determination of a milder sanction is expected (Article 360 of the Criminal Procedure Act), the State Attorney must previously verify whether this admittance of guilt:
 - 1) enables avoiding trial and faster settlement of other cases;
 - 2) shortens expected time for instituting criminal procedure, from indictment to legally effective prison sentence;
 - 3) significantly decreases costs of the procedure;
 - 4) spares the victim and other sensitive witnesses from negative effects of giving public statements during the trial;
 - 5) enables implementation of corresponding precautionary measures or replacement of a prison sentence with community service work;
 - 6) enables discovering other criminal offences or other perpetrators of criminal offences.
- (2) Verification of any of the circumstances from paragraph 1 of this Article must be accompanied by the statement of reason.
- (3) Total acceptance of guilt by the defendant given in the short period after committing a criminal offence shall be taken as a circumstance in favor of the agreement from paragraph 1 of this Article notwithstanding other mitigating or aggravating circumstances that should be taken into consideration before the court regarding that particular case.
- (4) Agreement does not change the effects of legal provisions regarding confiscation of pecuniary gains acquired by a criminal offence.

Article 75

The Attorney General gives instructions for agreeing with the defendant regarding sanctions. Instructions proscribe the manner of conduction negotiations, the written form and content of the agreement the constituent part of which is a statement for reaching verdict based on the agreement of

the parties, and the manner of calculating mitigated sanction that should be implemented in the case in question. Instructions can also proscribe cases in which State Attorneys cannot agree on the verdict on the basis of the agreement between the parties.

Article 76

State Attorney can drop charges by submitting a letter containing the statement of reason to the court of jurisdiction before their confirmation.

3. State Attorney's Procedure regarding Implementation of Procedural Coercive Measures

Article 77

Detention is determined by the State Attorney, or Deputy State Attorney with a prior consent of the State Attorney.

Article 78

(1) For the purpose of collecting necessary information, the State Attorney can summon the person filing criminal charges and other persons whose statements s/he deems relevant for establishing credibility of the content of criminal charges. The summons shall indicate the reason thereof. The defendant shall be warned that in case of failure to appear, s/he will be brought in by means of coercive measures.

(2) State Attorney can issue a warrant for compulsory appearance if the defendant who has been warned pursuant to paragraph 1 of this Article does not appear or if the circumstances clearly indicate that the defendant is evading the receipt of the summons.

Article 79

(1) State Attorney shall, prior to submitting the motion for search warrant, collect data and information in order to estimate whether it is probable that the perpetrator of the criminal offence, objects and traces important for criminal procedure are within specific premises, on the premises of a specific person or on the body of a specific person.

(2) When the Criminal Procedure Act regulates that the warrant specifying search of the person and means of transportation can be issued by the State Attorney, the search warrant is issued by the State Attorney or Deputy State Attorney on duty.

(3) Deputy State Attorney on duty must prior to issuing the warrant from paragraph 2 of this Article, inform the State Attorney thereon. If this is not possible, s/he must inform the State Attorney immediately after performance of search.

Article 80

(1) Prior to submitting the motion for warrant to perform special evidence procedures that temporarily limit constitutional rights of citizens, the State Attorney shall call enforcement officials performing inquiries and based on their information and data s/he has, shall decide whether inquiry can be performed in another manner or whether inquiry is possible only by causing minor difficulties. S/he shall request from police officers additional documents and written notices necessary for elaboration of motion with the statement of reason that s/he submits to the investigating judge.

(2) When the Criminal Procedure Act regulates that the State Attorney can issue a motion for performing special evidence procedures within twenty-four hours, this motion can be issued by the Deputy on duty only with a prior consent of the State Attorney.

(3) If the State Attorney is absent, the motion from paragraph 2 of this Article must be issued immediately; the Deputy State Attorney shall issue the motion and shall notify the State Attorney thereon as soon as possible.

(4) The motion must contain circumstances demanding immediate commencement of action.

Article 81

Prior to commencement of criminal procedure, the State Attorney can propose to the court temporary security measures for confiscation of pecuniary gains pursuant to provisions regulating the enforcement procedure.

4. State Attorney's Procedure regarding Bringing and Representing Charges before the Competent Court

Article 82

- (1) State Attorney must take measures and operations contributing to faster finalization of criminal procedure.
- (2) When the State Attorney estimates that admittance of guilt and negotiating sanction can shorten the procedure, especially if the defendant has issued a statement by virtue of which s/he pledges guilty on all or some accounts of the indictment, the State Attorney can inform the defendant and defense lawyer, if there is any, that s/he is prepared to negotiate the terms under which the defendant shall pledge guilty, i.e. agree on a sanction and measure.
- (3) Prior to signing the statement based on the agreement of the parties, the Deputy shall notify the State Attorney thereon.

5. State Attorney's Procedure regarding Legal Remedies

Article 83

- (1) State Attorneys of lower ranking State Attorney's Offices must, when they believe that final court decision rendered in criminal or misdemeanor proceedings breaches the law or if court decision is rendered in the procedure in the manner representing breach of basic human rights and freedoms guaranteed by the Constitution, law or international law, get hold of the court file with this decision and submit it to the State Attorney's Office of the Republic of Croatia, accompanied by their statement of reason.
- (2) While working on cases as well as during supervisory work of lower ranking State Attorney's Offices, Deputy Attorney Generals inspect with great attention whether in individual cases final court decision rendered in criminal or misdemeanor proceedings breaches the law or if court decision is rendered in the procedure in the manner representing breach of basic human rights and freedoms guaranteed by the Constitution, law or international law.
- (3) If the Deputy Attorney General estimates that there has been a breach giving grounds to file a motion for protection of legality, s/he shall demand a meeting of the Criminal Department of the State Attorney's Office of the Republic of Croatia.

Article 84

- (1) The Attorney General reaches the decision to file a motion for protection of legality after receiving opinions from the session of the Criminal Department of the State Attorney's Office.
- (2) The session of the Criminal Department starts with the report of the Deputy State Attorney. The report contains the party suggesting filing a motion for protection of legality, opinion of the State Attorney represented in the case, as well as the Deputy's opinion on existence of legal grounds for filing a motion for protection of legality.
- (3) At the session the Criminal Department gives opinion regarding the grounds of the motion to protect legality by majority vote of the present deputies.
- (4) The head of the Criminal Department informs the Attorney General on the opinion reached at the session. If the Attorney General does not accept the opinion reached at the session, s/he will notify the deputies of the Criminal Departments about his/her reasons thereof.

6. State Attorney's Procedure in Summary Proceedings

Article 85

In summary proceedings, the State Attorney must estimate whether each case fulfils conditions for application of the principle of purposefulness of criminal prosecution, and conditions showing that it is possible to influence positively on the perpetrator owing to which s/he shall not commit criminal offences in future.

Article 86

Prior to proposing sanctions and measures in summary proceedings, the State Attorney takes into account framework for selecting sanctions and measures as provided by the instructions of the Attorney General. To that effect, special attention is given to the relationship between the defendant and a committed criminal act.

Chapter VIII

JURISDICTIONS AND DUTIES OF STATE ATTORNEY'S OFFICES IN CIVIL, ADMINISTRATIVE AND OTHER PROCEDURES

1. Representation by Virtue of Power of Attorney, and Giving Opinion

Article 87

(1) In addition to operations from Article 30, paragraph 3, 32 and 33 of this Act, corresponding State Attorney's Offices perform the following:

-by virtue of a special power of attorney, represent legal persons owned or majority owned by the Republic of Croatia in civil and administrative procedures when this is justified due to the nature of the case. If the competent State Attorney rejects power of attorney, s/he shall inform a senior State Attorney thereon who shall reach the final decision;

-monitor and observe application of provisions important for protection of property and other interests of the Republic of Croatia, as well as other provisions important for operations of the State Attorney's Offices. They inform the State Attorney's Office of the Republic of Croatia about their findings and the latter, if it deems it important for the interest of the Republic of Croatia, informs the Government of the Republic of Croatia thereon.

(2) The competent State Attorney's Office gives the opinion on specific legal matters if this is proscribed by other laws.

(3) The State Attorney's Office of the Republic of Croatia issues opinion on draft legislations and other provisions upon request of state bodies.

(4) Competent state bodies of the Republic of Croatia must, prior to performing a legal transaction regarding gain or confiscation of immovable properties, receive the opinion of the competent State Attorney's Office on legal validity of this transaction. In addition to the claim, state bodies with legal department must also submit the opinion of their legal department.

(5) State Attorney's Office must issue the opinion from paragraph 4 of this Article within 30 days from the receipt of necessary documents.

Article 88

(1) Competent State Attorney's Offices shall, in the case of property matters of high importance for the Republic of Croatia or of exceptionally high value, when it is necessary to waive a claim, admit the claim of the other party, reach a settlement, waive legal remedy or, in non-litigious procedure, render a decision the value of which equals waiver of rights, and notify the State Attorney's Office of the

Republic of Croatia thereon. The latter shall immediately notify the Government of the Republic of Croatia and furnish its opinion thereon.

(2) The Government of the Republic of Croatia can issue its opinion on the procedure for cases from paragraph 1 of this Article.

2. Representation in Property Disputes before International Courts

Article 89

(1) The State Attorney's Office of the Republic of Croatia represents the Republic of Croatia in property disputes before international courts, institutions and other bodies.

(2) In proceedings before international or foreign courts and other bodies, if, according to the corresponding law, the State Attorney's Office of the Republic of Croatia cannot represent, the Attorney General can authorize a corresponding foreign expert with the approval of the Government of the Republic of Croatia.

(3) In proceedings before international or foreign courts or other bodies in which the Republic of Croatia is a party, the Government of the Republic of Croatia can decide that it shall be represented by a corresponding Croatian or foreign expert, with or without participation of the State Attorney's Office of the Republic of Croatia in the procedure.

(4) In proceedings from paragraph 1 of this Article demanding specialized competence, the Attorney General can employ a distinguished expert who shall take part in the proceeding on the part of the State Attorney's Office of the Republic of Croatia as an advisor.

3. Delivery and Costs of Procedure

Article 90

(1) Decisions of courts and administrative bodies as well as other documents must be delivered to the competent State Attorney's Office.

(2) Delivery performed in breach of paragraph 1 of this Article has no legal effect.

(3) In proceedings where the Republic of Croatia submits a claim for peaceful settlement of dispute when it is to institute proceedings against a person with the place of residence or main office in the Republic of Croatia, the claim is delivered via registered mail with return receipt to the address of the place of residence of natural person, i.e. the seat of legal person. If delivery is unsuccessful, it shall be repeated in fifteen days. If repeated delivery is also unsuccessful, the subsequent delivery is performed by placing the claim on the message board of the State Attorney's Office performing delivery.

(4) Delivery shall be deemed performed upon expiry of eight days from the date of putting the claim on the message board.

Article 91

(1) Costs of representations before courts and other competent bodies are repaid to the competent State Attorney's Office pursuant to provisions regulating rewards and remunerations for services of lawyers.

(2) Payments regarding representation costs are state budget revenue.

PART IV

STATE ATTORNEY OFFICIALS, CIVIL SERVANTS AND EMPLOYEES

Chapter IX

STATE ATTORNEYS AND THEIR DEPUTIES

1. Appointment and Dismissal of State Attorneys

a) Appointment of State Attorneys

Article 92

Any person complying with general and special requirements for appointment of Deputy State Attorney of the State Attorney's Office of the Republic of Croatia can be appointed to the position of the Attorney General.

Article 93

(1) The Attorney General is appointed by the Croatian Parliament for a four-year term upon the proposal of the Government of Croatia with prior opinion of the Justice Committee of the Croatian parliament, and can be reappointed to the same office upon expiry of the stated term.

(2) If the Attorney General is not reappointed to the same office or is dismissed, s/he continues to work as a Deputy State Attorney at the State Attorney's Office of the Republic of Croatia.

Article 94

(1) A county state attorney, after the prior opinion of the collegiate body of the State Attorney's Office of the Republic of Croatia have been obtained, upon the proposal of the State Attorney General, shall be appointed by the State Attorney Council for a term of four years, and when this term expires, he or she may be reappointed to the same office. County state attorneys are appointed from the ranks of state attorneys and deputy state attorneys in a county state attorney office or a higher level state attorney office who have performed the office of state attorney for a minimum of five years.

(2) In order to be appointed as state attorney in a county state attorney office, a municipal state attorney must, in addition to the conditions referred to in paragraph 1 of this Article, meet the conditions for appointment to the position of deputy county state attorney.

(3) A municipal state attorney, after the opinion of the collegiate body of the county state attorney office and the county state attorney have been obtained, upon the proposal of the State Attorney General, shall be appointed by the State Attorney Council from the ranks of state attorneys and deputy state attorneys of that state attorney office or another state attorney office for a term of four years, and after this term he or she may be reappointed to the same office.

(4) If a municipal or county state attorney is not reappointed after the expiration of his or her term, he or she shall continue to work as a deputy state attorney in the same state attorney office, or, if this is more favorable for him or her, he or she shall return to the position of deputy state attorney in the state attorney office in which he or she performed the office of state attorney before his or her appointment.

(5) The term to which a state attorney is appointed shall begin on the day of assuming office.

Article 95

(1) Appointment procedure for Attorney General is initiated by the Government of the Republic of Croatia no later than three months before termination of office of the Attorney General, i.e. no later than thirty days upon termination of office of the Attorney General due to other reasons as proscribed by law.

(2) Appointment procedure for County, i.e. Municipal State Attorney is launched by the Attorney General no later than three month before termination of office of the State Attorney, i.e. no later than thirty days upon termination of office of the State Attorney due to other reasons as proscribed by law.

Article 96

(1) Vacancy for the County, i.e. Municipal State Attorney is announced by the State Attorney's Office of the Republic of Croatia. The vacancy advertisement is published in the Official Gazette of the Republic of Croatia ("Narodne novine") and, if necessary, elsewhere. It contains an invitation for

candidates to submit applications with proof of meeting all proscribed terms for the appointment as State Attorney as well as data on their working history within the deadline that is not shorter than 15 days and not longer than 30 days.

(2) The Attorney General requests from the candidate a written statement accepting security check pursuant to special regulation. Information on the results of security check is confidential and can be used only in the procedure of appointing State Attorney. If security check is demanded, the candidate has the right to be informed about the results pursuant to special regulations regarding performance of security check.

(3) Decision to announce situation vacant advertisement for posts from paragraph 1 of this Article, as well as the decision to cancel the published advertisement is rendered by the Attorney General.

Article 97

(1) After the expiration of the term referred to in Article 96, paragraph 1 of this Act, the State Attorney General shall request the opinion of the collegiate body of the State Attorney's Office of the Republic of Croatia on a candidate for county state attorney, and the opinion of the collegiate body of the county state attorney office and the county state attorney on a candidate for municipal state attorney. Along with the request to provide an opinion, the State Attorney General shall also deliver the applications with the evidence and data that the candidates enclosed, the assessment of the performance of duties, and other data on the candidates that are held ex officio by the State Attorney's Office of the Republic of Croatia.

(2) In addition to the opinions referred to in paragraph 1 of this Article, the State Attorney General shall request that security checks be conducted for the candidates who have given their consent.

(3) Before providing an opinion, the competent state attorney shall invite the candidates for interview, which will be conducted with the candidate who responded to the invitation issued by the state attorney and a minimum of two members of the collegiate body of the state attorney office. The state attorney and two members of the collegiate body may interview the candidate jointly or separately.

(4) The opinion of the collegiate body of the State Attorney's Office of the Republic of Croatia on county state attorney candidates, and the opinion of the collegiate body of the county state attorney office and the county state attorney on candidates for municipal state attorneys shall be provided within 15 days.

(5) When providing an opinion, the criteria referred to in Article 130 herein shall also be appropriately weighed, and in particular the ability to perform the tasks of the state attorney and judicial administration.

(6) After the opinion referred to in paragraph 4 of this Article is obtained, as well as data from the security checks, the State Attorney General shall deliver to the State Attorney Council his opinion and the applications with the evidence and data enclosed by the candidates, and the data on the candidates' performance which are held by the State Attorney's Office of the Republic of Croatia.

(7) The State Attorney Council shall render a decision within 60 days of receiving the proposal of the State Attorney General.

(8) If no candidate responds to the announcement or if the State Attorney General does not propose any candidates or if the State Attorney Council does not appoint a state attorney from among the candidates who applied, the procedure shall be repeated.

Article 98

(1) The decision of the State Attorney Council with a written statement of reasons shall be delivered to all candidates within 15 days of the publication of the appointment.

(2) The State Attorney shall enter into office within the deadline proscribed by the State Attorney which cannot exceed six month.

(3) If the State Attorney does not enter into office within the deadline from paragraph 2 of this Article, it shall be considered that s/he has not been appointed.

b) Termination of Office of State Attorneys

Article 99

(1) State Attorney's office terminates:

1. by reason of death;
2. upon completion of 70 years of age;
3. on the day of entering into office in another State Attorney's Office, i.e. judicial or state body;
4. by dismissal.

(2) The decision on the termination of office of the State Attorney General pursuant to paragraph 1, item 4 of this Article shall be rendered by the Croatian Parliament, and the decision establishing the occurrence of the circumstances pursuant to paragraph 1, items 1 to 3 of this Article shall be rendered by the State Attorney Council. The ruling on the termination of office of a county and municipal state attorney pursuant to paragraph 1, item 4, and the decision establishing the occurrence of the circumstances specified in paragraph 1, items 1 to 3 of this Article shall be rendered by the State Attorney Council.

Article 100

The Attorney General, the County and Municipal State Attorney shall be dismissed if:

1. they perform their duties in a wrongful, untimely and insufficient manner;
2. the State Attorney Offices they represent and administer do not achieve acceptable results;
3. they do not perform the tasks of state attorney and judicial administration pursuant to provisions, or not in a timely manner;
4. they have not filed requests for instituting disciplinary proceeding in cases proscribed by law;
5. they commit an act corresponding to disciplinary part of Article 137 of this Act;
6. there are grounds for dismissal from Article 113, paragraph 1, item 1 to 4 of this Act.

Article 101

(1) Proposal for dismissal of the Attorney General is submitted by the Government of the Republic of Croatia. The proposal must contain grounds and reasons for dismissal.

(2) The Croatian Parliament decides on the proposal from paragraph 1 of this Article upon prior opinion of the Justice Committee of the Croatian Parliament.

Article 102

(1) The State Attorney General shall submit a proposal to the State Attorney Council for the dismissal of a county and municipal state attorney if the State Attorney General has become aware on the basis of a written report on the inspection of the entire work of the county or municipal state attorney office or in any other way of the existence of any of the grounds for dismissal referred to in Article 100, items 1 to 5 herein.

(2) If the grounds for dismissal of a municipal state attorney referred to in Article 100, items 1 to 5 herein are established, the competent county state attorney may propose that the State Attorney General submit a proposal for dismissal to the State Attorney Council. In his or her proposal, the county state attorney must state the grounds for dismissal and state the reasons thereof.

(3) The president of the State Attorney Council shall inform in writing the state attorney against whom proceedings for dismissal have been instigated of the grounds and reasons for dismissal, and give him or her a timeframe within which he or she may provide a written explanation of all the decisive facts. The timeframe for providing the explanation may not be shorter than 8 days from the day the notification was received. After receiving the written explanation, the State Attorney Council may invite the state attorney to give additional explanations and reasons concerning the grounds for dismissal for the record.

Article 103

(1) Before rendering a decision, the State Attorney Council shall request the opinion of the collegiate body of the State Attorney General of the Republic of Croatia. The collegiate body of the State Attorney General of the Republic of Croatia shall provide an opinion on the existence of grounds for the dismissal of a county or municipal state attorney referred to in Article 100, items 1 to 5 herein.

(2) If, after obtaining the opinion of the collegiate body of the State Attorney's Office of the Republic of Croatia, the State Attorney Council establishes the grounds for dismissal referred to in Article 100, items 1 to 5 herein, it shall dismiss the county or municipal state attorney.

(3) The decision of the State Attorney Council on the dismissal of a county or municipal state attorney shall be rendered in writing and must include a statement of reasons. The state attorney shall have the right to initiate an administrative dispute against the decision on dismissal.

Article 104

(1) Dismissed State Attorney continues to work as a Deputy State Attorney at the State Attorney's Office where s/he has been appointed the Deputy State Attorney.

(2) Against the dismissed state attorney who has continued to work as a deputy in the state attorney's office referred to in the paragraph 1 of this Article, the State Attorney General shall file a request for instituting a disciplinary proceeding to the State Attorney Council if the state attorney was dismissed on the grounds of committed disciplinary offence.

Article 105

In the case of dismissal of the State Attorney on the grounds of permanent incapacity for performing state attorney duties, provision from Article 176, paragraph 3 of this Act applies.

Article 106

If the County, i.e. Municipal State Attorney, ceases to perform his/her duty prior to expiry of the office term notwithstanding the reasons thereto, the Attorney General shall authorize the Deputy State Attorney from the same or another State Attorney's Office to perform State Attorney's duties until the appointment of a new State Attorney.

2. Appointment and Dismissal of Deputy State Attorneys

a) Appointment of Deputy State Attorneys

Article 107

(1) The number of Deputy State Attorneys per State Attorney's Office is determined by the minister competent for judicial matters at the proposal of the Attorney General pursuant to the general standards for performance of work of State Attorney's Offices.

(2) General standards are proscribed by the minister competent for judicial matters at the proposal of the Attorney General.

Article 108

Article 108 is deleted.

Article 109

- (1) Deputy State Attorneys are appointed pursuant to terms and procedure ensuring their expertise, autonomy and dignity in performance of state attorney duties.
- (2) Any Croatian citizen with Law School degree and passed bar examination complying with the terms proscribed by Article 110 of this Act can be appointed the Deputy State Attorney.

Article 110

- (1) Any person graduating from the Judicial School can be appointed the Deputy State Attorney to the Municipal State Attorney's Office.
- (2) Any person having performed judicial duty in judicial bodies for the term of no less than eight years can be appointed the Deputy State Attorney to the County State Attorney's Office.
- (3) Any person having performed judicial duty in judicial bodies for the term of no less than fifteen years or was in that same duration an attorney at law, public notary, university professor of the legal sciences with passed bar examination and at least fifteen years of working experience as well as a reputable jurist who has passed bar examination, has at least 20 years of working experience and who has proved himself with his/her professional work in specific legal field as well as with his scientific and expert publishing, can be appointed the Deputy State Attorney to the State Attorney's Office of the Republic of Croatia.
- (4) In appointing Deputy State Attorneys, special attention shall be paid to representation of ethnic minorities pursuant to provisions of Article 22, paragraph 2 of the Constitutional Act on the Rights of National Minorities.
- (5) When members of ethnic minority groups submit application for the announced vacancy for State Attorney, they can invoke the rights guaranteed to them by provisions of the Constitutional Act on the Rights of National Minorities.

Article 111

- (1) In view of appointment to a higher ranking State Attorney's Office, the Deputy State Attorney must, in addition to complying with the terms from Article 109 and 110 of this Act, receive the final evaluation before appointment, which corresponds to the grade from Article 132, paragraph 1, item 3 of this Act, or a higher grade.
- (2) In appointment procedure, in addition to all equal terms, advantage is given to those candidates who have achieved higher grades in the two previous evaluation procedures.

c) Termination of Office of Deputy State Attorneys

Article 112

- (1) Deputy State Attorney's office in the State Attorney's Office where s/he has been appointed, terminates pursuant to law:

- by reason of death;
- upon completion of 70 years of age;
- on the day of entering into office in another State Attorney's Office, i.e. judicial or state body.

- (2) Decision determining presence of circumstances from paragraph 1 of this Article is reached by the State Attorney of the State Attorney's Office where the Deputy State Attorney has performed his/her duty, and is submitted to the State Attorney Council and the minister competent for judicial matters.

Article 113

(1) Deputy State Attorney shall be dismissed:

1. upon his/her request;
2. due to permanent loss of capacity for performing duties;
3. if s/he is convicted of a criminal offence due to which s/he is no longer deemed commendable for performance of state attorney duties;
4. if his/her performance of duties has been evaluated as unsatisfactory two times in succession (Article 132, paragraph 2, item 1);
5. on the grounds of disciplinary sanction.

(2) Decision on dismissal of the Deputy State Attorney is reached by the State Attorney Council pursuant to the request of the authorized State Attorney and upon termination of procedure performed pursuant to this Act. When dismissal is on the grounds of disciplinary sanction, no special procedure is performed and dismissal becomes legally effective upon pronouncement of the sentence.

3. Duties and Rights of State Attorneys and Deputy State Attorneys

Article 114

State Attorney or Deputy State Attorney performs state attorney duties in the State Attorney's Office to which s/he has been appointed.

Article 115

(1) Tasks at the State Attorney's Office are assigned at the beginning of each calendar year pursuant to the types of cases, taking into account proportional division of workload.

(2) Prior to determining assignment schedule, the State Attorney shall obtain the opinion of the Collegiate of the State Attorney's Office.

(3) Annual schedule of tasks is submitted, prior to implementation thereof, to a higher ranking State Attorney's Office which can demand modification thereof on justified grounds.

(4) Annual schedule of tasks can be modified if justified by special circumstances.

(5) Assignment of individual cases is regulated by the Rules of Procedure of the State Attorney's Office.

(6) By way of derogation from paragraph 1 of this Article, the minister competent for judicial matters can, with prior receipt of the opinion of the Attorney General, demand to attach priority to settlement of specific types of cases.

Article 116

(1) Case assigned to the Deputy State Attorney pursuant to Article 115, paragraph 5 of this Act can be withdrawn if the Deputy State Attorney can be disqualified therefrom, when s/he cannot take timely measures in the procedure due to prolonged prior arrangements, or if it is necessary due to special reasons.

(2) The decision referred to in paragraph 1 of this Article shall be rendered in writing and the deputy from whom the file was withdrawn shall be informed thereof.

Article 117

State Attorney's or Deputy State Attorney's conduct must not harm his/her reputation and reputation of the State Attorney's Office and must not call into question his/her integrity and autonomy of the State Attorney's Office.

Article 118

State Attorney or Deputy State Attorney must not disclose what s/he has found out about his clients and rights, obligations and legal interests within the framework of performing his duties, if it constitutes a punishable act, and must keep confidentiality of all data unavailable to the public.

Article 119

The Attorney General, State Attorneys and Deputy State Attorneys cannot be members of any political party or participate in activities thereof.

Article 120

(1) State Attorney or Deputy State Attorney is not allowed to use his/her official position or reputation of the State Attorney Office for realization of his/her rights before state bodies and bodies of local self-government and regional administration.

(2) State Attorney or Deputy State Attorney must not perform duties of a judge, lawyer, public notary or a member of the management or supervisory committee of a commercial company or any other legal person gaining profit.

(3) State Attorney or Deputy State Attorney must not perform any other service or work that might influence his/her autonomy and objectivity or harm his/her public reputation or that is, otherwise, not connected to performance of state attorney duties.

(4) State Attorney or Deputy State Attorney may write academic papers, participate at professional or scientific conferences, write draft legislations, and participate in other similar activities.

Article 121

(1) State Attorney must inform in writing the next senior State Attorney in line, and Deputy State Attorney must inform in writing the State Attorney, about any task s/he performs apart from duties from Article 120, paragraph 4 of this Act.

(2) Decision on incompatibility of service or work in relation to state attorney duties is reached by the State Attorney in case of the Deputy State Attorney, by the next senior State Attorney in line in the case of the State Attorney, and by the Government of the Republic of Croatia in the case of the Attorney General.

Article 122

(1) Municipal State Attorney, County State Attorney and Deputy State Attorneys must continuously undergo professional training and participate in educational programs of the Judicial Academy, and can also participate in other forms of education and professional training.

(2) Deputy State Attorneys must accept the invitation of the Judicial Academy to participate in their professional training programs as lecturers or course participants.

(3) The Minister of Justice is authorized to adopt rules of procedure upon prior receipt of the opinion of the Attorney General, that regulate obligations of State Attorneys to participate in professional training programs at the Judicial Academy, and the type, manner, duration and evaluation thereof.

Article 123

State Attorney or Deputy State Attorney are entitled to the following:

- salary as determined for the State Attorney or Deputy State Attorney in the State Attorney's Office to which s/he has been appointed;
- compensation instead of salary when s/she is not in capacity to perform duties;
- pension scheme, disability insurance, medical insurance and the rights stemming therefrom pursuant to general provisions;
- vacations and holidays enjoyed by civil servants and employees of the State Attorney's Office, as well as annual leave in the amount of 30 working days;

- right to material costs pursuant to conditions regulated by other law and provisions;
- separation allowance as well as travel expenses to the family place of residence during weekly vacation or public holidays;
- allowance for business trips and travel allowance regarding performance of state attorney duties;
- professional training and specialization within the financial means provided for this purpose.

Article 124

(1) A state attorney or deputy state attorney of a municipal or county state attorney office may be temporarily assigned, when this is necessary to carry out tasks in another state attorney office of the same or lower level, to work in that state attorney office on a specific case or for a determined period, which may not be longer than six months.

(2) The decision on temporary reassignment shall be delivered by the immediately higher ranking state attorney through a written and reasoned decision.

(3) The deputy state attorney shall have the right to file a complaint against the decision on temporary reassignment with the State Attorney Council within eight days of the delivery of the decision. When deliberating on the complaint, the Council may reject the complaint and uphold the state attorney's decision, or quash the decision. The decision of the State Attorney Council upon a complaint shall be final.

Article 125

(1) State Attorney or Deputy State Attorney of the Municipal or County State Attorney's Office can be, upon his/her consent, transferred to another State Attorney's Office of a higher rank for the period not exceeding four years.

(2) State Attorney of that higher ranking State Attorney's Office shall entrust him/her with the task of drafting decisions from the scope of work of that State Attorney's Office, as well as other corresponding tasks.

(3) State Attorney or Deputy State Attorney temporarily transferred to work in the State Attorney's Office of a higher rank has the same rights and duties regarding procedure and work on cases as a senior state attorney advisor.

Article 126

(1) If the State Attorney or Deputy State Attorney is nominated for minister or state secretary in the ministry competent for judicial matters, or to the office in another international judicial body or international mission, his/her state attorney duties are suspended for the period during which s/he performs duty in the executive bodies to which s/he has been appointed.

(2) State Attorney or Deputy State Attorney can be transferred, upon his/her consent, to other positions within the ministry competent for judicial matters or at the Judicial Academy and for the period not exceeding two years during which his/her state attorney duties are suspended.

(3) In cases from paragraph 1 and 2 of this Article, the State Attorney or Deputy State Attorney are entitled to the salary which is more beneficial for their part.

(4) Decision on transfer of the State Attorney or Deputy State Attorney from paragraph 2 of this Act is reached by the minister competent for judicial matters with the approval of the Attorney General.

(5) The Minister of Justice shall regulate conditions for transferring State Attorneys and Deputy State Attorneys to international bodies and missions by virtue of special rules of procedure.

Article 127

If the State Attorney or Deputy State Attorney is appointed leader or is transferred to the position of the Deputy in a special organizational unit from Article 10 of this Act, his/her state attorney duties in

the State Attorney's Office where s/he worked before the transfer, are suspended for the term of his/her new duty.

Article 128

(1) The Republic of Croatia is held responsible for the damage caused to a citizen or legal person by the State Attorney or Deputy State Attorney in performance of his/her duties, due to improper or wrongful action.

(2) The Republic of Croatia can demand from the State Attorney or Deputy State Attorney to refund the paid amount when the damage has been caused deliberately or by gross negligence.

(3) Request for compensation of the damage from paragraph 2 of this Article expires six month from the date of settlement of compensation to the injured person.

4. Evaluation of Performance of Duties

Article 129

(1) Deputy State Attorney appointed for the first term to the State Attorney's Office is evaluated each year. Other deputies are evaluated every third year.

(2) State Attorneys are evaluated every second year.

Article 130

(1) Performance of duties of State Attorneys and Deputy State Attorneys is evaluated according to the following criteria:

1. diligence shown in resolving assigned cases in comparison to the average work results of the County, i.e. Municipal State Attorney's Offices in the year preceding the year of evaluation;
2. implementation of legal remedies;
3. professional competence and work results;
4. quality of work, and rhetorical and writing skills;
5. complying with procedural deadlines ;
6. ability and readiness to learn and acquire new knowledge, active participation and achieved grades in professional training programs, published academic papers, participation in practical legal courses, and attending conferences;
7. cooperation and relationship with fellow workers;
8. ability to perform administrative work and the work of the State Attorney, if assigned to that office.

(2) The Attorney General regulates rules for keeping records on the work of State Attorneys and Deputy State Attorneys, evaluation procedure, the manner of applying grading criteria and scope of grades, filing a complaint against a grade and procedure stemming from the complaint, as well as other issues important for evaluation by virtue of special instructions.

(3) The Attorney General determines average working results of the County, i.e. Municipal State Attorney's Offices for the previous year until March 1 of the current year, and informs all State Attorney's Offices thereon.

Article 131

The state attorney shall provide an assessment of the performance of the state attorney duties of the deputy of that state attorney office. The state attorney shall be assessed by the immediately superior state attorney.

Article 132

(1) Grades for performance of duties of the Deputy State Attorney are the following:

1. unsatisfactory performance of duties;
2. satisfactory performance of duties;
3. diligent, professional and orderly performance of duties;

4. diligent, professional and orderly performance of duties and achieves exceptional results;
5. diligent, professional and orderly performance of duties and achieves exceptional results by investing uttermost efforts and showing remarkable legal competence.

(2) Grades for performance of duties of the State Attorney are the following:

1. unsatisfactory performance of duties;
2. satisfactory performance of duties;
3. diligent, professional and orderly performance of duties;
4. diligent, professional and orderly performance of duties with exceptional leadership skills.

Article 133

Before delivery of evaluation, the State Attorney shall invite the State Attorney or Deputy State Attorney being evaluated and acquaint him/her with the grounds used for evaluation. The State Attorney or Deputy Attorney has the right to warn of the circumstances that might influence evaluation procedure and that the State Attorney has not taken into account or has reached wrong conclusion based thereon.

Article 134

- (1) Grade is written on a special form pursuant to evaluation instructions.
- (2) Grade is delivered to the Deputy State Attorney to whom it refers and the content thereof is confidential.
- (3) In explanation of the grade, the State Attorney shall explain the evaluation method pursuant to each criterion and indicators on the grounds of which the grade has been achieved, and shall state all relevant data. Grade is delivered with complaint instructions.

Article 135

A county or municipal state attorney or deputy state attorney who does not agree with the assessment shall have the right to file a complaint to the State Attorney's Council within eight days of the delivery of the assessment.

Article 136

(1) If a complaint is filed against the assessment, the state attorney who made the assessment shall request an opinion of the collegiate body of that state attorney office, and he or she shall then deliver the complaint with the enclosed opinion of the collegiate body and the deputy's personal file to the State Attorney Council to decide.

(2) The State Attorney Council may deliver a decision upholding the assessment, modify it or remand it for reassessment.

5. Disciplinary Offences

Article 137

- (1) Deputy State Attorney is liable for committed disciplinary offences.
- (2) Disciplinary offences are the following:
 1. abuse of power or exceeding authority;
 2. unjustified lack of performance or irregular performance of duties;
 3. performance of service, works or activities incompatible with state attorney duties;
 4. causing disturbance in the work of the State Attorney's Office considerably affecting activities thereof;
 5. breach of confidentiality of information regarding performance of state attorney duties;

6. conduct or activities in breach of the basic principles of the Code of Ethics of the State Attorneys and Deputy State Attorneys, which damages to the reputation of the State Attorney's Office or state attorney duties;
 7. conduct during representation in court or another administrative body, which insults another party or seriously disrupts order during a court procedure;
 8. failure to submit a declaration of assets or untruthful presentation of data in the declaration of assets.
 9. activities in breach of Article 119 of this Act.
- (3) Abuse of power especially implies the following:
1. if, after prior notice to the senior State Attorney, s/he does not take actions in the procedure within the proscribed deadline which causes the court to institute release from custody;
 2. if, within the fifteen-day deadline upon completed investigation, s/he does not reach the decision, i.e. does not demand extension of the deadline for bringing criminal charges (Article 229 of the Criminal Procedure Act), even though the investigation has verified that the defendant has committed a crime under investigation;
 3. if, in addition to the indictment, s/he does not submit a list of evidence s/he disposes of, that s/he does not intent to present before the court even though evidence reveal innocence and lesser amount of guilt of the defendant or represent mitigating circumstance.
- (4) It is determined that the Deputy State Attorney does not perform his/her state attorney duties for justified reasons especially if:
1. s/he does not include documents into the case file, which is proscribed by law;
-unjustifiably does not take measures in the procedure within proscribed deadlines (Article 125, paragraph 5 of the Criminal Procedure Act) and causes postponement or interruption of the procedure;
 2. if during criminal procedure s/he does not submit proposals to the court in timely manner or performs other operations in the procedure with a major postponement, which causes postponement of the procedure (Article 397 of the Criminal Procedure Act);
 3. if, when the Council has dropped charges partly or entirely, s/he does not submit the motion for extension of investigation or for evidence collection within eight days from receipt of the decision, i.e. does not abandon criminal prosecution or does not demand extension of the deadline from the Prosecution Council;
 4. if, without justified reasons, s/he does not elaborate state attorney decisions and documents within the proscribed deadline;
 5. if, without justified reasons, the number of decisions s/he has reached for the term of one year is considerably below the annual average of the Republic of Croatia.
- (5) Irregular performance of state attorney duties is determined especially according to the following:
1. if the State Attorney within a fifteen-day deadline upon completion of the investigation does not reach decisions, i.e. does not request extension of deadline for bringing criminal charges (Article 229, paragraph 1 of the Criminal Procedure Act);
 2. if, when investigation is not completed within a six-month deadline, s/he does not inform his/her senior State Attorney thereon (Article 230, of the Criminal Procedure Act),
 3. if s/he receives a negative grade for performance of work (Article 132, paragraph 2, item 1).

Article 138

- (1) The following disciplinary sanctions shall be pronounced for committed disciplinary offences:
1. reprimand,
 2. fine up to one third of the salary realized in the previous month for the period not exceeding six months;
 3. suspension of promotion in the maximum duration of three years;
 4. dismissal
- (2) Sanction from paragraph 1, item 4 of this Article can be pronounced only in the case of disciplinary offence from Article 137 of this Act if committed under especially aggravating circumstances.
- (3) In pronouncing the sentence for disciplinary offence, the following shall especially be taken into account: seriousness of offence and incurred circumstances, the level of responsibility, circumstances

under which disciplinary offence is committed, earlier work and conduct of the Deputy State Attorney, as well as other circumstances influencing pronouncement of the sentence.

(4) When determining about responsibility and sanctions for disciplinary offence, provisions of the Criminal Code apply accordingly.

(5) The State Attorney's Office in which the Deputy State Attorney performs his/her duties as well as the ministry competent for judicial matters, which keeps records on pronounced sentences are informed about the pronounced sentence within 24 hours.

Article 139

(1) Disciplinary procedure cannot be instituted six month after learning about disciplinary offence and the offender, i.e. three years after committing a disciplinary offence.

(2) Disciplinary sanction can be pronounced upon expiry of one year from the date of instituting disciplinary proceeding.

(3) If disciplinary offence includes criminal responsibility, disciplinary proceeding can be instituted during the period in which the deadline for instituting criminal procedure expires if that procedure has been instituted.

(4) Execution of disciplinary sanction expires after a year upon its becoming legally effective.

(5) Reprimand is erased from the records *ex officio* two years after the date of becoming legally effective, and in case of fine, three years after the date of becoming legally effective.

6. State Attorneys' and Deputy State Attorneys' Code of Ethics

Article 140

(1) State Attorneys' and Deputy State Attorneys' Code of Ethics (hereinafter: the Code) determines principles and rules of behavior that State Attorneys and Deputy State Attorneys must always abide by in order to maintain and further contribute to the reputation of the State Attorney's Office as an autonomous and independent judicial body.

(2) The Code is adopted by the Collegiate of the State Attorney's Office of the Republic of Croatia extended with the members of County State Attorneys and Municipal State Attorneys and representatives of the Collegiate of the County and Municipal State Attorney's Offices. The Code is published in the Official Gazette of the Republic of Croatia ("Narodne novine").

(3) The Collegiate of the County and Municipal State Attorneys selects its representatives by open ballot and majority vote of its members, at its session.

(4) Session of the Collegiate from paragraph 2 of this Article is summoned and headed by the Attorney General.

(5) The Collegiate from paragraph 2 of this Article decides by open ballot and majority vote of all of its members at the session.

Article 141

(1) The Collegiate of the State Attorney's Office of the Republic of Croatia nominates a working group for drafting the Code. Working group has no less than eleven members, of which five are Deputy Municipal State Attorneys, four are Deputy County State Attorneys and three are Deputy Attorney Generals. Activities of the working group are headed by the Deputy Attorney General nominated by the Collegiate.

(2) When the working group drafts the Code, the Collegiate of the State Attorney's Office of the Republic of Croatia submits the draft to County and Municipal State Attorneys in charge of informing the deputies thereon and convening a meeting of the Collegiate in view of giving proposals and objections thereto within acceptable deadline.

(3) Then the Collegiate of the State Attorney's Office of the Republic of Croatia determines the proposal of the Code, delivers it to the County and Municipal State Attorneys, and invites the Collegiates of the County and Municipal State Attorney's Offices to appoint their representatives

within 30 days. The session of the Collegiate from Article 140, paragraph 2 of this Act must be held within the next 30 days.

(4) Draft and proposal of the Code is submitted for the opinion to the minister competent for judicial matters.

(5) The Code is amended and modified pursuant to the same procedure for adoption thereof and upon the proposal of the Collegiate of the State Attorney's Office of the Republic of Croatia, extended Collegiate of the State Attorney's Office of the Republic of Croatia, the Attorney General, the minister competent for judicial matters and no less than ten State Attorneys or Deputy State Attorneys.

Chapter X STATE ATTORNEY'S COUNCIL

Article 142

(1) Members of the Council shall be elected for a period of four years, and no one may be a member of the Council for two consecutive terms.

(2) If the office of a member of the Council is terminated before the term to which he or she was elected has expired, another member shall be elected to his or her position until the term of office of the Council has expired.

1. Bodies in charge of the election of members of the State Attorney's Council

Article 142 a

The bodies conducting the election of members of the State Attorney's Council from the ranks of deputy state attorneys (hereinafter: the Council) are the Commission for the election of members of the Council (hereinafter: the Commission), candidature committees and electoral committees.

Article 142 b

(1) The Commission consists of five members who are appointed from the ranks of deputies of the State Attorney General of the Republic of Croatia for a period of five years.

(2) The Commission shall be appointed by an extended collegiate body of the State Attorney's Office of the Republic of Croatia.

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

Article 142 c

The Commission for the election of members of the Council shall:

1. appoint the members of electoral committees and give instructions for their work,
2. gives the instructions to the candidature committees in the candidature procedure,
3. ensure that elections for Council members are conducted in conformity with the law,
4. set up polling places at state attorneys' offices,
5. establish the results of elections for Council members and publish them in the "Official Gazette".

Article 142 d

(1) Candidature committee of the State Attorney's Office of the Republic of Croatia shall be the collegiate body of the State Attorney's Office of the Republic of Croatia, whereas the candidature committees of the county state attorney's offices shall be extended collegiate bodies of the county state attorney's offices consisting of state attorneys and all the deputies of the competent county state attorney's office, municipal state attorneys and their deputies from the territory of that county state attorney's office.

(2) Candidature committees shall collect candidatures for members of the Council and conduct the candidature procedure.

(3) County state attorneys shall deliver proposals for members of electoral committees to the Commission.

(4) Electoral committees shall consist of a president and two members.

(5) Electoral committees shall directly conduct the voting of state attorneys and state attorney's deputies at state attorney's offices, and ensure the regularity and confidentiality of voting.

(6) Members of electoral committees may not be candidates on the electoral list for Council members.

Article 143

State Attorney's Council (hereinafter: the Council) has the official seal containing its title and the coat of arms of the Republic of Croatia.

2. Appointment and Dismissal of the members of the State Attorney's Council

Article 144

(1) The Council shall request, six months at the latest before the term of office of the Council members expires, the candidature committee of the State Attorney's Office of the Republic of Croatia and the candidature committees of the county state attorney's offices to propose candidates from the ranks of deputy state attorneys for members of the Council.

(2) The Council shall also notify, six months before the term of office of the Council members expires, the deans of all law faculties in the Republic of Croatia and the Croatian Parliament about the expiration of the term of office of the Council members appointed by them.

Article 144 a

(1) The date of conducting the election for members of the Council from the ranks of deputy state attorneys shall be set by a Decision of the Council on announcing elections, which shall be published in the "Official Gazette".

(2) A minimum of 30 days must elapse from the day of the announcement to the day of the election of members of the Council.

(3) All state attorneys and deputy state attorneys shall have the right to vote in the elections.

Article 144 b

(1) Any deputy state attorney, except one against whom a disciplinary measure has been pronounced in the last four years, may stand as candidate for Council member.

(2) Each candidate for Council member must provide a written agreement to his or her candidature.

Article 144 c

(1) Heads of state attorney offices may not be elected as members of the State Attorney Council. The proposal of candidates from the ranks of deputy state attorney must ensure the representation of candidates from the State Attorney Office of the Republic of Croatia, and from county and municipal state attorney offices.

(2) All state attorneys and deputies shall be entitled to propose candidates for members of the Council at the candidature committee of the State Attorney's Office of the Republic of Croatia and the candidature committees of the county state attorney's offices.

(3) Pursuant to the proposal referred to in paragraph 2 of this Article, the candidature committee of the State Attorney's Office of the Republic of Croatia and the candidature committees shall determine by voting three candidates who have received the largest number of votes for a particular position of member of the State Attorney Council from the ranks of deputy state attorneys.

(4) The candidature committee of the State Attorney's Office of the Republic of Croatia and the candidature committees of the county state attorney's offices shall deliver the proposal of candidates for members of the Council to the Commission at the latest within 15 days of the day when the elections were announced.

(5) It is mandatory to state in the candidate proposal the state attorney office in which the deputy state attorney performs his or her office.

Article 144 d

(1) Based on the proposal of the candidature committee of the State Attorney's Office of the Republic of Croatia and the candidature committees of the county state attorney's offices, the Commission compiles separate lists for members of the Council from the ranks of deputies of the State Attorney General, separate lists for members of the Council from the ranks of deputy county state attorneys, and separate lists for members of the Council from the ranks of deputy municipal state attorneys.

(2) Candidates shall be entered on the list in alphabetical order by surname. Along with the name and surname of the candidate, the state attorney office in which the candidate performs his or her state attorney office shall also be stated.

(3) After the publication of the list of candidates, the candidates shall not be allowed to withdraw from the list.

(4) The Commission shall publish, within forty-eight hours of the submission of the candidature, the lists of all valid candidate proposals on the website of the State Attorney's Office of the Republic of Croatia.

Article 144 e

All state attorneys and deputy state attorneys shall vote for the lists of candidates for members of the Council.

Article 144 f

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

(2) The Procedure of electing the Commission for conducting the elections and the manner of conducting the elections shall be regulated by an Ordinance which is adopted by the deans of the law faculties.

(3) Two members of the Council shall be appointed by the Croatian Parliament from the ranks of its members, of whom one shall be from the opposition.

Article 145

(1) The Council shall have eleven members.

(2) Seven members of the Council shall be elected from among deputy state attorneys, two members from among members of the Croatian Parliament and two members from among university professors of law.

(3) Members of the Council from the ranks of deputy state attorneys shall consist of:

- two deputies of the State Attorney General of the Republic of Croatia;
- two deputies of county state attorneys;
- three deputies of municipal state attorneys.

- (4) Members of the Council shall elect a president and deputy president from among themselves. The president of the Council must come from the ranks of deputy state attorneys.
- (5) The president and the deputy president shall be elected by secret vote for a period of four years.

3. Conducting the elections

Article 145 a

- (1) The Commission shall set up polling places. One polling place shall generally be set up for the area of a county state attorney office.
- (2) Eight days before the elections at the latest, the Commission shall announce the polling places and in the premises of which state attorney offices they are located, as well as deliver to the electoral committees a list of state attorneys and deputies who vote at particular polling places.

Article 145 b

- (1) Voting shall be done in person on ballot papers. No one may vote on another person's behalf.
- (2) There shall be a separate ballot paper for each candidate list referred to in Article 144 d paragraph 1 herein and it shall contain:
 1. the name and surname of candidates, and the state attorney office in which they perform their state attorney office;
 2. the number of candidates which are to be elected from that list for the Council;
- (3) Candidates shall be recorded on the list in alphabetical order by surname.
- (4) The printing of ballot papers shall be directly supervised by the Commission.

Article 145 c

- (1) A ballot paper shall be completed by circling the number of one candidate who is elected for the position of member of the Council for each individual member of the Council.
- (2) A ballot paper shall be valid if it may be determined with certainty and without a doubt who the candidates are for whom the state attorney or deputy has voted.

Article 145 d

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 more candidates have been circled for an individual member of the Council than are to be elected from the list.

Article 145 e

- (1) Voting shall last continuously from 9 a.m. to 4 p.m.
- (2) A minimum of three members of the electoral committee or their deputies must continuously be present at the polling place.
- (3) A member of the electoral committee shall circle on the list the number preceding the name and surname of the state attorney or deputy who voted at that polling place.
- (4) With the agreement of the electoral committee under whose authority the state attorney or deputy was due to vote, he or she may vote at another polling place, which shall be separately noted in the official records.

Article 145 f

- (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 voters who have voted, according to the list of voters, or according to an excerpt from the list of voters.
- (3) After establishing the number of voters who have voted, the committee shall open the ballot boxes and count the votes.
- (4) If it is established when counting the votes at the polling place that the number of votes according to the list of voters 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.
- (5) If it is established when counting the votes at the polling place that a smaller number of voters voted than the number of votes in the ballot box, the electoral committee shall immediately cease to operate and deliver the material, accompanied by a report, to the Commission.
- (6) The Commission shall invalidate the voting at this particular polling place, dismiss the electoral committee, and appoint a new one, determining new elections to be held at the polling place within 8 days if it establishes that the irregularities referred to in paragraph 4 of this Article could have affected the election results.

Article 145 g

- (1) When the electorate committee determines the voting results at the polling place, it shall record in the official records of its work:
 - the number of voters according to the excerpt from the list of voters;
 - 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;
 - whether a state attorney or deputy who was supposed to vote at another polling place has voted (Article 145 e paragraph 4 herein).
- (2) The official records shall be signed by all the members of the electoral committee.
- (3) 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 of the closing of the polling place.

Article 145 h

- (1) If candidates who are included in 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 repeated voting 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 145 i

- (1) The Commission shall determine the results of the elections.
- (2) When the Commission determines the results of the voting for members of the Council, it shall announce:
 1. the number of voters included in the electoral lists, the number of voters 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 the candidates who have been elected as Council members.
- (3) The candidates who receive the highest number of votes shall be elected as Council members.

Article 145 j

- (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 145 k

- (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 of repeating the invalidated actions or if the irregularities concern the voting procedure and they have had a significant effect, or could have had an effect on the results of the elections, the Commission shall invalidate the elections and determine a period in which the elections are to be repeated.

Article 145 l

- (1) A complainant shall be entitled to appeal against the decision of the Commission to the collegiate body of the State Attorney's Office of the Republic of Croatia.
- (2) The appeal shall be filed through the Commission within 48 hours, counting from the end of the day when the challenged decision was received.
- (3) The collegiate body of the State Attorney's Office of the Republic of Croatia shall render a decision upon the appeal within 48 hours from the day of its receipt.

Article 145 m

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 145 n

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

Article 145 nj

- (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 the 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 145 o

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

Article 146

- (1) Elected members of the Councils enter into office within 30 days from election date.
- (2) If an elected member of the Council does not enter into office within the deadline from paragraph 1 of this Article due to unjustified reasons, it is deemed that s/he has not been elected.
- (3) President and members of the Council receive an identification card, the form and content of which is proscribed by the minister competent for judicial matters.

Article 147

- (1) The term for which each member of the Council is nominated starts from election date.
- (2) When the office of a member of the Council is terminated before the expiration of the term to which he or she was elected, the president of the Council shall, at the latest within 30 days, request the authorized body to instigate a procedure for the election of another member of the Council.
- (3) 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 authorized body to instigate a procedure for the election of another member of the Council.

Article 148

Before entering into office, member of the Council takes the following oath before the State Attorney General:

“I do solemnly declare with my honor that I shall abide by the Constitution and laws of the Republic of Croatia in performing the duties of the member of the State Attorney Council and that I shall perform my duties with diligence.”

Article 148 a

During the time deputy state attorneys are in office as members of the Council, they may not be appointed to a state attorney position in a higher instance state attorney office, nor may they be elected state attorneys.

Article 149

- (1) The office of president or member of the Council shall terminate by virtue of law on the day when the office which he or she performed at the time when he or she was elected president or member of the Council is terminated.
- (2) If a member of the Council is appointed deputy state attorney in another state attorney office of the same instance, this shall not be deemed as termination of office.
- (3) The decision determining the termination of office of a member shall be adopted by the president of the Council, and for the president by the deputy president.
- (4) The president or a member of the Council shall be dismissed from office before the expiration of the term to which he or she was elected:
 1. at his or her own request;
 2. if he or she is convicted for criminal offence;
 3. if he or she permanently loses the ability of performing his or her office.
- (5) A proposal for the dismissal from office of a member of the Council before the expiration of the term to which he or she was appointed for the reasons specified in paragraph 5 of this Article may be filed by the State Attorney General concerning members of the Council from the ranks of deputy state attorneys, and by any proposer concerning the members of the Council whom they proposed in the procedure of determining candidates for president and members of the Council.
- (6) 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.

(7) 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 deputy state attorneys the decision shall be delivered by the Council.

(8) 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 150

(1) If the president or a member of the Council requests to be dismissed from office, and the Council fails to render a decision on this request within three months from the day when the request was filed, the Council, at the request of the president or member, shall establish that his or her office was terminated on the day when the three months from the filing of the request for dismissal from office expired.

(2) A court which has imposed a prison sentence on the president or a member of the Council shall without delay deliver the final judgment to the Council, which will immediately inform the collegiate body of the State Attorney's Office of the Republic of Croatia thereof.

(3) A proposal to instigate a procedure to establish the permanent loss of abilities of a member of the Council to perform his or her office shall be filed with the collegiate body of the State Attorney's Office of the Republic of Croatia by the president of the Council, and of the president by a minimum of three members of the Council.

Article 151

(1) If procedure from Article 149, paragraph 3, items 3 and 4 of this Act is instituted regarding criminal offence for which prison sentence can be imposed, the president or a member of the Council can be removed from the office on the basis of the decision of the Council reached by majority vote of all its members.

(2) Decision on removal from office is reached by the Council:

-for a member, upon the proposal of the president of the Council;

-for the president, upon the proposal of three members of the Council.

(3) The Council can decide by majority vote that the president or a member, against whom criminal procedure has been instituted, ceases to perform duties on the Council until duration of the proceedings.

4. Jurisdiction and Operation Methods

a) Jurisdiction

Article 152

The scope of work of the Council shall include:

- appointing and dismissing deputy state attorneys;
- appointing and dismissing county and municipal state attorneys;
- conducting disciplinary proceedings and deciding on the disciplinary liability of deputy state attorneys;
- reassigning deputy state attorneys;
- announcing the elections for the members of the Council from the ranks of deputy state attorneys;
- participating in the training and professional development of state attorneys, deputies and state attorney clerks;
- resolving assessment complaints;

- conducting the procedure of enrolment of candidates in the State School for Judicial Officials and the procedure of the final examination;
- resolving complaints related to the final assessment of candidates in the State School for Judicial Officials;
- managing the personal files of state attorneys and deputies;
- managing and control of the declarations of assets of state attorneys and deputy state attorneys;
- performing other tasks in conformity with the law.

b) Operation Methods

Article 153

- (1) The Council decides at the session.
- (2) Decision of the Council regarding removal from office of Deputy State Attorney is elaborated in writing and contains the statement of reason with facts on the basis of which the Council has concluded during discussion that there are reasons for removal from office.
- (3) Decision from paragraph 2 of this Article is undersigned by the President of the Council, and is published in the Official Gazette (“Narodne novine”).
- (4) Sessions are convened by the president and in absence thereof, by a member acting as his deputy.
- (5) In exceptional cases, session can be convened upon the proposal of at least three members of the Council.

Article 154

President of the Council performs the following:

1. represents the Council;
2. convenes and chairs sessions of the Council;
3. proposes agenda for sessions;
4. announces voting results;
5. undersigns by-laws adopted by the Council;
6. ensures execution of decisions of the Council;
7. performs other tasks provided by law or a by-law.

Article 155

- (1) The method of work of the Council shall be regulated by the Rules of Procedure which are published in the Official Gazette.
- (2) The Rules of Procedure shall be adopted by the Council with a minimum of eight votes of its members.
- (3) Professional, administrative and accounting activities for the Council shall be performed by a Secretariat headed by the secretary of the Council.
- (4) 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.
- (5) The secretary of the Council, who is appointed by the Council through a public recruitment procedure, shall hold the position of head of sector/service in the ministry responsible for judicial affairs.
- (6) The conditions for the appointment of the secretary shall be prescribed in the Rules of Procedure of the Council.

Article 156

- (1) The State Attorney General shall by the end of the calendar year at the latest adopt a plan to fill vacancies for the positions of deputy state attorneys in municipal state attorney offices and deliver it to the minister responsible for judicial affairs and to the president of the Council.
- (2) The plan referred to in paragraph 1 of this Article shall be amended in the course of the year if the facts based on which it was adopted change significantly.
- (3) A maximum of 30% of deputy state attorney positions provided for in the Plan may be filled by permanently reassigning deputy state attorneys from state attorney offices of the same instance and same type.
- (4) Before announcing vacancies for deputies, the Council shall publish in the Official Gazette an invitation to state attorneys to file an application for permanent reassignment within 30 days.
- (5) The Council shall request an assessment of the performance of the office of state attorney for deputy state attorneys who have filed an application for permanent reassignment.
- (6) The Council shall determine a list of candidates based on the total number of points achieved in the assessment of performance of the state attorney office.
- (7) The decision on the permanent reassignment of a deputy state attorney must be based on the candidates' list of merit.

Article 156 a

- (1) In case of termination or reorganization of the state attorney's office, the Council shall reassign the state attorney, or deputy state attorney at the post of deputy state attorney at a state attorney's office of the same level.
- (2) The reorganization of the state attorney's office is considered to be a merger and division of the state attorney's office, a change in the internal organization of the state attorney's office and the a change in the number of deputy state attorneys which is required, according to the Framework criteria for work of the deputy state attorneys.
- (3) Against the decision of the Council on reassignment an appeal may not be filed, and the state attorney and deputy state attorney may initiate an administrative dispute.

5. Appointment and Dismissal of Deputy State Attorneys

Article 157

- (1) A vacancy for a deputy state attorney position shall be published by the State Attorney Council on the proposal of the State Attorney General.
- (2) The state attorney in the state attorney office where there is a need to appoint a deputy state attorney or an immediately higher-ranked state attorney shall notify the General State Attorney thereof.
- (3) Vacancy advertisement from paragraph 1 of this Article is published by rule in the Official Gazette of the Republic of Croatia ("Narodne novine") or if necessary elsewhere. It contains an invitation for candidates to submit applications with proof of meeting all proscribed terms for the appointment as Deputy State Attorney as well as data on their working history, within the deadline that is not shorter than 15 days and not longer than 30 days. If security check is demanded, the candidate has the right to be informed about the results pursuant to special regulations regarding performance of security check.
- (4) Decision to announce situation vacant advertisement for positions from paragraph 1 of this Article, as well as the decision to cancel the published advertisement is reached by the State Attorney's Council.

Article 157 a

- (1) In the procedure of appointing a deputy state attorney for the first time, the Council shall conduct a test for candidates who meet the conditions for the position of deputy state attorney.

- (2) The test shall consist of a written paper which represents the rendering and drafting of a state attorney office decision. The candidates shall write their paper under a personal code name.
- (3) The candidates may be awarded a maximum of 100 points for the written paper.
- (4) After the written test, candidates shall be invited for an oral interview in which the candidates' motivation for work in the state attorney office is assessed, as well as their ability to communicate with others, resolve conflicts and render decisions, and their motivation to collect data and evidence necessary to render a decision. A maximum of 50 points may be awarded for the oral interview.
- (5) Based on the results of the written test and the oral interview, the Council shall compile a list of candidates in order of merit and render a decision on appointment. If several candidates are awarded the same number of points, the candidate with a better assessment shall have priority.
- (6) Within 60 days of the coming into force of this Act, the Council shall adopt an Ordinance on the manner of conducting and assessing the written test and the oral interview.

Article 158

- (1) Upon expiry of the deadline from Article 157, paragraph 3 of this Act, i.e. before expiry of the deadline from Article 157, paragraph 4 of this Act, the Attorney General shall seek the opinion regarding candidates for Deputy State Attorney Office from corresponding State Attorneys and collegiates. In addition to the invitation to give an opinion, the Attorney General shall submit applications with proof and data that candidates have submitted, evaluation regarding performance of duty and other data on candidates available to the State Attorney's Office of the Republic of Croatia.
- (2) Opinion on candidates is given:

- for Deputy Municipal State Attorney, by the County State Attorney, State Attorney of that State Attorney's Office and the Collegiate of the Municipal State Attorney's Office posting vacancy for Deputy;
- for Deputy County State Attorney, by the Attorney General, State Attorney of that State Attorney's Office and the Collegiate of the County State Attorney's Office posting vacancy for Deputy;
- for Deputy State Attorney General, by the State Attorney General and the Collegiate of the State Attorney's Office of the Republic of Croatia.

- (3) The Attorney General shall request from competent state bodies to perform security check in relation to candidates who have submitted a written statement by which they accept performance thereof. Information on the results of security check is confidential and can be used only in the procedure of appointing Deputy State Attorney.
- (4) The Attorney General shall submit to the Council the list of all candidates meeting the conditions for appointment, with the opinions from Article 159, paragraph 3 of this Act. In addition to the list of the candidates meeting the conditions, the Council shall be informed about all candidates who have applied and shall receive applications of candidates with all relevant data gathered in the process of giving opinions.

Article 159

- (1) In the process of giving opinions, the State Attorney of the State Attorney's Office posting vacancy for Deputy shall request data on candidates from:
 - a presiding judge, if the candidate has already performed duties of the judge, court counselor or court trainee, i.e. some other judicial duty;
 - other state bodies and organizations, and legal persons that can provide relevant data on fulfillment of general and special conditions for appointment of Deputy State Attorney of the corresponding State Attorney's Office.

- (2) Upon collection of data, candidates shall be invited to an interview. They will be interviewed by the State Attorney and no less than two members of the Collegiate of the State Attorney Office, who can talk to the candidates jointly or separately.
- (3) Opinions on candidates for state attorney duty are elaborated in writing and contain the statement of reason regarding fulfillment of general and special conditions for appointment of Deputy State Attorney of the corresponding State Attorney Office. In elaboration of the statement of reason, criteria from Article 130 of this Act shall be especially taken into consideration.
- (4) In elaboration of statement for reasons for Deputy Municipal State Attorney, the sum of points established on the priority list of the State School for Judicial Officials must be taken into account.
- (5) Opinions must be submitted no later than 60 days from the date of request for opinion. If opinion is not submitted, the Attorney General shall submit a list of all candidates meeting conditions for State Attorney, with his/her opinion and data s/he disposes of *ex officio*, to the Council.

Article 160

- (1) The Council may decide, during the appointment procedure, to invite all or selected candidates for an interview. To that effect, the Council shall nominate a Board of three members of the Council who will interview the candidates and shall decide whether interviews should be performed jointly or separately.
- (2) If candidates' performance of duty has already been evaluated, the Council shall take this into consideration when reaching the decision. If the Council does not dispose of these evaluations, it can receive them from the State Attorney's Office of the Republic of Croatia or the ministry competent for judicial matters.

Article 161

- (1) In appointing Deputy State Attorney, the Council takes into consideration criteria from Article 130 of this Act as well as the opinion of the State Attorney, a corresponding collegiate and evaluation of performance of duties.
- (2) Council's decision on appointment of Deputy State Attorney and a written statement of reason is submitted to all candidates within 15 days from announcing appointment.
- (3) Decision on appointment is published in the Official Gazette ("Narodne novine").
- (4) Deputy State Attorney assumes the office within the deadline determined by the Council and no later than six months from the appointment date.
- (5) If Deputy State Attorney does not assume the office within the deadline from paragraph 3 of this Article, s/he shall be deemed not appointed.

Article 162

The Council shall revoke the decision on appointment upon the request of the General Attorney, if it is established that:

- the appointed Deputy State Attorney does not meet the conditions for appointment;
- the decision is based on false data and evidence;
- the Deputy State Attorney has not taken the oath, without justified reasons, within six months from the appointment date;
- the appointment was realized on the basis of a criminal offence committed by the candidate or the president or a member of the Council.

Article 163

- (1) Before assuming the office, the Deputy State Attorney shall take the oath before the president of the Council or a member thereof determined by the president.
- (2) County State Attorney and Municipal State Attorney take the oath before the Attorney General.

- (3) The Attorney General takes the oath before the Croatian Parliament.
- (4) The oath reads as follows:

“I do solemnly declare that I shall work subject to the Constitution and laws and that I shall protect uniformity, sovereignty and law and order of the Republic of Croatia.”

Article 164

- (1) State attorneys and deputy state attorneys shall submit to the State Attorney Council within 30 days of the day when they first assumed office 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, and if significant changes have occurred during the performance of their office, at the end of the year in which the change occurred, and also a report at the termination of their office.
- (2) In the report referred to in paragraph 1 of this Article, state attorneys and deputy state attorneys shall also submit data on their cash savings if they exceed the annual amount of net income of a state attorney or deputy state attorney.
- (3) Before meeting the obligations referred to in paragraph 1 of this Article, the official shall not receive a salary.
- (4) If a state attorney and deputy state attorney do not meet the obligations referred to in paragraphs 1 and 2 of this Article, the State Attorney Council shall notify the State Attorney General thereof, who shall invite him or her to deliver the required data or to complete the submitted data within 15 days. If the state attorney or deputy state attorney fails to deliver the requested data or to complete the submitted data, the State Attorney General shall instigate disciplinary proceedings for the disciplinary offence referred to in Article 137 paragraph 2 item 8 herein against the state attorney or deputy state attorney.
- (5) The form and content of the assets report shall be prescribed by the Council in an ordinance.
- (6) The public shall have the right to view the assets declaration, in conformity with special laws.

Article 164 a

- (1) The State Attorney Council shall manage and control the declarations of assets of the state attorneys and deputy state attorneys.
- (2) After the first submission of the declaration of assets of a state attorneys or a deputy state attorney 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 state attorneys or a deputy state attorney fails to deliver data on the manner of acquisition of the assets he or she has listed in the declaration of assets, the Council shall request a written explanation from the state attorneys or deputy state attorney.
- (4) If the data in the declaration of assets which the Council acquired in the manner referred to in the paragraph 1 of this Article differ from the data given by the state attorney or deputy state attorney in his or her declaration of assets, as well as if from the state attorney's or deputy state attorney's explanation can be established that there is a disproportion in relation to the earnings and assets of the judge, the Council shall notify thereof the state attorney of the office where the deputy state attorney holds the office or the immediately higher state attorney in order to instigate disciplinary proceeding.

6. Disciplinary Proceeding, Removal from Office and Dismissal Procedure

a) Disciplinary Proceeding Bodies

Article 165

- (1) The Council decides in the first instance disciplinary proceeding by majority vote of all of its members.
- (2) If disciplinary proceeding is brought against a member of the Council, the member is disqualified from decision process in disciplinary proceeding.

Article 166

- (1) If there is a reasonable doubt that the Deputy State Attorney has committed a disciplinary offence, the State Attorney in the State Attorney's Office in which the Deputy performs his duties must file a motion to institute disciplinary proceeding against the Deputy.
- (2) Motion to institute disciplinary proceeding can be filed directly by a senior State Attorney and the Attorney General or the minister competent for judicial matters.
- (3) Motion to institute disciplinary proceeding before the Council is represented by the authorized claimant from paragraph 1 and 2 of this Article or a person authorized by the claimant.
- (4) If it is necessary to perform inquiries before decision to institute disciplinary proceeding, these are performed by the Deputy State Attorney nominated by the president of the Council

b) Course of Disciplinary Proceeding

Article 167

- (1) Motion to institute disciplinary proceeding is filed in writing and contains personal data on the Deputy Stat Attorney under disciplinary inquiry, description of a disciplinary offence and the statement of reason giving rise to reasonable doubt.
- (2) Hearing is determined immediately upon receipt of the motion and must be attended by the Deputy State Attorney and the claimant. Deputy Stat Attorney against whom the motion to institute disciplinary proceeding has been filed receives the order for hearing and the motion to institute disciplinary proceeding. Hearing order shall also indicate that his/her defense lawyer can also attend the hearing and that hearing can be held without his/her presence.
- (3) If the Deputy State Attorney who has received the hearing order personally does not attend the hearing and does not justify his/her absence, the Council can reach the decision to institute disciplinary proceeding without the presence of the Deputy State Attorney. In addition, the Council can decide on the motion to institute disciplinary proceeding if the Deputy State Attorney obviously avoids attending the hearing.
- (4) Hearing is not public unless the Deputy State Attorney against which the motion has been filed demands otherwise.
- (5) If, after the hearing, the Council determines that there is reasonable doubt that a disciplinary offence has been committed, the Council shall decide to institute disciplinary proceeding. To that effect, the Council can demand performance of specific inquiries by the Deputy State Attorney selected by the Council.
- (6) It is not possible to appeal separately against the decision to institute disciplinary proceeding.

Article 168

- (1) If the authorized claimant proposes pronouncement of the disciplinary sanction of dismissal, the Council shall immediately decide on the temporary removal from office. Decision on temporary removal from office must be in writing and must contain the statement of reason.
- (2) It is not possible to appeal against the decision on temporary removal from office.

Article 169

- (1) Authorized claimant can amend or modify the motion. If the claimant does so outside the hearing, the Council shall, no later than 15 days from receipt of the motion, schedule a hearing. The hearing shall be attended by the authorized claimant, Deputy State Attorney and his/her defense lawyer.
- (2) Before the hearing, all evidence that cannot be used as grounds for deciding on disciplinary proceeding shall be separated from the case file.

Article 170

- (1) In decision-making process on disciplinary accountability, the Deputy State Attorney against whom proceeding is instituted must be given the opportunity to present his/her case personally or to be assisted by a defense lawyer of his/her own choice.
- (2) If the Deputy State Attorney who has received the hearing order personally, does not attend the hearing and does not justify his/her absence, the Council can conduct the proceeding without the presence of the Deputy State Attorney if s/he obviously avoids attending the hearing.
- (3) Voting and reaching decision on disciplinary accountability is closed to the public. Decision is announced publicly.
- (4) Decision determining that the Deputy State Attorney is held accountable on the grounds of discipline and imposing a disciplinary sanction, can only refer to the disciplinary offence and the person the authorized claimant has indicated in his/her motion.
- (5) Decision must be elaborated and delivered to the parties within 15 days from reaching the decision.

Article 171

Deputy State Attorney can institute administrative proceeding against the decision on disciplinary accountability.

Article 172

- (1) Disciplinary proceeding is conducted pursuant to corresponding implementation of provisions of the Criminal Procedure Act referring to summary proceeding, unless proscribed otherwise by this Act.
- (2) Disciplinary proceeding is not subject to payment of charges, and costs of procedure are paid by the State Attorney Office in which the Deputy State Attorney performs his/her duties.

c) Removal from Office

Article 173

- (1) Deputy State Attorney shall be removed from office in the following cases:
 - if criminal procedure is instituted against him/her on the grounds of a criminal act for which a five-year prison sentence or a more serious sentence can be imposed, or for the period s/he is held in custody;
 - if s/he is convicted of a criminal offence due to which s/he is no longer deemed commendable for performance of state attorney duties; or
 - if s/he has committed a serious disciplinary offence.
- (2) Deputy State Attorney can be removed from office in the following cases:
 - if criminal procedure is instituted against him/her on the grounds of a criminal offence which carries a maximum sentence of five years in prison,
 - if s/he performs services, works or activities incompatible with state attorney duties without prior approval from the State Attorney.
- (3) Decision on removal from duty for the cases from paragraph 1 of this article is reached by the Attorney General.

(4) Motion regarding removal from office from paragraph 2 of this Article is submitted to the Council by the State Attorney in which the Deputy State Attorney performs duties, the State Attorney of the first higher ranking State Attorney Office in line, or the Attorney General.

(5) Deputy State Attorney has the right to appeal to the Council within three days against the decision on removal from office from paragraph 3 of this Article. The Council shall decide thereon within 15 days. If the Council does not reach a decision within the stated deadline, it is deemed that removal from office has terminated.

Article 174

(1) Decision on temporary removal must be in writing and must contain the statement of reason.

(2) It is not possible to appeal against the decision of the Council regarding removal.

Article 175

(1) Temporary removal from office is determined for the period of 3 months. Upon expiry thereof, the Council can, due to justified reasons, extend the deadline for three months pursuant to the same procedure. Temporary removal can last until termination of disciplinary proceeding which, in that case, the Council needs to institute within a year.

(2) For the duration of removal from office, the Deputy State Attorney is entitled to receive half of his/her salary.

(3) In the case of acquittal in disciplinary proceeding, decision on temporary removal ceases to be effective by virtue of law with the date of the legally effective decision of the Council. In that case or in the case of imposing a disciplinary sanction which includes fine or reprimand, the Deputy State Attorney is entitled to reimbursement of part of the salary which remained unpaid for the period in which the decision on removal from office was implemented.

d) Dismissal Procedure

Article 176

(1) Request for dismissal of the Deputy State Attorney can be submitted by the State Attorney in a State Attorney Office in which the Deputy works, a higher ranking State Attorney or the Attorney General.

(2) Deputy State Attorney can submit a request for his/her dismissal via the State Attorney s/he is a deputy of.

(3) Request for dismissal of the Deputy State Attorney due to permanent incapacity can be based only on the final court decision on the loss of ability to work, or on the final decision of the competent body stipulating that due to physical and psychological condition of the Deputy State Attorney, s/he is no longer able to perform state attorney's duties. If the Deputy State Attorney refuses to undergo a corresponding medical examination, the Council shall, upon the proposal of the claimant, order him/her to undergo such examinations. If s/he refuses to do so, the Council shall dismiss him/her.

Article 177

(1) In dismissal procedure, the Council collects evidence and entrust a corresponding State Attorney's Office with this task.

(2) Deputy State Attorney whose dismissal is requested must be able to present his opinion regarding the request, unless s/he has submitted request for removal himself/herself.

(3) Dismissal decision is reached by majority vote of all members of the Council.

(4) Dismissal decisions is in writing and contains the statement of reason.

(5) Deputy State Attorney can institute administrative proceeding against the decision on dismissal on the grounds stipulated in Article 113, paragraph 1, item 1 to 4 of this Act.

Article 178

If the Deputy State Attorney requests his/her dismissal and the Council does not reach a decision thereon within three months from submitting the request, the Attorney General shall decide that the Deputy State Attorney's term of office has terminated upon expiry of three months from submitting the request for dismissal.

7. Financial Resources for State Attorney's Council

Article 179

- (1) Special financial means for activities of the Council are ensured from the state budget of the Republic of Croatia.
- (2) President of the Council is in charge of execution of financial plan regarding financial means from paragraph 1 of this Article.

Article 180

- (1) President and members of the Council are entitled to reimbursement of other costs, compensation for unrealized salary or income and reward on the basis of performance of their duties.
- (2) Decision on terms and amount of allowance and reward from paragraph 1 of this Article is rendered by the Government of the Republic of Croatia.

Article 181

- (1) The Council shall establish an expert service within three months pursuant to the Council's Rules of Procedure.
- (2) Status, rights, duties and responsibilities of civil servants and employees of the expert service are regulated pursuant to regulations applicable for other civil servants and employees in the public sector.
- (3) Until the service becomes operative, administrative, technical and accountancy tasks of the Council shall be performed by the State Attorney's Office of the Republic of Croatia.

Chapter XI

CIVIL SERVANTS AND EMPLOYEES OF THE STATE ATTORNEY'S OFFICE

1. Employment and Termination of Employment, Salary and Other Rights

Article 182

- (1) The number of civil servants and employees for performance of expert administrative and technical tasks is regulated by the State Attorney with prior approval from the ministry competent for judicial matters.
- (2) Employment and termination of employment of civil servants and employees, their salaries, rights, duties and obligations stemming from employment, necessary educational background, duration and performance of practical education of trainees, conditions for taking bar examination, program and manners of taking the exam and other issues relating thereto, are regulated pursuant to provisions applicable for other civil servants and employees in the public sector.
- (3) In employment of civil servants and employees in State Attorney's Offices, special attention shall be paid to representation of national minorities.
- (4) In the case of merging of State Attorney's Offices, civil servants and employees of the offices being merged shall be transferred pursuant to provisions of the Civil Servants Acts.

2. Secretary of State Attorney's Office

Article 183

- (1) State Attorney's Office with more than ten Deputy State Attorneys can have a secretary. Secretary of the State Attorney's Office assists the State Attorney in performance of administrative works.
- (2) Any person holding a Law School degree can be appointed secretary of the State Attorney's Office.
- (3) Person complying with the conditions for senior advisor or advisor in the Municipal or County State Attorney's Office can be appointed secretary of the State Attorneys' Office of the Republic of Croatia.

3. Advisors of State Attorney's Office

Article 184

- (1) State Attorney's Office can employ advisors and senior advisors.
- (2) Advisors assist the State Attorney and Deputy thereof in their work, elaboration of draft decision, keep records of criminal charges, reports and statements of citizens, and perform other expert activities proscribed by law and provisions, either individually or under supervision and pursuant to instructions of the State Attorney or Deputy thereof.
- (3) Any person holding a Law School degree and with passed bar examination can be employed as an advisor to the Municipal or County State Attorney's Office.
- (4) Any person holding a Law School degree, passed bar examination, with no less than two years of experience as a state attorney advisor or court advisor, a State Attorney or Deputy State Attorney, attorney, or public notary, i.e. any person with a five-year post bar examination experience in judicial sector can be appointed senior advisor to the Municipal or County State Attorney's Office.
- (5) Any person with passed bar examination and no less than two years of experience as a state attorney advisor can be appointed advisor to the State Attorney's Office of the Republic of Croatia.
- (6) Any person with at least six years of experience as a judicial official or eight-year post bar examination experience as advisor can be appointed senior advisor to the State Attorney's Office of the Republic of Croatia.

Article 185

- (1) In addition to advisors performing activities pursuant to Article 184, paragraph 2 of this Act, the minister competent for judicial matters determines on annual basis a number of vacancies for senior advisors in Municipal State Attorney's Offices in which there is a demand for appointment of Deputy State Attorneys who enroll in the Judicial School.
- (2) Any person with a Law school degree, passed bar examination and with the highest grade at the entrance exam for the Judicial School can be appointed as senior advisor from paragraph 1 of this Article.
- (3) Terms and employment methods for advisors in Municipal State Attorney's Offices and manners of attending the Judicial School are determined by the minister competent for judicial matters by virtue of a special law.
- (4) After completing the State School for Judicial Officials, the senior advisors referred to in paragraph 1 of this Article remain working in the state attorney office until their appointment as deputies in municipal state attorney offices.
- (5) During attending the Judicial School, advisors from paragraph 1 of this Article are entitled to receive a salary of a senior advisor, as well as other rights pursuant to the special Rules of Procedure adopted by the minister competent for judicial matters.
- (6) If advisor from paragraph 1 of this Article does not graduate from the Judicial school within the deadline proscribed by the special Rules of Procedure, his/her employment at the State Attorney's Office where he has been admitted in order to attend the Judicial School, shall be terminated.
- (7) If advisor and senior advisor from Article 184 of this Act who is employed in the State Attorney's Office attends the Judicial School and does not graduate from the Judicial School within the deadline

proscribed by the special Rules of Procedure, s/he continues to work in the same State Attorney's Office where he has been admitted.

Article 186

- (1) Advisors for criminal cases can represent criminal proceedings in summary procedure for criminal offences which carry a maximum sentence of five years in prison.
- (2) On the basis of a special power of attorney of the competent State Attorney, advisors in civil-administrative departments of the State Attorney's Offices can represent before the court, administrative and other bodies.
- (3) Power of attorney authorizes the advisors to perform all activities in the procedure, excluding authority to file an appeal, withdraw the appeal, accept the claim, waive the claim, finalize settlement, file a legal remedy, waive lodging a legal remedy and withdraw from lodging a legal remedy.
- (4) Advisors in civil-administrative departments of the Municipal State Attorney's Offices within power of attorney from paragraph 2 of this Article represent independently in cases the maximum value of which is HRK 100.000,00 and in civil-administrative departments of the County State Attorney's Office, in cases the maximum value of which does not exceed HRK 500.000,00.

4. Associates

Article 187

- (1) State Attorney's Office can employ civil servants from other line of work with a college or university degree and proscribed working experience in the field of criminology, special education, sociology, pedagogy, economy, accountancy and finance or other corresponding fields.
- (2) Associates from paragraph 1 of this Article are expert assistants to the State Attorney or Deputy State Attorney in working with cases where special competence is necessary, and can perform their work independently when this is provided by the law or other provision.

5. Trainees of the State Attorney's Office

Article 188

- (1) The number of trainees at the State Attorney's Offices is established by the Attorney General of the Republic of Croatia upon prior approval from the minister competent for judicial matters.
- (2) Terms and methods for employment of trainees in the State Attorney's Offices, duration and methods for completing trainees' practical program are regulated by a special law.

PART V TRANSITIONAL AND FINAL PROVISIONS

Article 189

- (1) State Attorneys and Deputy State Attorneys appointed pursuant to the provisions effective until the date of entering into force of this Act shall continue to perform their state attorney duties at the State Attorney's Office where they have been appointed.
- (2) Appointment procedure for Deputy State Attorney that are under way at the moment of entering into force of this Act, shall continue to be performed their duties pursuant to provisions of this Act.
- (3) Disciplinary proceedings that are under way shall be completed pursuant to provisions of the act by virtue of which they have been instituted, unless this Act is more favorable.

Article 190

(1) Until adoption of provisions which, by virtue of this Act, are adopted by the minister competent for judicial matters, provisions regarding State Attorney's Office that are effective remain so in the part that is not in breach of this Act.

(2) Provisions that by virtue of this Act are adopted by the minister competent for judicial matters, shall be adopted within six month from entering into force of this Act.

Article 191

(1) Term of office of the State Attorneys in State Attorney's Offices that are merging, terminates with the date of merger of these State Attorney's Offices and they continue to work as Deputy State Attorneys in a merged State Attorney's Office.

(2) When State Attorneys cease to perform their duties due to merging of State Attorney's Offices, the State Attorney of the next higher ranking State Attorney's Office in line shall determine Deputy State Attorney from these State Attorney's Offices, i.e. Deputy State Attorney of the next higher ranking State Attorney's Office, who shall perform administrative tasks until appointment of a new State Attorney of the merged State Attorney's Office, for a period not exceeding one year.

Article 192

Deputy Attorney General of the Republic of Croatia is transferred to Eurojust as a State Attorney for liaison in view of performing tasks determined by the Agreement between the Republic of Croatia and Eurojust from 9 November 2007.

Article 193

State Attorneys and Deputy State Attorneys, who are appointed pursuant to provisions remaining effective until 1 January 2014, are not obliged to attend the Judicial School, and they continue to perform their duties.

Article 194

By virtue of entry into force of this Act, the State Attorney's Office Act shall cease to have effect (Official Gazette ["Narodne novine"] no. 51/01, 58/06, 16/07, 20/07 and 146/08), except Article 14, paragraph 2, which shall cease to have effect on 31 August 2001, and Article 62 paragraph 2 and article 63 paragraph 1 which shall cease to have effect on 31 December 2012.

Article 195

This Act shall be published in the Official Gazette ("Narodne novine") and enters into force on 1 July 2009, except:

-Article 16, paragraph 2, Article 33, paragraph 2 and Article 57 to 86, which enter into force on 1 September 2011, when proceeding criminal offences not contained in Article 21 of the Prevention of Corruption and Organized Crime Act;

-Article 109 paragraph 2, article 110 paragraph 1 and article 159 paragraph 4, which enter into force on 1 January 2013.

Official Gazette 145/10

Additional articles from the Act on the Amendments to the State Attorney's Office Act which are in force (Official Gazette 116/2010)

Article 47

- (1) Deputy state attorneys who were appointed for a term of five years pursuant to the regulations so far in force shall be deemed to have been appointed permanently.
- (2) Individual decisions on permanent appointment referred to in paragraph 1 of this Article shall be rendered by the State Attorney Council within three months from the coming into force of this Act.

Article 48

- (1) Procedures of appointing municipal and county state attorneys which began before this Act came into force shall be completed according to the provisions of this Act.
- (2) County and municipal state attorneys appointed according to the regulations in force before this Act came into force shall remain in their office until the expiration of the term to which they were appointed.

Article 49

- (1) All the appointment procedures of deputy state attorneys which are pending shall be continued and shall be conducted pursuant to the provisions of the Act that was in force before this Act came into force, except that deputy state attorneys 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 this Act came into force.

Article 50

With the coming into force of Articles 1-230, 232-496, and 509-569 of the Criminal Procedure Act (Official Gazette No. 152/08) state attorneys and deputy state attorneys who work on investigation duties shall be entitled to a beneficial insurance period, so that each 12 months of work on such duties shall count as an insurance period of 15 months.

Article 51

- (1) The Council shall align the Rules of Procedure of the Council referred to in Article 39 of this Act and the Ordinance referred to in Article 42 of this Act with the provisions of this Act within three months of its coming into force.
- (2) The Council shall establish a Secretariat within six months of this Act coming into force.

Article 52

- (1) The election of members of the Commission shall be conducted within three months of this Act coming into force.
- (2) Deans of law faculties shall adopt the Rules of Procedure for the work of the electoral committees within three months of this Act coming into force.

Article 53

- (1) The election of Council members pursuant to the provisions of this Act shall be conducted at the latest within a year of this Act coming into force.
- (2) Thirty days after the elections for members of the Commission, the State Attorney General of the Republic of Croatia shall convene the first founding session of the Commission.
- (3) The Council shall deliver a decision on announcing elections for members of the Council, and shall notify the Croatian Parliament to appoint two members of Parliament as Council members, and deans of law faculties to appoint members of the Council from the ranks of university professors of law.

Article 54

- (1) The Council shall adopt the Ordinance referred to in Article 44 of this Act within three months of this Act coming 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 Nos. 24/07 and 20/10) shall remain in force.

Article 55

Article 42 of this Act adding a new Article 157a shall cease to have effect on 31 December 2012.

Article 56

This Act shall come into force on the eighth day after the day of its publication in the Official Gazette.

Class: 701-01/10-01/01

Zagreb, 1 October 2010