

COURTS ACT

(ZAKON O SUDOVIMA)

-Consolidated Version,
includes original text published in the Official Gazette of the Republic of Croatia no. 150/05
and amendments published in the Official Gazette no. 16/07, 113/08, 153/09 and 116/10
-Provisional translation

Zagreb, November 2010

I. GENERAL PROVISIONS

Article 1

This Act regulates the organization, competence and jurisdiction of courts, unless regulated by another law, internal organization of courts, internal organization of the Supreme Court of the Republic of Croatia, the rights and responsibilities of judges, appointment of jurors, permanent court interpreters, experts, appraiser, resources for the work of courts, the protection of persons and the property of judicial bodies.

Article 2

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

Article 3

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

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

Article 4

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

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

(3) Everyone shall have the privilege to address petitions in respect of the operation of a court or work

of a judge, unnecessary delays of procedure which they are a party to or have a legal interest in, or in respect of the professional behaviour of a judge or other judicial employee, and shall have the right to receive an answer.

Article 5

(1) Courts shall administer justice in conformity with the Constitution, laws, international treaties, and other valid legal sources

(2) deleted

(3) deleted

Article 6

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

(2) A judicial decision may be reviewed and overruled only by a competent court and with respect to the due process of law.

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

(4) The work of courts shall be public, unless the law or the Constitution provide for exclusion of the public.

Article 7

(1) Cases falling within judicial jurisdiction shall in the first instance be heard by an individual judge. First instance cases to be heard by a panel of judges shall be determined by law.

(2) Courts of appeal shall deliberate in panels, unless when provided for by law that the case is to be heard by an individual judge.

(3) Jurors shall participate in judicial deliberations in accordance with the law.

Article 8

(1) Judges shall have immunity in accordance with this Act.

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

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

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

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

Article 9

The salary of judges shall be regulated by law.

Article 10

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

(2) The President of the Supreme Court of the Republic of Croatia may determine that another court having subject matter jurisdiction should process certain type of cases, if the court having geographical and subject matter jurisdiction pursuant to the law can not try these cases and reach a decision within a reasonable period because of a large number of cases pending before this court.

(3) The President of the Supreme Court of the Republic of Croatia shall issue a decision regarding cases to be tried by another court having subject matter jurisdiction.

(4) The Court which ceding a case to another court shall notify thereof in writing the parties or their respective attorneys or representatives.

(5) In case from paragraph 2 of this Article, clients and their proxies are entitled to a compensation of public transportation costs. Attorneys are entitled to compensation of costs for their absence from the office during the travel and compensation of transportation costs set by the Tariff on Attorney's Awards and Compensation of Costs. These costs from paragraph 1 of this article shall be paid out from the State Budget, if such costs exceed the ones that the clients would have incurred had the procedure taken place before the court of geographical jurisdiction.

Article 11

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

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

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

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

Article 12

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

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

II. ORGANISATION, COMPETENCIES AND JURISDICTION

ORGANISATION OF COURTS

Article 13

(1) Judicial power in the Republic of Croatia shall be vested in regular and specialized courts.

(2) Regular courts are municipal courts, county courts and the Supreme Court of the Republic of Croatia.

(3) Specialized courts are misdemeanour courts, commercial courts, the High Misdemeanour Court of

the Republic of Croatia, the High Commercial Court of the Republic of Croatia and the Administrative Court of the Republic of Croatia.

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

(5) Other regular and specialized courts may be established by law according to subject matter jurisdiction or for certain legal matters.

Article 13.a

Administrative courts, as well as the High Administrative Court of the Republic of Croatia shall also fall into the specialized courts category.

Article 14

(1) Misdemeanour courts and municipal courts shall be established for the territory of one or more municipalities, one or more towns or parts of town..

(2) County courts and commercial courts shall be established for the territory of one or more counties.

(3) The High Misdemeanour Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia and the Administrative Court of the Republic of Croatia shall be established for the territory of the Republic of Croatia and shall have their seats in Zagreb.

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

Article 14a

(1) Administrative courts shall be established for the territory of one or more counties.

(2) High Administrative Court of the Republic of Croatia shall be established for the territory of the Republic of Croatia.

Article 15

(1) Courts shall operate in their seats.

(2) Misdemeanour courts, municipal courts, commercial, administrative and county courts may exceptionally exercise judicial power outside their seats on particular judicial days or may establish permanent offices or departments.

(3) A decision for a court to sit outside its seat shall be rendered by the minister of justice.

(4) The Minister of Justice shall issue a decision regulating the establishment of permanent offices or departments outside the seat of the court after obtaining the opinion of the President of the Supreme Court of the Republic of Croatia.

COMPETENCE AND JURISDICTION OF COURTS

Article 16

Jurisdiction of courts shall be regulated by this Act and other laws.

Article 17

(1) Misdemeanour courts shall:

1. have first instance jurisdiction to adjudicate misdemeanours and petty offences, unless for such proceedings the subject matter jurisdiction of another body is determined by law;
2. provide international legal assistance in cases within their jurisdiction, and pursue other activities provided for by law.

(2) The law may provide that one misdemeanour court should handle all cases of a particular type falling within the competence of several misdemeanour courts.

Article 18

(1) In addition to the jurisdiction determined by other laws, municipal courts shall handle:

1. non-contentious and enforcement cases, unless they are within the competence of another court,
2. cases regarding legacy, the land register, and shall keep the land registry,
3. recognition and enforcement of decisions of foreign courts,
4. international legal assistance in cases falling within their jurisdiction.
5. carry out tasks relating to international legal assistance with the member states of the European Union in proceedings that fall under their competence.

(2) Municipal courts shall handle all cases from Article 3 Paragraph 2 of this Act which do not fall within the jurisdiction of another court or a notary public.

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

Article 19

In addition to the competencies determined in other laws, in other cases county courts shall:

1. conduct investigatory proceedings and notary public disciplinary proceedings regarding disciplinary breaches and decide such cases in the first instance when provided for by law,
2. hear appeals against decisions delivered in disciplinary proceedings regarding the malpractice of notaries public when provided for by law,
3. provide support to witnesses and victims in court,
4. carry out tasks relating to international legal assistance in proceedings that fall under their competence,
5. carry out tasks relating to international legal assistance with the member states of the European Union in proceedings that fall under their competence.
6. conduct the execution of foreign criminal rulings
7. pursue other activities stipulated by law.

Article 20

In addition to jurisdiction determined in other laws, commercial courts shall in non-contentious procedures:

1. act in matters regarding registration and keep court registers.
2. decide on the registration of vessels in the shipping register and on the registration of rights related to these vessels, the limitation of liability of shipping operators, appeals concerning the allocation of liability in shipping disasters, unless otherwise provided for by law in individual types of cases,
3. decide on motions related to the incorporation, operation and winding-up of companies.
4. decide in non-contentious matters determined in the Companies Act,

5. decide and enforce decisions delivered in the first instance, as well as disputes which arise in the course of the enforcement of these decisions. They may delegate the execution of non-pecuniary means of the execution debtor to municipal courts.
6. conduct proceedings for the recognition and enforcement of foreign judicial decisions and arbitral awards in commercial cases.
7. provide evidence related to proceedings falling within their jurisdiction,
8. decide on safeguard measures in cases in which they have jurisdiction,
9. decide on motions to initiate bankruptcy proceedings and conduct bankruptcy proceedings,
10. carry out tasks relating to international judicial assistance in presenting evidence in commercial cases,
11. pursue other activities provided for by law.

Article 20a

Administrative courts shall decide on the following:

1. complaints against individual decisions of the bodies of public law;
2. complaints against an action of the bodies of public law;
3. complaints against administrative contracts and the enforcement of administrative contracts; and
4. in other cases laid down by law.”

Article 21

The High Misdemeanour Court of the Republic of Croatia shall:

1. decide on appeals against decisions of misdemeanour courts and state administration bodies in the first instance, and on appeals against decisions of other bodies when this is provided for in a special law,
2. decide on conflicts of jurisdiction among misdemeanour courts;
3. decide on extraordinary legal remedies against final decisions regarding misdemeanours when this is provided for in a special law;
4. pursue other activities stipulated by law.

Article 22

The High commercial court of the Republic of Croatia shall:

1. decide on appeals against decisions of commercial courts in the first instance in legal matters referred to in Article 20 of this Act,
2. resolve conflicts over territorial jurisdiction among courts of commerce in legal matters referred to in Article 20 of this Act, and decide on delegation of competences among commercial courts,
3. in legal matters referred to in Art. 20 of this Act pursue other activities determined by law.

Article 23

The Administrative Court of the Republic of Croatia

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

Article 23a

The High Administrative Court of the Republic of Croatia shall decide on the following:

1. appeals against the judgments of administrative courts and decisions against which an appeal is permissible;
2. lawfulness of general acts;
3. conflict of jurisdiction between administrative courts, and
4. in other cases laid down by law.”

Article 24

The Supreme Court of the Republic of Croatia shall:

1. ensure the uniform application of law and the equality of everyone in its application,
2. decide on extraordinary legal remedies against final decisions of all courts in the Republic of Croatia and on ordinary legal remedies when provided for by a separate law;
3. resolve conflicts of jurisdiction when provided for by a separate law,
4. discuss all important legal issues concerning judicial practice, analyse the need for professional development of judges, advisers and court trainees and engage in other activities provided for by law.

Article 25

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

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

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

Article 26

(1) The President of the Supreme Court of the Republic of Croatia or the president of the immediately superior court shall have the right to appoint two (at least) or more judges to carry out inspection of the work in the court.

(2) The appointed judges shall immediately inform the court president who appointed them for carrying out the inspection, the President of the Supreme Court of the Republic of Croatia and the president of the immediately superior court on the result of the inspection.

III. PROTECTION OF RIGHT TO TRIAL WITHIN REASONABLE TIME

Article 27

(1) A party to proceedings considering that the competent court has not reached a decision within a reasonable time on the party's right or obligation or criminal suspicion or charge, can file an application with the immediately superior court for protection of the right to trial within reasonable time.

(2) If the application refers to an ongoing procedure before the High Commercial Court of the Republic

of Croatia, High Misdemeanour Court of the Republic of Croatia or the Administrative Court of the Republic of Croatia, it shall be decided by the Supreme Court of the Republic of Croatia.

(3) The application referred to in par. 1 of this Article shall be decided in urgent procedure. The procedure shall be conducted in line with the rules governing non-contentious procedures, as a rule without any hearing.

(4) A decision on the request for the protection of the right to trial within a reasonable time shall be rendered by a single judge

Article 28

(1) If the court referred to in Article 27 of this Act decides positively on the merits of the application filed by the applicant, it shall determine a time framework for the court before which the case is heard to decide on the right or obligation or suspicion or criminal charge against the applicant, and shall determine a just compensation to the applicant for violation of the right to trial within reasonable time.

(2) The compensation shall be paid out from the State budget within 3 months from the day the party submits the request for payment of the compensation.

(3) The decision on the application for protection of the right to trial within reasonable time shall be delivered to the parties whereas after it becomes final it shall be delivered to the president of the court before which the right to trial within reasonable time has been infringed, to the president of the immediately superior court, the Ministry of Justice and the Ministry of Finance.

(4) The immediately superior court shall decide on the application for protection of the right to trial within reasonable time within six months.

(5) An appeal may be lodged against the first-instance decision on the request for the protection of the right to trial within a reasonable time within 15 days with the Supreme Court of the Republic of Croatia. A decision on the appeal shall be rendered by the Chamber.

(6) The Council referred to in paragraph 5 of this Article shall consist of three judges of the Supreme Court of the Republic of Croatia. The members of the Council shall be appointed by the General Session of the Supreme Court of the Republic of Croatia.

(7) In case of an instigated proceeding for protection of the right to trial within reasonable time before the European Court of Human Rights and where the representative of the Government of the Republic of Croatia before the European Court of Human Rights demanded information on specific case from the court before which the case is heard, that court shall inform of the request of the representative of the Government of the Republic of Croatia the president of the immediately superior court, the president of the Supreme Court of the Republic of Croatia as well as the Ministry of Justice

IV. INTERNAL ORGANISATION OF COURTS

1. COURT ADMINISTRATION

Article 29

Administration of a court shall include the following activities:

1. providing the conditions for the proper operation of courts,
2. care for the regular and timely operation of courts,
3. the convening and assigning of jurors,

4. procedures regarding permanent judicial assessors, court interpreters and expert witnesses,
5. tasks relating to provision of support to witnesses and victims
6. deleted
7. the certification of documents to be used abroad,
8. dealing with submissions and complaints of parties regarding the operation of courts,
9. specialist work related to the rights and duties of judicial officials and employees,
10. taking care of the professional development of judges, judicial advisers, judicial trainees and other judicial officials or employees,
11. statistics, financial and material operations of courts
12. provision of information on the work of court and other activities which may be stipulated by law or by the rules of procedure on the internal operation of courts (hereinafter: Rules of Procedure).

Article 30

- (1) The President of a court shall perform the duties of court administration accordance with the law and Rules of Procedure.
- (2) Where the President of a court is absent or is not able to perform his duty, judicial administration shall be the responsibility of a judge specified in a schedule of duties determined on an annual basis (court vice-president).
- (3) The President of the Supreme Court of the Republic of Croatia shall, in performing the duties of judicial administration, be assisted by the presidents of the departments of the court and the court secretary. Presidents of other courts shall be assisted by the presidents of the departments of the respective courts, court secretary or any other official determined by the court president.
- (4) A higher judicial administration body shall be the president of the immediately superior court. The highest court judicial administration body shall be the President of the Supreme Court of the Republic of Croatia.

Article 31

- (1) Courts shall have a spokesperson.
- (2) Court spokesperson shall be a judge or court adviser appointed to the duty of the spokesperson by the annual work schedule.
- (3) Court spokesperson shall provide information on the work of the court in accordance with this Act, Rules of Procedure for Courts and the Freedom of Information Act.

Article 31.a

Within the framework of court administration tasks, county courts may decide to set up a Department for provision of support to witnesses and victims in court proceedings.

2. JUDICIAL DEPARTMENTS

Article 32

- (1) In courts in which there is more than one panel or more than one individual judge that hears cases in matters falling within several related legal areas, judicial departments shall be formed, composed of all

the judges who decide in these matters.

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

(3) Court divisions due to proceed in cases involving criminal offences from the competence of USKOK shall be established at County Courts in Zagreb, Split, Rijeka and Osijek.

(4) In municipal courts operating in the seats of county courts referred to in the preceding paragraph of this Article, the president of the court shall be obliged to establish a special court division due to proceed in cases involving criminal offences from the competence of USKOK.

(5) The Annual Schedule of Work shall specify the judges and court employees due to proceed in cases involving criminal offences within the competence laid down in the Act on USKOK.

(6) Cases falling within the competence laid down in the Act on USKOK may only be handled by judges and court employees who have passed security checks, pursuant to the Security Checks Act.

Article 33

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

(2) At their meetings, judicial departments of county courts, of the High Misdemeanour Court and the High Commercial Court of the Republic of Croatia, shall discuss issues of common interest for the inferior courts in their respective territories.

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

(4) Matters of mutual interest to administrative courts shall be discussed at sessions of court divisions of the High Administrative Court of the Republic of Croatia, as shall draft laws governing the issues falling within the remit of this Court.

(5) Matters of mutual interest to particular or all courts in the territory of the Republic of Croatia shall be discussed at sessions of divisions of the Supreme Court of the Republic of Croatia, as shall draft laws from particular areas of law, and opinions shall be passed about these draft laws.

Article 34

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

(2) A meeting of all judges of a court shall be convened upon the request of any judicial department or one quarter of all judges of that court.

(3) Decisions at the meeting of judges or a judicial department shall be taken by a majority of the votes of all judges of the court or department.

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

Article 35

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

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

(3) Legal interpretation adopted at the meeting of the judicial department of the Supreme Court of the Republic of Croatia, Administrative Court of the Republic of Croatia, the High Administrative Court of the Republic of Croatia, the High Misdemeanour Court of the Republic of Croatia, High Commercial Court of the Republic of Croatia and the county court shall be binding for all second-instance panels of judges and individual judges of the same department.

Article 36

(1) Courts with more than twenty judges shall have departments or department services for monitoring and study of court practice.

(2) In courts with less than twenty judges, the court president shall, in the annual distribution of work – work schedule – appoint a judge to monitor and study court practice.

(3) Courts can set up an IT service, and the Supreme Court of the Republic of Croatia an IT service or department.

(4) The IT service or department shall organize IT support for the work of the court, IT processing and use of court practice and literature and provide technical IT support to lower instance courts.

3. COUNCILS OF JUDGES

Article 37

(1) Councils of judges shall:

- assess performance of judges,
- give an opinion about candidates for court president,
- propose candidates for Presidents of courts,
- pursue other duties laid down by this Act and Rules of Procedure.

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

Article 38

(1) A council of judges for a county court and the municipal courts from the territory of that county

court shall be established at that county court.

(2) A council of judges for commercial courts shall be established at the High Commercial Court of the Republic of Croatia, and for misdemeanour courts at the High Misdemeanour Court of the Republic of Croatia.

(3) The duties of the council of judges for the Administrative Court of the Republic of Croatia and the Supreme Court of the Republic of Croatia shall be performed by the general session of all judges of the respective court.

(4) A council of judges for the administrative courts shall be established at the High Administrative Court of the Republic of Croatia.

Article 39

(1) The council of judges shall consist of selected judges, the president of the county court, the president of the High Commercial Court of the Republic of Croatia, the president of the High Misdemeanour Court of the Republic of Croatia, the president of the Administrative court of the Republic of Croatia and the Supreme Court of the Republic of Croatia accordingly.

(2) The council of judges of a county court shall consist of 15 members, of which 8 members shall be from among judges of the county court, 6 from among the judges of the municipal courts in the respective territory and the president of the county court.

(3) If a county court, together with all municipal courts in that territory, has fewer than 50 judges, the Council of judges shall have 9 members, of which 5 shall be from among the judges of the county court, 3 from among the judges of the municipal courts in the respective territory and the president of the county court.

(4) If fewer than 6 judges work at a county court, all 6 judges and the president of the county court shall be members of the council of judges, with 2 members from among the judges from the municipal courts in the respective territory.

(5) The Council of judges of commercial courts shall have 15 members, of which 8 shall be from among the judges of the High Commercial Court of the Republic of Croatia, 6 from among the judges of commercial courts and the president of the High Commercial Court of the Republic of Croatia.

(6) The Council of judges of misdemeanour courts shall have 15 members, of which 8 members shall be from among the judges of the High Misdemeanour Court of the Republic of Croatia, and 6 from among the judges of misdemeanour courts and the president of the High Misdemeanour Court of the Republic of Croatia.

(7) The Council of judges of administrative courts shall have 15 members, of which 8 shall be from among the judges of the High Administrative Court of the Republic of Croatia, 6 from among the judges of administrative courts and the president of the High Administrative Court of the Republic of Croatia.

(8) In deciding over councils of judges matters concerning judges of a county court, High Misdemeanour Court of the Republic of Croatia, High Commercial Court of the Republic of Croatia and High Administrative Court of the Republic of Croatia, shall participate only the members of the Council of judges from among the judges of those courts.

Article 40

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

Article 41

(1) Members of councils of judges elected from among the judges of county courts shall be elected by county court judges, and the members of councils of judges elected from among the judges of municipal courts shall be elected by all judges of the municipal courts from the territory of a particular county court.

(2) The members of the council of judges of commercial courts shall be elected from among the judges of the High Commercial Court of the Republic of Croatia or the High Misdemeanour Court of the Republic of Croatia by the judges of these courts, and the members from among the judges of commercial or misdemeanour courts, shall be elected by the judges of these courts.

(3) The members of the council of judges of administrative courts shall be elected from among the judges of the High Administrative Court of the Republic of Croatia by the judges of that court, and the members from among the judges of administrative courts, shall be elected by the judges of these courts.”

(4) No county court, commercial court or misdemeanour court can have more than three members from among their judges in the council of judges.

Article 42

(1) All judges have the right to stand as candidates for the council of judges. Elected judges shall have the obligation to participate in the work of the council of judges.

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

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

Article 43

(1) The council of judges shall notify all courts on the opening of the procedure for nomination of candidates three months at the latest before the expiry of the current mandate. Judges can submit their nominations as candidates for the council of judges within 30 days, or they can be nominated as candidates by their courts with their prior consent. Nominations shall be submitted to the respective council of judges.

(2) No later than two months before the expiry the mandate of a council of judges, the President of the Council of judges shall develop a separate list of candidates for each type of court. The data necessary for the list shall be provided by the Ministry of Justice and by the Presidents of the courts in which the councils of judges are established. The lists shall be made in alphabetical order, containing the number, the name of the candidate and a full or an abbreviated name of the court at which the judge works.

(3) The list of candidates shall be displayed on bulletin boards of the courts for which the council of judges is elected no later than eight days prior to the election.

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

Article 44

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

(2) Council of judges shall appoint the electoral commission prior to expiry of the deadline for determining the list of candidates.

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

Article 45

(1) The election shall take place not later than 15 days before the expiry of the mandate of the council of judges. Council of judges sets the date and venue for the election, making sure that all judges are able to vote.

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

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

(4) The candidates who receive the largest number of votes shall be elected members of the council of judges. The candidates, who receive the next largest number of votes to the votes received by the elected members of the council, shall be considered their deputies. If at the mentioned court more than allowed candidates have been selected, the candidates with the most votes will be elected, up to the maximum number of judges that can be elected at that court.

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

Article 46

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

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

Article 47

(1) A council of judges shall have a president and a deputy president elected by a majority vote of the members of the council of judges.

(2) Court president cannot be chairman or vice-chairman of a council of judges.

Article 48

- (1) The council of judges shall decide at its session by a majority vote of all its members in open voting.
- (2) A session of the council of judges shall be convened by its President by means of a written notice delivered to its members at least 8 days before the day it is to be held.
- (3) Before giving its opinion on candidates for appointment to the vacant position of a judge, the council of judges shall obtain the opinion on the candidates from the president of the court to which the judge is to be appointed, and for candidates who are already judges, also from the president of the court in which the candidate worked as a judge.
- (4) Minutes shall be made of the sessions of the council of judges.
- (5) The council of judges shall operate in line with the Rules of Procedure of councils of judges.
- (6) The Rules of Procedure referred to in paragraph 5 of this Article shall regulate the operation of councils of judges. The Rules of Procedure of councils of judges shall be adopted by the Council composed of the presidents of all councils of judges, as stipulated in the Article 81 hereof.

Article 49

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

Article 50

- (1) A member of the council of judges shall cease to perform his/her duty prior to the expiry of his/her mandate in the following cases:
 - if he/she so requests,
 - if he/she ceases to perform the duty of a judge or is appointed as a judge at a court outside the territory for which a particular council of judges is competent,
 - if he/she is appointed President of a another court,
 - if he/she is elected as a member of the State Judiciary Council,
 - if there is a final decision as a result of a disciplinary proceeding against him/her.
- (2) If a member of a council of judges ceases to perform his/her duty prior to the expiry of his/her mandate, a council of judges shall appoint his/her substitute, respecting the order established at the election for the members of the council of judges.
- (3) The mandate of the appointed substitute as a member of the council of judges shall last until the expiry of the mandate of the council of judges.

V. SPECIAL PROVISIONS ON THE ORGANISATION OF THE SUPREME COURT

Article 51

- (1) The Supreme Court of the Republic of Croatia shall consist of a Criminal Law Department, Civil Law Department, service for following, studying and recording judicial practice at departments, Court President's Office, IT department or service and other expert and technical support services.

- (2) Civil Law Department shall cover the areas of civil, commercial and administrative law.
- (3) Criminal Law Department shall cover the areas of criminal, misdemeanour, and disciplinary proceedings pursuant to the regulations on attorneys and notary publics.
- (4) Judges shall be assigned to particular departments on the basis of an annual work schedule.
- (5) The President's Office shall perform tasks related to court administration and international cooperation, training of judges and protocol for the needs of the court.
- (6) Regulations on protocol of the Croatian Parliament and the Government of the Republic of Croatia shall apply accordingly to the protocol tasks of the Supreme Court of the Republic of Croatia. The Supreme Court may, for the purposes of its protocol, use objects intended for the same purpose, that are at the disposal to the Croatian Parliament and the Government of the Republic of Croatia.
- (7) The internal organisation of the Supreme Court of the Republic of Croatia shall be closely regulated by the Rules of Procedure of the Supreme Court and the Judicial Rules of Procedure, pursuant to the law. The President of the Supreme Court shall adopt the Rules of Procedure of the Supreme Court of the Republic of Croatia, after obtaining opinion of the General Session.

Article 52

- (1) A person may be appointed President of the Supreme Court of the Republic of Croatia if he/she meets the general and special requirements for a judge of that court.
- (2) Before assuming his/her duty, the President of the Supreme Court of the Republic of Croatia shall take an oath before the President of the Republic of Croatia which reads: "I swear that in performing my duty I shall abide by the Constitution and laws and protect the integrity, sovereignty and the state organisation of the Republic of Croatia as well as the freedoms and rights of man and citizen established in the Constitution and the law."
- (3) The President of the Supreme Court of the Republic of Croatia represents the Supreme Court of the Republic of Croatia, performs the duties of judicial administration and other duties stipulated by law and the Rules of Procedure of the Supreme Court of the Republic of Croatia.
- (4) If the President of the Supreme Court of the Republic of Croatia is a person who, prior to the appointment, did not work as a judge in that court, the State Judiciary Council shall appoint him a judge of that court.
- (5) If the President of the Supreme Court of the Republic of Croatia, on the basis of the decision of the Croatian Parliament or at his/her own request is relieved of this function before the expiry of his/her term of office or is not re-elected to this position, he/she shall continue to work as a judge in that court.

Article 53

- (1) A Secretary of the Supreme Court of the Republic of Croatia shall be appointed at the Supreme Court of the Republic of Croatia.
- (2) A person fulfilling requirements for senior court advisor may be appointed as the secretary.
- (3) The President of the Supreme Court of the Republic of Croatia shall appoint the Secretary of the Supreme Court of the Republic of Croatia, upon obtained opinion of the Convention of Judges of the Supreme Court of the Republic of Croatia.

Article 54

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

Article 55

Secretary assists the President of the Court in performance of judicial administrative tasks, initiates and conducts procedures related to minor breach of official duty of court officials and employees, and initiates the procedure related to serious breach of official duty.

Article 56

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

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

(3) If the secretary chooses not to accept referral from paragraph 2 of this Article, he is entitled to remuneration pursuant to the law regulating rights and obligations of state officials.

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

Article 57

(1) The General Session of the Supreme Court of the Republic of Croatia consists of the President and all judges of that Court.

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

(3) The President of the Court may, if necessary, invite faculty-of-law professors, outstanding scientists or experts in a particular area of law to participate at the General Session.

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

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

Article 58

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

1. give opinions regarding draft laws or other regulations which are intended to regulate the powers of the court or other questions important for the operation of the courts or the exercise of judicial practice;
2. give guidelines to courts for the monitoring of judicial practice;
3. issue reports for the Parliament of the Republic of Croatia;
4. perform any other activities which may be stipulated by law or by the Rules of Procedure of the Court.

Article 59

Deleted.

Article 60

(1) The President of the Supreme Court of the Republic of Croatia may convene the General Session of the Supreme Court of the Republic of Croatia with participation of representatives of other courts.

(2) The General Session referred to in paragraph 1 of this Article shall consist of all judges of the Supreme Court of the Republic of Croatia and two representatives each of the High Misdemeanour Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia, the Administrative Court of the Republic of Croatia and one representative from each county court.

(3) The General Session of the Supreme Court of the Republic of Croatia shall discuss important issues of judicial practice and shall propose candidates for members of the State Judiciary Council.

VI. JUDICIAL ADMINISTRATION

Article 61

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

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

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

Article 62

Judicial administration includes activities for exercising of judicial power:

1. drafting laws and other regulations intended to regulate the establishment, competencies, jurisdiction, composition and organisation of courts, and judicial procedures,
2. care for the professional education and training of judges and other officials and employees,
3. securing financial means and facilities necessary for the operation of courts,
4. the collection of statistical and other data regarding the operation of courts,
5. dealing with submissions and petitions of citizens in respect of the operation of courts, in particular those regarding unnecessary delays in procedure, or the conduct of judges or other employees in the course of judicial proceedings or other official acts,
6. the supervision of the financial and material operations of courts,
7. the supervision of the regular operation of courts and adherence to the Judicial Rules of Procedure, as well as other administrative tasks and duties stipulated by law.

Article 63

(1) Judicial administration of courts shall be supervised by judicial inspectors of the Ministry of Justice.

(2) Senior administrative advisers acting as judicial inspectors must satisfy the requirements for election of county court judges.

Article 64

The tasks of judicial administration and the tasks relating to the supervision of regular operation of court administration at the Ministry of Justice can be performed by senior administrative advisers and administrative advisers.

Article 65

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

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

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

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

Article 66

(1) Records shall include the following information:

1. personal data,
2. data concerning appointment and removal,
3. data concerning university degree grades,
4. data concerning traineeship,
5. data concerning published expert or scientific papers,
6. data concerning evaluation of judicial work,
7. data concerning promotion,
8. data concerning training at the Judicial Academy and other forms of professional education and training,
9. data concerning final decisions on disciplinary sanctions.

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

(3) Information included in records shall be classified.

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

Article 67

The Ministry of Justice may ask the courts to produce reports and information needed for the performance of activities falling within the judicial branch of government and the tasks of judicial administration. Within the scope of its competences, it may obtain direct insight into the work of the court and request reports on the reasons for not acting in a particular case, as well as request delivery of

a case to be analysed and hold a common meeting with the courts in order to consider the issues connected with the performance of judicial power and the application of new regulations.

Article 68

(1) The Minister of Justice shall enact the Judicial Rules of Procedure.

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

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

Article 69

(1) While conducting a main hearing or a public session, as well as on other occasions determined by law or Judicial Rules of Procedure, judges shall wear a special robe.

(2) The Minister of Justice shall regulate the style of the robe and the time table of its gradual introduction.

Article 70

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

VII. APPOINTMENT OF JUDGES-deleted

Article 71

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

Article 72

The framework standards shall be issued by the Minister of Justice upon the proposal of the General Session of the Supreme Court of the Republic of Croatia referred to in Article 60 of this Act.

Article 73

Deleted.

Article 74

Deleted.

Article 74a

Deleted.

Article 75

Deleted.

VIII RIGHTS AND OBLIGATIONS OF JUDGES**Article 76**

(1) Judges of the misdemeanour, municipal, county, commercial and administrative courts, High Commercial Court of the Republic of Croatia, High Misdemeanour Court of the Republic of Croatia and High Administrative Court of the Republic of Croatia shall be assessed every five years, during procedure of appointment to another court,.

(2) In the process of promotion of a judge, for the position of a judge of a county court, High Commercial Court of the Republic of Croatia, High Misdemeanour Court of the Republic of Croatia, the Administrative Court of the Republic of Croatia and the High Administrative Court of the Republic of Croatia the judge shall be assessed for last five years, whereas for the position of a judge of the Supreme Court of the Republic of Croatia the judge shall be assessed for last ten years.

1. Fulfilment of judicial duties

Article 77

Deleted.

Article 78

(1) The president of the court at which the judge performs judicial duty shall establish whether a judge fulfilled his/her judicial duties during previous calendar year, in accordance with criteria stipulated in Article 79 of this Act.

(2) If the president of the court establishes that a judge, without having just reasons for it, did not render prescribed number of decision in a one year period, or he/she performed judicial duties negligently, the president shall instigate disciplinary proceedings in accordance with Act on the State Judiciary Council, whereas, for a president of the court disciplinary proceedings shall be instigated by the president of the immediately superior court.

(3) If the president of the court establishes that a judge, having just reasons for it, did not render prescribed number of decision in a one year period, the president shall inform the president of the immediately superior court about the just reasons in question.

2. Evaluation of Judges

Article 79

(1) The council of judges shall assess the performance of a judge in line with the following criteria:

1. whether the judge rendered prescribed number of decisions by the framework standards for the work of the judges, whereat the results of the work shall be established by types of cases both in absolute numbers and percentages, as well the just reasons shall be given in case the judge failed to render prescribed number of decision in accordance with framework standards,
2. whether the judge complied with prescribed deadlines for rendering and writing of decisions,
3. which kind of decisions have been rendered (corroborated, annulled or modified) upon legal remedies, in absolute numbers, and relative to total number of rendered decisions, relative to number of decision which have been appealed against, as well as how many of those decisions have been annulled on the grounds of major procedural violations,
4. whether the judge participated in forms of professional training in the Judicial Academy as a lecturer or underwent professional training in various forms of professional training,
5. whether the judge underwent international forms of professional training,
6. whether the judge published any scientific or expert writings,
7. whether the judge completed postgraduate specialist studies or postgraduate university studies and acquired academic doctor of sciences degree,
8. whether the judge participated as a teacher or associate in university law studies teaching,
9. whether the judge performed duties of a mentor for monitoring the work of the trainees and cared for his/her professional education or was head of a department,
10. whether the judge participated in the work of Steering or Programme Council of the Judicial Academy,
11. whether the judge took part in the work of international organizations or missions,
12. whether the judge participated in working parties on drafting the laws and other rules and regulations,
13. whether the judge was transferred to another court within the meaning of Articles 102 and 103 of the Courts Act,
14. whether the judge was transferred to work in the Ministry of Justice and on the basis of the assessment of his work there,
15. whether the judge, as the president of court, performed court administration duties successfully,
16. other activities and actions that allow a detailed assessment of the manner in which a judge fulfils his/her duties.

Article 80

(1) Deleted.

(2) Unless otherwise provided by this Act, provisions of the General Administrative Procedure Act shall apply accordingly to the actions of the council of judges and the council of the Supreme Court of the Republic of Croatia referred to in Article 87 of this Act.

Article 81

Methodology of evaluation shall be determined by the State Judiciary Council, upon previous opinion of the council consisting of presidents of all councils of judges in the Republic of Croatia and the General Session of the Supreme Court of the Republic of Croatia.

Article 82

(1) The result of the evaluation of the performance of judicial duties may be:

1. excellent performance of judicial duty 130 – 150 points
2. very successful performance of judicial duty 110 – 130 points
3. successful performance of judicial 90 – 110 points
4. satisfactory performance of judicial duty 70 – 90 points
5. unsatisfactory performance of judicial duty, less than 70 points

(2) The council of judges shall determine the mark which is the sum of all the points as prescribed by the Methodology of evaluation referred to in the Article 81 of this Act. The mark shall be reached by open vote.

Article 83

(1) Evaluation decision shall consist of an introduction, statement of decision, statement of reasons (explanation) and instruction on legal remedy.

(2) The chairman of the council shall sign the decision on behalf of the council of judges.

Article 84

The decision shall be delivered to the judge that it refers to, to the president of the court in which the judge performs judicial duty, the President of the Supreme Court of the Republic of Croatia and the Ministry of Justice.

Article 85

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

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

Article 86

(1) The Council from Article 85 paragraph 1 of this Act shall appoint the council of judges of the Supreme Court by majority vote of all members of the council, at same the time when determining the annual schedule of tasks at the Supreme Court of the Republic of Croatia for the following calendar year.

(2) At the same time, five members shall be appointed, who will replace the members of the council in case of them being prevented from attending (deputy members).

(3) The chairman and vice-chairman of the council shall be appointed by the council of judges of the Supreme Court of the Republic of Croatia, after the appointment of the council, by two-third majority vote.

Article 87

The Council of the Supreme Court of the Republic of Croatia may dismiss an appeal as untimely or it may reject it and confirm the evaluation of the competent council of judges, or it may accept the objection and modify the decision.

Article 88

Deleted.

3. Performance of Judicial Duty

Article 89

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

Article 90

(1) The assignment of work in a court shall be made at the end of each calendar year for the next calendar year.

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

(3) In courts which have judicial departments, cases shall be assigned according to the alphabetical order of judges in each particular department, following the method described in paragraph 2 of this Article. All remaining cases shall be assigned in the same way and care shall be taken to distribute the cases over the course of the year.

(4) Cases shall be assigned to panels of second and third instance courts in alphabetical order of Presidents of panels. The President of a second and third-instance panel shall assign cases to members of the panel in alphabetical order of panel members.

Article 91

The method of assignment of cases described in Article 90 of this Act shall also be applied in cases where a particular judge is excluded or cannot perform his/her judicial work over a longer period of time.

4. Obligations of Judges

Article 92

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

Article 93

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

Article 94

- (1) A judge must not be a member of a political party, nor be involved in political activity.
- (2) Judges may freely associate in associations of judges for the purpose of protection of their independence and interests.

Article 95

- (1) A judge must not use his/her judicial position or dignity in pursuance of his/her rights.
- (2) A judge must not act as an attorney or notary public, or be a member of a board of directors or a board of auditors of a corporation or any other legal person.
- (3) A judge must not perform any other service or job which may impair his/her autonomy, impartiality or independence, or diminish his/her social dignity, or which are otherwise incompatible with a judicial function.

Article 96

- (1) Judges have the obligation of continuous professional development and participation in professional education and training programmes of the Judicial Academy. Judges may also participate in other forms of professional education and training.
- (2) Judges have the obligation to accept the invitation of the Judicial Academy to participate in professional education and training programmes as trainees.
- (3) A judge may produce expert or scientific papers, publish the content of legally effective court decisions, serve as a lecturer at the Judicial Academy, as a law teacher or teaching associate at a university study, participate in the work of expert or scientific meetings or commissions, and in preparing draft regulations
- (4) The Minister of Justice shall be authorized to issue an ordinance specifying the obligation of judges in terms of professional education and training at the Judicial Academy, defining in detail the type, manner, duration and evaluation of such education and training.

Article 97

Deleted.

Article 98

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

5. Rights of Judges

Article 99

- (1) Judges shall have the right to:
 - a salary established for such a position;

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

(2) The amount of bonus to the salary for a judge transferred to some other court shall be determined by the ordinance of the minister of justice.

Article 100

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

6. Termination of judicial function

Article 101

Deleted.

7. Transfers

Article 102

Deleted.

Article 103

(1) A judge may, subject to his or her consent, be temporarily transferred to work at a court of a higher level for a period of two years, renewable for another two years

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

(3) A judge temporarily transferred to a higher court shall, in procedure and work on cases, have the same rights and obligations as a senior court adviser.

(4) A ruling on temporary transfer of a judge referred to in paragraph 1 of this Article shall be issued by the Minister of Justice, with the agreement of the president of the court in which the judge performs his or her judicial office and with the agreement of the President of the Supreme Court of the Republic of Croatia.

Article 104

(1) A judge transferred to some other court pursuant to Article 103 of this Act shall be entitled to remuneration of costs due to special working conditions (lodging, travel costs, use of personal car for official purposes etc.).

(2) The amount of reimbursement of costs due to such conditions are determined by the ordinance of the Minister of Justice.

Article 105

(1) If a judge is appointed Minister of Justice or a state secretary in the Ministry of Justice, or a judge of an international court, or any other official of an international court or international mission, his/her judicial function shall be suspended for as long as he performs the duty to which he/she is appointed.

(2) A judge may, subject to his or her consent, be assigned to perform other duties at the Ministry of Justice, the Judicial Academy or the State Judiciary Council for a period of two years, renewable for another two years. During the period of assignment to the Ministry of Justice, the Judicial Academy or the State Judiciary Council, his or her judicial office shall be dormant.

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

(4) The Minister of Justice, acting with the consent of the President of a court where the respective judge performs his/her function and with the agreement of the President of the Supreme Court of the Republic of Croatia shall make the decision about the transfer referred to in paragraph 2 of this Article.

(5) The minister of justice shall issue an ordinance regulating the requirements for appointing a judge to an international court, or an international mission, or to any other duty at an international court.

8. Liability for Damages

Article 106

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

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

(3) The Republic of Croatia shall claim the refund of the compensation paid due to the infringement of the right to trial within reasonable time pursuant to the Articles 27 and 28 of this Act against the judge if the infringement occurred due to intention or gross negligence of the judge.

(4) The president of the court before which the right to trial within reasonable time has been infringed shall inform the competent state attorney's office about the facts needed for instigation of the proceeding referred to in paragraph 3 of this Article.

9. Judicial Code of Ethics

Article 107

(1) The Judicial Code of Ethics (hereinafter: the Code) shall lay down ethical principles and rules of behaviour for judges, for the purpose of protecting the dignity and respectability of judicial function. In performing their duties and in their spare time, judges shall respect the laws and the Code.

(2) The behaviour which goes against fundamental principles of the Judicial Code of Ethics and damages the reputation of the judge's office shall be a disciplinary offence.

(3) The Code shall be issued by a council consisting of chairmen of all councils of judges in the Republic of Croatia.

(4) The council referred to in paragraph 2 of this Article shall be convened and presided by the Chairman of the Council of judges of the Supreme Court of the Republic of Croatia.

(5) The chairman of the council shall convene the meetings of the council. The chairman of the council shall convene a meeting of the council upon a written request of $\frac{1}{4}$ of all presidents of councils of judges.

(6) The council shall decide at meetings by open vote and simple majority of votes of all members.

Article 108

(1) The chairman of the council shall manage the drafting of the Code. The draft Code shall be submitted to all chairmen of councils of judges for proposals and objections within a reasonable time. Chairmen of councils of judges shall acquaint the judges with the draft text of the Code.

(2) After this, the council shall determine the proposal of the Code and submit it to judges for discussion. Judges shall have 30 days to submit their objections and proposals regarding the proposal of the Code.

(3) The draft and the proposal of the Code shall be submitted for opinion to the Association of Croatian Judges, the parliamentary committee for justice matters and the minister of justice.

(4) The Code shall be amended following the same procedure in which it was adopted, at the proposal of the Council of judges of the Supreme Court of the Republic of Croatia, one quarter of councils of judges in the Republic of Croatia, majority of presidents of all councils of judges or the Association of Croatian Judges.

(5) Authorized to propose amendments of the Code shall be the President of the Supreme Court of the Republic of Croatia, the parliamentary committee for justice matters, the minister of justice and a minimum of ten judges.

IX. COURT PRESIDENT

Article 109

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

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

(3) deleted

(4) deleted

(5) deleted

Article 110

Deleted.

Article 111

Deleted.

Article 112

Deleted.

Article 113

Deleted

Article 114

Deleted.

Article 115

Deleted.

Article 116

(1) If, for any reason, the President of a court ceases to perform his/her duty before the expiry of his/her term of office, the Minister of Justice shall authorise a judge from the same or a higher instance court to perform the tasks of judicial administration for a period not longer than one year until a new President is appointed.

(2) If presidents of courts cease to perform their duty due to the merger of their courts, the minister of justice shall authorise a judge of one of the merged courts or a judge of a higher court, to perform the tasks pertaining to court administration for a period not longer than one year, until the president of the merged court is appointed.

(3) In courts undergoing the process of establishment, the Minister of Justice shall authorise a judge of the same type and level of court or a judge of a higher instance court to perform the tasks of judicial administration until the court starts to operate.

X. JUDICIAL OFFICIALS AND EMPLOYEES**Article 117**

(1) The number of court clerks and other staff employed in expert, office and technical functions shall be determined by the court president with the consent of the Minister of Justice.

(2) The beginning and termination of employment of court employees, their salaries and other rights, obligations and responsibilities relating to employment shall be regulated by acts on civil servants and public employees, and general labour regulations.

(3) Regulations concerning qualifications, the duration and conditions of court training, the conditions for taking the professional examination, the content and manner in which this examination is organized and other related issues shall be regulated by a special act of the Minister of Justice.

(4) When employing judicial civil servants and employees in courts, due care should be exercised to secure representation of members of national minorities among civil servants and employees.

(5) In case of a merger of two or more courts, civil servants and employees shall be taken over in line with the provisions of the Civil Servants Act and general labour regulations.

1. Court secretary**Article 118**

(1) Courts with more than 20 judges can have a court secretary. The court secretary shall assist the court

president in court administration. Eligible for the post of a court secretary are persons with a degree in law.

(2) Eligible for the post of a court secretary of the Administrative Court of the Republic of Croatia, the High Misdemeanour Court of the Republic of Croatia and the High Commercial Court of the Republic of Croatia shall be persons meeting the requirements for the post of a senior court adviser at that court.

(3) The court secretary shall organize and is responsible for the work of court clerks and employees, and shall take care of proper and timely performance of office and other technical tasks at the court, upon authorisation of the court president shall handle parties' complaints regarding work of the court, and with the consent of the court president shall assign court clerks and employees to tasks in court, except for court advisers, and shall also perform other tasks entrusted to him/her by the court president.

2. Judicial advisors

Article 119

(1) Courts can employ court advisers and senior court advisers.

(2) Eligible for court advisers shall be persons with a law degree and the bar examination.

(3) Eligible for senior court advisers are persons with a degree in law and the bar examination who have at least two years of professional experience as a court adviser, state attorney or deputy state attorney, attorney or notary public, i.e. persons who practiced law in other capacities after the bar examination for a minimum of five years.

(4) Eligible for a court adviser at the Supreme Court of the Republic of Croatia shall be a person who passed the bar examination and have a minimum of two years of working experience as a court adviser, whereas eligible for a senior court adviser at the Supreme Court shall be a person with at least 6 years of working experience as a judicial official or at least 8 years of working experience as a court adviser after having passed the bar examination, or a person who worked at a job involving other legal duties at least 12 years after passing the judicial exam

(5) The attendants of the State School for Judicial Officials shall be employed as senior court advisers at the courts for which they have been admitted to the State School for Judicial Officials, for a period of two years.

(6) After completing the State School for Judicial Officials, the term of employment of the senior advisers shall be prolonged until the end of the procedure for appointment as a judge.

(7) In case if a senior adviser referred to in paragraph 5 of this Article, fails to complete the State School for Judicial Officials within time limit prescribed by a special Act, his/her employment status shall be terminated at the court for which he/she has been admitted to the State School for Judicial Officials.

(8) In case if an adviser or senior adviser referred to in paragraphs 1 and 2 of this Article, who is employed at a court, attends the State School for Judicial Officials and fails to complete the State School for Judicial Officials within time limit prescribed by a special Act, he/she shall continue to work in the court where he/she has been working at.

Article 120

(1) Court advisers shall be authorised to independently conduct certain court proceedings, to evaluate evidence and establish facts.

(2) On the basis of proceedings conducted in the above way, the court adviser shall submit to a judge authorised by the court president in writing a proposal of a decision based on which the judge shall issue a decision.

(3) Should the authorized judge not accept the proposed decision submitted by the court adviser, he/she shall conduct the proceedings himself/herself.

(4) Court advisers are authorised to conduct proceedings and propose decisions within the meaning of paragraphs 1 and 2 of this Article in the following proceedings:

1. in litigation proceedings for payment of a monetary claim or compensation of damages if the value of matter in controversy does not exceed 50.000,00 kuna, i.e. at commercial courts, if the value of matter in controversy does not exceed 500.000,00 kuna,
2. in enforcement proceedings,
3. in probate proceedings,
4. in land-registry proceedings,
5. in non-contentious proceedings, except for proceedings for deprivation of business capacity, dissolution of co-ownership and disputes over landmarks.
6. in misdemeanor proceedings,
7. in second-instance proceedings and proceedings in extraordinary legal remedies, court advisers shall report on the status of the file and prepare draft decisions.

3. Associate experts

Article 121

(1) A court may employ staff from other professions, provided that they have completed the relevant professional studies, undergraduate or graduate university studies, and that they have the required work experience in the disciplines of special education, sociology, pedagogy, economy, or book-keeping and finance, or other relevant educational background.

(2) Associate experts referred to in paragraph 1 of this Article shall assist judges in their work where their expert knowledge is required.

4. Court trainees

Article 122

(1) Each year, the Ministry of Justice shall specify in its Admission Plan the number of available trainee positions at courts, upon the proposal of the President of the Supreme Court of the Republic of Croatia, and in line with the criteria for determining the number of staff at courts.

(2) Conditions and manner of appointment of court trainees to courts, as well as the duration and manner of training, shall be regulated by a special law.

5. Protection of persons, court property and buildings

Article 123

(1) Protection of persons, court property and facilities shall include prevention of illegal activities against

persons, facilities or property of the court, prevention of introduction of weapons, instruments, explosive devices and other hazardous objects or substances into the premises of the court, as well as destruction or theft of property.

(2) Protection and security of persons, court property and facilities, as well as maintenance of order in the court shall be carried out by judicial police of the Ministry of justice, or other body competent for security matters.

(3) Duties referred to in paragraph 1 of this Article shall be carried out by with the help of technical protection equipment, physical strength and means of coercion.

(4) The following means of coercion shall be allowed in performance of security and protection duties: physical strength, cuffing, rubber baton and firearms.

(5) The use of physical strength shall be allowed in performance of defence and arraignment techniques for countering attack or breaking the resistance of a person with minimum harmful consequences.

(6) Cuffing shall be allowed for countering attack, breaking resistance and handing over of the person to the police.

(7) The use of rubber baton shall be allowed if use of physical force is unsuccessful.

(8) The use of firearms shall be allowed if other means of coercion do not suffice to counter a simultaneous or immediately forthcoming illegal attack endangering the life of the judicial police officer or other persons. Before using firearms, a judicial police officer shall give a warning to the attacker, if permitted by the circumstances of the attack. The use of firearms shall not be allowed if it could endanger the life of another person.

(9) Protection of persons, court property and facilities shall be regulated in detail by the Minister of Justice.

Article 124

While performing his duty, a judicial police officer shall be authorised:

- to establish the identity of persons entering or leaving a court building;
- to search the persons entering and exiting the court and their personal belongings;
- to prohibit the entry into a court building to persons carrying weapons, dangerous equipment or persons suspected carrying harmful substances, except to authorized officials bringing in defendants, i.e. prisoners;
- to hold and cuff a person caught in the act of committing a criminal offence in the court until such a person is handed over to the police
- to remove from the court building persons disturbing the work of the court.
- to perform other duties, i.e. execute the orders of court president regarding protection of persons, court property and facilities.

Article 125

(1) Eligible for employment with the judicial police are persons who in addition to general conditions for employment in public service also have a health certificate according to the Ordinance on special health requirements issued by the minister of justice with the approval of the minister of health.

(2) Judicial police officers shall be assigned to different functions with respective insignia, and shall on duty wear a special uniform, official identity card and a badge. The functions, insignia, uniform and

official identity card shall be regulated by the Government of the Republic of Croatia.

(3) Due to the difficult and special nature of work and work conditions (shift work, work on public holidays, stress), pension insurance benefit for members of the judicial police shall be calculated in such a way that every 12 months of work shall be calculated as 16 months for the purpose of pension benefits.

Article 126

(1) Fitness for service in the judicial police shall be determined by a health commission established pursuant to the decision of the minister of justice and minister of internal affairs. A member of the judicial police who has been found unfit to work by decision of the competent health commission due to an illness, professional illness or injury sustained on duty or in connection with the performance of duty, shall retain the right to salary and other rights derived from public service employment until the final decision on retirement, for a maximum of three years from the date of the decision regarding unfitness to work.

(2) Pension insurance entitlements of members of the judicial police shall be regulated by a separate law.

(3) Members of the judicial police shall at retirement be eligible for terminal pay amounting to five last salaries calculated according to general regulations.

(4) Family members of a member of judicial police who lost his/her life in the line of duty or in connection with performance of his/her duties shall be entitled to remuneration of funeral costs, and supported family members shall receive financial assistance in the form of a lump sum amounting to his/her six last salaries.

6. Responsibility of judicial officials and employees

Article 127

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

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

(3) The president of the court conducts the proceedings and issues the decision.

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

Article 128

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

(2) The proceedings shall be instituted on the day of submitting proposal to institute proceedings to the

competent court of the judicial officers.

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

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

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

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

Article 129

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

Article 130

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

XI. JURORS

Article 131

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

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

Article 132

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

(2) It shall be the duty of the court president to invite the representatives of bodies appointing jurors to start the appointment procedure five months at the latest before the expiration of the term of office of the current jurors.

(3) If the appointment procedure is not completed before the expiry of the term of office of current jurors, the jurors shall remain on duty until the appointment of new jurors with a new term of office.

Article 133

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

(2) Jurors of the Supreme Court of the Republic of Croatia and the High Commercial Court of the Republic of Croatia shall be appointed by the Croatian Parliament on the basis of nominations proposed by the Minister of Justice in such a way that the proportional representation of all counties shall be provided for.

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

Article 134

(1) Before assuming their function, jurors shall give the following solemn oath.

(2) The oath is: "I swear by my honour to perform the duty of a juror in accordance with the Constitution and laws of the Republic of Croatia, and to perform the juror's duty conscientiously and impartially."

(3) Jurors of municipal courts, commercial courts and county courts shall give the oath in front of the President of the County Assembly of the City of Zagreb. Jurors of the High Commercial Court of the Republic of Croatia shall give the oath before the President of the Croatian Parliament, or before a representative authorized by the President.

Article 135

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

Article 136

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

(2) The conditions and the amount of compensation and awards referred to in paragraph 1 of this Article shall be determined by the ordinance of the Minister of Justice.

XII. PERMANENT COURT INTERPRETERS, EXPERT WITNESSES ANDn ASSESSORS

1. Permanent court interpreters

Article 137

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

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

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

be re-appointed.

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

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

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

(7) A list of court-appointed interpreters for all courts shall be published on the website of the Ministry of Justice

2. Permanent expert witnesses

Article 138

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

Article 139

(1) Expert testimony shall be given by legal persons or individuals.

(2) To be eligible to carry out expert evaluation a natural person shall have completed the relevant university education and, in particular: professional studies, undergraduate studies, or graduate university studies. By way of exception, expert evaluation may also be carried out by a natural person who has acquired secondary school qualifications in the relevant field, whereas legal persons may carry out expert evaluation only within the scope of their registered business activities, provided that the actual expert evaluation work is done by their employees who meet the requirements in their capacity as natural persons

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

Article 140

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

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

(3) Permanent expert witnesses shall be appointed for a period of four years and may be reappointed.

Article 141

Expert witnesses may only use this title when providing opinion at the request of the court or of the

parties for the purpose of realization of their rights. In other cases, this is permitted only with previous approval of the court president which appointed the expert witness.

Article 142

A list of legal persons which may carry out expert evaluation and court-appointed expert witnesses for all courts shall be published on the website of the Ministry of Justice.

3. Permanent judicial assessors

Article 143

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

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

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

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

XIII. NON-DISCLOSURE OF OFFICIAL SECRETS

Article 144

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

(2) The following shall be deemed an official secret:

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

Article 145

(1) The obligation not to disclose official secrets remains even after termination of employment with the court.

(2) The President of a court may, for justified reasons, exempt a judge, judicial official or employee from an obligation not to disclose an official secret. The President of an immediately superior court may make

such an exemption in respect of presidents of inferior courts. The Convention of the Supreme Court of the Republic of Croatia may exempt the President of the Supreme Court of the Republic of Croatia from the same obligation.

Article 146

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

XIV. FINANCING THE OPERATION OF COURTS

1. Procurement of resources

Article 147

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

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

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

Article 148

(1) The court president shall, within the time specified in the Budget Act, submit to the Ministry of Justice a proposed budget for the work of the court in the next fiscal year.

(2) The proposed budget shall include finances necessary for salaries of employees, material costs and investments into buildings and court equipment.

Article 149

Based on the budget proposed by the court president, the Ministry of Justice shall, together with the court president, determine the court budget necessary for the work of the court in the next fiscal year based on the needs and achieved results of the court.

2. Special purpose funds

Article 150

(1) Special purpose funds are:

1. funds for financing trainees;
2. funds for the continuing professional development and training of judges, judicial officials and employees;
3. funds for specific expenses which include:
 - costs and compensation of jurors;
 - costs of judicial proceedings which, as a matter of law, have to be paid from judicial funds;

- costs of seizures related to unpaid fines, and costs of criminal procedures;
- mailing costs related to summons and subpoenas;
- expenses incurred by judges related to lump sum payments in investigations;
- costs related to pre-trial criminal procedures;
- other costs related to the performance of judicial power.

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

a) Investments

Article 151

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

(2) Counties, cities and municipalities may take part in capital investments (construction of facilities) and procurement of equipment for the courts.

b) Financial operations and management of material resources.

Articles 152

(1) Courts shall handle financial operations and material resources in a manner appropriate for state administration bodies. Financial and material operations with parties in the court shall be regulated by the Minister of Justice.

(2) Acquisition of resources necessary for the operation of courts shall be governed by procurement regulations for state bodies.

c) Judicial Deposit

Article 153

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

XV. TRANSITIONAL AND FINAL PROVISIONS

Article 154

Deleted.

Article 155

(1) Until the enactment of the Non-litigious Procedure Act, all cases shall in the first instance be heard by an individual judge.

(2) Deleted.

Article 156

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

Article 157

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

(2) The Minister of Justice shall enact the rules provided for by the relevant provisions of this Act within 6 months after the entry into force of this Act.

(3) The Judicial Code of Ethics referred to in Article 107. of this Act shall be adopted by the council within six months from the date of entry into force of this Act.

Article 158

(1) Appointments of judges in procedure shall be concluded according to regulations in force at the time of announcement of the procedure for appointment of judges in the Official Gazette.

(2) The provisions of this Act referring to protection of the right to trial within reasonable time shall not be applied to cases in which a constitutional complaint was filed before the date of entry of this Act into force pursuant to Article 63 of the Constitutional Act on the Constitutional Court of the Republic of Croatia (Official Gazette 99/99, 29/02 and 49/02 – revised version). The filed constitutional complaints shall be decided by the Constitutional Court of the Republic of Croatia according to the provisions of the Constitutional Act.

Article 158.a

The Methodology of evaluation of the judges referred to in the Article 14 of this Act shall be determined by the State Judiciary Council within the period of three months after this Act comes into force.

Article 158.b

Requests for a uniform application of the law, received by the Supreme Court of the Republic of Croatia before this Act has come into force, shall be decided by the Supreme Court of the Republic of Croatia in line with the provisions of Article 59 of the Courts Act (Official Gazette,105/05 and16/07).

Article 159

The Courts Act (Official Gazette 3/94, 75/95, 100/96, 115/97, 131/97, 129/00, 67/01, 5/02, 101/03, 117/03, 17/04 and 141/04) shall cease to have effect by virtue of the entry into force of this Act.

Article 160

This Act shall enter into force on the eighth day following its publication in the Official Gazette.

TRANSITIONAL AND FINAL PROVISIONS

(Act on Amendments to the Courts Act, OG 16/07, entered into force on 17 February 2007)

Article 11

(1) Councils of judges shall be established following provisions of the Courts Act (OG, 150/05.) within the period of three months after this Act comes into force.

(2) Following the constitution of council of judges from paragraph 1 of this Article, the mandates of current members of council of judges shall expire.

Article 12

This Act shall enter into force on the eighth day following its publication in the Official Gazette.

TRANSITIONAL AND FINAL PROVISIONS

(Act on Amendments to the Courts Act, OG 113/08, entered into force on 11 October 2008)

Article 35

This Act shall enter into force on the eighth day following its publication in the Official Gazette, except provisions of Article 19 paragraph 1 subparagraph 3, Article 29 paragraph 1 subparagraph 5, and Article 31a of the Courts Act (OG150/05.,16/07.) with amendments as determined by this Act that shall enter into force on 1 November 2009 and provisions of Article 18 paragraph 1 subparagraphs 4 and 5 and Article 19 paragraph 1 subparagraphs 4 and 5 that shall enter into force on the day the Republic of Croatia accedes to the European Union.

By virtue of provisions of Article 32 of the Act on Amendments to the Courts Act (OG 153/09) that entered into force on 29 December 2009, the Article 35 was partly amended.

TRANSITIONAL AND FINAL PROVISIONS

(Act on Amendments to the Courts Act, OG 153/09, entered into force on 29 December 2009)

Article 30

Judicial officials who have been appointed according to the rules and regulations in force before 31 December 2012, shall not be obliged to complete the State School for the Judicial Officials.

Article 31

The Administrative Court of the Republic of Croatia shall cease to operate at the moment when administrative courts and the High Administrative Court of the Republic of Croatia begin to operate.

Article 32

In the Article 35 of the Act on Amendments to the Courts Act (Official Gazette, 113/08) the words of Article 19 paragraph 1 subparagraph 4 and Article 29 paragraph 1 subparagraph 6 shall be replaced by the words of the Article 18 paragraph 1 subparagraphs 4 and 5 and Article 19 paragraph 1 subparagraphs 4 and 5.

Article 33

The Article 13 paragraph 3, Article 14 paragraph 3, Article 23, Article 33 paragraph 3, Article 35 paragraph 3, Article 38 paragraph 3, Article 39 paragraph 1, Article 60 paragraph 2, Article 118 paragraph 2 of the part related to the Administrative Court of the Republic of Croatia, Article 73 and Article 74 (Official Gazette, 150/05, 16/07 and 113/08) shall cease to have effect on the 31 December 201

Article 34

This Act shall enter into force on the eight day after its publication in the Official Gazette, except for the:

- Articles 1, 2, 5 ad 6 of this Act which shall enter into force on 1 January 2012,
- Articles 13 and 15 of this Act which shall enter into force on 1 January 2013.

TRANSITIONAL AND FINAL PROVISIONS

(Act on Amendments to the Courts Act, OG 116/10, entered into force on 21 October 2010)

Article 38

Article 28, paragraph 5 of the Courts Act (“Official Gazette”, no. 150/05, 16/07, 113/08 and 153/09) shall apply to proceedings instituted upon a request for the protection of the right to trial within a reasonable time in which no first instance judgment was delivered before the entry into force of this Act.

Article 39

Article 100 of the Courts Act (“Official Gazette”, no. 150/05, 16/07, 113/08 and 153/09) shall cease to have effect on 1 September 2011.

Article 40

This Act shall enter into force on the eighth day after the day of its publication in the “Official Gazette”, with the exception of Article 8 of this Act insofar as it relates to adding a new paragraph 4 in Article 33 of the Courts Act (“Official Gazette”, no. 150/05, 16/07, 113/08 and 153/09), which shall enter into force on 1 January 2012.