

Croatian Parliament

2896

Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby bring a

DECISION

ON ANNOUNCING THE LAW ON COURTS

I hereby announce the Law on Courts, enacted by the Croatian Parliament on its assembly on 9 December 2005.

Number: 01-081-05-3657/2
Zagreb, 15 December 2005.

President of
The Republic of Croatia
Stjepan Mesic

LAW ON COURTS

I. GENERAL PROVISIONS

Article 1.

This Law sets out the structure, scope and appropriate competence of course, if not otherwise set out in another Law, the internal structure of courts, the internal structure of the Supreme Court of the Republic of Croatia, the requisites of appointing judges, lay-judges and courts presidents, their rights and duties, protecting the personality and property of the legislative bodies.

Article 2

Courts are bodies of the state authorities that perform their court powers individually and independently, in the framework and the jurisdiction stipulated in the Law.

Article 3.

- (1) By using the Constitution and the laws, the courts protect the established legal order of the Republic of Croatia and ensure the sole enforcement of laws, equality and equity of all people before the Law.
- (2) The courts decide on: disputes pertaining to the basic human rights and obligations, to the rights and obligations of the Republic of Croatia, the local and regional self-governance units, impose fines and other measures on the offenders of criminal acts stipulated in the Law and other regulations. They also decide on the legality of separate acts of the administrative authorities and persons who possess public privileges, on disputes pertaining to personal relations among the citizens, on labour, trade, property and other civil disputes, and, where stipulated in the Law, decide on other legal matters as well.

Article 4

- (1) Every person has the right to have a legally established, independent and impartial court, fair and within a reasonable time limit, to decide on the person's rights and obligations, or the suspicion and the indictment due to some punishable act.
- (2) Pursuant to the Law, in reference to legal matters pertaining to the court jurisdiction, an agreement can entrust the decision-making process on certain legal matters to the selected courts.
- (3) Every person has the right to file complaints about the modus operandi of the court or the judge that might lead to procrastination of the proceedings of legal interest to a party i.e. the behavior of the judge or another court official in the professional relations with the party, and obtain a ruling on them.

Article 5

- (1) The courts adjudicate pursuant to the Law and the Constitution.
- (2) The courts also adjudicate pursuant to international agreements that are part of the legal system of the Republic of Croatia.
- (3) The courts also apply other regulations enacted pursuant to the Constitution, to international agreements or to the Law of the Republic of Croatia.

Article 6

- (1) It is forbidden to use any form of influence on the court decision, especially: any form of forceful behavior towards the judges, misuse of public privileges and personal influence as well as the use of the media and public performances in a way that contravenes the principles of a democratic society, aimed at influencing the course and the outcome of court proceedings.
- (2) The court decision can be amended and rescinded only by the competent court, in the jurisdiction thereof is the case and in a proceedings pursuant to the Law.
- (3) Every person in the Republic of Croatia is obligated to observe the effective and enforceable court decision and adhere to it.
- (4) The courts modus operandi is public, unless the Law or the Constitution stipulates the exclusion of the public.

Article 7

- (1) A judge adjudicates on legal matters within the jurisdiction of the courts of first instance. Whether or not, councils should be used in the first instance, is a matter to be established in the Law.
- (2) Courts of higher instances adjudicate as a council, unless the Law stipulates that an individual judge is to adjudicate on the case.
- (3) Lay judges also participate in the trial, pursuant to the Law.

Article 8

- (1) Pursuant to this Law, judges have immunity.
- (2) Judges or lay judges may not be held accountable, detained or disciplined for stating an opinion or voting during the process of reaching a court decision.
- (3) A judge may not be detained nor can any legal proceedings be initiated without the seal of approval of the State Court Council.

- (4) A judge may be detained without the seal of approval of the State Court Council only if this person is caught in the act of committing a crime for which the stipulated sentence is longer than 5 years of imprisonment. The president of the State Court Council is notified of this.
- (5) Where the State Court Council did not convene, the president of the State Court Council issues the arrest warrant for a judge, decides on the initiation of a legal proceedings against a judge and decides on the judge's immunity. The president's decision has to be corroborated by the State Court Council within eight days.

Article 9

The Law stipulates the remuneration of judges.

Article 10

- (1) The cases are disseminated among the judges and the councils according to the yearly assigned schedule. Only if a judge is hindered from adjudicating on the case in accordance with the yearly assigned schedule, the case can be reassigned to another judge or court council.
- (2) The President of the Supreme Court of the Republic of Croatia can decide if there is a different appropriately competent court, where the local and appropriately competent court cannot adjudicate on the case and reach a decision in a timely fashion, due to the pending caseload.
- (3) By way of decision, the President of the Supreme Court of the Republic of Croatia will determine which cases will be reassigned to a different appropriately competent court.
- (4) The court that has its case reassigned to a different court will inform the parties, i.e. their proxy or representatives, by way of notification.
- (5) Paragraph 2 of the Article hereof stipulates that the parties and their proxy are entitled to reimbursement of public transport expenses. The attorneys are entitled to reimbursement of travel expenses set out in the Tariff on Rewards and Reimbursement of Expenses of Prosecutors. The expenses of Paragraph 1 of the Article hereof will be reimbursed by State funds, if the expenses exceed those a party would incur if the proceedings were to be held before a locally competent court.

Article 11

- (1) In performing the courts duty, the courts are obligated to provide legal assistance among each other.
- (2) State bodies and legal entities are obligated to provide assistance to courts in performing the courts duty.
- (3) The courts also provide legal assistance to foreign courts, pursuant to the Law.
- (4) The courts provide legal assistance to other courts if their request is based on the Law, if the requested legal assistance is pursuant to the Law and if the assisting court is competent to undertake the workload.

Article 12

- (1) The court has a seal containing the appellation of the court and the appellation and emblem of the Republic of Croatia.
- (2) The appellation of the court as well as the emblem and the flag of the Republic of Croatia have to be placed on the building in which the court resides.

II. STRUCTURE, JURISDICTION AND COMPETENCE

COURTS STRUCTURE

Article 13

- (1) In the Republic of Croatia, regular and specialized courts perform the courts duties.
- (2) Regular courts include Community Courts, District Courts and the Supreme Court of the Republic of Croatia.
- (3) Specialized courts include Tort Courts, Commercial Courts, High Tort Court of the Republic of Croatia, High Commercial Court of the Republic of Croatia and the Administrative Court of the Republic of Croatia.
- (4) The highest instance court in the Republic of Croatia is the Supreme Court of the Republic of Croatia.
- (5) Other regular and specialized courts, according to the appropriate competence or certain legal fields, can be established pursuant to the Law.

Article 14

- (1) The Tort and the Municipal Courts are established for a single municipality or several municipalities, a single city or several cities or parts of the city area.
- (2) District and Commercial Courts are established for a single district or several districts.
- (3) The High Tort Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia and the Administrative Court of the Republic of Croatia are established for the whole area of the Republic of Croatia, the seat being in Zagreb.
- (4) The seat of the Supreme Court of the Republic of Croatia is located in Zagreb.

Article 15

- (1) The courts adjudicate at their seat.
- (2) As an exemption to the rule, the tort, municipal and commercial courts may also adjudicate outwit the court seat at certain trial days or during the establishment of regular services and departments.
- (3) The President of the Higher Court brings the decision on the establishment of trial days.
- (4) The Minister of the Judiciary brings the decision on the establishment of regular services and departments outwit the court seat, with the prior estimation of the President of the Supreme Court of the Republic of Croatia.

COURTS JURISDICTION AND COMPETENCE

Article 16

This Law and other laws set out the Courts jurisdiction.

Article 17

- (1) Tort Courts:

1. They are the first instance adjudicating on torts, unless the Law sets out appropriate competence of another body in initiating the Tort procedure.
 2. In the proceedings within their jurisdiction, they perform duties pertaining to international legal assistance as well as other duties that are stipulated in the Law.
- (2) The Law may stipulate a single Tort Court that will adjudicate on certain cases falling within the scope of several Tort Courts.

Article 18

- (1) The jurisdiction stipulated in other laws notwithstanding, the municipal courts adjudicate on:
1. Summary and enforceable cases, if these are not otherwise referred to different courts;
 2. Succession cases, cases related to the listing in the Cadastre as well as keeping of Cadastre books;
 3. Recognizing and enforcing foreign courts rulings.
 4. In proceedings within their jurisdiction, they perform duties pertaining to international legal assistance.
- (2) Municipal courts adjudicate on all cases under Article 3, Paragraph 2 of this Law that are not a part of the jurisdiction of any other court nor registered in any public document.
- (3) The Municipal Courts have the complete jurisdiction over tort cases pertaining to the performance of duties of military persons, military officials and military servants who serve in the armed forces.

Article 19

The jurisdiction stipulated in other laws notwithstanding, District Courts adjudicate in other cases:

1. Where stipulated in the Law, they conduct disciplinary proceedings concerning some disciplinary misbehaviors, using investigation and different registers and they also adjudicate on these misbehaviors in the first instance.
2. Where stipulated in the Law, they adjudicate on appeals against the decision arising out of disciplinary proceedings and due to the improper documentation.
3. They enforce foreign penal rulings.
4. They perform other duties stipulated in the Law.

Article 20

The jurisdiction stipulated in other laws notwithstanding, in summary proceedings, the Commercial Courts:

1. Conduct registration and keep the Court register.
2. Adjudicate on listing in the register of boats and yachts of those items that the Maritime Code refers to the competent Commercial Court, limiting the sailors responsibility, objections against the final decision on liquidating a common shipwreck, if some specific law did not stipulate otherwise.
3. Decide on proposals pertaining to the foundation, operation and termination of a Trading Company.

4. Decide on summary issues stipulated by the provision in Article 40, Paragraph 2. Law on Trading Companies («Narodne novine», nr. 111/93., 34/99. and 118/03.),
5. Determine and carry out the enforcement of their rulings as well as disputes that might arise in the course and in the aftermath of the enforcement of the rulings thereof. The carrying out of the enforcement of non-fiduciary rulings may be referred to the Municipal Court,
6. They carry out the recognition and the enforcement of foreign court rulings as well as arbitration rulings in commercial disputes.
7. They carry out the provision of evidence for the proceedings under their jurisdiction.
8. Determine the level of insurance for the cases under their jurisdiction.
9. Adjudicate on the proposals on initiating an insolvency proceedings and carry out the insolvency proceedings.
10. Perform other duties stipulated in the Law.

Article 21

The High Tort Court of the Republic of Croatia:

1. Adjudicates on the appeals against the tort courts rulings in the first instance and those of administrative and tort bodies, unless a specific law stipulates the competence of another court,
2. Resolves a conflict of competences among the tort courts,
3. Adjudicates on the requests of removal of a court president,
4. Adjudicates on the requests of an extraordinary sentence mitigation and the extraordinary reexamination of the effective rulings concerning the tort,
5. Performs other duties stipulated in the Law.

Article 22

The High Commercial Court of the Republic of Croatia:

1. Adjudicates on the appeals against decisions brought in the first instance by commercial courts on legal matters under Article 20 of the Law hereof,
2. Resolves the conflict of local competence among the commercial courts on legal matters under Article 20 of the Law hereof; it also adjudicates on the jurisdiction allocation among the commercial courts.
3. In legal matters under Article 20 of the Law hereof, it also performs other duties stipulated in the Law.

Article 23

The Administrative Court of the Republic of Croatia:

1. Adjudicates on lawsuits against final administrative acts (administrative disputes),
2. Performs other duties stipulated in the Law.

Article 24

The Supreme Court of the Republic of Croatia:

1. Provides a sole application of the Law and citizens equality as well as the "all equal before the Law" principle.

2. Adjudicates on extraordinary legal remedies against effective court rulings in the Republic of Croatia and regular legal remedies where stipulated in a specific law.
3. Adjudicates on conflicts of competencies, where stipulated in special laws,
4. Takes into consideration Case Law issues, analyzes the need of vocational enhancement of judges, court clerks and court apprentices and performs other matters stipulated in the Law.

Article 25

- (1) A higher court can object to the lower court flaws realized during the decision-making concerning some legal remedy or in any other way.
- (2) Higher courts can request from the lower courts data on the law enforcement, problems occurring during a trial, monitoring and studying Case Law and other data, and they can carry out a direct evaluation of the modus operandi of the courts as well as chair group meetings in order to discuss certain issues.
- (3) During the enforcement of the jurisdiction stated in Paragraph 1 and 2 of the Article hereof, the High Court must not, in any way, influence the independence and the freedom of the lower courts, in the decision-making process on certain case.

Article 26

- (1) The President of the Supreme Court of the Republic of Croatia or the President of the immediate higher court may appoint at least two or more judges in order to have better supervision over the correct modus operandi of the judges.
- (2) Having completed the supervision, the judges are obligated, with undue delay and in writing, to notify the Court president who appointed them to carry out the supervision, the President of the Supreme Court of the Republic of Croatia and the President of the immediate higher court.

III. PROTECTION OF THE RIGHT TO A TRIAL WITHIN A TIMELY FASHION

Article 27

- (1) A party in a court proceedings that deems that the competent court did not adjudicate in a timely fashion on its rights, obligations, suspicion or indictment, may directly file a request to a higher court with aim of protecting its right to a trial within a timely fashion.
- (2) If the request pertains to a pending proceedings before the High Commercial Court of the Republic of Croatia, The High Tort Court of the Republic of Croatia or the Administrative Court of the Republic of Croatia, the Supreme Court of the Republic of Croatia will adjudicate on the matter.
- (3) The adjudication procedure pertaining to the request stated in Paragraph 1 of the Article hereof is of urgent nature.

Article 28

- (1) If the court referred to in Article 27 of the Law hereof finds the request of the submitter well-founded, it will establish a deadline within which the court in front of which the proceedings is pending has to decide on the right or the

obligations, or the suspicion or the indictment of the submitter. It also has to determine the suitable compensation to which the submitter is entitled since the right of this person to a trial in a timely fashion has been infringed.

- (2) The compensation or the damages will be remunerated from the State Budget within 3 months of the day the party filed its request for compensation.
- (3) An appeal against the decision of a request for the protection of the right to a trial within a timely fashion may be filed to the Supreme Court of the Republic of Croatia within 15 days. The adjudication of the Supreme Court of the Republic of Croatia cannot be contested, however, a constitutional lawsuit can be filed.

IV. COURTS INTERNAL STRUCTURE

1. Court management

Article 29

Court management affairs include:

1. Providing the prerequisites for proper functioning and operating of the court,
2. Taking care of the proper and timely performance of duties at court,
3. Calling upon and allocating lay judges,
4. Matters pertaining to the court appraisers, translators and experts,
5. Matters pertaining to the confirmation of documents intended to be used abroad,
6. Matters pertaining to the complaints of the parties on the court's *modus operandi*,
7. Professional matters pertaining to the performance of the duties and rights of the court officials,
8. Taking care of the vocational enhancement of judges, court clerks, court apprentices and other court officials,
9. Keeping the statistics, the financial-material operation of the court,
10. Submitting notifications on the court's *modus operandi* and other matters stipulated in the Law and the Court Rulebook on the Internal Functioning of the Court (hereinafter: Court Rulebook).

Article 30

- (1) The court president performs his duties of chairing the court pursuant to the Law and the Court Rulebook.
- (2) In case the court president is hindered or absent and cannot perform his duties of chairing the court, a judge assigned by the yearly work schedule will fill in for the former judge (deputy president of the court).
- (3) In the matters pertaining to the Court management, the President of the Supreme Court of the Republic of Croatia is aided by departments presidents and the court secretary, whereas in other courts, the court president is aided by departments presidents, the court secretary or an official appointed by the court president.
- (4) The President of the immediate competent court is a higher body of court management. The highest body of court management is the President of the Supreme Court of the Republic of Croatia.

Article 31

- (1) The courts have a court spokesperson.
- (2) A court spokesperson is either a judge or a court clerk appointed by the yearly work schedule.
- (3) The court spokesperson issues information on the court functioning pursuant to the Law hereof, the Court Rulebook and the Law on Information Access.

2. Court departments

Article 32

- (1) In courts encompassing several court councils, i.e. individual judges who adjudicate on matters of a single legal field or several legal fields, departments, in which these specialized judges partake, are established.
- (2) The yearly work schedule sets forth the departments and assigns the departments presidents who are in charge of its functioning.

Article 33

- (1) Matters of interest to the department and details are being considered at the meetings of the court departments, including: structure of internal functioning, work supervision, discussing burning legal issues, approximation of Case Law and issues of importance to the application of separate legal fields that constitute the court jurisdiction, enhancing the mode of functioning and the vocational enhancement of judges, court clerks and court apprentices assigned in that specific department.
- (2) Some issues that are of common interest to the lower appropriate courts are discussed at the meetings of the departments of the District Court, the High Tort Court of the Republic of Croatia and the High Commercial Court of the Republic of Croatia.
- (3) Issues of importance to the enforcement of the regulations of separate administrative areas as well as draft laws that set out the court jurisdiction are discussed at the meetings of the court department of the Administrative Court of the Republic of Croatia.
- (4) The decision making on the proceedings stipulated in Article 59 notwithstanding, at the meetings of the departments of the Supreme Court of the Republic of Croatia, judges also discuss common issues pertaining to a single court or all the courts on the territory on the Republic of Croatia and they also brainstorm the draft regulations from separate legal fields.

Article 34

- (1) The department president i.e. the court president convenes the court council and chairs its meetings. Where a court president partakes in the work of the court department, this person is presiding with the meeting and partakes in the decision making process.
- (2) The meeting of all court judges has to be convened when this is required by the court department or by at least a quarter of the total number of judges.
- (3) The decisions of the court judges, i.e. the court department are reached by a majority of votes of the total number of judges i.e. the court department.
- (4) The court president i.e. the department president may, on the judges meetings call upon renowned specialists and experts in separate legal fields to partake.

Article 35

- (1) A meeting of departments or judges is usually convened when it is established that there are significant differences among separate councils or judges concerning the correct application of laws or when a council or a judge deviates from the already accepted code of legal behavior.
- (2) Where a council or a judge makes a ruling in contravention of the legal behavior of any other council or a judge, the department president or the court president may decide to stop disseminating copies of the ruling and to sort out the different legal approaches by way of debate at the department meeting. If the participants at the department meeting assume a position differing from the already reached decision of the council or the judge, the council or the judge who reached the decision is obligated to re-adjudicate.
- (3) The legal behavior adopted at a meeting of the court department of the Supreme Court of the Republic of Croatia, the Administrative Court of the Republic of Croatia, the High Tort Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia and the District Court is mandatory for all appellate councils or judges included in that particular department.

Article 36

- (1) The courts comprising more than twenty judges, departments or special services are established in order to monitor and study Case Law.
- (2) The courts comprising less than twenty judges, the court president, by the yearly schedule, appoints the judges who will monitor and study Case Law.
- (3) The courts may establish computer sciences bureau, and the Supreme Court of the Republic of Croatia may establish computer sciences bureau or department.
- (4) The department or the bureau will organize the digital assistance to the court, will be in charge of the computer processing of information and using Case Law and professional literature as well as providing professional expertise to the lower courts.

3. Court council

Article 37

- (1) The Court council:
 - Assesses the performance of the court duties,
 - States its opinion on the candidate judges for the courts falling within their jurisdiction,
 - Nominates candidates for the position of court president.
 - Performs other tasks stipulated in this Law and the Court Rulebook.
- (2) The court council is obligated to submit reports on its functioning, to court judges who have elected them, at least once per year and if the need arises, to notify them on the way of functioning within their jurisdiction, in other ways as well.

Article 38

- (1) The court council is established for the District Court and for the Municipal Courts belonging to that district and that specific District Court.

- (2) With regards to Commercial Courts, the court council is established within the High Commercial Court of the Republic of Croatia, and with regards to Tort Courts, the court council is established within the High Tort Court of the Republic of Croatia.
- (3) The affairs of the court councils of the Administrative Court of the Republic of Croatia and the Supreme Court of the Republic of Croatia are ran by the meeting of the judges thereof, respectively.

Article 39

- (1) The court council comprises elected judges, the District Court President, the High Commercial Court of the Republic of Croatia, the High Tort Court of the Republic of Croatia, the Administrative Court of the Republic of Croatia and the Supreme Court of the Republic of Croatia.
- (2) The court council of the District Court comprises 15 members, 8 of which come from the judges of the District Court, 6 from the judges of the regional municipal courts and the president of the District Court.
- (3) If the District Court, in concert with the regional municipal courts has less than 50 judges, the court council will comprise 9 members, 5 of which will be judges from the District Court, and 3 from the regional municipal courts and the president of the District Court.
- (4) If the District Court has less than 6 judges, the Court President and all judges of the District Court are members of the court council, while two of the judges from the regional municipal courts.
- (5) The court council of the commercial courts comprises 15 members, 8 of which come from the High Commercial Court of the Republic of Croatia, and 6 come from the judges of the commercial courts and the President of the High Commercial Court of the Republic of Croatia.
- (6) The court council of tort courts comprises 15 members, 8 of which come from the High Tort Court of the Republic of Croatia, while 6 are tort judges and the President of the High Tort Court of the Republic of Croatia.
- (7) First instance courts comprising more than 50 judges elect 6 members of the court council out of their own members, who in concert with the members of the court council elected in the higher court constitute the court council that reaches decisions pertaining only to the court thereof.

Article 40

Court council members are elected on a 4-year basis by way of secret ballot.

Article 41

- (1) The District Court judges elect the members of the court council comprised of District Court judges, while the members of the court council made up of Municipal Court judges are elected by all the Municipal Court judges in the area of the District Court.
- (2) The members of the court council of commercial courts who are judges from the High Commercial Court of the Republic of Croatia, i.e. the High Tort Court of the Republic of Croatia are elected by the courts thereof, respectively, while judges from commercial courts i.e. tort courts are elected as members by the judges of the courts thereof.

- (3) Neither a municipal court, nor a commercial court, nor a tort court may have more than three members in the court council coming from their courts, respectively.

Article 42

- (1) All judges have the right to run for the court council. The elected judges are obligated to partake in the functioning of the court council.
- (2) Unless the Law hereof stipulates otherwise, the nominees for court council members might be judges coming from the electing courts, who perform their duty up to Election Day.
- (3) A judge who was under disciplinary measure in the four years prior to Election Day, may not become a member of a court council

Article 43

- (1) The court council notifies all the courts on the opening of a nomination procedure, three months prior to the expiry of the mandate, at the latest. Within 30 days, the judges may apply for the court council or, with their seal of approval, the courts can submit their nomination on their behalf. The nominations are submitted to the appropriate court council.
- (2) The president of the court council drafts the list of candidates for each court category separately, two months prior to the expiry of the mandate, at the latest. The Ministry of Justice and the president of the courts in which the court councils are elected give the data required for the list of candidates. The list of candidates is given in an alphabetical order and it contains the number on the list, the candidates name and surname and the full or the short appellation of the court in which the judge holds the office.
- (3) The list of candidates is published on the bulletin board of the courts for which the court councils are elected, eight days prior to Election Day, at the latest.
- (4) Objections, concerning the list of candidates, can be lodged with the Electoral Committee within three days of the publication day.

Article 44

- (1) The electoral committee, comprised of a president and two members, is in charge of the nomination procedure, the polling and establishing the election results.
- (2) The court council shall appoint and electoral committee prior to the expiry of the deadline of the completion of list of candidates.
- (3) Court council members and candidates from the completed list of candidates cannot, at the same time, be members of the electoral committee at the court where the election is held.

Article 45

- (1) The election has to take place not longer than 15 days prior to the expiry of the mandate of the incumbent court council. The court council determines both the polling day and the polling place at the same time, paying particular attention that every judge can freely cast a vote.
- (2) The election is carried out in a way that every judge circles as many candidates as there are members of the court council.
- (3) On the basis of the conducted polling, the electoral committee will, within two days, establish the order of candidates according to the votes they received and

it will also announce the names of the persons elected for court council members. The results are published on the bulletin board in the courts where the court councils are elected.

- (4) The candidates who have won the biggest number of votes are elected to be court council members. The candidates, who, according to the number of votes they received, are behind the elected candidates, will be considered as their substitutes. If the number of elected candidates from the same court exceeds the stipulated number, only those candidates, who won bigger number of votes up to the stipulated number of judges from one court, will be elected.
- (5) In case of two or more candidates having the same number of votes, the candidate who holds office longer than the other one will be elected. In case they both hold office the same amount of time, the older candidate will be elected.

Article 46.

(1) Complaint against the published list of candidates, course of elections, and announced results may be lodged within three days from the day when the announcement took place which shall be decided by the Election Commission as a first instance body. The decision rendered by the Election Commission may be appealed within two days which shall be decided by the Judicial Council.

(2) The Judicial Council shall establish the final results from electing election commissions in 10 days from the day when the elections were held at latest. The Judicial Council is bound, without any delay, to notify the presidents of the local courts and the Ministry of Justice.

Article 47.

(1) The Judicial Council shall be composed of a President and a Vice-President who shall be elected by the majority of the votes of the Judicial Council members.

(2) The President of the court can become neither the president, nor the vice-president of the Judicial Council.

Article 48.

(1) Judicial Council makes decisions by the majority of votes from all of the members.

(2) The President of the Judicial Council calls the session of the Judicial Council by an invitation in written which shall be sent to the members in not less than 8 days prior to the day when the session is to be held.

(3) Before rendering the opinion about the candidates to take the vacant position of a judge, the Judicial Council shall obtain opinion about the candidates from the President of the Court in which the judge shall be appointed, and provided that the candidate is already a judge, from the President of the Court in which he worked in the capacity of a judge.

(4) As per the work of the Judicial Council minutes is maintained.

Article 49.

The Presiding Judges are bound, upon the request of the Judicial Council, to provide data or undertake a specific activity in order to ensure that the work conditions for the Judicial Council are provided.

Article 50.

(1) The duties of a member of the Judicial Council shall terminate before the mandate expires:

- upon a personal request
 - if s/he stops performing the functions of the judge, or if his/her judicial position is suspended
 - if s/he is appointed to another court
 - if s/he is elected a member of the State Judicial Council
 - if his/her disciplinary responsibility is legally established.
- (2) Should a Judicial Council member stop performing his/her duties before the mandate expires, the Judicial Council shall appoint a deputy member following the list arising from the elections for Members of Judicial Council.
- (3) The mandate of the Deputy appointed as Member of the Judicial Council lasts until the mandate of the Judicial Council expires.

V. SPECIAL PROVISIONS ON INTERNAL ORGANIZATION OF THE SUPREME COURT OF THE REPUBLIC OF CROATIA

Article 51.

(1) Under the Supreme Court the Criminal Department and Civil Department shall be established, the Units for Monitoring, Studying and Registering of court practice shall be formed within the departments, the Chamber of the Chief Justice, the IT Department or Unit, along with the Law Clerk Unit and Technical Assistance Unit shall be formed.

(2) The Civil Department covers the areas of civil, trade, and administrative law.

(3) The Criminal Department covers the areas of criminal, misdemeanour law, and disciplinary proceedings in compliance with the regulations on prosecutors and public notaries.

(4) The judges shall be appointed in the departments according to the annual operative calendar

(5) The Chief Justice Chamber shall perform court administrative affairs, international cooperation affairs, judges' educational affairs and protocol affairs for the needs of that court.

(6) As per the protocol of the Supreme Court of the Republic of Croatia, the regulations on the protocol of the Parliament of the Republic of Croatia and the Government of the Republic of Croatia shall be applied accordingly. The Supreme Court, for the purposes of the protocol, shall be entitled to use the facilities which are at the disposal of the Parliament and the Government of the Republic of Croatia for the same purposes.

(7) The internal organization of the Supreme Court of the Republic of Croatia is closely regulated under the Rulebook of that Court, and the Court Rulebook, in compliance with the law. The Rulebook of the Supreme Court of the Republic of Croatia is passed by the Chief Justice, once the opinion from the General Session is rendered.

Article 52.

(1) A person who meets the general and special requirements for becoming a judge at the Supreme Court can be elected the Chief Justice of that court.

(2) Before taking the bench, the Chief Justice 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 I shall perform my duties in compliance with the Constitution and the laws, and thus protect the indivisibility, sovereignty, and national organization of the

Republic of Croatia and the human rights and freedoms stipulated under the law and Constitution.«

(3) The Chief Justice of the Supreme Court of the Republic of Croatia shall represent the Supreme Court of the Republic of Croatia, perform court administration activities as well as other activities determined under the law and Rulebook on the operation of the Supreme Court of the Republic of Croatia

(4) Should an individual, who by the time of the election was not on the bench at that court, be elected the Chief Justice of that Court, the State Judicial Council shall also appoint that individual a judge at that Court.

(5) Should the Chief Justice of the Supreme Court of the Republic of Croatia, be removed from office, with a decision made by the Parliament or upon personal will, before the expiration of his/her mandate or fail to be re-elected, s/he shall continue to perform the functions of a judge at that Court.

Article 53.

(1) The Supreme Court of the Republic of Croatia shall be appointed with a Secretary of the Supreme Court of the Republic of Croatia.

(2) An individual meeting the requirements for a Senior Court Advisor may be appointed the Secretary

(3) The Secretary of the Supreme Court of the Republic of Croatia shall be appointed and removed from office by the Chief Justice of Supreme Court of the Republic of Croatia, once the opinion from the General Session of the Supreme Court of the Republic of Croatia is rendered.

Article 54.

The regulations on the rights and obligations of civil servants apply to the Secretary of the Supreme Court of the Republic of Croatia, unless otherwise specified in this Law

Article 55.

The Secretary shall assist the Chief Justice in performing court administrative activities initiate and decide proceedings related to minor professional deficiencies of court administration and officials and initiate proceedings for serious violations to official obligations

Article 56.

(1) Following the election of the Chief Justice of the Supreme Court of the Republic of Croatia, the Secretary shall grant the mandate at the disposal of the Chief Justice who decides whether s/he will reappoint the same person to be a Secretary within 30 days from the day when the Chief Justice takes the office.

(2) Should the Chief Justice of the Supreme Court of the Republic of Croatia fail to reappoint the Secretary, the Secretary shall be entitled to a position, with no competition, of a Senior Court Advisor at the departments and units in the Court.

(3) Should the Secretary refuse the position specified in paragraph 2 of this Article, or be removed from office, s/he is entitled to the rights stipulated in the law regulating the rights and obligations of public servants.

(4) In the event of removal from office during the mandate the Secretary is entitled to the rights specified in the previous paragraph 3 of this Article.

Article 57.

(1) The General Session of the Supreme Court of the Republic of Croatia is composed of the Chief Justice and all the other Justices at that Court.

(2) The Chief Justice calls and chairs the General Session. The General Session shall be called upon the request of a department of the Court or one quarter of all the Justices.

(3) The Chief Justice may, according to the needs, invite professors from the Faculty of Law, distinguished scholars, or experts in a specific area of law to attend the General Session.

(4) More than half of the majority of the votes of all the justices at the Supreme Court of the Republic of Croatia shall be necessary in order to bring legally effective decisions at the General Session.

(5) Decisions shall be passed with the majority of the votes of all the justices at the Supreme Court of the Republic of Croatia.

Article 58.

The General Session Supreme Court of the Republic of Croatia:

1. renders opinion of draft laws or other regulations when they determine court authorizations or stipulate other issues relevant for the court practice or exercising judicial powers,
2. gives guidelines to the courts for monitoring of the court practice
3. draft submissions referred to the Parliament
4. performs other practices stipulated in the law and the court rulebook.

Article 59.

(1) When second instance courts pass various decisions upon identical factual and legal grounds, and should the irregular legal remedy be not permitted, the prosecutor and the party may lodge a Request for Single Implementation of the Law (hereinafter: Request) in order for the Supreme Court of the Republic of Croatia to decide whether having such decisions jeopardizes the single implementation of the law and equality of citizens.

(2) A council composed of three justices at the Supreme Court of the Republic of Croatia shall decide the presumptions in the Request.

(3) Should the Council establish that the presumptions necessary for deciding upon the Request are not met, i.e. that the Request is not a permissible one, it shall be reversed by a decision.

(4) As per the grounds of the Request for which the council specified in paragraph 2 of this Article determines that it meets the presumptions specified in paragraph 1 of this Article, decision is made on the session of the department of the Supreme Court of the Republic of Croatia.

(5) Prior to deciding the grounds of the Request, the Supreme Court of the Republic of Croatia shall request from the second instance court the submission of the case as per which the said decisions were made.

(6) The Department of the Supreme Court of the Republic of Croatia may, prior to deciding the grounds of the Request, upon the proposal of the Council specified in paragraph 2 of this Article, order the courts to interrupt the decision-making and the ongoing proceedings until the Department of the Supreme Court of the Republic of Croatia renders the legal perspective on the single implementation of a certain law.

(7) The legal perspective of the Department of the Supreme Court of the Republic of Croatia, specified in paragraph 6 of this Article, shall be binding for the courts in all the proceedings that the legal perspective refers to, and which have not been decided with an effective court decision on the day when it was rendered.

(8) The Request specified in paragraph 1 of this Article shall be lodged not later than one year from the day when the requesting party was delivered the decision in which the disputed legal provision was applied for the first time.

Article 60.

(1) The Chief Justice of the Supreme Court of the Republic of Croatia may call a General Session of the Supreme Court of the Republic of Croatia with the participation of other court representatives.

(2) The session specified in paragraph 1 of this Article shall be attended by all the Justices at the Supreme Court of the Republic of Croatia, two representatives from each of the High Misdemeanour Court of the Republic of Croatia and the High Trade Court of the Republic of Croatia, Administrative Court of the Republic of Croatia, and one representative from each of the district courts.

(3) On the session specified in paragraph 1 of this Article topical issues related to court practice shall be discussed, framework measures for justices' performance shall be determined and its members of the State Judicial Council shall be proposed.

VI. JUDICIAL MANAGEMENT

Article 61.

(1) The Ministry of Justice has the competence of the highest body entitled to perform the activities related to judicial management.

(2) For the purposes of performing the activities related to judicial management the Minister of Justice addresses the Presiding Judge of the appropriate court.

(3) The Minister of Justice, in the course of performing the activities of judicial management may reverse or annul every irregular or unlawful act passed in the course of performing the court management activities or only pass an act which, in the course of performing court management activities, has not been enacted or has not been effectively enacted.

Article 62.

Judicial management involves activities which serve the practising of judicial powers:

1. designing draft laws and other regulations for establishing, jurisdiction, composition and set-up of courts and proceedings taking place before the courts,
2. procurement of specialised education for the judges, administrative staff, and officials
3. ensuring material, financial, spacious and other pre-requisites for the court practice
4. collecting statistical and other data on the court efficiency
5. considering complaints filed by citizens concerning the work of the courts which refer to dragging of court proceedings, judges' or other court officials conduct towards the party in the course of the proceeding or performing other official activities.
6. oversight of the financial and material operation of courts
7. oversight of the daily court practice in the courts and the implementation of the court rulebook, as well as other administrative obligations and duties stipulated in the law

Article 63.

(1) The judicial inspectors of the Ministry of Justice conduct the monitoring of the correct performance of the affairs related to judicial management.

(2) Senior Management Advisors who perform the activities of the judicial inspectors have to meet the requirements for a judge at the district court.

Article 64.

The affairs related to the judicial management can be performed by Senior Management Advisors and Management Advisors

Article 65.

(1) The Ministry of Justice maintains records of the judges, court advisors, court interns, and other officials in the courts.

(2) The record contains data on the name and surname, birth, nationality, residence, degree, qualification, foreign language skills, as well as other data determined by the law.

(3) The data specified in paragraph 2 of this Article shall be provided to the Ministry of Justice by the courts in the manner specified in a guidebook provided by the Minister of Justice.

(4) The data entered in the record shall be classified and it may be used only for the purposes of the implementation of this Law, as well as the laws providing the rights, obligations, and responsibilities of the judges and court officials.

Article 66.

(1) The Judges' Record contains the following data:

1. personal data
2. data on election and removal from office
3. date on performance during studies
4. data on the intern practice,
5. data on the published specialized articles or scientific papers
6. evaluation of judges' court performance
7. data on promotion
8. data on professional development in the Judicial Academy and other forms of specialized education
9. disciplinary sanctions.

(2) Personal data contain the following pieces of data: name, surname, father's name, day, month, and year of birth, nationality, and data on residence, obtained university degree at the faculty of law, special skills, property, and members of family (spouse, children, and parents).

(3) The data in the Record is classified, except the data on the judges' property.

(4) Entities, disposing with information on which record is maintained as specified in paragraph 1 of this Article, are bound to submit it to the Ministry of Justice.

Article 67.

The Ministry of Justice may request reports and data on the performance of the judicial function and judicial management, and in the scope of competencies, it may conduct a direct review of the court operation and request reports on the reasons for not acting upon individual cases, as well as, the individual case itself to be delivered for insight into and hold a meeting with the courts in order to discuss the issues related to the performance of judicial practice and implementation of the new regulations.

Article 68.

- (1) The Minister of Justice passes the Court Rulebook.
- (2) The Court Rulebook provides the grounds for the court organization and operation and especially: the rules for internal set-up, rules on maintaining the register and supplementary books, court forms, proceedings with the motions as of reception until their archiving, proceedings related to international legal aid, rules for public announcements related to court practice, procedural rules on distribution of cases, rules for summoning and appointing of lay judges, council operation, sessions of departments and general sessions, rules related to the set-up of the investigation department, rules on conducting a proceeding and service on process of the decisions in the language and alphabet of ethnic and national communities or minorities, calendar of the hours during the work day or work week, rules on acting upon exhibits in criminal proceedings, rules on special marks on court vehicles, rules on maintaining statistics, work premise and equipment standards in the courts and other issues relevant to the internal organization of courts.
- (3) The Court Rulebook provides the organizational set-up and work of the shared departments in the court houses where several courts are located.

Article 69.

- (1) During the main hearing or public sessions, as well as at other occasions specified by the Law or Court Rulebook, judges wear judicial robe.
- (2) The Minister of Justice shall pass a rulebook regulating the appearance and timeline for gradual introduction of robe.

Article 70.

The Judges and court officials are granted official identity cards. The Minister of Justice defines, by a rulebook, who shall be entitled to official identity card, as well as the procedure for issuance of the official identity card.

VII. ELECTION OF JUDGES

Article 71.

The number of judges in the individual courts shall be determined by the Minister of Justice on the basis of comprehensive measuring of the work scope for judges.

Article 72.

The work scope measures are provided by the Minister of Justice upon a proposal made by the General Session of the Supreme Court of the Republic of Croatia of Article 60 of this Law.

Article 73.

A citizen of the Republic of Croatia, having completed undergraduate university studies of law and taken the bar exam, work experience in compliance with this Law, professional skills and displayed work competence, may be appointed a Judge.

Article 74.

- (1) A person, who after passing the bar exam, has worked as an advisor in court or other judicial bodies for not less than two years, i.e. has worked as attorney, public notary, public notary associate or university professor or associate in the area of legal studies for not less than two years, may be elected a judge at the misdemeanour and municipal court.

(2) A person who has worked on other positions related to law for not less than four years may be elected a judge at the misdemeanour and municipal court.

(3) A person who has worked as judicial servant, i.e., advisor in court or other judicial bodies, attorney, public notary, public notary associate, or university professor or associate in the area of legal studies for not less than four years, i.e. a person who has worked on other positions related to law for not less than six years, may be elected a judge at the trade court.

(4) A person who has worked as judicial servant for not less than 8 years, or has been attorney, public notary, public notary associate, or university professor, i.e. professor of legal sciences for not less than 12 years after taking the bar exam, i.e. a person who has worked on other positions related to law for not less than 12 years after taking the bar exam, may be elected a judge at the District Court, High Misdemeanour Court of the Republic of Croatia, High Trade Court of the Republic of Croatia, and the Administrative Court of the Republic of Croatia.

(5) A person who has worked as judicial servant, attorney, or public notary for not less than 15 years may be elected a justice at the Supreme Court of the Republic of Croatia.

(6) A university professor of legal sciences having taken the bar exam and 15 years of work experience may be elected a judge at the Supreme Court of the Republic of Croatia.

(7) Upon electing judges, the representation of judges' members of national minorities has to be ensured, in compliance with Article 22, paragraph 2 of the Constitutional Law on the Rights of National Minorities (Official Gazette No.155/02).

(8) When the representatives of the national minorities file an application for announced vacant position of a judge, they are entitled to exercise their rights which belong to them in compliance with the Constitutional Law on the Rights of the National Minorities.

Article 75.

As for the election of judges at the High Court, the requirements must be met according to which judges shall have, apart from the requirements specified in Article 74 of this Law, specialized competence and skills to perform the judges function which shall be determined by performance evaluation of his/her office.

VIII. RIGHTS AND OBLIGATIONS OF JUDGES

Article 76.

The work of the judges is monitored by:

- a) determining whether the judge meets the judicial obligations, and
- b) assessment of judges

1. Meeting of judicial obligations

Article 77.

In the court in which the judge holds the office, in relation to the previous calendar year the Presiding Judge establishes:

1. whether the judge made the required number of decisions, on the basis of the measures for the scope of work, upon which the result shall be determined by type of cases in absolute numbers and percentages, and lists the reasons in case the judge

failed to make the required number of decisions on the basis of the measures for the scope of work of judges.

2. whether the judge was respective of the timeframes for passing and writing a decision,

3. the decisions made in the appealing procedure (upheld, reversed, or altered), in absolute numbers, and in the total number of made decisions, and the number of reversed decisions due to serious procedural violations,

4. whether the judge took part in the forms of professional development at the Judicial Academy, at postgraduate studies, in which and in what capacity, as participant or lecturer, whether he has published scientific and professional papers or took part as a trainer or trainer associate in the teaching process at the academic undergraduate studies of law, whether he participated in working groups for drafting laws, and whether he was referred to work in the High Court according to Article 103 and 104 of this Law. In such events, the judge is obliged to notify the Presiding Judge about the form and length of these activities in written not later than December 31 of the calendar year.

5. other activities and procedures which contribute to the establishing in full of the manners in which the judge performs his/her functions.

Article 78.

Should the Presiding Judge establish that the judge without any grounded reason failed to pass the number of decisions determined under the measures for the work scope of judges within a year, or that the judge displayed deficiency in performing the judicial duties, s/he is obliged to initiate a disciplinary proceeding in accordance with the Law in State Judicial Council, whereas the Presiding Judge of the immediate higher instance court shall initiate disciplinary proceeding against the Presiding Judge of the court.

2. Assessment of Judges

Article 79.

(1) The Judicial Council shall evaluate the judges in accordance with the measures specified in Article 77 of this Law.

(2) The Judicial Council evaluates the judge for the purposes of appointing the judge in another court, appointing the judge on a permanent basis, and when the judge applies for a Presiding Judge.

Article 80.

(1) Upon assessing the judge's performance, the Judicial Council shall take into consideration the results of the judge specified in Article 76 of this Law, and other certificates related to the work of the judge.

(2) In the operation of the Judicial Council and the Council of the Supreme Court of the Republic of Croatia, the provisions of the Law on General Administrative Procedure apply accordingly, unless otherwise determined in this Law.

Article 81.

The methodology of concluding marks shall be determined by the Council composed of the Presiding Judges of all trial courts in the Republic of Croatia. The President of the Judicial Council at the Supreme Court of the Republic of Croatia chairs the said Council, who calls the sessions of that Council. The sessions of the Council shall be

called when one quarter of all the Presiding Judges of the trial courts in the country request that in written.

Article 82.

(1) The mark may be:

1. distinguished performance of the judicial function,
2. successful performance of judicial function,
3. satisfactory performance of judicial function
4. not-satisfactory performance of judicial function.

(2) The decision upon the mark is made by secret voting.

Article 83.

(1) The decision upon the mark contains introduction, statement, reasoning and referral to legal remedy.

(2) The President of the Council shall sign the decision on the behalf of the Judicial Council.

Article 84.

The decision shall be sent to the judge it refers to, the President of the court where the judge holds office, the Chief Justice of the Supreme Court of the Republic of Croatia, and the Ministry of Justice.

Article 85.

(1) The judge is has a right to file an appeal before the Special Council composed of five justices from the Supreme Court of the Republic of Croatia, within 8 days from the day when the decision was submitted. The appeal shall be filed via the Judicial Council which brought the appealed decision.

(2) The Judicial Council which passed the appealed decision may respond to the allegations of the appeal within 8 days from the day when the appeal was submitted. Therewith, the Judicial Council has to submit the case to the Council at the Supreme Court of the Republic of Croatia in three days.

Article 86.

(1) The Council set forth in Article 85, paragraph 1 of this Law shall appoint the Judicial Council at the Supreme Court with the majority of the votes of all the members of the councils, in the time when the annual operating calendar of the Supreme Court of the Republic of Croatia is being determined for the forthcoming year.

(2) Concurrently, five members to substitute the members of the Council in case they are impeded shall be appointed (deputy member).

(3) The Judicial Council under the Supreme Court of the Republic of Croatia shall appoint the President and the Deputy President of the Council, once the Council is appointed, with two thirds of the votes.

Article 87.

The Council under the Supreme Court of the Republic of Croatia may reverse the appeal as ungrounded, or impermissible, or reverse it and uphold the mark of the responsible Judicial Council, or it may uphold the appeal and alter the decision.

Article 88.

- (1) The Judicial Council shall assess the judge who was appointed for the first time, two years after his/her sitting at the bench
- (2) Upon assessing the elected judges for the first time, the provisions of Articles 79-87 of this Law shall apply accordingly.
- (3) Six months prior to the expiration of the period of five years from the day of election, the President of the Court where the judge sits the bench shall notify the State Judicial Council that it is necessary to pass a decision for appointing a permanent mandate for the judge. Along with the information, the President of the Court shall enclose the mark for his/her performance of the judicial function, which was given for that judge after the fourth year of sitting at the bench, as well as personal opinion as to whether the said judge is to be appointed a permanent mandate.

3. Performance of the judicial function

Article 89.

Judges perform the judicial function independently or by taking part in the work of the Judicial Council.

Article 90.

(1) The work load in the court shall be distributed at the beginning of every calendar year.

(2) In the courts where departments have not been established, the cases shall be assigned in alphabetical order of the names of the judges, so that each of the judges gets one case from each of the intake registers until all the cases are assigned to the judges taking into account the even distribution of cases over the year. Upon distributing the cases from the same intake register, the type and complexity of the cases shall be taken into account.

(3) In the courts where departments have been established, cases shall be assigned in alphabetical order of the judges' names at the department adhering to the same principle set forth in paragraph 2 of this article. The same procedure applies for the remaining cases, until all the cases are distributed for work, taking into account the even distribution of the cases over the year.

(4) As per the judicial councils in the second and third instance courts, the cases shall be assigned by alphabetical order of the names of the Presidents of the Councils. The President of the second and third instance Judicial Council assigns the cases for work to the members of the Council in alphabetical order of their names

Article 91.

The principle set forth in article 90 of this Law applies in the event of assigning a case when the judge of a specific case is exempted or is not able to hear the case and conduct the proceeding due to long-term impediment.

4. Obligations of Judges

Article 92.

Judges have to behave in a manner to protect their own reputation and the reputation of the judicial branch, and to avoid questioning their impartiality and independence and the judicial branch autonomy.

Article 93.

Judges are bound not to disclose the information about the parties and their rights and obligations, and legal interests in the frames of conducting the court proceedings, and protect the confidentiality of all the pieces of data which during the trials were not subjected to public hearing.

Article 94.

(1) Judges are not allowed to be members of political parties, or to deal with political activities.

(2) Judges shall freely establish judges associations for the purposes of protecting the independence and interests of judges.

Article 95.

(1) Judges shall not take advantage of their work in the court and the court reputation in order to achieve their interests.

(2) Judges are not allowed to be prosecutors or public notaries, or members of management boards or steering committees of trade companies or other legal entities.

(3) Judges are not allowed to perform other activities or works which would influence his/her independence, impartiality, or autonomy, or reduce his/her social reputation, or are incompatible with the judge's function.

Article 96.

(1) Judges shall be bound to continuing professional development and participation in educational and training programmes at the Judicial Academy. Judges may take part in other forms of education and professional development as well.

(2) Judges are bound to respond to the invitation of the Judicial Academy for taking part in as trainers or participants in the professional development programmes.

(3) Judges are authorized to write specialized and scientific papers, publish the contents of the effective decisions, take part in the work of experts or scholars' meetings and committees, and in drafting regulations.

(4) The Minister of Justice shall be authorized to pass a rulebook which will provide in closer detail the obligations of the judges for professional development at the Judicial Academy by specifying the type, manner, length, and evaluation of the professional development.

Article 97.

(1) Judges are bound, in 30 days from the day when they took the bench, to submit to the Ministry of Justice a report on their property, constant incomes, and the property of their spouse and underage children stating the balance as of that day, and a report after the termination of his/her mandate, and should significant changes take place during his/her mandate than at the end of the year in which the change occurred.

(2) Judges are bound to state in the report set forth in paragraph 1 of this Article data on their bank deposits if they exceed the annual net amount of the judge's income.

(3) Prior to performing the obligations arising from paragraph 1 of this Article, the incumbent shall not receive salary.

(4) The format and content of the form shall be provided by the rulebook passed by the Minister of Justice.

Article 98.

To decide about incompatibility of the service or employment with the responsibilities of a judge it's a duty of the President of the Court, for the President of the Court that decision makes President of the directly Higher Court, and for the President of the Supreme Court of the Republic of Croatia - General Assembly.

5. Rights of the judge

Article 99.

(1) The Judge has the following rights:

- to receive a salary that is determined for a judge in the court in which he/she is assigned,
- allowances on the salary when the judge is sent on work in other court,
- compensation instead of the salary when he is stopped to carry on the duties of a judge ,
- pension, disability and health insurance and all rights from this insurance in line with general regulations,
- vacations and leaves available for the court workers and annual vacation that last for a period of thirty working day,
- right for material expenditures under the conditions determined by the law and other regulations,
- allowances for separate life from the family and compensation of the costs for travelling in the living place of the family during the week rest and national holidays,
- compensation for the business trips and travel expenses considering the duties of the judge,
- professional development within the funds provided for that purpose .

(2) The amount of the allowances on the salary of the judge that is sent to work in another court is determined by the rule book issued by the Minister of Justice.

Article 100.

Investigative judges that work solely on the duties about investigation have right on increased service, every 12 months of work on that position is taken as 15 months of service.

6. Completion of the duties of a judge

Article 101.

(1) The duties of the judge ends if in accordance with the Constitution and the law he is relieved of duties by State Judicial Council.

(2) The duties of the judge ends by the force of Law in the Court in which he/she is assigned :

- with the day of commencing the service in another court , judicial or state institution,
- by death.

(3) **Decision** by which these circumstances from the line 2. of this article are determined is brought by the Court president in the court in which the judge was working and it is sent to the State Judicial Council and to the Ministry of Justice.

7. Sending on work

Article 102.

(1) In the case of cancellation or reformation of the court President of the Supreme Court of the Republic of Croatia will transfer the judge in the other court of the same level.

(2) Against the decision of transfer the judge has a right of objection in a three day period. That objection is a subject of decision of the Council of the Supreme Court consisted by five judges.

(3) The judge could be willingly sent to work in another court of same degree for certain period of time, on request of the President of the Court in which he/she should be sent.

(4) Decision about temporary transfer to work in another court is issued by the President of the mutual directly Higher Court and information is also sent to the State Judicial Council.

(5) About the return of the temporary transfered judge in the court in which he is assigned the decision is made by the President of the mutual directly Higher Court and information is also sent to the State Judicial Council.

Article 103.

(1) The judge could be willingly sent to work on a temporary bases in the Higher Court, but no more than four years.

(2) President of the Higher Court will give him/her the work about creation of the draft decisions that are in the jurisdiction of that court or other appropriate works.

(3) The judge who is temporary sent to work in the Higher Court in the procedure and work on court cases has rights and responsibilities as senior judicial advisor.

Article 104.

(1) The judge sent to work in another court on the base of article 103. of this Law has a right of accomodation, remuneration of expences for special conditions of work such as travel expenses, costs for use of personal car for professional needs and other.

(2) Amount of remuneration of expences considering those conditions is determined by the rule book issued by the Minister of Justice.

Article 105.

(1) If the judge is appointed to be the Minister of Justice or State Secretary in the Ministry of Justice or to be a judge in an International Court or some other service in International courts his position as a judge stays in rest while he is doing the duties considering the position on which he is appointed to.

(2) The judge could be willingly appointed to work in other job positions in the Ministry of Justice, but no longer than four years, during which time his position as a judge stays in rest.

(3) In the cases of items 1 and 2 of this article the judge has a right to receive a salary which is more appropriate for him.

(4) Decision about the disposition of the judge according to the item 2 of this article is issued by the Minister of Justice with the acceptance of the President of the Court in which the judge is performing its duties as a judge.

8. Responsibility for the Damage

Article 106.

(1) Republic of Croatia is responsible for the damage made to the client during the judicial procedures by the illegal and inappropriate work of the judge.

(2) Republic of Croatia will order the judge to refund already paid amount if only he made that damage intentionally or from total inattention.

9. Code of Judge Ethics

Article 107.

(1) Code of Judge Ethics (in further text Code) determines ethical principles and rules of behaving of the judges for protection of the dignity and respectability of the duties of the judge. During their working hours and in their free time judges are obliged to respect Law and the Code.

(2) The Code is accepted by the Council composed by the Presidents of all Judicial Councils in the Republic of Croatia.

(3) The Council mentioned in item 2. of this article is convoked and led by the President of the Judicial Council of the Supreme Court of the Republic of Croatia.

(4) President of the Council appoints sessions of the Council when it is asked in writing by one quarter of all Presidents of the judge councils.

(5) The Council decides during the sessions with public voting by the majority of votes of all members.

Article 108.

(1) Presiding member of the council guides the work about the creation of the draft version of the Code. The draft version is sent to all presidents of the judicial councils in order to give suggestions and objections in determined deadline. Presidents of Judicial councils are obliged to introduce the judges with the text of the draft version.

(2) After that the Council determines Proposal of the Code and sends it on the review to the judges. The judges in the time of 30 days could give their objections and suggestions to the given proposal of the Code.

(3) Draft and Proposal of the Code are sent for opinion to the Association of Croatian Judges, to the board of the Croatian parliament competent for the justice and to the Minister of Justice.

(4) Code could be changed and amended following the same procedure of its acceptance, by the suggestion of the Judicial Council of the Supreme Court of the Republic of Croatia, by one quarter of the judicial councils in the Republic of Croatia, by majority of the Presidents of all judicial councils or by Association of Croatian Judges.

(5) Suggestions for changes and amendments of the Code could be given by the President of the Supreme Court of the Republic of Croatia, by the Board of the Croatian Parliament responsible for justice, Minister of justice and at least ten judges.

IX. PRESIDENT OF THE COURT

Article 109.

(1) President of the Court is a judge which in line with that duty also performs the duties of court management.

(2) In the courts with more than twenty judges President of the Court could perform only the duties of court management.

(3) President of the Court is assigned by the Minister of Justice between the candidates proposed by the judicial council.

(4) President of the Court is assigned for the period of four years, and after that period he/she could be assigned again.

(5) President of the Court that isn't assigned again continues its work as a judge in the court in which he was assigned as a judge.

Article 110.

Procedure for the appointment of the President of the Court starts by the Minister of Justice not later than three months before the ending of the mandate of the president of the court, or more precisely not later than 30 days after completion of the duties of the President of the Court from the other reasons determined by the law.

Article 111.

(1) Minister of Justice publishes an advertisement in the »People Newspapers« and asks for applications for the available place of President of the Court in a period of thirty days.

(2) Candidate could be the judge in a court of same type and level as that one in which President of the Court is going to be appointed or judge of the Higher Court.

(3) President of the Judicial Council will ask the Ministry of Justice and the President of the Court in which the candidate is a judge, evaluation of fulfilment of its duties as a judge and other information from the records of the judges, that are necessary for rating of the professional capabilities of the candidate to carry out the duties of the President of the Court.

(4) President of the Judicial Council will ask the President of the immediate Higher Court to give an opinion about the candidates for a president.

Article 112.

(1) On the base of arguments and opinions from the article 111. of this law, judicial council verifies the candidates that fulfill conditions for the Court President and gives a suggestion to the Minister of Justice to appoint one of them to be the president of the Court.

(2) The suggestion of the judicial council must be explained for the each of the candidates and it have to have an evaluation of the fulfilment of the judge duties from the article 88. of this Law.

Article 113.

(1) Minister of Justice is obliged to make explainable decion about that suggestion in the deadline of 30 days after the receipt of the suggestion.

(2) If on that advert no one of the candidates applies or Minister doesn't appoint for the President of the Court neither one of the candidates verified by the Judicial Council, the procedure from the article 111. of this Law is going to be repeated.

(3) In the repeated procedure the Minister of Justice will ask for an opinion the General Assembly of the Supreme Court of the Republic of Croatia about nominated candidates for the President of the Court.

(4) If the opinion from previous item is positive for one or more candidates, the Minister of Justice is obliged between positively evaluated candidates nominated by judicial council to choose and appoint the President of the Court.

Article 114.

(1) The President of the Court will be discharged of the duty when in the actions of control of the progress in the works of court management is concluded:

1. that President of the Court doesn't perform the duties of the court management in accordance with the regulations or on time,

2. with the lapse of control or in person violates the regulations about assigning of the case to start with the procedure,
 3. with violation of the regulations or in some other way he discarded the principle of independence of the judge during the trial,
 4. that he didn't submit requests for commencing of the proceeding for already made criminal deed in the cases determined by the law,
 5. when its duties as a judge end.
- (2) President of the Court could ask for release of the duty of the President of the Court.
- (3) Release of the duties of the President of the Court about the reasons stated in the items 1., 2. and 4. of this article doesn't have an influence on the rights and duties that relieved president has as a judge.

Article 115.

- (1) If on the base of the report about performed inspection, and after the written explanation of the President of the Court and provided opinion of the Judicial Council comes that unlawfulnesses and irregularities in the performance of the duties of the court management make a damage to the regular and correct performance of the duties and functioning of the court, Minister of Justice will release the President of the Court that continues to work within the duties of a judge.
- (2) Decision of the minister about release of the President of the Court is an Administrative Act.

Article 116.

- (1) If the president of the court stops to perform its duties, the Minister of Justice will authorize a judge from that or higher court, for the time of six months at most, to perform the duties of court management, until the President of that Court wouldn't be appointed.
- (2) In the courts in foundation the Minister of Justice will authorize a judge of the court of the same type, of same degree or judge of the higher court to perform the duties of court management till the beginning of the work of that court.

X. JUDICIAL OFFICERS AND EMPLOYEES

Article 117.

- (1) Number of judicial officers and employees qualified for professional, office and technical posts is determined by the president of the court with previous consent of the Minister of Justice.
- (2) Commencing and termination of the employment of the employee in the court, salaries and other rights, obligation and responsibilities that comes from the employment are settled by the regulations about state officers and employees and with general regulations concerning employment.
- (3) Regulations about school preparation, duration and work in the training period, requirements for passing of the professional examination, program and procedure of taking that examination and other important issues considering that mater are regulated with a special act issued by the Minister of Justice.

1. Secretary of the Court

Article 118.

(1) The court with more than 20 judges can have a secretary. Secretary of the court helps the president of the court in execution of the duties of court management. For the position of Secretary of the Court could be employed person with finished studies of Law graduated at the Law Faculty.

(2) For a Secretary of the Administrative Court of the Republic of Croatia, for the High Magistrates' Court of the Republic of Croatia and for the High Trade Court of the Republic of Croatia could be employed person that fulfils requirements for the Higher judicial advisor in that court .

(3) Secretary of the court organize and takes responsibility for the work of court officers and employees, takes care about timing and regularity in completion of office and other technical works in the court, on authorization of the president of the court responds on the complaints of the clients about the work of the court and with consent of the president of the court decides about the disposition of the court officers and employees during the time of work, except for judicial advisors, and also performs other duties entrusted to him by the president of the court.

2. Judicial Advisors

Article 119.

(1) The court could have judicial advisors and higher judicial advisors.

(2) For the judicial advisor in the court could be employed person with finished studies of Law, graduated at the Law Faculty with passed judiciary examination.

(3) For the higher judicial advisor in the courts could be appointed a person with finished studies of Law, graduated at the Law Faculty with passed judiciary examination and with a work experience of at least two years in posts including: judicial advisor, state lawyer or deputy of the state lawyer, lawyer or public notary, or person that works on other judicial positions after passed judiciary examination at least for five years.

(4) Judicial advisor in the Supreme Court of the Republic of Croatia, could be a person that fullfils necessary requirements for the judge of Municipal court.

(5) Higher judicial advisor in the Supreme Court of the Republic of Croatia, could be a person that fullfils necessary requirements for the judge of District court.

Article 120.

(1) Judicial advisors are authorized to work on its own on some court procedures, to assess evidences and to determine the facts.

(2) On the base of already completed procedure judicial advisor submits to the judge, authorized by the court president, written proposal on which base the judge makes a decision. On authorization of the judge judicial advisor announce that decision.

(3) If he doesn't accept the given proposal of the judicial advisor, the judge in charge will execute the procedure by himself.

(4) Judicial advisors are authorized to carry out the procedures and to suggest decisions within the items 1. and 2. of this article in the following procedures :

1. in legal procedure in disputes where is claimed financial amount to be paid or compensation of the damage if the value of the subject of dispute doesn't exceed 50.000,00 kunas, and in Trade Courts if the value of the subject of dispute doesn't exceed 500.000,00 kunas,

2. in proceedings with small consequences

3. in probate proceedings,

4. in proceedings about land possession,

5. in out of the civil suit proceedings, except in a proceedings for detraction of the working ability, severing of a joint ownership and settlement of the boundaries/landmarks,
6. in proceedings concerning violations of the law,
7. in second degree proceeding and in proceeding concerning special legal remedies
Judicial advisors inform about status of the writs and prepare draft of decision.

3. Skilled Associates

Article 121.

(1) The court could have clerks with other professions with Higher or High Educational Preparation (College or University) and with necessary work experience from the area of work with handicapped persons, sociology, pedagogy, economics, accounting-financial and other appropriate education.

(2) Skilled associates from the item 1. of this article as skilled assistants assist to the judge in things where professional knowledge is necessary.

4. Judicial trainees

Article 122.

(1) Number of Judicial trainees is determined by the President of the Court with previous consent of the Minister of Justice.

(2) Requests and way of acceptance of Judicial trainees in the courts, and things like duration and way of performing trainee practice, will be given in a separate law.

5. Protection of the persons, property and the court buildings

Article 123.

(1) Jobs concerning protection of the persons, property of the court's and the court's buildings include prevention of illegal activities directed towards person, court object and property of the court, to prevent carrying of weapon, tools, explosive devices and other dangerous things and materials and to prevent damage or stealing of the property.

(2) Protection and safety of persons, property of the court and court buildings and maintenance of the order in the court is a job for employees of the Judicial Police from the Ministry of Justice or other institution responsible for protection and security.

(3) Jobs from the item 1. of this article are performed by the use of technical means of protection, physical strength and with means of enforcement.

(4) In these jobs of protection are allowed means of enforcement: physical strength, means of enforcement as tying, rubber stick and firearm.

(5) Use of physical strength is allowed through use of technics of defence and clutches necessary for bringing in, in order to block an attack or to overcome the resistance of the person with smallest consequences possible.

(6) The means of enforcement particularly tying is allowed for the use to the officer of judicial police in order to block an attack or to stop the resistance of the person and to deliver that person to the police officers.

(7) Use of rubber stick is allowed for the use if the use of physical strength shows as unsuccessful.

(8) Use of firearm is allowed if with other means of enforcement couldn't be rejected immediate attack or attack against the law that just follows, that puts in jeopardy life of the officers of the judicial police or some other persons. The officer of the judicial police before the use of firearm will warn the attacking person if the circumstances of that attack allow him to do so. It is not allowed to use a firearm if with that use could be put in jeopardy life of another person.

(9) More precise regulations about the way of protection of the persons, property of the courts and the court buildings is issued by the Minister of Justice.

Article 124.

In the execution of the duties of protection the officer of the judicial police:

- controls the identity of the persons that come in the court and go out of the court,
- searches the persons that come in the court and go out of the court and their belongings
- forbids the entrance to the persons that carry on a weapon, a dangerous tool or for which there is justified suspicion that take in some dangerous materials, except to the authorized officials during the enforced bringing in or carrying out of the convicts or the prisoners.,
- holds till the delivery to the police the person caught in the time of doing its criminal offence in the court, towards that person means of enforcement are used, more precisely tying,
- sends away persons that interrupt the work of the court,
- performs other duties too, more precisely he executes the orders of the president of the court considering protection of the persons, property of the court and the court buildings

Article 125.

(1) In the state service for the officer of the Judicial police could be accepted the person that besides the general requirements for acceptance in the state service has special health capability, according to the rule book for special health capability issued by the Minister of Justice with previous consent of the Minister responsible for the issues of health protection.

(2) Officers of the Judicial police are settled in special chambers marked with appropriate signs, and during the time of the service they wear special suits, official identity card and badge. Regulations about ranks, signs, suit and official identity card are issued by the Government of the Republic of Croatia.

(3) Officers of the Judicial police have increased service because of the difficulty and requirements of the work and for the special conditions of work: work in shifts, work during the national holidays, exposure to the stress, every twelve months spent on that work is taken as sixteen months of insured service.

Article 126.

(1) Ability for the execution of the work of the officer of the Judicial police is determined by the health commission assigned by the decision of the Minister of Justice and the Minister of Internal Affairs. Officer of the Judicial police that is found incapable by the relevant health commission for execution of the job duties because of disease or injury that happened during the time of the service or as a result of the service, keeps the salary and other rights that come with the employment until reaching of the decision for rights to pension that should come in force, no longer than three years from the day of carrying out the decision of disability.

(2) Officers of the Judicial police achieve their rights from the pension and disability insurance by separate law.

(3) Officer of the Judicial police that achieve the right for pension also receives a severance pay in amount of the last five salaries accounted according to the general regulations.

(4) Family of the officer of the judicial police who lost his life during the service or as a result of the service has a right of refunding of the costs of the burial and supported members of the family receive one time financial help in amount of his last six salaries.

6. Responsibilities of judicial officers and employees

Article 127.

(1) Procedure about easier violation of the official duties of judicial officers and employees is initiated by the conclusion of the President of the Court in person or on the base of written suggestion of the superior officer. Against that conclusion for start of the procedure there is no right of complaint.

(2) The conclusion for start of the procedure is delivered to the judicial officer or employee who can respond in writing in three days period from the day of delivery. If the procedure is initiated on the base of the written suggestion of the superior officer along with the conclusion for start of the procedure the written suggestion of the superior officer is delivered to the judicial officer.

(3) Procedure is executed and decision is made by the president of the court.

(4) In the procedure about easier violation of the official duties appropriate for use are articles of the Law for Common Administrative Procedure.

Article 128.

(1) The proceeding for aggravated violation of official duty (misfeasance) by the court officials and employees are initiated by the President of the Court and the proposal is submitted to the competent Administrative Court of law.

(2) The procedure against misuse of official duty is initiated on the date of filing of the proposal for legal proceedings in the competent Administrative Court of law.

(3) The provisions of the Law of Criminal Procedure for the content of the indictment are properly applied, in accordance with the content of the proposal for filing procedure against violations of the official duty.

(4) Administrative court is entitled to inform the court officials and the employees against whom the legal action is filed, about the proposal for filing legal proceedings for aggravated violation of official duty, by delivery of a copy of the proposal, together with the enclosed evidences.

(5) Court official or the employee is allowed to submit written response within three days from the date of delivery of the proposal.

(6) The legal proceeding for aggravated violation of the official duty of the court officials and employees is conducted by the Administrative Courts, competent for clerks and employees from the Public Administration, expert services in Croatian Parliament and the Government of Republic of Croatia.

Article 129.

With the decision of the President of the Court, the court official or the employee may be suspended from the service, in case if criminal procedure or legal proceedings for

aggravated violation of official duty are brought against them, and are of that kind, that the further remaining in the service, while the legal action is in proceedings, can harm the service's interests.

Article 130.

The procedure will be conducted by the rules which are applied to the accountabilities/liabilities for harm of official duties or indemnity for the damage to public administrators and employees, except in the cases where this Law is not otherwise determined.

XI. JUDGE JURORS/JURY JUDGE

Article 131.

For jury judge can be appointed every adult Croatian citizen, who is capable of performing the duty of court juror.

Article 132.

(1) The jury judges are appointed every four year and after the expiry of the period, they can be reappointed.

(2) The President of the Court is obliged to invite the representatives from the body that appoints the jury judges, in order to initiate a procedure for appointment of jury judges, at least five months before the termination of the mandate of the acting jury judges.

(3) If the nomination of the jury judges is not performed until the expiry of the mandate, the previous jury judge remains on the position, until a new jury judge with new mandate is appointed.

Article 133.

(1) Jury judges of the Municipal, Commercial and County (Higher) Courts are appointed by the county parliament (assembly), that is City Hall of the City of Zagreb, after gathering the proposals of the Municipal Assembly, that is City Hall, Trade Union, Employers' Association and the Chamber of Economy.

(2) The court jurors of the High Commercial Court of the Republic of Croatia are appointed by the Croatian Parliament, on the proposal of the Minister of Judiciary, in order to assure equal representation of all the counties/districts.

(3) Before the nomination of the jury judges, the Presidents of the relevant courts have to state their opinion about the nominated candidates.

Article 134.

(1) Before obtaining the position, the jury judge gives an oath.

(2) The oath is worded:

“I swear in my honour that in performing of the duty of jury judge, I will observe the Constitution and the Laws of Republic of Croatia and will perform the duty of jury judge conscientiously and objectively. “

(3) The jury judges from the Municipal, Commercial and County Courts give the oath to the President of the Regional (County) Assembly, that is the City Hall of the City of Zagreb, while the court jurors of the Supreme/High Commercial Court of the Republic of Croatia give the oath to the President of the Croatian Parliament or the Authorized Representative appointed by the President.

Article 135.

When criminal procedure or legal proceeding for dismissal on the position of jury judge, are submitted against the jury judge, the President of the Court will not nominate the judge juror to perform the duty, until the action is legally finished.

Article 136.

(1) The jury judges for the performance of the duty are entitled to reimbursement of the expenses, reimbursement for the unfeasible/unrealized salary or income and reward.

(2) The conditions, the amount of the reimbursement and the reward provided by provision 1. from this Article are determined by the Minister of Judiciary, in accordance to the Rule Book.

XII. PERMANENT COURT TRANSLATORS, COURT EXPERTS AND APPRAISERS

1. Permanent court translators

Article 137.

(1) The permanent court translators translate spoken or written text from Croatian into foreign language and vice-verse, from foreign into Croatian language or from one foreign language into another, on the demand of the court, public administration, legal entity or citizen.

(2) For permanent court translator can be appointed a person that completed University Education, has excellent command of both the foreign and official language, and possess satisfactory level of general and legal knowledge.

(3) The permanent court translators are appointed and dismissed by the President of the County Court, that is, the Commercial Court. The permanent court translators are appointed for the period of four years, and after the expiry of the period they can be reappointed.

(4) Against the decision which overrules the applicant to be appointed as permanent court translator, the applicant has the right to appeal to the Ministry of Judiciary, within 15/fifteen days from the date of delivery.

(5) The Minister of Judiciary will define the terms which certify whether the individual fulfils the conditions for permanent court translator, their rights and duties, the amount of the reward and the reimbursement of the expenses for their work.

(6) The County, that is, the Commercial Court has a list of permanent court translators, appointed for its province/district.

(7) The overall list of permanent court translators for all the courts is released in National Gazette, for the needs of the Ministry of Judiciary.

2. Permanent Court Experts

Article 138.

The permanent court experts, on the basis of their expertise (professional knowledge) offer the Court the service of giving expert's findings and opinion (court expert's testimony), when required, in order to determine or explicate the facts, recognized in the legal procedure.

Article 139.

- (1) The court expertise is performed by legal and physical entities.
- (2) For performing of the court expertise, the physical entity has to possess at least secondary education degree of relevant education; the legal entities are allowed to conduct court expertise, in the framework of the range of registered activities, only if their employees meet/accomplish the same terms as the physical entities.
- (3) The Minister of Judiciary will issue the terms which determine whether the individual fulfils the conditions for permanent court expert, their rights and duties, the amount of the reward and the reimbursement of the expenses for their work.

Article 140.

- (1) The permanent court experts – physical entities and permanent court experts as legal entities are appointed and dismissed by the President of the County Court or the Commercial Court for the particular province.
- (2) Against the decision which overrules applicant to be appointed as permanent court expert, the applicant has the right to appeal to the Ministry of Judiciary, within 15/fifteen days from the date of delivery.
- (3) The permanent court experts are appointed for a period of four years and can be reappointed.

Article 141.

The court experts are allowed to apply the title of court expert, only in case of giving findings or opinion on demand of the court or on the request of the parties involved, in order to accomplish their rights. In any other case, it is allowed only when approved by the President of the Court, they are appointed from.

Article 142.

The list of the legal entities that perform court expertise and the list of the permanent court experts for all the courts are published in the National Gazette for the needs of the Ministry of Judiciary.

3. Permanent court appraisals

Article 143.

- (1) The permanent court appraisals estimate agricultural and forestry land, resident and commercial buildings, other real estate and movable property on the court's demand.
- (2) As permanent court appraiser can be appointed an individual that accomplished Secondary Education, possess a licence for commercial activities and is or was involved in agriculture, that is, forestry activities.
- (3) The permanent court appraisers are appointed and dismissed by the President of the Municipal, Commercial or County Court. The permanent court appraisers are appointed for the period of four years and after the termination of the period, they can be reappointed.
- (4) The Minister of Judiciary issues the terms that define whether the individual fulfils the conditions for court appraiser, their rights and duties, the height of the reward and the reimbursement of the expenses for their work, according to the Rule Book

XIII. PRESERVATION OF OFFICIAL SECRET

Article 144.

(1) Judges, jury judges, administrators, court and higher court advisors, expert associates, court apprentices, court clerks, employees, court translators, court experts and appraisers are obliged to keep the official secret; regardless to the mode they perceived the secret.

(2) The term official secret means:

- everything that is determined as an official secret by the Law or other regulations,
- everything that is determined as an official secret, that is business secret provided by the general act of legal entities, other bodies, organizations or institutions,
- data and documents particularly marked as official, that is business secret by the public bodies or legal entities, other bodies, organizations or institutions,
- data and documents designated as official secret by the President of the Court or Authorized Official.

Article 145.

(1) The obligation/liability of keeping the official secret remains after the termination of the court's service.

(2) The President of the Court is entitled to release the judge, court official or employee from the duty of preserving the official secret, when there are justified reasons in particular case. The President of the next Higher Court makes the decision about the President of the Court, while for the President of the Supreme Court of the Republic of Croatia, decides the General Assembly (meeting) of the court.

Article 146.

Announcement for the public, by the means of public informing, in regards to the legal procedure for certain case as well as for the work of the court is given by the spokesperson (PR officer) of the Court or the President of the Court.

XIV. RESOURCES/FUNDS FOR THE WORK OF THE COURT

1. Provision of the funds/resources

Article 147.

(1) Resources for the work of the courts are provided by the National Budget of Republic of Croatia.

(2) The funds for the work of the courts include resources for performance of the regular activities (resources for expenditures of the employees, resources for material expenses and means for capital investments in buildings and technical equipment).

(3) Resources from section 2 of this Article are provided as the amount that ensures regular performance of the overall duties in the court, in accordance to opinion of the General Assembly of the Supreme Court of the Republic of Croatia.

Article 148.

(1) The proposal for provision of funds, required for the work of the court for the next budgetary year, is submitted by the President of the Court to the Ministry of the Judiciary, within the period provided by the Law for the Budget.

(2) The proposal contains the resources required for the employees' expenditures, material expenses and funds for investments in buildings and technical equipment of the court.

Article 149.

On the basis of the proposal of the President of the Court, Ministry of Judiciary together with the President of the Court establish the funds required for the work of the court for the next budgetary year, regarding to the court's needs and the outcome of the work of the court.

2. Resources for special aims/purposes
- 3.

Article 150.

(1) Funds for special purposes are as follows:

1. resources for the work of the apprentices,
2. resources for professional advanced training of the judges, court officials and employees,
3. resources for restricted expenditures (expenses intended for specific purpose), which include:
 - reimbursement and reward to the judge jurors;
 - expenditures for the court procedures, paid by the court's funds in accordance to the Law,
 - expenditures for the forceful payment of the court fines and the expenditures for the criminal proceedings,
 - expenses for the delivery of the court mail.
 - expenses for the reimbursement of court fee to the judges, officials or the employees for appearance on the scene,
 - reimbursement for duty performance from the previous criminal procedure,
 - other expenses in relation to the performance of courts' authorization.

(2) The conditions and the amount of the court fee reimbursement for appearance of the judges, court officials and employees on the scene, as well as the reimbursement for duty performance from the previous criminal procedures are issued by the Minister of Judiciary.

a) Investments

Article 151.

(1) Republic of Croatia provides special funds for technical equipment and working space in accordance with the court standards.

(2) The provinces, cities and municipalities are allowed to participate in building the capital objects and in supplying the courts with equipment.

b) Financial and material operating/management

Article 152.

(1) Financial and material management of the courts is performed in terms applied for the Public Administration, while the financial and material management with parties is performed in terms provided in the regulation, imposed by the Minister of Judiciary.

(2) The same regulations for the provision of funds/resources for the work of the Public Administration/ entities are applied for the provision of the funds for the courts.

c) Court's deposit

Article 153.

When the user of court's deposit does not use the court's deposit within the period of two years after the final resolution, the court will re-invite the user. In case if, the user of the court's deposit does not undertake it, the court will decide to terminate the user's right to be handed over the deposit and it will be transferred for the benefit of the National Budget of the Republic of Croatia.

XV. TRANSITIONAL AND FINIAL PROVISIONS

Article 154.

(1) As an exception from the provisions of the Article 14, Section 1 from this Law can be considered the merge of one or more Misdemeanour Courts with Municipal Court.

(2) In case of merging Misdemeanour Courts with Municipal Court, this kind of joint court will have the authorizations provided by Article 17 and 18 from this Law.

(3) The resolution of joining is made by the Minister of Judiciary, due to previously opinion of the General Assembly of the Supreme Court of the Republic of Croatia.

(4) The Court established by merge in accordance with the provisions from this Article, is considered as Municipal Court with wider range of authorizations and is entitled as Municipal Court. This kind of court can have separate Misdemeanour Department.

Article 155.

(1) Until the law for extra-judicial procedures is not put into force, all extra-judicial cases in first or second instance courts will be resolved by individual judge.

(2) Against the decision of second instance court in extra-judicial cases, audits are not allowed, unless it is otherwise determined by the Law.

Article 156.

The Minister of Judiciary is authorized to put into force, a regulation for conduct with individuals taken in custody (house order) and to give recommendations for enforcement of this Law.

Article 157.

(1) Until the regulation, brought by the Minister of Judiciary due to the provisions of this Law, is not in force, the acting regulations will be applied, unless there are not in contrary to this Law.

(2) According to the provisions from this Law, the Minister of Judiciary is authorized to bring the regulations into force in the period of six month from the date this law becomes valid.

(3) The Assembly is obliged to issue the code of court ethics, provided by Article 107. from this Law, within the period of six months after the law is brought into force.

Article 158.

(1) The procedure of appointing the judge will be accomplished by the provisions of the Law that was in power during the announcement in the National Gazette.

(2) The provisions from this Law for protection of the rights for trial in reasonable period of time can not be applied on the cases, in which till the day of putting in power of this law constitutional appeal is filed, based on the Article 63. from the Constitutional Law for the Constitutional Court of Republic of Croatia ("National

Gazette”, no. 99/99., 29/02. and 49/02. – refined text). The Constitutional Court of Republic of Croatia decides upon the submitted indictments, according to the provisions of the Constitutional Law.

Article 159.

When this law is put into power, the Law about the courts will be no longer valid (“National Gazette“no.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.).

Article 160.

This Law will be put into force eight days from the date of publishing in National Gazette.

Class: 711-01/05-01/01

Zagreb, 9 December 2005.

CROATIAN PARLIAMENT

President of the

Croatian Parliament

Vladimir Šeks, v. r.