

## 1. Evaluation of the judicial systems (2016-2018 cycle)



Croatia

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**Reference data 2016 (01/01/2016 - 31/12/2016)**

**Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017**

### **Objective :**

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

### **Instruction :**

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

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## **1.General information**

### **1.1.Demographic and economic data**

#### **1.1.1.Inhabitants and economic general information**



**001. Number of inhabitants (if possible on 1 January of the reference year +1)**

[ 4154213 ]

Comments

**002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)**

	Amount
State or federal level	9142121525 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

**003. Per capita GDP (in €) in current prices for the reference year**

[ 10965 ]

Comments

**004. Average gross annual salary (in €) for the reference year**

[ 12355 ]

NA

Comments

**005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1**

[ 7.55779 ]

Allow decimals : 5

NAP

Comments

**A1. Please indicate the sources for answering questions 1 to 5**

Sources: The source for questions 1 and 3 is the Croatian Bureau of Statistics and for question 5 the Croatian National Bank.

**1.1.2. Budgetary data concerning judicial system**



**006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NAP to the question 7.**

Approved budget (in €)	Implemented budget (in €)
------------------------	---------------------------

<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	166408056 [ ] NA [ ] NAP	165459629 [ ] NA [ ] NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	133850561 [ ] NA [ ] NAP	133627264 [ ] NA [ ] NAP
<b>2. Annual public budget allocated to computerisation (equipment, investments, maintenance)</b>	10003698 [ ] NA [ ] NAP	9963093 [ ] NA [ ] NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.</b>	4149123 [ ] NA [ ] NAP	4056377 [ ] NA [ ] NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	6709077 [ ] NA [ ] NAP	5815688 [ ] NA [ ] NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	1567420 [ ] NA [ ] NAP	1562720 [ ] NA [ ] NAP
<b>6. Annual public budget allocated to training</b>	441551 [ ] NA [ ] NAP	531243 [ ] NA [ ] NAP
<b>7. Other (please specify)</b>	9686626 [ ] NA [ ] NAP	9903244 [ ] NA [ ] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main differences: The total budget has not changed much but there are differences within categories. The gross salaries increase is due to the regresses and Christmas bonuses, which did not exist in 2015.

Larger budget have been approved for computerisation.

The amount for justice expenses is smaller because bigger amount had been allocated to state attorney's offices so less remained for the courts.

6.4.&6.6. - The implemented and approved budget in these two categories differ because during the year a need for a larger amount had arisen in budget allocated for training and was compensated by the another.

**007. (Modified question) If you cannot answer question 6 because you cannot isolate the budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to all courts and the public prosecution services together</b>	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>Total annual public budget allocated to all courts and legal aid together</b>	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	[ ] NA [X] NAP	[ ] NA [X] NAP

Comments:

**008. Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

	<b>Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?</b>
<b>for criminal cases</b>	( X ) Yes ( ) No
<b>for other than criminal cases</b>	( X ) Yes ( ) No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?  
According to the Court Fees Act (Official Gazette, No. 74/95, 57/96, 137/02, 26/03, 125/11, 112/12, 157/13, 110/15), 19 subjects are exempt from paying court fees, such as state government bodies, public authorities, employees in administrative and labour disputes, vulnerable groups, etc.

**008-1. Please briefly present the methodology of calculation of court taxes or fees:**

- Generally, in the civil litigation proceedings the court fee depends on the value of the subject of the dispute i.e. the value of the principal claim determined at the time of filing the lawsuit. Interest, litigation costs, penalty charges and other subordinate claims shall be taken into account only if they are part of the principal claim.

Depending on the nature of the procedure, different court fees are determined in the Courts Fee Act and Tariff of Courts Fees.

When the value of the subject matter of the dispute cannot be determined under the provisions of Court Fees Act, the fee will be charged to the amount of 10,000.00 Croatian kuna.

**008-2. The amount of court fees to commence an action for 3000€ debt recovery:**

- [ 76 ]
- [ ] NA
- [ ] NAP

Comments

**009. Annual income of court taxes or fees received by the State (in €)**

- [ 17300109 ]
- [ ] NA
- [ ] NAP

Comments Taking into account that the existing legal regulation did not change in a way that would have the effect of reducing the revenue of the state budget on the basis of court taxes, the reason for the continued decrease (from 2012) of the revenues from court taxes could be a decrease in the inflow of court cases and the impossibility of collecting court taxes from taxable payers.

**012. Annual approved public budget allocated to legal aid, in €.**

	<b>TOTAL</b>	<b>Criminal cases</b>	<b>Other than criminal cases</b>
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	10810000 [ ] NA [ ] NAP	10432800 [ ] NA [ ] NAP	377200 [ ] NA [ ] NAP

<b>12.1 for cases brought to court</b>	10433010 [ ] NA [ ] NAP	10147490 [ ] NA [ ] NAP	285520 [ ] NA [ ] NAP
<b>12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)</b>	376990 [ ] NA [ ] NAP	285310 [ ] NA [ ] NAP	91681 [ ] NA [ ] NAP

Comments The annual approved public budget allocated in other than criminal cases to primary legal aid (for non-litigious cases or cases not brought to court) in 2016 was significantly reduced, which results in great differences in total amount approved in other than criminal cases to legal aid in 2014/2015 and 2016.

### 012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	10809907 [ ] NA [ ] NAP	10436871 [ ] NA [ ] NAP	373036 [ ] NA [ ] NAP
<b>12-1.1 for cases brought to court</b>	10433010 [ ] NA [ ] NAP	10150923 [ ] NA [ ] NAP	282088 [ ] NA [ ] NAP
<b>12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)</b>	376956 [ ] NA [ ] NAP	286007 [ ] NA [ ] NAP	90949 [ ] NA [ ] NAP

Comments - If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences: In the Ministry of Justice of the RoC there is a Department for legal aid in other than criminal cases and it keeps records on the total annual and implemented budget for legal aid in other than criminal cases in detail. The costs for the legal aid in other than criminal cases are paid after the end of the dispute before the first instance court.

The amount in 2016 for "other than criminal cases brought to court" is higher because more bills had to be paid in 2016. Namely, court proceedings last for several years, and probably in 2016 more bills for paying the costs of court experts and interpreters had been received since the Free Legal Aid Act (OG 143/13), which grants the exemption from paying the costs of court experts and interpreters, came into force on 1 January 2014.

Different methodologies were used in 2014 and 2016 for non-litigious cases or cases not brought to court. According to the methodology used in 2016, the total amount for non-litigious cases or cases not brought to court in 2014 would be 346779, while the amount for criminal cases would be 255 830.

### 013. Total annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the public prosecution services, in €</b>	45315977 [ ] NA [ ] NAP	45263844 [ ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences:

### 014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level courts
<b>Ministry of Justice</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Other ministry</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Parliament</b>	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Supreme Court</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>High Judicial Council</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Courts</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Inspection body</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Other</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP

Comments - If any other Ministry and/or inspection body and/or other, please specify:

## A2. Please indicate the sources for answering questions 6 to 14:

Sources: Ministry of Justice of the RoC

### 1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the whole justice system in €</b>	323169516 [ ] NA [ ] NAP	320891780 [ ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice

system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences:

**015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):**

	Included
Court (see question 6)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Legal aid (see question 12)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Public prosecution services (see question 13)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments:

**015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):**

	Included
Prison system	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Probation services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Council of the judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Constitutional court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Judicial management body	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
State advocacy	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Enforcement services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Notariat	( ) Yes ( X ) No [ ] NAP
Forensic services	( ) Yes ( X ) No [ ] NAP
Judicial protection of juveniles	( X ) Yes ( ) No [ ] NAP
Functioning of the Ministry of Justice	( X ) Yes ( ) No [ ] NAP
Refugees and asylum seekers services	( ) Yes ( X ) No [ ] NAP
Immigration Service	( ) Yes ( X ) No [ ] NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	( ) Yes ( X ) No [ ] NAP
Other	( ) Yes ( X ) No [ ] NAP

Comments - If "other", please specify:

### A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: Ministry of Justice of the RoC

## 2. Access to justice and all courts

### 2.1. Legal Aid

#### 2.1.1. Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	( X ) Yes ( ) No [ ] NA [ ] NAP	( X ) Yes ( ) No [ ] NA [ ] NAP



<b>Legal advice</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments

**017. Does legal aid include the coverage of or the exemption from court fees?**

Yes

No

Comments - If yes, please specify: The legal aid includes the exemption from court fees in all civil and administrative court proceedings.

**018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?**

Yes

No

Comments - If yes, please specify: In enforcement proceedings legal aid is granted when it comes to enforcing a claim arising from a civil or administrative court procedure for which legal aid may be granted under the provisions of Free Legal Aid Act (Official Gazette 143/13).

**019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?**

	<b>Criminal cases</b>	<b>Other than criminal cases</b>
<b>Legal aid granted for other costs</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify: The legal aid can be granted in civil and administrative court proceedings (other than criminal cases) for exemption from payment of court proceedings. The exemption from payment of court proceedings includes the exemption from payment of an advance for the costs of witnesses, expert witnesses, investigation, judicial announcements.

**2.1.2. Quantitative information on legal aid**



**020. (Modified question) Please indicate the number of cases for which legal aid has been granted:**

	<b>Cases brought to court</b>	<b>Cases not brought to court / non-litigious cases</b>
<b>TOTAL</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In other than criminal cases</b>	6730 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11965 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate: The difference between data for 2014 and 2016 occur because data for 2014 only covered the period from 1 September to 31 December 2014, since keeping the record started on 1 September, while data for 2016 include the period of 1 January to 31 December 2016.

**021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?**

	Assisted by a free of charge lawyer
Accused individuals	( X ) Yes ( ) No
Victims	( X ) Yes ( ) No

Comments - If yes, please specify:

**022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?**

( ) Yes

( X ) No

Comments

**023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.**

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
Full legal aid for criminal cases	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
Full legal aid for other than criminal cases	2614 [ ] NA [ ] NAP	26137 [ ] NA [ ] NAP
Partial legal aid for criminal cases	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
Partial legal aid for other than criminal cases	5227 [ ] NA [ ] NAP	26137 [ ] NA [ ] NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above: Secondary legal aid is granted:

a) if the total income of the applicant and the members of the household does not exceed, per household member, the amount of the budgetary base (435,51 €) and b) if the total value of the property owned by the applicant and members of the household does not exceed the amount of 60 budgetary bases (26.136,88 €).

Legal aid is granted in full scope:

(1.) if the applicant is a beneficiary of assistance for maintenance in accordance with special regulations regulating the exercise of rights from the social welfare system, ie the right to allowance under the Law on the Rights of Croatian Homeland War Veterans and their Family Members and the Law on Protection of Military and Civilian Invalid war

(2.) if the total income of the applicant and the members of the household is 50% or less per member of the monthly amount of the

budgetary base (217,81 €)

Any increase in the amount referred to in point (2.) for each subsequent 10% shall result in a reduction in the scope of legal aid by 10%, but not less than 50% of the amount of costs determined for legal aid.

**024. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid: Legal aid can be refused for lack of merit in the case when:

- the applicant's expectations are obviously disproportionate to the actual situation
- it is apparent that the applicant is abusing the possibility of filing a claim for legal aid
- the applicant's expectations are manifestly contrary to final outcome in similar cases or
- the applicant's expectations are in conflict with the compulsory regulations and morality of the society.

**025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):**

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

**026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

**027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:**

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**B1. Please indicate the sources for answering questions 20 and 23 :**

Sources: Free Legal Aid Act (Official Gazette 143/13)

Law on Execution of the State Budget of the Republic of Croatia for 2016 (Official Gazette 26/16, 111/16)

Report on Exercising the Right to Legal Assistance and Expenditures for 2016 (<https://pravosudje.gov.hr/strategije-planovi-i-izvjesca/6346>)

<https://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku>

## 2.2. Users of the courts and victims

### 2.2.1. Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:

	Yes, please indicate the internet adresse(es)	No
legal texts (e.g. codes, laws, regulations, etc.)	( X ) <a href="https://narodne-novine.nn.hr/search.aspx">https://narodne-novine.nn.hr/search.aspx</a>	( )
case-law of the higher court/s	( X ) <a href="https://sudskapraksa.csp.vsrh.hr/home">https://sudskapraksa.csp.vsrh.hr/home</a> ; <a href="http://www.upravnisudrh.hr/praksa/frames.php">http://www.upravnisudrh.hr/praksa/frames.php</a> ; <a href="http://vtsrh.hr/index.php?page=code&amp;lang=hr">http://vtsrh.hr/index.php?page=code&amp;lang=hr</a>	( )
other documents (e.g. downloadable forms, online registration)	( X ) <a href="https://pravosudje.gov.hr/o-ministarstvu/djelokrug-6366/rad-sa-strankama/6369">https://pravosudje.gov.hr/o-ministarstvu/djelokrug-6366/rad-sa-strankama/6369</a> ;	( )

Comments - Please specify what documents and information the addresses for "other documents" include: At the official website of the Ministry of Justice of the Republic of Croatia (<https://pravosudje.gov.hr/> - under the heading "Pristup informacijama", "Zakoni i propisi") up-to-date laws and regulations which are directly or indirectly related to the areas that fall under the authority of the Ministry of Justice are available: <https://pravosudje.gov.hr/pristup-informacijama-6341/zakoni-i-ostali-propisi/zakoni-i-propisi-6354/6354>

Also, the application forms for the issuance of criminal record data on individuals and legal persons are available <https://pravosudje.gov.hr/o-ministarstvu/djelokrug-6366/rad-sa-strankama/6369>

The information on the official website of the Ministry is regularly updated and available to the public concerned without restriction.

The same website (part related to the Independent Service for Victim and Witness Support - <https://pravosudje.gov.hr/podrska-zrtvama-i-svjedocima/6156>) contains detailed information related to victims and witnesses in criminal proceedings, the competent courts, as well as all the necessary information and contact details. As of 15 August 2013, the Brochure on the victims' rights pursuant to the crime victims' compensation act), as well as the Application form for financial compensation of the crime victims are available in English language.

029. (Modified question) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

( ) Yes, always

( X ) No

( ) Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

030. Is there a public and free-of-charge specific information system to inform and to help victims of crime?

( X ) Yes

( ) No

Comments - If yes, please specify: 1.) Victims and witnesses who are summoned to courts in the Republic of Croatia can receive support

and information about their rights and procedures in court from the Witnesses and Victims Support Department established in 7 county courts (in Zagreb, Zadar, Osijek, Vukovar, Split, Sisak and Rijeka). Victims summoned to testify to one of the seven county courts where Victims and Witnesses Support Departments have been established and summoned to testify to competent municipal and misdemeanor courts, in the text of the writ receive information with the contact of the Support Department. By this they have the possibility of calling the Department or addressing the Department by e-mail and receiving the necessary information and support.

The mentioned Support Departments operate also at municipal and misdemeanor courts, and provide support at misdemeanor courts to victims of domestic violence.

2) The Independent Victims and Witnesses Support Service of the Ministry of Justice:

1. Provides information and support to victims and witnesses (and technical support and coordination of transport and police protection to victims and witnesses of war crimes) summoned to the courts through international legal assistance. Victims from the Republic of Croatia who have been summoned through international legal assistance to testify to foreign courts, as well as foreign victims who have been summoned through international legal assistance to testify to the courts of the Republic of Croatia, receive from the Independent Victims and Witnesses Support Service of the Ministry of Justice information letters. On the basis of those letters they can contact the Independent Sector and request additional information, as well as receive support.

2. Provides to victims of violent crimes committed intentionally timely information on all rights through a website or telephone, on the basis of the Crime Victims Compensation Act. Police, State Attorney's Office and courts are obliged to provide information (in Croatian and English) to persons who have rights under this law. That information are contained in the brochures and application forms available on the web pages of the Ministry of Justice, the Ministry of the Interior, courts and the State Attorney's Office (in Croatian and in English language).

3. Provide victims or members of their families with information on release of prisoners from serving prison sentences

3) The Ministry of Justice in June 2017 re-concluded a Cooperation Agreement with Victims and Witness Reconciliation Association (for a period of 2 years), thereby providing working space for the the National Call Center, funding for the cost of interconnection calls and necessary IT equipment.

The National Call Center for Victims of Criminal Offenses and Misdemeanors provides information and support to victims. The Association for Victim and Witnesses Support is responsible for the National Call Center. The national call center uses a free phone number 116 006. The work of the national call center is based on European Commission Decision no. 2007/116 / EC and 009/884 / EC on reserving the national numbering range beginning with 116 for harmonized numbers for harmonized services of social value. The National Call Center provides information on the rights and on the way those rights can be achieved, and sends the victims to other institutions and organizations that can provide them with expert assistance. Information is available from Monday to Friday from 8 am to 8 pm in Croatian and English language and is free.

Pursuant to the Criminal Procedure Act, a victim of a criminal offense has the right to access to services for the support of victims of criminal offenses (Article 43, paragraph 1, point 1)

**031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

	<b>Information mechanism</b>	<b>Special arrangements in hearings</b>	<b>Other specific arrangements</b>
<b>Victims of sexual violence/rape</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Victims of terrorism</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Minors (witnesses or victims)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Victims of domestic violence</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Ethnic minorities</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Disabled persons</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

<b>Juvenile offenders</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - If "other vulnerable person" and/or "other special arrangements", please specify:

### 031-1. Is it possible for minors to be a party to a judicial proceeding:

( X ) Yes

( ) No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.): The Law on Juvenile Courts regulates the provisions on juvenile offenders (minors and young adults) in material criminal law, court provisions, provisions on criminal proceedings and sanctions, as well as provisions on criminal justice for children.

Under the aforementioned law, the juvenile must have a defense counsel from the first hearing until the final completion of criminal proceedings, when deciding on the replacement of the educational measure by an institutional educational measure and by the subsequent pronouncement of juvenile imprisonment. If in such cases a juvenile or a person authorized to take a defense counsel within the meaning of the provisions of the Criminal Procedure Act, does not take the defense counsel, he/she will be appointed ex officio by a juvenile judge. Furthermore, if the public prosecutor decides on the principle of purposefulness, the juvenile may have a defense counsel.

An ex officio defence counsel may only be a lawyer who has been practicing for at least five years as a lawyer or as an official in a judicial body, except for a criminal offense punishable by long-term imprisonment, when the defence counsel ex officio may only be a lawyer practicing law for at least eight years as a lawyer or as an official in a judicial body. The defense counsel is a lawyer from the list of lawyers of the Croatian Bar Association, who must have a strong tendency for the upbringing, needs and prospects of the youth and must have a basic knowledge in the areas of criminology, social pedagogy, youth psychology and social work for young people.

The juvenile defender can only be a lawyer. If a juvenile was examined without the presence of a defense counsel, the minutes and record of juvenile examination can not be used as evidence in the proceedings (Article 54).

### 032. Does your country allocate compensation for victims of crime?

( X ) Yes, please specify for which kind of offences: The compensation that a victim receives from the state budget can be awarded for violent criminal offenses of intentional violence, resulting with severe bodily injury, severe health disorders or death. The violent criminal offense is considered to be: - an offense committed intentionally with the use of force or with the violation of sexual integrity; - an offence of endangering the life and property by a generally dangerous act or mean causing death, severe bodily injury or severe health disorders of one or more persons, and is prescribed by the Criminal Code as the heavier form of a criminal offense committed with intent.

( ) No

Comments

#### 032-1. (New question) Is a court decision necessary in the framework of the compensation procedure?

( ) Yes

( X ) No

Comments

#### 033. If yes, does this compensation come from:

[ X ] a public fund

[ X ] damages and interests to be paid by the person responsible

[ ] a private fund

**034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**035. Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

Yes

No

Comments - If yes, please specify: According to the Criminal Procedure Act, the body conducting the investigation, in cooperation with the bodies, organizations or institutions for assistance and support to victims of criminal offenses, shall, before questioning the victim, conduct an individual assessment of the victim. An individual victim's assessment involves determining whether there is a need for special protection measures in relation to the victim, and if so, which special protection measures should be applied (a special method of questioning the victim, use of communication technologies to avoid visual contact with the perpetrator and other measures prescribed by law). When a child is a victim of a criminal offense, it is assumed that there is a need to apply special protection measures and to determine which special protection measures should be applied.

When conducting individual victim assessments, personal characteristics of the victim, type or nature of the criminal offense and the circumstances of the perpetration of a criminal offense are taken into account. Special attention is paid to victims who have suffered significant damage due to the gravity of the criminal offense, to the victims of the criminal offense committed for the characteristic of the victim, and to the victims whose relationship with the perpetrator makes them particularly vulnerable.

Furthermore, individual victim assessment includes particularly victims of terrorism, organized crime, trafficking, gender-based violence, domestic violence, sexual violence and sexual exploitation or hate crime and victims with disability. It is carried out with the participation of the victim and with taking into account victim's wishes, including the desire not to use special protection measures prescribed by law. The body conducting the procedure for the victim who needs special protection will reduce to the smallest possible extent the number of victim's questioning. The State Attorney may suggest such a witness to be examined at the evidentiary hearing (Article 43.a).

Furthermore, court, state attorney, investigator and police are obliged to treat the child victim of a criminal offense with due care, taking into account age, personality and other circumstances, in order to avoid adverse consequences for the child's upbringing and development. When treating a child victim, the competent authorities will primarily be conducted by the best interest of the child (Article 44, paragraph 2).

**036. Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)**

Yes

No

NAP

Comments - If necessary, please specify: According to the Criminal Procedure Act, when the State Attorney establishes that there are no grounds to initiate or continue criminal prosecution, his role may be assumed by the injured person acting as subsidiary prosecutor under the conditions set forth in this Act (Article 2, paragraph 4).

Except in cases for which the Criminal Procedure Act provides for a denial of criminal prosecution according to the principle of purposefulness, when state attorney determines that there is no grounds for prosecution for a criminal offense for which criminal

proceedings are initiated ex officio or when it finds no grounds for persecution against some of the reported persons, is obliged to inform the victim within eight days of the arrest and to instruct the victim to take criminal prosecution by her/himself. That is also how the court will act if it issued a decision to suspend proceedings because of dismissal of a state attorney from persecution in other cases. The victim has the right to undertake or continue prosecution within eight days from the receipt of the notice from state attorney. If the state attorney has resigned from the indictment, the victim may, while taking over the prosecution, remain with filed indictment. A victim who is not aware that a prosecutor has failed to pursue a prosecution or has resigned from persecution may submit a statement to continue proceedings before the competent court within three months from the day when the decision to suspend the proceedings was passed, ie six months from the day the state attorney rejected criminal charges.

When state attorney or court inform a victim that he/she may take or continue persecution, state attorney or court will also provide victim with instructions on what action he/she can take to exercise that right and will provide access to the file for that purpose.

Furthermore, if the victim dies in the course of the proceedings, her/his spouse and partner, life partner or informal partner and descendant, and if they do not exist, ancestor, brother, sister, and the person that victim has been legally obliged to maintain, can three months from the date of her/his death give a statement to take over or continue criminal prosecution (Article 55).

## 2.2.2. Confidence of citizens in their justice system



**037. (Modified question) Is there a system for compensating users in the following circumstances:**

	Number of requests for compensation	Number of condemnations	Total amount (in €)
<b>Total</b>	371 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	3167247 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Excessive length of proceedings</b>	204 <input type="checkbox"/> NA <input type="checkbox"/> NAP	72 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11322 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Non-execution of court decisions</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Wrongful arrest</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Wrongful conviction</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): Number of requests for compensation and number of condemnation is 167 and refers both to compensation for wrongful arrest and wrongful conviction.

The amount of compensation that the Ministry offers to the injured parties as a fair monetary compensation for claim for damages for wrongful and unjustified conviction is unique in all cases and ranges in the following amounts - for a custody of up to 30 days in the amount of 200,00 HRK per day of deprivation of liberty, for a custody from 30 to 90 days in the amount of HRK 160,00 HRK per day of deprivation of liberty, for a custody of more than 90 days in the amount of HRK 120,00 HRK per day of deprivation of liberty. The amount paid in 2016 (3 155 925 EUR) refers to payments based on decisions issued in a friendly settlement and on court judgements.

- Excessive length of proceedings

According to the Constitution of the Republic of Croatia, everyone shall be entitled have his/her rights and obligations, or suspicion or accusation of a criminal offence decided upon fairly before a legally established, independent and impartial court within a reasonable period.

According to the Courts Act, a party considering that the competent court has not reached a decision within a reasonable time on the party's right or obligation or criminal suspicion or charge, can file an application to the Court President where the proceedings is conducted, for the right to trial within reasonable time. The Court President shall demand from the judge conducting the case the report on



the file and determine the term by which the case has to be resolved. Conduct term shall not be longer than 6 months. If the case is not resolved within set time, the judge conducting the case is obliged to deliver a written report to the Court President, President of the immediately superior court and to the Ministry of Justice on the reasons for not resolving the case.

If the court does not decide within the set time, the party can address the request for right to trial within reasonable time to the immediately superior court. If the court decides positively on the merits of the application filed by the applicant, it shall determine a time framework for the court before which the case is heard to decide on the right or obligation or suspicion or criminal charge against the applicant, and shall determine a just compensation to the applicant for violation of the right to trial within reasonable time.

The compensation shall be paid out from the State budget within 4 months from the day the party submits the request for payment of the compensation. The amount of the compensation for the proceeding concerned cannot exceed the amount of 35.000,00 Croatian kunas.

The number of requests for compensation provided in the table above is the total number of the requests received in the 2016 for the compensation for violation of the right to trial within reasonable time (in county courts, High Commercial Court of RoC, Supreme Court of RoC); the number of condemnation is the number of requests that were considered founded by the courts and the total amount is the amount of the just compensation awarded in the judgments.

• Non-execution of court decisions The Republic of Croatia provides the compensation in cases related to the non-execution of final decisions of the European court of Human Rights, according to the Convention for the Protection of Human Rights and Fundamental freedoms. If this question refers to non-execution of court decisions only of domestic courts, then we can confirm that there is no compensation system for non-execution of court decision.

**038. (Modified question) Did your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?**

	National level	Court level
1. (Satisfaction) surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
2. (Satisfaction) surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
3. (Satisfaction) surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
4. (Satisfaction) surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
5. (Satisfaction) surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
7. (Satisfaction) surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: The Report "Evaluation of Quality of selected Justice Services in the Republic of Croatia" presented the results of multiple individual studies that were conducted under the Justice Sector Support Project Evaluation in Croatia in 2016 together with the comparison of results of the initial study conducted in 2010. The report has included the results of three separate surveys: survey of trust in the justice system among the general public in the Republic of Croatia with specific accent on the judicial bodies covered, survey of satisfaction among three groups of users of courts (natural persons, legal persons, lawyers and public notaries) and employee (judges, state attorneys, deputy state attorneys and other staff) as well as satisfaction survey in the judicial bodies (Municipal and County Court in Pula, Municipal Court in Split, Municipal Court in Karlovac and Municipal Court in Zadar, Municipal Civil Court in Zagreb as well as County and Municipal State Attorney's Office in Pula, Karlovac and the State Attorney's Office of the Republic of Croatia and Croatian State Attorney's Office for the Suppression of Organized Crime and Corruption).

**040. Is there a national or local procedure for making complaints about the functioning of the judicial system? (for example the handling of a case by a judge or the duration of a proceeding)**

Yes

No

Comments

**041. (Modified question) If yes, please specify certain aspects of this procedure:**

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
<b>Court concerned</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Higher court</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Ministry of Justice</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Council of the Judiciary</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other external bodies (e.g. Ombudsman)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**041-1. (Modified question) Please specify further certain aspects of this procedure:**

	Number of complaints	Compensations amount granted to users
<b>Court concerned</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Higher court</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Ministry of Justice</b>	2976 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Council of the Judiciary</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Other external bodies (e.g. Ombudsman)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
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Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: The number varies throughout years without specific reason.

### 3. Organisation of the court system

#### 3.1. Courts

##### 3.1.1. Number of courts

#### 042. Number of courts considered as legal entities (administrative structures) and geographic locations

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	22 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.2 First instance specialised courts (legal entities)	36 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	203 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments There was a reform of judicial map implemented in 2015 in which the number of Misdemeanour Courts has decreased from 63 to 22. Therefore, in accordance with the Act on Territorial Jurisdiction and Seats of Courts (Official Gazette, No. 128/14) in force, there are currently 22 Misdemeanour Courts in function.

#### 043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	36 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Labour courts	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Family courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

<b>Rent and tenancies courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Enforcement of criminal sanctions courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Fight against terrorism, organised crime and corruption</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Internet related disputes</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Administrative courts</b>	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insurance and / or social welfare courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Military courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other specialised 1st instance courts</b>	23 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other specialised 1st instance courts", please specify: According to the Act on the Jurisdiction and Seats of Courts (Official Gazette 128/14) as of 1 April 2015 the number of municipal courts has been reduced, as of 1 July 2015 reduced the number of misdemeanour courts has been reduced and as of 1 April 2015 a new commercial court has been established. Other specialised 1st instance courts are 22 Misdemeanour courts and a Municipal Criminal Court in Zagreb.

**044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?**

Yes

No

Comments - If yes, please specify: There is a new judicial reform in plan in which the misdemeanour courts will be merged with municipal courts (both 1st instance courts).

**045. Number of first instance courts (geographic locations) competent for a case concerning:**

	Number of courts
<b>a debt collection for small claims</b>	87 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>a dismissal</b>	23 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>a robbery</b>	64 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments According to the Act on the Jurisdiction and Seats of Courts (Official Gazette 128/14) as of 1 April 2015 the number of municipal courts has been reduced, as of 1 July 2015 reduced the number of misdemeanour courts has been reduced and as of 1 April

2015 a new commercial court has been established.

**045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?**

Yes

No, please give your definition for small claims: .....

Comments

**045-2. (New question) Please indicate the value in € of a small claim:**

[ 1328 ]

Comments In municipal courts small claim cases are cases with value below 10.000 Croatian kunas (1.328 EUR) and in commercial courts small claim cases are cases with value below 50.000 Croatian kunas (6.641 EUR).

**C. Please indicate the sources for answering questions 42, 43 and 45:**

Sources: Ministry of Justice of the Republic of Croatia

**3.2. Court staff**

**3.2.1. Judges and non-judge staff**

**046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts**

	Total	Males	Females
<b>Total number of professional judges (1 + 2 + 3)</b>	1797 [ ] NA [ ] NAP	534 [ ] NA [ ] NAP	1263 [ ] NA [ ] NAP
<b>1. Number of first instance professional judges</b>	1277 [ ] NA [ ] NAP	341 [ ] NA [ ] NAP	936 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) professional judges</b>	483 [ ] NA [ ] NAP	171 [ ] NA [ ] NAP	312 [ ] NA [ ] NAP
<b>3. Number of supreme court professional judges</b>	37 [ ] NA [ ] NAP	22 [ ] NA [ ] NAP	15 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above: Source: Ministry of Justice of the Republic of Croatia  
The number of court presidents is included in the number of judges provided, but the data does not include the number of judges who are on unpaid leave, judges who are in non-active status, judges who work part-time in accordance with the Maternity and Parental Benefits Act, judges who are on maternity leave or on parental leave, judges suspended after disciplinary proceedings, judges working part time in order to time care for a child with special needs, judges transferred in another state body (Ministry of Justice, Judicial Academy, State Judicial Council) and international institutions and missions.

**047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts**

	Total	Males	Females
<b>Total number of court presidents (1 + 2 + 3)</b>	61 [ ] NA [ ] NAP	30 [ ] NA [ ] NAP	31 [ ] NA [ ] NAP
<b>1. Number of first instance court presidents</b>	46 [ ] NA [ ] NAP	17 [ ] NA [ ] NAP	29 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) court presidents</b>	14 [ ] NA [ ] NAP	12 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP
<b>3. Number of supreme court presidents</b>	1 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments In 2015, a reorganization of the network of municipal courts and state attorneys offices was carried out, so the number of courts was deduced and consequently the number of heads of these bodies was reduced respectively.

**048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):**

	Figure
<b>Gross figure</b>	[ ] NA [ X ] NAP
<b>In full-time equivalent</b>	[ ] NA [ X ] NAP

Comments - If necessary, please provide comments to explain the answer provided: According to the Constitution of the Republic of the Croatia, judges shall have permanent life tenure.

According to the Act on the State Judiciary Council, judges are appointed permanently. Therefore, the Croatian judicial system does not have occasional professional judges who would perform their duty on a permanent basis and be fully paid for their function as a judge.

**048-1. (New question) Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?**

( ) Yes, please give specifications on the types of cases and an estimate in percentage. ....

( X ) No

Comments

**049. (Modified question) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges and “juges consulaires”, but not arbitrators and persons sitting in a jury):**

Figure

<b>Gross figure</b>	[ ] NA [X] NAP
<b>In full time equivalent</b>	[ ] NA [X] NAP

Comments

**049-1. If such non-professional judges exist in first instance in your country, please specify for which types of cases:**

	<b>Yes</b>	<b>No</b>	<b>Echevinage</b>
<b>in criminal law cases</b>	( )	( X )	( )
<b>- severe criminal cases</b>	( )	( X )	( )
<b>- misdemeanour and/or minor criminal cases</b>	( )	( X )	( )
<b>in family law cases</b>	( )	( X )	( )
<b>in civil cases</b>	( )	( X )	( )
<b>in labour law cases</b>	( )	( X )	( )
<b>in social law cases</b>	( )	( X )	( )
<b>in commercial law cases</b>	( )	( X )	( )
<b>in insolvency cases</b>	( )	( X )	( )
<b>other</b>	( )	( X )	( )

Comments - If "other", please specify:

**050. Does your judicial system include trial by jury with the participation of citizens?**

( ) Yes

( X ) No

Comments

**050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)**

[ ] Severe criminal cases

[ ] Misdemeanour cases

[ ] Other cases

Comments

**051. Number of citizens who were involved in such juries for the year of reference:**

[ ]

NA

NAP

Comments

**052. Number of non-judge staff who are working in courts (on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)**

	Total	Males	Females
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	5827 <input type="checkbox"/> NA <input type="checkbox"/> NAP	819 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5008 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>	523 <input type="checkbox"/> NA <input type="checkbox"/> NAP	93 <input type="checkbox"/> NA <input type="checkbox"/> NAP	430 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)</b>	4124 <input type="checkbox"/> NA <input type="checkbox"/> NAP	350 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3774 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)</b>	498 <input type="checkbox"/> NA <input type="checkbox"/> NAP	113 <input type="checkbox"/> NA <input type="checkbox"/> NAP	385 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Technical staff</b>	682 <input type="checkbox"/> NA <input type="checkbox"/> NAP	263 <input type="checkbox"/> NA <input type="checkbox"/> NAP	419 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Other non-judge staff</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other non-judge staff", please specify:

**053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:**

legal aid

family cases

payment orders

registry cases (land and/or business registry cases)

enforcement of civil cases

enforcement of criminal cases

other cases not mentioned (please describe in comment)



[ ] non-litigious cases

Comments - Please briefly describe their status and duties: Authorised land registry officers and court registry officials who are authorised to independently decide in land registry cases as well as in company register cases. Note: The data in category Rechtspfleger for 2016 includes land registry officials and court registry officials.

### 054. Have the courts outsourced certain services, which fall within their powers, to private providers?

( X ) Yes

( ) No

Comments

#### 054-1. (New question) If yes, please specify which services have been outsourced:

[ ] IT services

[ ] Training of staff

[ X ] Security

[ ] Archives

[ ] Cleaning

[ ] Other types of services (please specify): .....

Comments

### C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Source for answers in questions 46 & 52: Ministry of Justice of the Republic of Croatia

The data provided in answers to question 52 does not include the number of non-judge staff who are on unpaid leave, who are in non-active status of employment, who work part-time in accordance with the Maternity and Parental Benefits Act, who are on maternity leave or on parental leave, who are suspended after disciplinary proceedings, who are working part time in order to care for a child with special needs, or who are transferred in another state body (Ministry of Justice, Judicial Academy, State Judicial Council) and international institutions and missions.

Ministry of Justice of the Republic of Croatia

### 3.3. Public prosecution

#### 3.3.1. Public prosecutors and staff



055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	607	196	411
	[ ] NA	[ ] NA	[ ] NA
	[ ] NAP	[ ] NAP	[ ] NAP

<b>1. Number of prosecutors at first instance level</b>	427 [ ] NA [ ] NAP	121 [ ] NA [ ] NAP	306 [ ] NA [ ] NAP
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	156 [ ] NA [ ] NAP	64 [ ] NA [ ] NAP	92 [ ] NA [ ] NAP
<b>3. Number of prosecutors at supreme court level</b>	24 [ ] NA [ ] NAP	11 [ ] NA [ ] NAP	13 [ ] NA [ ] NAP

Please indicate any useful comment for interpreting the data above:

**056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.**

	Total	Males	Females
<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	32 [ ] NA [ ] NAP	14 [ ] NA [ ] NAP	18 [ ] NA [ ] NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	17 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP	10 [ ] NA [ ] NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	14 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP	8 [ ] NA [ ] NAP
<b>3. Number of heads of prosecution offices at supreme court level</b>	1 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Please provide any useful comment for interpreting the data above: In 2016, the organisational structure of the public prosecution in the Republic of Croatia is comprised of the State Attorney of the Republic of Croatia, the Office for Combating Corruption and Organised Crime, 15 county state attorneys' offices and 22 municipal state attorneys' offices. The number of Heads of the State attorneys' offices does not correspond to the number of municipal state attorneys' offices, because in some of these offices the Heads of offices were not appointed. The number of the first instance State attorneys' offices includes the number of the municipal state attorneys and Head of Office for Combating Corruption and Organised Crime.

**057. Do other persons have similar duties to public prosecutors?**

( ) Yes, please specify their number (in full-time equivalent): .....

( X ) No

Comments - If yes, please specify their title and functions:

**059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

( ) Yes

( X ) No

Comments Other persons do not have similar duties to public prosecutors

**059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual**

violence etc.?

Yes

No

Comments

**060. Number of staff (non-public prosecutors) attached to the public prosecution service (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	981 [ ] NA	140 [ ] NA	841 [ ] NA

Comments

**C2. Please indicate the sources for answering questions 55, 56 and 60**

Sources: Ministry of Justice of the Republic of Croatia

### 3.4. Management of the court budget

#### 3.4.1. Court budget

**061. Who is entrusted with responsibilities related to the budget within the court?**

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court President	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Court administrative director	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Head of the court clerk office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If "other", please specify:

### 3.6. Performance and evaluation

#### 3.6.1. National policies applied in courts and public prosecution services

**066. Are quality standards determined for the judicial system (are there quality systems for the**

**judiciary and/or judicial quality policies)?**

Yes

No

Comments - If yes, please specify:

**067. Do you have specialised court staff that is entrusted with these quality standards?**

Yes

No

Comments

**068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan agreed beforehand?**

Yes

No

Comments

**068-1. (New question) If yes, please specify the frequency of this evaluation:**

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

**069. Is there a system for monitoring and evaluating the performance of the public prosecution service?**

Yes

No

Comments - If yes, please give further details:

### 3.6.2. Performance and evaluation of courts

**070. Do you have, within the courts, a regular monitoring system of court activities concerning:**

number of incoming cases

number of decisions delivered

number of postponed cases

length of proceedings (timeframes)

age of cases

other (please specify): .....

Comments

**071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:**

civil law cases

criminal law cases

administrative law cases

Comments

**072. Do you have an evaluation process to monitor waiting time during court procedures?**

Yes

No

Comments - If yes, please specify:

**073. Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?**

Yes

No

Comments

**073-0. (New question) If yes, please specify the frequency:**

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: According to the Courts Act (Official Gazette, number 28/13, 33/15, 82/15), the president of court supervises accurate performance of court activities in due time. The president of court has a duty to write a report on the performed supervision and its results, as well as on the measures taken, at least once a month. The report has to be inserted into a case file of judicial administration. The president of court is obliged to ensure court efficiency in the resolution of cases, especially when it comes to the resolution of cases the procedure of which lasts more than three years. The president of court, except for the president of the Supreme Court of the Republic of Croatia, has a duty to submit a report on the performed tasks of judicial administration, measures and activities undertaken to improve work and efficiency of the court in the resolution of cases. The report is to be submitted directly to a court of higher instance, to the State Judicial Council and the Ministry of Justice, once a year, at least before 31 March for the previous year.

The president of the Supreme Court submits the report on the state of judiciary to the Croatian Parliament, once a year, at the latest by the 30 April for the previous year. In this yearly report the president of the Supreme Court can report on the state and actions of the judiciary, organizational problems in courts and legislation shortcomings as well as give suggestions for the improvement of the work of courts. The courts use special information systems for the management and operation of the courts' cases, which consist of standard applications, computer and telecommunications equipment and infrastructure, system software and tools and all the data that are entered, stored and transmitted in all of the registers of the system. Misdemeanor courts operate using JCMS (Joint Case Management System), while other courts of general jurisdiction and commercial courts use ICMS (Integrated Case Management System). Through these systems it is possible to regularly monitor and evaluate the activity, performance and output of courts for the Ministry of Justice and the courts themselves.

**073-1. Is this evaluation of the court activity used for the later allocation of means to this court?**

Yes

No

Comments

**074. Are there performance targets defined at the level of the court?**

Yes

No

Comments

**075. (Modified question) Please specify the main targets applied to the courts:**

to increase efficiency / to shorten the length of proceedings

to improve quality

to improve cost efficiency / productivity

Other (please specify): .....

Comments

**076. Who is responsible for setting the targets for the courts?**

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example High Judicial Council, Higher Court)

President of the court

Other (please specify): .....

Comments

**077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)**

Yes

No

Comments

**078. If yes, please select the main performance and quality indicators that have been defined:**

incoming cases

length of proceedings (timeframes)

closed cases

pending cases and backlogs

productivity of judges and court staff

percentage of cases that are processed by a single sitting judge

enforcement of penal decisions

satisfaction of court staff

satisfaction of users (regarding the services delivered by the courts)

judicial quality and organisational quality of the courts

costs of the judicial procedures

number of appeals

other (please specify): .....

**079. Who is responsible for evaluating the performance of the courts (multiple options possible) :**

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify): .....

Comments

### **3.6.3. Court activity and administration**

#### **080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

Yes (please indicate the name and the address of this institution): Ministry of Justice of the Republic of Croatia, Ulica grada Vukovara 49, 10000 Zagreb, Croatia

No

Comments

#### **080-1. Does this institution publish statistics on the functioning of each court:**

- Yes, on internet
- No, only internally (in an intranet website)
- No

Comments

#### **081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

- Yes
- No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): The reason for change in answer in that since 2016 the Ministry of Justice has access to all data through eFile and other court systems, and courts no longer have the obligation to submit reports.

#### **081-1. If yes, please specify in which form this report is released:**

- Internet
- Intranet (internal) website
- Paper distribution

Comments

#### **081-2. (New question) If yes, please, indicate the periodicity at which the report is released:**

- Annual
- Less frequent

More frequent

Comments

**082. (Modified question) Is there a process or structure of dialogue between the public prosecutor service and courts as regards the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?**

Yes

No

Comments - If yes, please specify:

**082-1. (Modified question) Is there a process or structure of dialogue between lawyers and courts as regards the way cases are presented before courts in other than criminal matter (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?**

Yes

No

Comments - If yes, please specify:

### **3.6.4. Performance and evaluation of judges**

**083. Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?**

Yes

No

Comments

**083-1. Who is responsible for setting the targets for each judge?**

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify): .....

Comments

### **New node**

## **4. Fair trial**

### **4.1. Principles**

#### **4.1.1. Principles of fair trial**

**084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not**



attending the hearing in person nor represented by a lawyer)?

[            ]

[ X ] NA

[ ] NAP

Comments These data are not available.

**085. Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

( X ) Yes, number of successful challenges in a year NA

(   ) No

Comments - Please could you briefly specify:

**086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?**

	Monitoring system
For civil procedures (non-enforcement)	( X ) Yes (   ) No [ ] NAP
For civil procedures (timeframe)	( X ) Yes (   ) No [ ] NAP
For criminal procedures (timeframe)	( X ) Yes (   ) No [ ] NAP

Comments - Please, specify what are the terms and conditions of this monitoring system (information related to violations at the State/courts level; implementation of internal systems to remedy the established violation; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations:

**D1. Please indicate the sources for answering questions in this chapter.**

Sources: Ministry of Justice

## 4.2. Timeframe of proceedings

### 4.2.1. General information

**087. Are there specific procedures for urgent matters as regards:**

[ X ] civil cases

[ X ] criminal cases

[ X ] administrative cases

[   ] There is no specific procedure

Comments - If yes, please specify: Pursuant to the provisions of the Juvenile Court Act, criminal proceedings against juvenile offenders, young adults and in cases of criminal protection of children is urgent (Article 4). According to the Criminal Procedure Act, the proceedings must be conducted without delay, and in proceedings where the defendant is temporarily deprived of liberty, the court and state bodies will act particularly urgently (Article 11, paragraph 2)

**088. Are there simplified procedures for:**

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify: According to the Civil Procedure Act, simplified procedures are: procedures in small claims disputes (under 10,000 Kunas) and issues of payment orders. In the proceedings before the commercial courts small disputes are disputes in which the claim is not exceeding 50,000 Kunas whereas in the proceedings before the municipal courts this amount does not exceed 10,000 Kunas, as stated above.

The Criminal Procedure Act stipulates that for criminal offenses punishable by fine or imprisonment for a term not exceeding five years and for which council is not competent and for whom state attorney has learned on the credible content of the criminal report, state attorney in indictment may require that a court issues a criminal order in which to the defendant will be imposed a fine or measure without conducting the hearing. (Article 540, paragraph 1).

According to the Misdemeanor Act, a misdemeanor warrant as a special decision on misdemeanor may be issued:

- before starting the misdemeanor procedure, or
- after the initiation of the misdemeanor procedure, without conducting the main hearing or the proceedings (Article 228, paragraph 1).

**088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify: Pursuant to the Criminal Procedure Act, in judgment on criminal order will only be stated that the request of the state attorney is accepted, and the defendant, whose personal data must be clearly defined, will be punished by the punishment or measure stated in criminal order. The judgment on criminal order includes the information prescribed by the Act, including decision on property claim, if it has been filed. In explanation of the judgement the evidence justifying the issuing of a criminal order will be included (Article 541, paragraph 2).

**089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?**

- Yes
- No

Comments - If yes, please specify:

**4.2.2. Case flow management – first instance**



**091. (Modified question) First instance courts: number of other than criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	331743 [ ] NA [ ] NAP	963825 [ ] NA [ ] NAP	980816 [ ] NA [ ] NAP	313515 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	184289 [ ] NA [ ] NAP	135583 [ ] NA [ ] NAP	160153 [ ] NA [ ] NAP	159713 [ ] NA [ ] NAP	52400 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	132430 [ ] NA [ ] NAP	813903 [ ] NA [ ] NAP	804991 [ ] NA [ ] NAP	140109 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	97339 [ ] NA [ ] NAP	183550 [ ] NA [ ] NAP	185317 [ ] NA [ ] NAP	95943 [ ] NA [ ] NAP	36793 [ ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	35091 [ ] NA [ ] NAP	630353 [ ] NA [ ] NAP	619674 [ ] NA [ ] NAP	44166 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	32551 [ ] NA [ ] NAP	490091 [ ] NA [ ] NAP	479167 [ ] NA [ ] NAP	42009 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	2540 [ ] NA [ ] NAP	140262 [ ] NA [ ] NAP	140507 [ ] NA [ ] NAP	2157 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Administrative law cases</b>	15024 [ ] NA [ ] NAP	14339 [ ] NA [ ] NAP	15672 [ ] NA [ ] NAP	13693 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments More land registry cases has been received in 2016 than in 2014 so the total number of registry cases has increased as well.

During the two-year period (through 2014 and 2015), administrative courts accumulated unresolved cases - they solved significantly less than they received, which led to 15024 pending cases at the beginning of 2016. By the end of 2015, a total of 5 judges were transferred to administrative courts from other legal branches, which resulted in better results in 2016 (more resolved cases).

**092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:**

. The category “civil (and commercial) non-litigious cases” includes all out-of-court proceedings (non-litigious cases) that are not stated in the different categories (accordingly, non-litigious cases of civil and commercial courts and are related to the following types of cases:

- Adoption of the decision on the health of the ward
- Issuance of the permit for marriage before majority
- Deprivation/restoration/prolongation of parental right
- Deprivation/restoration of legal capacity
- Deprivation/restoration of parental care
- International child abduction
- Measures for the protection of property and property rights of the child
- Substitution of consent for the adoption of a child
- Inheritance declaration
- Decision on which person the child shall live with
- Approval of the agreement on maintenance
- Approval/ modification of the plan of joint parental care
- Deprivation of the right to accommodation with the child and entrusting daily care to another person, social welfare institution or foster family
- Deprive parents of the rights to live with the child and to raise him/her
- Providing evidence
- Establishment of court deposit
- Establishment /abolishment of necessary passage
- Other - Family non-litigious
- Other - Other non-litigious cases
- Other - Proclamation of the deceased person and proof of death
- Other – Regulation of co-ownership relations, landmarks and necessary passages
- Legacy cases for court resolution
- Exercise of parental care and personal relationship with the child according to Art. 478 of the Family Act
- Exercise of the content of parental care
- Opening of the safe
- Authentication of the contract on life/lifelong maintenance
- Storage of the will
- Simplified procedure for child maintenance
- Setting the “phone tracker”
- The procedure for the protection of the family home
- Entrusting a child with behavioral disorders
- Entrusting a child with behavioral problems
- Temporary measure for maintenance
- Temporary measure regarding the person the child shall live with
- Temporary entrusting the child to another person, social welfare institution or foster family
- Recognition of a foreign court decision
- Declaring a missing person dead

Changing the child's permanent or temporary residence  
 Provision of international legal assistance  
 Provision of legal aid  
 Annulment of co-ownership bond  
 Drafting court wills  
 Conclusion of court settlement  
 The acquisition of legal capacity of the minor who has become a parent  
 Meetings and company with parents  
 Meetings and company with grandmother, grandfather, sister, brother, half-sister, half-brother, ...  
 Regulation of landmark  
 Regulation of relations between co-owners  
 Determination of common-law marriage  
 Restriction of approaching a child  
 Appointment of members of companies' bodies  
 Appointment of the auditor and temporary administrator  
 Other non-litigious  
 Providing evidence  
 Establishment of court deposit  
 Opening the safe  
 According to Article 40, paragraph 2 of the Companies Act  
 Cases related to registry cases  
 Previous measure  
 Forced establishment of a lien  
 Temporary measure  
 Temporary interruption measure  
 Temporary and previous measure  
 Recognition of arbitrary decision  
 Recognition of foreign court decision  
 Disputes as referred to in Article 420 of the Companies Act  
 Court insurance by transfer of ownership and rights.  
 Enforcement cases in 2016 are presented under 2.1., following the Quality check round 2 for the 2014 cycle.

**093. Please indicate the case categories included in the category "other cases":**

. NAP

**094. (Modified question) First instance courts: number of criminal law cases.**

Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court

<b>Total of criminal law cases (1+2)</b>	91238 [ ] NA [ ] NAP	165520 [ ] NA [ ] NAP	177135 [ ] NA [ ] NAP	80238 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Severe criminal cases</b>	23230 [ ] NA [ ] NAP	17992 [ ] NA [ ] NAP	16974 [ ] NA [ ] NAP	24204 [ ] NA [ ] NAP	10063 [ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	68008 [ ] NA [ ] NAP	147528 [ ] NA [ ] NAP	160161 [ ] NA [ ] NAP	56034 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences": Starting from 1 June 2013, when the Act on Amendments to the Misdemeanours Act (OG 39/2013) entered into force, the inflow of first-instance misdemeanour cases displayed in this table continuously and significantly had been reduced. The number of resolved cases reduced as well, but due to a significant decrease in inflows, the number of unresolved cases reduced by the end of the period. This reflected also on High Misdemeanours Court, whose data is shown in this table.

#### 4.2.3. Case flow management – second instance

097. (Modified question) Second instance courts (appeal): Number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	73230 [ ] NA [ ] NAP	79413 [ ] NA [ ] NAP	88521 [ ] NA [ ] NAP	64122 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	60230 [ ] NA [ ] NAP	49743 [ ] NA [ ] NAP	57939 [ ] NA [ ] NAP	52034 [ ] NA [ ] NAP	9174 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	12278 [ ] NA [ ] NAP	24653 [ ] NA [ ] NAP	26255 [ ] NA [ ] NAP	10676 [ ] NA [ ] NAP	621 [ ] NA [ ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	10839 [ ] NA [ ] NAP	22045 [ ] NA [ ] NAP	23851 [ ] NA [ ] NAP	9033 [ ] NA [ ] NAP	571 [ ] NA [ ] NAP

<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	1214 [ ] NA [ ] NAP	2485 [ ] NA [ ] NAP	2177 [ ] NA [ ] NAP	1522 [ ] NA [ ] NAP	30 [ ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	1192 [ ] NA [ ] NAP	2332 [ ] NA [ ] NAP	2018 [ ] NA [ ] NAP	1506 [ ] NA [ ] NAP	30 [ ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	22 [ ] NA [ ] NAP	153 [ ] NA [ ] NAP	159 [ ] NA [ ] NAP	16 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	225 [ ] NA [ ] NAP	123 [ ] NA [ ] NAP	227 [ ] NA [ ] NAP	121 [ ] NA [ ] NAP	20 [ ] NA [ ] NAP
<b>3. Administrative law cases</b>	722 [ ] NA [ ] NAP	5017 [ ] NA [ ] NAP	4327 [ ] NA [ ] NAP	1412 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments Second instance land registry cases, due to introducing separate case registers for certain type of cases on second instance courts, are now traceable as such in case management system. They have been taken out from Other non-litigious cases, where they were presented in previous cycles. The number of administrative cases, both in incoming and pending cases at the end of period is increasing. This is due to the law changes, which have extend jurisdiction of this court and consequently increase income of cases and unresolved cases at the end of period.

#### 098. (Modified question) Second instance courts (appeal): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of criminal law cases (1+2)</b>	34534 [ ] NA [ ] NAP	25615 [ ] NA [ ] NAP	36782 [ ] NA [ ] NAP	23182 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Severe criminal cases</b>	1665 [ ] NA [ ] NAP	7963 [ ] NA [ ] NAP	7611 [ ] NA [ ] NAP	2024 [ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	32869 [ ] NA [ ] NAP	17652 [ ] NA [ ] NAP	29171 [ ] NA [ ] NAP	21158 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments Starting from 1 June 2013, when the Act on Amendments to the Misdemeanours Act (OG 39/2013) entered into force, the inflow of first-instance misdemeanour cases displayed in this table continuously and significantly had been reduced. The number of resolved cases reduced as well, but due to a significant decrease in inflows, the number of unresolved cases reduced by the end of the period.

#### 4.2.4. Case flow management – Supreme Court

#### 099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2))
<b>Total of other than criminal law cases (1+2+3+4)</b>	17643 [ ] NA [ ] NAP	7964 [ ] NA [ ] NAP	9069 [ ] NA [ ] NAP	16538 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.3. Other non-litigious cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Administrative law cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Other cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments Due to a large influx of revision proceedings and a slower solving of cases in 2014 and 2015, at the beginning of 2016 the



number of pending cases continues to increase. However in 2016 the Supreme Court of the Republic of Croatia significantly resolved more cases than in previous cycle and the number of pending cases had decreased compared with 2015 although not when compared with 2014.

**099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?**

- ( X ) Yes, please indicate the number of cases closed by this procedure:NA  
 ( ) No

Comments

**100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court
<b>Total of criminal law cases (1+2)</b>	584 [ ] NA [ ] NAP	1987 [ ] NA [ ] NAP	2005 [ ] NA [ ] NAP	566 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments The table shows cases under the jurisdiction of the Supreme Court of the Republic of Croatia, as the highest judicial authority in the Republic of Croatia. We are not able to present the data separately for “Severe criminal cases” and “Misdemeanour and/or minor criminal cases” due to the fact that the implementation of the Integrated Case Management System at the Supreme Court of the Republic of Croatia is underway. It will enable the track record of the cases by type.

The significant decrease of the number of pending cases at the beginning of 2016 in the Supreme Court is due to the fact that since beginning of 2014 this court continuously solves more cases than it receives and also because in 2015 there was a further reduction in inflow of cases.

**4.2.5. Case flow management – specific cases**



**101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
<b>Litigious divorce cases</b>	3104 [ ] NA [ ] NAP	2566 [ ] NA [ ] NAP	3797 [ ] NA [ ] NAP	1873 [ ] NA [ ] NAP
<b>Employment dismissal cases</b>	2403 [ ] NA [ ] NAP	1517 [ ] NA [ ] NAP	2018 [ ] NA [ ] NAP	1902 [ ] NA [ ] NAP
<b>Insolvency</b>	19087 [ ] NA [ ] NAP	19021 [ ] NA [ ] NAP	23510 [ ] NA [ ] NAP	14621 [ ] NA [ ] NAP

<b>Robbery case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Intentional homicide</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Cases relating to the right of entry and stay for aliens</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments Regarding insolvency cases, 2015 was the year when, by introducing new Insolvency act, significant number of companies were subject of shortened insolvency proceeding conducted by commercial courts. Cycles defined in aforementioned Law of initiating these procedures by FINA finished, so 2016 actually reflects regular state of insolvency proceedings regarding income of insolvency cases. Relating the reduced number of incoming divorce cases, the number of divorces with minor children dropped in 2016. Namely, according to the new Family Law which came into force on 1 November 2015, couples with children, before initiating the court proceeding, have to undergo mandatory family mediation at social welfare centres. This fact postpones court proceedings and therefore there are fewer cases in court in 2016.

**101-1. (New question) Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:**

. Pursuant to the Aliens Act, a third-country national on entry to the Republic of Croatia who does not meet the requirements for entry prescribed in the Schengen Borders Code will be refused entry into the Republic of Croatia. A decision on the refusal of entry is made on the standard form against which an appeal can be filed to the Appeals Commission established by the Government of the Republic of Croatia. Against decision of the Commission a claim to the Administrative Court may be filed.

Pursuant to the same Act, to a third-country national who illegally resides in the Republic of Croatia or legally resides on a short-term residence but no longer fulfils the conditions for legal residence, a decision on return or other return decision (eg expulsion decision) will be issued. Against this decision a claim may be filed to the Administrative Court. The lawsuit does not delay the enforcement of the decision, but the Administrative Court may postpone enforcement of the decision. The deadline for filing a claim is 30 days.

The procedure of international protection approval in the Republic of Croatia is regulated by the Law on International and Temporary Protection (Official Gazette 70/15).

No appeal is allowed against a decision rejecting an international protection claim but international protection seeker may initiate an administrative dispute before the competent Administrative Court within the statutory deadline. If the court rejects the claim, the claimant of international protection has the right to lodge a complaint with the High Administrative Court of the Republic of Croatia within 15 days of the delivery of the judgment. The High Administrative Court issues the final decision on the application for international protection.

The conditions of entry, movement, residence and work of third-country nationals and nationals of Member States of the European Economic Area and members of their families and conditions of work and rights of posted workers in the Republic of Croatia are regulated by the Aliens Act (Official Gazette, No. 130/11, 7413 and 69/17).

Pursuant to the Aliens Act, third country nationals may regulate temporary and permanent residence in the Republic of Croatia.

As far as temporary residence is concerned, an appeal to the Appeals Commission appointed by the Government of the Republic of Croatia may be filed against the decision of the police department or the police station on the temporary stay of a third country national. An administrative dispute may be initiated against the decision of the said Commission. The police department or the police station ex officio will issue a decision on termination of temporary residence against which an appeal can be filed to the Appeal Commission appointed by the Government of the Republic of Croatia. An administrative dispute may be initiated against the decision of the said Commission.

Regarding the issue of permanent residence, against the decision of the Ministry on the permanent residence of a third country national appeal is not allowed, but an administrative dispute may be initiated. The Ministry of the Interior ex officio decides on the termination of a permanent residency of a third-country national against which an appeal is not allowed, but an administrative dispute may be initiated.

In the case of nationals of the EEA Member States and members of their families, they may, in accordance with the Aliens Act, regulate temporary and permanent residence in the Republic of Croatia.

With regard to the temporary stay, an appeal to the Appeals Commission appointed by the Government of the Republic of Croatia may be filed against the decision of the police department or police station on registration of temporary residence of a citizen of the EEA Member State and a member of his/her family. The party may initiate an administrative dispute against the decision of the said Commission. The police department or the police station ex officio will issue a decision on termination of temporary residence against which an appeal can be filed by the Appeal Commission appointed by the Government of the Republic of Croatia. An appeal is not allowed against the decision of the said Commission, but an administrative dispute may be initiated.

With regard to permanent residence, an appeal may be filed against the decision of the police department or the police station on the application for permanent residence of a citizen of the EEA Member State and a member of his/her family by the Appeals Commission appointed by the Government of the Republic of Croatia. An appeal is not allowed against the decision of the said Commission, but an administrative dispute may be initiated. The police department or the police station ex officio will issue a decision on termination of the permanent residence of a citizen of a member state of the EEA and a member of his/her family against which an appeal may be filed by the Appeals Commission appointed by the Government of the Republic of Croatia. An administrative dispute may be initiated against the decision of the said Commission.

**102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.**

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
<b>Litigious divorce case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	308 <input type="checkbox"/> NA <input type="checkbox"/> NAP	69 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Employment dismissal case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	808 <input type="checkbox"/> NA <input type="checkbox"/> NAP	216 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Insolvency</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	192 <input type="checkbox"/> NA <input type="checkbox"/> NAP	45 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Robbery case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Intentional homicide</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The reason for reducing the average length of resolved insolvency cases lies in the new Bankruptcy Act, which entered into force on 1 September 2015. Since then and throughout the first half of 2016, a large number of shortened bankruptcy proceedings have been initiated ex officio - the main characteristic of these proceedings is their prompt resolution – so they reduced the average length for proceedings of insolvency cases.

### 103. Where appropriate, please indicate the specific procedure as regards divorce cases (litigious and non-litigious):

. The Family Act in force from 1st November 2015.

#### DIVORCE

A spouse may file a lawsuit for a divorce, and both spouses can file a petition for a divorce upon consensual agreement. The husband has no right to file a lawsuit for a divorce during the pregnancy of his wife and until their child reaches one year of life.

The court will grant the divorce if both spouses submit a petition for divorce upon consensual agreement if it finds that marital relations have been seriously and lastingly disturbed or if a year has passed since the marital union ceased to exist.

Civil contentious procedure in divorce cases begins with filing of a lawsuit for divorce. If a spouse files a lawsuit for a divorce, and the other spouse expressly declares that he or she does not dispute the merits of the claim, until the conclusion of the main hearing, it will be deemed that the spouses have filled a petition for divorce upon consensual agreement and the proceedings will continue as civil non-contentious procedure.

If both spouses file a petition for divorce upon consensual agreement, a non-contentious procedure will be initiated with this petition for divorce. If one of the spouses withdraws from the petition for divorce upon consensual agreement and the other spouse maintains his or hers petition for divorce, such a claim will be considered a lawsuit for divorce and the proceedings will continue in civil contentious procedure.

Married couples who have underage children with a petition for a divorce upon consensual agreement must submit a compulsory counselling report that must not be older than 6 months and a plan for joint parental care.

Married couples who have a joint underage child are obliged to participate in compulsory counselling conducted by a professional team of social welfare centres that will make a report, which is then submitted to the parties within 60 days and is valid for 6 months from the day the compulsory counselling was concluded.

Married couples intending to divorce under an consensual agreement and having a joint underage child are required to draw up a joint parental care plan that will regulate all matters relative to child care issues that they can form themselves, in the process of compulsory counselling and in the process of family mediation.

If the spouses do not come up with a plan for mutual parental care until the end of compulsory counselling, they are obliged to attend the first family mediation meeting, otherwise they cannot file a lawsuit for divorce.

#### CHILD'S OPINION

Parents and other caretakers are obliged to respect the child's opinion in accordance with his age and maturity.

In all proceedings in which a child's right or interest is decided, the child has the right to be informed in appropriate manner about important circumstances of the case, to obtain advice and to express his / her opinion and to be informed of the possible consequences of his / her opinion. The child's opinion is taken into account in accordance with his age and maturity.

#### THE ROLE OF THE MEDIATOR

Obligatory counselling is a form of help for family members to make consensual decisions on family relationships by specifically taking into consideration family relationships in which the child is involved and the legal consequences of failure to reach agreement

and initiating court proceedings in which the child's personal rights are decided.

**104. How is the length of proceedings calculated for the five case categories of question 102? Please give a description of the calculation method.**

. According to the Explanatory note, the average length of proceedings is calculated from the lodging of court proceedings, presented in days. Average length of the proceedings is calculated from the data which are recorded within the ICMS system. Average length of the proceeding is calculated like average number of days from the date of the beginning of proceeding to the date of resolving (at the 1st instance).

Regarding second instance: Average length of the proceedings is calculated also from the data which are recorded within the ICMS system. Average length of the proceeding is calculated like average number of days from the date of the beginning of proceeding on the 2nd instance to the date of resolving.

We are not able to provide data for 3rd instance – since ICMS on Supreme court is in process of implementation (civil department). From ICMS system, we can present data form specific types of cases (litigious divorce cases, insolvency cases and employment dismissal cases), but we cannot present data for intentional homicide and robbery cases.

**4.2.6. Case flow management – public prosecution**

**105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- [ X ] to conduct or supervise police investigation
- [ X ] to conduct investigations
- [ X ] when necessary, to request investigation measures from the judge
- [ X ] to charge
- [ X ] to present the case in court
- [ X ] to propose a sentence to the judge
- [ X ] to appeal
- [ ] to supervise the enforcement procedure
- [ X ] to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- [ ] to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- [ X ] other significant powers (please specify): .....

Comments Pursuant to the Criminal Procedure Act, in cases for which criminal proceedings are initiated ex officio, the state attorney has the power and duty to state that he/she will not initiate criminal prosecution where this is permitted to him/her by the Act. The state attorney has the power and duty to take decisions and to take other measures provided for by law (Article 38).

The state attorney initiates special procedures and participates in special procedures when provided for by law. The Chief State Attorney decides on initiating proceedings for granting a procedural immunity to a member of a criminal organization or a criminal association in accordance with the law. (Article 38, paragraph 2, items 9 and 13, paragraph 3, paragraph 4)

**106. (Modified question) Does the public prosecutor also have a role in:**

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify: The State Attorney's Office represents the Republic of Croatia in the protection of assets and other rights in the civil and administrative matters; represents the Republic of Croatia in the proceedings before a municipal court and before administrative bodies; represents the Republic of Croatia in the proceedings before a county court and before a commercial court; represents the Republic of Croatia, and oversee and protect the rule of law and proceed with all actions before the Supreme Court of the Republic of Croatia, the Constitutional Court of the Republic of Croatia, the Administrative Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia, the Magistrate's Court of the Republic of Croatia, and international and foreign justice and other bodies, unless otherwise determined by law or the regulation based thereon.

The State Attorney's Office shall issue a legal opinion concerning all issues relating to civil law matters and the protection of assets, natural wealth, parts of nature, immovable assets, things and rights of interest to the Republic of Croatia; an opinion regarding Acts and other regulations; an opinion concerning legal transactions completed by the Republic of Croatia and other civil law issues.

The State Attorney's Office, as a legal representative of the Republic of Croatia, upon the proposal of state bodies, shall submit to the competent commercial court the application for initiating the bankruptcy proceeding, or file claims of the governmental bodies in the bankruptcy proceedings that have been initiated by other authorized person.

The State Attorney's Office is not competent to initiate bankruptcy proceedings, but only the creditors and the debtor itself, meaning that the State Attorney's Office undertakes necessary actions upon the initiative of the creditor, represented by the State Attorney's Office. The State Attorney's Office initiates the bankruptcy proceedings for refuting debtor's legal transactions, which incurred damage to the estate of the Republic of Croatia as a creditor, before or after the initiation of the proceeding.

**107. Cases processed by the public prosecutor - Total number of first instance criminal cases:**

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
<b>Total number of first instance cases processed by the public prosecutor</b>	69213 <input type="checkbox"/> NA <input type="checkbox"/> NAP	30789 <input type="checkbox"/> NA <input type="checkbox"/> NAP	207 <input type="checkbox"/> NA <input type="checkbox"/> NAP	17941 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Under discontinued cases we consider cases in which criminal charge was dismissed and cases that were suspended during criminal proceedings.

Data on the number of cases that were concluded by a penalty or a measure imposed or negotiated by the public prosecutor (conditional deferral and agreement) do not include cases against juveniles and persons aged between 18 and 21 (younger adults) because for these persons we do not have separate information on how many cases have been completed by a penalty or measure imposed or negotiated by the public prosecutor and how much by use of opportunistic principle. Therefore data on juvenile and younger adults are reported in cases that the State Attorney discontinued (dismissal by use of opportunistic principle).

**107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?**

	Number of guilty plea procedures
<b>Total</b>	440 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Before the court case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>During the court case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments In total, in 2016, 440 judgements were given under the agreement of the parties in which the accused pleaded guilty (total number of guilty plea procedures is 440), but there is no data on how many cases it occurred before the court case or during the court case. Regarding the data from the previous cycle, there has been a decrease in the number of judgements by the agreement of the parties in which the defendant pleaded guilty because during the previous period in only one criminal case that was within the jurisdiction of the Office for the Suppression of Corruption and Organized Crime with over three hundred defendants, an agreement was reached with a large number of defendants, which ultimately affected a significant increase in the number of judgments given by the parties' agreement.

### 108. Total cases which were discontinued by the public prosecutor:

	Number of cases
<b>Total cases which were discontinued by the public prosecutor (1+2+3)</b>	30789 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Discontinued by the public prosecutor because the offender could not be identified</b>	17135 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b>	11451 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Discontinued by the public prosecutor for reasons of opportunity</b>	1569 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

### 109. Do the figures include traffic offence cases?

Yes

No

Comments

### D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: Sources for questions 91, 97, 99 and 101: Ministry of Justice of RoC, data from ICMS (Integrated Court Management System)

Regarding question 91:

Table 91 Point 1 – Civil (and commercial) litigious cases (including enforcement cases, and if it is possible without administrative cases that are reflected under 3) – in this category of cases, according to the answer from 2015, 2014 and 2013, litigious cases from 1st instance courts and commercial courts as well as the insolvency cases from commercial courts are included. Enforcement cases cannot be divided into litigious and non-litigious enforcement cases. CEPEJ requested a division of the enforcement cases among those arising from final judgement and those that would be referred to the arbitral settlement of disputes or maybe judicial settlement. Republic of Croatia cannot express these categories of enforcement cases separately. In the previous evaluation cycles we have presented the total of enforcement cases. For 2016, 2015 and 2014 enforcement cases have been presented in the category “other non-litigious cases”.

Table 91 Point 2.1. - General civil (and commercial) non-litigious cases; e.g. undisputed payment order, request for name change, nonlitigious enforcement cases, etc. (if it is possible without administrative cases under 3; without registry cases under 2) – in this category of cases according to the answer from 2015, 2014 and 2013, inheritance cases from the 1st instance courts are included (that so far were not expressed). Furthermore, like in 2015 and 2014 cycle, from this category of cases the cases that refer mostly to criminal records have been excluded. The horizontal math consistency has not been achieved (the difference is 371 cases – those are the inheritance cases which status has changed during the reporting period, because of the specific nature of the proceeding.

Table 91 Point 2.2.1. - Non-litigious land register cases - On 1 November 2014 the new monitoring methodology of the unsolved land register cases has been introduced, in a way that regular land register cases (e.g. registration) are monitored separately from other land register cases which include objections, appeals, individual correction procedures, proposals to connect the register of deposited contracts and general register and renewal cases, the establishment and amendment of land register. That is the reason of data horizontal inconsistency when the number of unsolved cases at the end of the 2013 is added to the number of received cases in 2014 and from that number the number of resolved cases is deducted. The same reflects to the 2014, 2015 and 2016 period.

Table 91 Point 2.2.2. – Non-litigious Business Register cases – cases resolved by commercial courts. Horizontal math consistency has not been achieved (the difference is 138 cases - the reason is the establishment of a new judicial body in 2015 - the Commercial Court in Pazin and the migration of cases from the former Commercial Court in Rijeka (permanent service in Pazin).

The total sum (vertically) also has not math consistency for the above stated reasons.

Regarding the answers to question 97:

The reorganization of the judicial system in the Republic of Croatia related to the reorganization of the second instance proceedings has been carried out in 2015 and partly in 2016. Consequently, in the county courts there has been a harmonization of case registers and case codes (litigious, non-litigious and other) in 2015 and 2016 in a way that courts carried out the alignment and correction of the indication of certain types of second-instance civil cases. For this reason, in 2015 and in 2016 the correction of the category of cases according to the new methodology of monitoring has been carried out. The total of all categories is aligned with the continuity of previous cycle (horizontal consistency), whereas the individual categories in the column “Pending cases on Jan. 1 2016” are presented under the new revised indication of the types of cases. For example, some cases that have been categorized in previous cycles under category 'Other', the courts have categorized according to the certain types of dispute which was possible after new case registers were open (e.g. Enforcement – Security by lien on the basis of an agreement of the parties). Civil (and commercial) litigious cases (including enforcement cases and if possible without administrative cases under 3) - in this category of cases are included county courts civil cases, as well as litigious and bankruptcy second instance cases of the High commercial court. Enforcement cases cannot be divided into enforcement litigious and non-litigious cases. In the previous cycles we have presented the total of enforcement cases. Methodology used in the 2014 cycle, where the enforcement cases have been presented under 2.1. has been used in 2015 and 2016. General Civil (and commercial) non-litigious cases e.g. undisputed payment order, request for name change, non-litigious enforcement cases, etc. (if it is possible without administrative cases under 3 and without register cases under 2) –this category includes non-litigious county courts second instance cases, which are, under the code types of cases, identified in the ICMS (Integrated court management system).

Registry cases - this category includes registry cases (point 2.2.2.) dealt by the High Commercial Court of the RoC. As regards land register cases, dealt by the County Courts in the 2nd instance, in 2016 we are able to identify them through the ICMS. Regarding answers to question 99 cases dealt by the Supreme Court of the RoC, as the highest most instance court in the RoC, have been presented. We are unable to show separately the required categories. The Supreme Court of the RoC is in the process of preparing the implementation of the ICMS, which will in future enable the expression of cases by types. Source for this data is published data by the Supreme Court of the RoC for year 2016 on their website.

Q 91, 94, 97, 98, 99,100, 101,102 – the Ministry of Justice of the RoC

Q 107, 107-1 and 108 - Annual Report on the Work of State Attorneys' offices for 2016



## 5.1. Recruitment and promotion

### 5.1.1. Recruitment and promotion of judges

#### 110. (Modified question) How are judges recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify): .....

Comments

#### 110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

Comments - If yes, please specify:

#### 111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

- an authority made up of judges only
- an authority made up of non-judges only
- an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: There is only one authority involved in the procedure and that is State Judiciary Council (SJC) composed of 11 members, namely 7 judges elected by judges themselves, 2 university professors of law and 2 members of Parliament (one from the opposition).

#### 112. Is the same authority (Q111) competent for the promotion of judges?

- Yes
- No

Comments

#### 112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
- No

Comments - If yes, please specify:

#### 113. What is the procedure for judges to be promoted? (multiple answers possible)

- Competitive test / Exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

**113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)**

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):

**114. (Modified question) Is there a system of qualitative individual assessment of the judges’ work?**

- Yes
- No

Comments

**114. If yes, please specify the frequency of this assessment:**

- Annual
- Less frequent
- More frequent

**5.1.2. Status, recruitment and promotion of prosecutors**

**115. What is the status of prosecution services?**

- statutory independent
- under the authority of the Minister of justice or another central authority
- other (please specify): .....

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

**115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.**

- Yes
- No

Comments - If yes, please specify:

**116. How are public prosecutors recruited?**

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)

other (please specify): .....

Comments

**117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:**

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

**117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

- Yes
- No

Comments - If yes, please specify:

**118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?**

- Yes
- No, please specify which authority is competent for promoting public prosecutors .....

Comments

**119. What is the procedure for prosecutors to be promoted? (multiple answers possible)**

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam):

**119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

- Yes
- No

Comments - If yes, please specify:

**119-2. Please indicate the criteria used for the promotion of a prosecutor:**

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

**120. Is there a system of qualitative individual assessment of the public prosecutors' work?**

Yes

No

Comments

**5.1.3.Mandate and retirement of judges and prosecutors**

**121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

Yes, please indicate the compulsory retirement age:70

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

**121-1. Can a judge be transferred (to another court) without his/her consent:**

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards): .....

No

Comments

**122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?**

Yes, duration of the probation period (in years): .....

No

NAP

Comments

**123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

Yes, please indicate the compulsory retirement age:70

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

**124. Is there a probation period for public prosecutors? If yes, how long is this period?**

Yes, duration of the probation period (in years): .....

No

Comments

**125. If the mandate for judges is not for an undetermined period (see question 121), what is the**

**length of the mandate (in years)? Is it renewable?**

Yes, what is the length of the mandate (in years)? .....

No

Comments

**126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?**

Yes, what is the length of the mandate (in years)? .....

No, what is the length of the mandate (in years)? .....

Comments

**5.2. Training**

**5.2.1. Training of judges**

**127. Types of different trainings offered to judges**

	Compulsory	Optional	No training proposed
<b>Initial training (e.g. attend a judicial school, traineeship in the court)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>General in-service training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for management functions of the court (e.g. court president)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for the use of computer facilities in courts</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

**128. Frequency of the in-service training of judges:**

	Frequency of the judges training
<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

<b>In-service training for management functions of the court (e.g. court president)</b>	<input type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input checked="" type="checkbox"/> No training proposed
<b>In-service training for the use of computer facilities in courts</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: Due to the fact that it regards a two-year period, "training for computers in courts" has been marked as regular in 2016 since it has been regularly included in the Program since 2015. "Training for management functions" has not been cancelled but in the reporting period there was no such training.

## 5.2.2. Training of prosecutors

### 129. Types of different trainings offered to public prosecutors

	<b>Compulsory</b>	<b>Optional</b>	<b>No training proposed</b>
<b>Initial training</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>General in-service training</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for management functions in the courts (e.g. Head of prosecution office, manager)</b>	( ) Yes ( X ) No	( ) Yes ( X ) No	( X ) Yes ( ) No
<b>In-service training for the use of computer facilities in office</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments

### 130. Frequency of the in-service training of public prosecutors :

	<b>Frequency of the in-service training</b>
<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for management functions in office (e.g. Head of prosecution office, manager)</b>	<input type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input checked="" type="checkbox"/> No training proposed

<b>In-service training for the use of computer facilities in office</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
---	--

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: Every year the Programme council of the Judicial academy adopts the continuous training programme for judicial officials, judicial advisors and civil servants in the judiciary. The programme includes various topics from all branches of the law that are necessary and in accordance with the current needs of the legal profession. Also there are regular workshops on how to perform computer based tasks, specifically on the use of case tracking system.

**131. Do you have public training institutions for judges and / or prosecutors?**

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments

**131-0. (Modified question) If yes, what is the budget of such institution(s)?**

	Budget of the institution for the reference year, in €
One institution for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	734000 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?**

. Judges and/or prosecutors have compulsory initial training.

**5.3.Practice of the profession**

**5.3.1.Salaries and benefits of judges and prosecutors**

**132. Salaries of judges and public prosecutors on 31 December of the reference year:**

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	23128 [ ] NA [ ] NAP	14804 [ ] NA [ ] NAP	174141 [ ] NA [ ] NAP	111469 [ ] NA [ ] NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	50927 [ ] NA [ ] NAP	27729 [ ] NA [ ] NAP	383446 [ ] NA [ ] NAP	208780 [ ] NA [ ] NAP
Public prosecutor at the beginning of his/her career	23128 [ ] NA [ ] NAP	14804 [ ] NA [ ] NAP	174141 [ ] NA [ ] NAP	111469 [ ] NA [ ] NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	50927 [ ] NA [ ] NAP	27729 [ ] NA [ ] NAP	383446 [ ] NA [ ] NAP	208780 [ ] NA [ ] NAP

Comments

### 133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	( ) Yes ( X ) No	( ) Yes ( X ) No
Special pension	( ) Yes ( X ) No	( ) Yes ( X ) No
Housing	( ) Yes ( X ) No	( ) Yes ( X ) No
Other financial benefit	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments

### 134. If “other financial benefit”, please specify:

. No
------

[ ] NAP

### 135. Can judges combine their work with any of the following other functions/activities?

With remuneration	Without remuneration
-------------------	----------------------



<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cultural function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Political function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify.

**137. Can public prosecutors combine their work with any of the following other functions/activities?**

	<b>With remuneration</b>	<b>Without remuneration</b>
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cultural function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Political function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify.

**139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time) or cases examination?**

- ( ) Yes  
( X ) No

Comments - If yes, please specify the conditions and possibly the amounts:

## 5.4. Disciplinary procedures

### 5.4.1. Authorities responsible for disciplinary procedures and sanctions

#### 140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify): .....
- This is not possible

Comments

#### 141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify): .....
- This is not possible

Comments

#### 142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament

Executive power (please specify): .....

Other (please specify): .....

Comments

**143. Which authority has disciplinary power over public prosecutors? (multiple options possible):**

Supreme Court

Head of the organisational unit or hierarchical superior public prosecutor

Prosecutor General /State public prosecutor

Public prosecutorial Council (and Judicial Council)

Disciplinary court or body

Ombudsman

Professional body

Executive power (please specify): .....

Other (please specify): .....

Comments

**5.4.2. Number of disciplinary procedures and sanctions**

**144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Judges	Prosecutors
<b>Total number (1+2+3+4)</b>	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

**145. Number of sanctions pronounced during the reference year against judges and public prosecutors:**

Judges	Prosecutors
--------	-------------

<b>Total number (total 1 to 9)</b>	4 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP
<b>1. Reprimand</b>	2 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP
<b>2. Suspension</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>4. Fine</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>5. Temporary reduction of salary</b>	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>6. Position downgrade</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>7. Transfer to another geographical (court) location</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>8. Resignation</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>9. Other</b>	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments - If "other", please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. Conditional dismissal

### E3. Please indicate the sources for answering questions 144 and 145:

Sources: State Judicial Council and State Attorney Council

## 6.Lawyers

### 6.1.Profession of lawyer

#### 6.1.1.Status of the profession of lawyers

#### 146. Total number of lawyers practising in your country:

[ 4690 ]

[ ] NA

[ ] NAP

Comments

**147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

Yes ( )

No (X)

Comments

**148. Number of legal advisors who cannot represent their clients in court:**

[ ]

[ ] NA

[X] NAP

Comments

**149. (Modified question) Do lawyers have a monopoly on legal representation in (multiple options are possible):**

	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil cases</b>	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	(X) Yes ( ) No [ ] NAP
<b>Dismissal cases</b>	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	(X) Yes ( ) No [ ] NAP
<b>Criminal cases - Defendant</b>	(X) Yes ( ) No [ ] NAP	(X) Yes ( ) No [ ] NAP	(X) Yes ( ) No [ ] NAP
<b>Criminal cases - Victim</b>	(X) Yes ( ) No [ ] NAP	(X) Yes ( ) No [ ] NAP	(X) Yes ( ) No [ ] NAP
<b>Administrative cases</b>	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP
<b>There is no monopoly</b>	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP

Comments - Please, indicate any useful clarifications regarding the content of lawyers’ monopoly:

**149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:**

	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil society organisation</b>	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP

<b>Family member</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Self-representation</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Trade union</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Other</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s): A person can file complaint to the Croatian Bar Association.

**149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?**

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify): .....

Comments

**149-2. What are the statuses for exercising the legal profession in court?**

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

**150. Is the lawyer profession organised through:**

- a national bar association
- a regional bar association
- a local bar association

Comments

**151. Is there a specific initial training and/or exam to enter the profession of lawyer?**

- Yes
- No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

**152. Is there a mandatory general system for lawyers requiring in-service professional training?**

Yes

No

Comments

**153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?**

Yes

No

Comments - If yes, please specify: The Croatian Bar Association is authorize to recognize specialisation.

According to the Attorneys' Act an attorney may request recognition of his/her particular knowledge of a legal branch. An attorney shall be considered to have fulfilled conditions for the recognition of a specialization if he/she has for at least five (5) years successfully worked on the legal matters in the field for which he/ she seeks the recognition of a specialization, if he/ she has published works for which the scientific title of a Master's Degree or a Doctoral Degree in Law has been acquired or if his/her other published works have made a significant contribution to the advancement of legal science or practice. A law firm shall be recognized for its specialization, if it has been recognized for at least one attorney working in it.

According to the Ordinance on the conditions and procedure for recognition of specialty lawyers registered in the Directory of the Croatian Bar Association, a lawyer can be recognised as a specialist in a particular field of law if he/she has performed lawyers practice for at least:

- 3 years after acquiring the academic degree of doctor of jurisprudence (PhD) in area of law for which he requires specialization and has published at least two expert papers;
- 5 years after acquiring the academic degree of Master of Legal Science (MSc) in area of law for which he requires specialization and has published at least two expert papers;
- 8 years after being registered as a lawyer, if he mostly practices the area of law for which he requires specialization and has published at least three expert papers;
- 3 years if prior to being listed at the list of lawyers he was for at least 5 years a professor of legal sciences in the field of law for which he requires specialization, judge of regular or specialized courts, who is specialized in that particular area of law, or a legal advisor specialist in specific institutions, who during that time published at least 2 expert papers as a support to either theory or practice in that area of law;
- 5 years, if he has substantially contributed by means of his scientific work as a lawyer to the development of legislation or legal understanding in the area of law for which he requires accreditation.

If a candidate fulfils the above mentioned conditions, a Commission for the evaluation of requirements, consisting of a president and 4 members, decides on the recognition of specialty. Members of the Commission are appointed from the ranks of distinguished jurists specialised in the area for which accreditation is being sought. Two members of the Commission are lawyers with either a masters or a doctorate degree in the area for which accreditation is being sought, and the other two are appointed from the ranks of professors from Faculties of law or Supreme Court judges or High Commercial Court judges depending on the area of law for which accreditation is being sought.

**F1. Please indicate the sources for answering questions 146 and 148:**

Sources: Croatian Bar Association

**6.1.2. Practicing the profession**

**154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?**

Yes

No

Comments

**155. Are lawyers' fees freely negotiated?**

Yes

No

Comments

**156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

Yes laws provide rules

Yes standards of the bar association provide rules

No neither laws nor bar association standards provide rules

Comments

**6.1.3. Quality standards and disciplinary procedures**

**157. Have quality standards been determined for lawyers?**

Yes

No

Comments - If yes, what are the quality criteria used?

**158. If yes, who is responsible for formulating these quality standards:**

the bar association

the Parliament

other (please specify): .....

Comments

**159. Is it possible to file a complaint about:**

the performance of lawyers

the amount of fees

Comments - Please specify: A person can file complaint to the Croatian Bar Association." What this means in respect of this question

**160. Which authority is responsible for disciplinary procedures?**

the judge

the Ministry of Justice

a professional authority

other (please specify): .....

Comments

**161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken**



because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
<b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b>	504 [ ] NA [ ] NAP
<b>1. Breach of professional ethics</b>	500 [ ] NA [ ] NAP
<b>2. Professional inadequacy</b>	0 [ ] NA [ ] NAP
<b>3. Criminal offence</b>	4 [ ] NA [ ] NAP
<b>4. Other</b>	0 [ ] NA [ ] NAP

Comments - If "other", please specify:

## 162. Sanctions pronounced against lawyers.

	Number of sanctions
<b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b>	125 [ ] NA [ ] NAP
<b>1. Reprimand</b>	21 [ ] NA [ ] NAP
<b>2. Suspension</b>	0 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	5 [ ] NA [ ] NAP
<b>4. Fine</b>	99 [ ] NA [ ] NAP
<b>5. Other</b>	0 [ ] NA [ ] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. The reason for the decrease of the number of complaints and increase of the number of sanctions is the solving of backlogs from previous years which led to an increase in the number of sanctions imposed.

## 7. Alternative dispute resolutions

### 7.1. Mediation

#### 7.1.1. Details on mediation procedures and other ADR



**163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.**

Yes

No

Comments

**163-1. In some fields, does the judicial system provide for mandatory mediation procedures?**

Before going to court

Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned: When a person intends to sue the Republic of Croatia, he/she shall first, before lodging a complaint, address the state attorney's office, with a request to settle the dispute amicably. If the request is not accepted, or no decision is made on it within three months of its filing, the applicant may file a complaint with the competent court. This is a mandatory provision.

These provisions apply mutatis mutandis in cases where the Republic of Croatia intends to sue a person with legal residence or habitual residence in the Republic of Croatia.

**164. Please specify, by type of cases, the organisation of judicial mediation:**

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
<b>Civil and commercial cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Family law cases (ex. divorce)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Administrative cases</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Employment dismissals</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Criminal cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**165. Is there a possibility to receive legal aid for judicial mediation procedures?**

Yes

No

Comments - If yes, please specify: The provision of Article 12 of the Law on Free Legal Aid (OG No. 143/13) provides that secondary legal aid includes legal aid in judicial mediation procedures.

**166. Number of accredited or registered mediators who practice judicial mediation:**

[ 549 ]

NA

NAP

Comments

## 167. Number of judicial mediation procedures.

	Number of judicial mediation procedures
<b>Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Civil and commercial cases</b>	508 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Family cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Administrative cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Employment dismissal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please indicate the source:

## 168. Does the legal system provide for the following alternative dispute resolutions (ADR):

mediation other than judicial mediation

arbitration

conciliation

other ADR (please specify): .....

Comments

### G1. Please indicate the source for answering question 166:

Source: Statistical review for 2016.

Available at

<https://pravosudje.gov.hr/UserDocsImages//dokumenti/Pravo%20na%20pristup%20informacijama/Izvješa//Statisticki%20pregled%20za%202016%20godinu.pdf> <https://pravosudje.gov.hr/registri-i-baze-podataka/6348>

## 8. Enforcement of court decisions

### 8.1. Execution of decisions in civil matters

#### 8.1.1. Functioning

## 169. Do you have enforcement agents in your judicial system?

Yes

No

Comments

### 170. Number of enforcement agents

[ 99 ]

[ ] NA

[ ] NAP

Comments

### 171. Are enforcement agents (multiple options are possible):

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers: Bailiffs are court agents that act by order of judges.

They are civil servants employed in court who act upon order of the court directly undertake certain actions in enforcement and insurance procedures for non-pecuniary claims.

### 171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with: Bailiffs are public servants and not entrepreneurs.

### 171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No [ ] NAP
Seizure of immovable properties	<input type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input checked="" type="checkbox"/> No [ ] NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No [ ] NAP
Seizure of remunerations	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No [ ] NAP

<b>Seizure of motorised vehicles</b>	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP
<b>Eviction measures</b>	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP
<b>Enforced sale by public tender of seized properties</b>	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP
<b>Other</b>	( ) Yes with monopole ( ) Yes without monopole ( X ) No [ ] NAP

Comments The issue of monopoly is doubtful because enforcement agents are civil servants who act upon a court order and it is not a regulated market activity.

### **171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?**

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immovable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

### **172. Is there a specific initial training or exam to become an enforcement agent?**

- Yes
- No

Comments

### **172-1. Is there a system of mandatory general continuous training for enforcement agents?**

- Yes

No

Comments

**173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):**

a national body

a regional body

a local body

NAP

Comments

**174. Are enforcement fees easily established and transparent for the court users?**

Yes

No

Comments

**175. Are enforcement fees freely negotiated?**

Yes

No

Comments

**176. Do laws provide any rules on enforcement fees (including those freely negotiated)?**

Yes

No

Comments

**H0. Please indicate the sources for answering question 170**

Source: Ministry of Justice

### 8.1.2. Efficiency of enforcement services

**177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

Yes

No

Comments

**178. Which authority is responsible for supervising and monitoring enforcement agents?**

a professional body

the judge

- the Ministry of Justice
- the public prosecutor
- other (please specify): .....

Comments

**179. Have quality standards been determined for enforcement agents?**

- Yes
- No

Comments - If yes, what are the quality criteria used?

**180. If yes, who is responsible for establishing these quality standards?**

- a professional body
- the judge
- the Ministry of Justice
- other (please specify): .....

Comments

**181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?**

- Yes
- No

Comments - If yes, please specify:

**182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?**

- Yes
- No

Comments - If yes, please specify:

**183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other (please specify): .....

Comments

**184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

Yes

No

Comments - If yes, please specify:

**185. Is there a system measuring the length of enforcement procedures:**

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**186. As regards a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):**

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more (please specify): .....

Comments The average time to notify the party about the decision depends on several factors, depending on whether the timeframe is from the moment of making the decision to its delivery to the party or the timeframe is from the moment the decision in writing is sent by mail to the party and whether the decision was made by a court or by a public notary.

**187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. For professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. For criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP



4. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP
----------	---

Comments - If "other", please specify:

**188. Number of sanctions pronounced against enforcement agents:**

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons:

**H1. Please indicate the sources for answering questions 186, 187 and 188:**

Source: Ministry of Justice
-----------------------------

**8.2. Execution of decisions in criminal matters**

**8.2.1. Functioning of execution in criminal matters**

**189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)**

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify): .....

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

**190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?**

( ) Yes

( X ) No

Comments

**191. If yes, what is the recovery rate?**

( ) 80-100%

( ) 50-79%

( ) less than 50%

Comments - Please indicate the source for answering this question:

**9. Notaries**

**9.1. Profession of notary**

**9.1.1. Number and status of notaries**

**192. Number and type of notaries in your country. If you do not have notaries skip to question 197.**

	Number of notaries
<b>TOTAL</b>	320 [ ] NA [ ] NAP
<b>Private professionals (without control from public authorities)</b>	0 [ ] NA [ ] NAP
<b>Private professionals under the authority (control) of public authorities</b>	320 [ ] NA [ ] NAP
<b>Public agents</b>	0 [ ] NA [ ] NAP
<b>Other</b>	0 [ ] NA [ ] NAP

Comments - If "other", please specify the status:

**192-1. What are the access conditions to the profession of notary:**

[ X ] diploma

[ X ] payment of a fee (e.g. purchasing office)

[ ] co-opting of peers

[ X ] other

Comments

**192-2. (Modified question) What is the duration of appointment of a notary?**

Limited duration, please indicate it in years: .....

Unlimited duration

Comments

**194. Do notaries have duties (multiple options possible):**

within the framework of civil procedure

in the field of legal advice

to certify the authenticity of legal deeds and certificates

in the field of mediation

other (please specify): .....

Comments A notary public is authorized to represent clients in uncontested matters before the courts and other public bodies, if these things are directly related to the document he authenticated (i.e. commercial matters).

**194-1. Do notaries have the monopoly when exercising their profession:**

in civil procedure

in the field of legal advice

to authenticate deeds/certificates

in the field of mediation

other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with:

**194-2. As well as these activities, what are the other ones that can be carried out by notaries?**

Real estate transaction

Settlement of estates

Legality control of gambling activities

Authentication of documents

Translations

Signatures

Other

Comments

**195. Is there an authority entrusted with supervising and monitoring the notaries' work?**

Yes

No

Comments

**196. If yes, which authority is responsible for supervising and monitoring notaries?**

a professional body

the judge

the Ministry of Justice

the public prosecutor

the Ministry of Interior

other (please specify): .....

Comments

**196-1. Is there a system of general continuous training mandatory for all notaries?**

Yes

No

Comments

**I1. Please indicate the sources for answering question 192:**

Sources: Ministry of Justice of the Republic of Croatia

**10. Court interpreters**

**10.1. Details on profession of court interpreter**

**10.1.1. Status of court interpreters**

**197. Is the title of court interpreters protected?**

Yes

No

Comments

**198. Is the function of court interpreters regulated by legal norms?**

Yes

No

Comments

**199. Number of accredited or registered court interpreters:**

[ 2714 ]

NA

NAP

Comments

**200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

Yes

( ) No

Comments - If yes, please specify:

## 201. Are the courts responsible for selecting court interpreters?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters .....

Comments

## J1. Please indicate the sources for answering question 199

Sources: Ministry of Justice of the Republic of Croatia

## 11. Judicial experts

### 11.1. Profession of judicial expert

#### 11.1.1. Status of judicial experts

## 202. In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

"expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,

"technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,

"legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

Other (please specify): .....

Comments

## 202-1. Are there lists or databases of technical experts registered?

Yes

( ) No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?) Judicial experts are appointed by the county and commercial courts' presidents who evaluate their skills before appointment. There are lists of judicial experts for each county and commercial court which appointed them and Ministry of Justice of the Republic of Croatia keeps a list of all judicial experts appointed in the Republic of Croatia. Judicial experts are appointed for a period of 4 years after which they can be reappointed. They take an oath before the court presidents who appoint them.

## 203. Is the title of judicial experts protected?

Yes

( ) No

Comments - If appropriate, please explain the meaning of this protection:

**203-1. Does the expert have an obligation of training?**

	Obligation of training
Initial training	( X ) Yes ( ) No
Continuous training	( X ) Yes ( ) No

Comments

**203-2. If yes, does this training concern:**

- the proceeding
- the profession of expert
- other

Comments

**204. Is the function of judicial experts regulated by legal norms?**

- Yes
- No

Comments

**204-1. On the occasion of a mission entrusted to him/her, does the expert have to report any potential conflicts of interest?**

- Yes
- No

Comments

**205. Number of accredited or registered judicial / technical experts:**

- 3345
- NA
- NAP

Comments

**205-1. Who sets the expert remuneration?**

- Ministry of Justice of the Republic of Croatia

**206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: The Civil Procedure Act provides that the judge in proceedings will determine the period in which the expert will submit his/her report taking into account that this period cannot be longer than 60 days.

The Criminal Procedure Act and Administrative Disputes Act do not specify the deadline for submitting the experts reports.

## 207. Are the courts responsible for selecting judicial experts?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects judicial experts .....

Comments

## 207-1. Does the judge control the progress of investigations?

Yes

No

Comments

## K1. Please indicate the sources for answering question 205

Sources: Ministry of Justice of the Republic of Croatia

## 12.Reforms in judiciary

### 12.1.Foreseen reforms

#### 12.1.1.Reforms

**208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:**

1. (Comprehensive) reform plans The fundamental idea of current judicial plans is to ensure a stable and secure environment for a better, faster and more efficient work of judicial bodies in the Republic of Croatia. Implementing the planned objectives will achieve high standards of transparency and independence in the work of judicial bodies and ensure the provision of quality and timely judicial and state-of-the-art services to all system users in accordance with established European and world standards. Ensuring the transparency of judicial work through clear and simplified mechanisms of judicial bodies' communication will further strengthen the role of the judiciary in the protection of legal certainty, the rights of citizens and legal persons and respect of social and moral values. During 2017. renovations and construction of new buildings at the Justice Square in Zagreb is in process. The Municipal State Attorney Office in Zagreb will be moved into the existing building "E" as soon as its renovation is completed.

2. Budget No foreseen reforms.

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) Further reorganization of the judicial network is being planned, i.e. merger of misdemeanour courts with municipal courts. Namely, due to the previously implemented reform measures, the number of cases in misdemeanour courts has drastically decreased, while municipal courts are still burdened with a large number of cases, especially civil litigation cases. The aim is to ensure a more uniform burden of first instance judges and strengthen the capacities of the most heavily charged courts, which will lead to a reduction in the length of court proceedings and reduction in the number of unresolved cases.

One of the activities is focused on resolution of the “old” unsolved court cases. The activities of the Ministry of Justice will be, in the forthcoming period, specifically targeted at solving the so-called "old" unresolved court cases. This includes the resolution of cases pending before the municipal, county and commercial courts for more than 10 or more than 15 years, and the cases that are pending before the misdemeanour courts for more than 3 years.

An analysis of old unsolved cases is under preparation in order to determine why they have not been solved. The presidents of the courts will be asked to draft Action Plans for solving old cases in each court and to submit to the Ministry of Justice on monthly basis information on the resolution of these cases and progress achieved in accordance with their Action Plans. The dynamics of solving old cases will also be monitored through the implementation of enhanced judicial inspection of old cases. At the same time, a database will be established regarding cases initiated for the infringement of the right to trial within a reasonable time.

3.1. Access to justice and legal aid No foreseen reforms.

4. High Judicial Council The amendments to the State Judicial Council Act are planned, which will strengthen the work control, accountability, transparency and efficiency of the proceedings in the work of the Council.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. Improving the work of regulated professions and public notaries is being planned. In order to regulate the status issues and work issues of the permanent court experts, assessors and interpreters, and to prescribe new and better solutions because of the established deficiencies, the relevant amendments to the Courts Act and other bylaws regulating the relevant profession will be introduced.

A new Public Notary Act is planned to be adopted in 2018 which will prescribe the organization and operation of the Notary Service in accordance with the needs of today's legal transactions and present positive law framework.

In order to enhance the work of the State Attorney's Office, a new State Attorneys Act and a new State Attorneys Council Act are planned to be adopted, which will, among other things, transparently regulate the appointment and dismissal procedure of the State Attorney General of the Republic of Croatia.



6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities The adoption of the Act on Amendments of the Civil Procedure Act (CPA) was conditioned by the existence of a double concept of revision as a regular and extraordinary, which brought into question the sustainability of the situation at the Supreme Court of the Republic of Croatia and its role as the highest court in the Republic of Croatia. Namely, the Supreme Court of the Republic of Croatia is faced with a continuous increase in the inflow of revision cases. In the last eight years, the inflow of this type of case has increased by 300%. It is therefore necessary to revise these rules.

The inefficiency of commercial courts, particularly of the High Commercial Court of the Republic of Croatia, is an extremely big problem in the judiciary and a major obstacle to the business of business entities. With the purpose of the reduction of backlog, the jurisdiction of commercial courts in enforcement cases was abandoned, the easier registrar cases were transferred to court officers, court rules were simplified and concentrated and the number of executives was increased. However, irrespective of the above, the number of resolved cases is reduced so no backlog is solved.

Likewise, despite all the measures taken in the last ten years to encourage alternative dispute resolution, remains the fact that their use is not at a satisfactory level.

Because of the above, it is necessary to amend the existing text of the CPA in such a way that the amendments are redefined and / or legal institutes that slow down the procedure removed, process discipline increased, jurisdiction provisions reviewed, a pilot dispute introduced, decision-making quality increased and justice practices with new auditing rules aligned and mediation promoted, all with the aim of achieving the efficiency of the proceedings.

Criminal legislation reforms through 2017:

The Criminal Code

By amendments to the Criminal Code (Official Gazette 125/11, 144/12, 56/15, 61/15) the Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive), had been transposed into national legislation, thus continuing the process of aligning the Criminal Code with the EU legislation.

The criminal offense of Abuse of Preferential Data now is a blanket offense that in its legal description refers to capital market regulations. The circle of possible perpetrators of the criminal offense has been expanded to the extent that along with the former perpetrators, so- "Primary Insiders" also includes participants in the market of emission units. New ways of commissioning the offence has been prescribed - withdrawal or modification of orders in connection with a financial instrument, submission, modification or withdrawal of an auction offer for emission units. The penal sanction has been increased and refers to "secondary and primary insiders". The mentioned amendment gives the possibility of punishment for attempts, in accordance with the requirements of the Directive.

A qualified form of criminal offense is related to obtaining large-scale property gain or causing large-scale property damage.

Regarding the criminal offense of Abuse of the Capital Market, as the objects of perpetration of criminal offenses, prompt commodities contracts are introduced, as defined by Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation), which is directly applicable and which implementation should be ensured through capital market regulations. Additionally, the acts of commission of a criminal offense are extended to other activities or practices affecting the cost of one or more financial instruments or related prompt commodities contracts, to the offer, demand or price of a financial instrument or a related prompt contract on the goods and to the forwarding or giving of untruthful or misleading information or basic data or the perpetration of any other process manipulating the calculation of referential values. Other amendments to the severity of criminal sanction, punishment of attempts and property gains were the same as in the criminal offense of abuse of preferential data.

Remaining amendments to the Criminal Code of the Republic of Croatia are the result of the practice, removal of its ambiguities and alignment with relevant national law.

In the first place, it is important to point out the changes regarding the limiting existing preconditions for imposing a measure of community service work, which is a kind of modification and an important substitute for short-term prison sentences.

Furthermore, the severity of criminal sanctions for the offenses of unauthorized production and the unauthorized trade is altered by prescribing special extensions of up to three years in prison. These modifications allow for the sanctioning of mentioned criminal offenses committed in the criminal association as well as the conduct of special evidence actions under the Criminal Procedure Code which are prescribed for the criminal offense committed in the criminal association. The strengthening of the existing criminal law policy in relation to the criminal offense of illegal entry, movement and residence in the Republic of Croatia, in another EU Member

State or signatories of the Shengen Agreement has been prescribed.

In this regard, the stronger social condemnation has been shown and more effective enforcement of criminal justice policy in the fight against the illegal transfer of persons across the state border, their movement or stay in the Republic of Croatia, in another EU Member State or signatories of the Shengen Agreement has been enabled.

The definition of hate crime as well as the definition of a criminal offense of public incitement to violence and hatred has been complemented, by prescribing the language as an additional discriminatory motive. A new discriminatory basis will lead to further alignment of the Criminal Code with the discriminatory grounds contained in the Constitution of the Republic of Croatia and in the Anti-Discrimination Act.

The novelty is the abolition of dualism when deciding on parole, which will result in exclusive jurisdiction in decision-making in the proceedings in question. In this respect, it is prescribed the treatment in respect of those requirements for parole which have already been filed, at the time of the entry into force of this Law, and they apply to penalties that are executed in accordance with the provisions of the Criminal Code.

The Criminal Procedure Act

Reason for Amendments to the Criminal Procedure Act (OG 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17 ) was primarily the harmonization of domestic criminal legislation with the *acquis communautaire*, namely:

1.) Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

Although the Criminal Procedure Code already contains a number of provisions regulating the rights of victims and provides a very high level of protection of their rights, the transposition of certain provisions of the mentioned Directive required intervention in a number of provisions of the Criminal Procedure Act, but also in the definition of victim itself.

2.) Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty.

The issue of "informal talks" with the suspects was modified, which in essence constituted a "inquiry" in the sense of the provisions of the Directive, and from that moment on, the suspects should be allowed to actively exercise their right to access to the defense lawyer. Of particular importance was also the need to regulate situations where during the collection of information it is found out that there are grounds for suspicion in the perpetration of a criminal offense in relation to a particular person, given that from that moment that person becomes a suspect and acquires all rights that belong to him in accordance with Directive.

Although the Directive does not impose any obligation on the strenght of evidence of the aforementioned examinations, it is essential that any inquiry of the suspect before the police (with or without the defense attorney, provided that the suspect was duly informed and waived this right) should have given the strenght of evidence in the proceedings. Bearing in mind that a part of the violation of the Convention for the Protection of Human Rights and Fundamental Freedoms which, in relation to the conduct of national bodies of the Republic of Croatia, has been established by the European Court of Human Rights, is at the stage of questioning the suspect by the police. In order to ensure respect for the procedural rights of the suspect and preventing possible violations, as an additional guarantee of the police's legality and the strenght of evidence of this investigation during the later proceedings, it is prescribed that a suspect's interview with the police should be recorded with the audio-video recorder. Audio-video recording includes a full examination, including information on rights and, where appropriate, explicit waiver of the rights of a defender.

3.) Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union

In criminal procedural law it was necessary to transpose the provisions relating to the proceeding of confiscation of property gains (confiscation on the basis of a conviction and confiscation without a conviction under Article 4 of the Directive), provisional measures of securing property gains (so-called "freezing of property" under Article 7 of the Directive) and measures to ensure active participation in the proceedings and protection of the rights of defendants and other persons in respect of which provisional measures of securing of the confiscation of the proceeds of crime were imposed ("protective measures" referred to in Article 8 of the Directive). An important change is that legal regulation of the proceeding of the confiscation of the proceeds of crime or of an illegal act is unified in one regulation instead of in three regulations as it has been so far.

4.) Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA

Bearing in mind that it is a Directive that only partially relates to the matter of criminal procedural law, it was necessary, in order to transpose Article 9 of the Directive, to intervene in the catalog of criminal offenses for which it is possible to determine the use of special evidence, in order to include also the criminal offense of making, buying, possession, sale or use of the forging means prescribed by the Criminal Code.

The remaining changes are the result of the need of practice, the removal of ambiguities and alignment with relevant national law. In this regard, the institute of guarantee has been amended in a way that the investigative jail can be revoked and replaced by a guarantee only if it was determined because a person is suspected of having committed a criminal offense at large or if particular circumstances indicate a danger he/she will escape. The position of the Ministry of Justice is that the institute of guarantee, as a measure of ensuring the presence of the defendant in the criminal procedure, should be regulated considerably more restrictive than the earlier legal solution. Therefore, more than one institute of warrants will not be able to replace an investigative jail in cases of dangers of witness influence or destruction of evidence, the likelihood of repetition of criminal acts and the danger of public disturbance (for offenses punishable by long-term imprisonment and the circumstances of the offense are particularly severe). The Constitutional Court has also pointed out the same in its decision U-III-1451/2015.

A police obligation has been introduced to timely (rather than promptly - within 24 hours). notify the state attorney of the undertaken investigations. Namely, the objective is to accelerate the police's action and increase its efficiency, reducing unnecessary administration to the minimum, but maintaining the state attorney's control over the actions that the police conducts in the preliminary proceedings. It is also more clearly prescribed the power of the police to independently take urgent evidentiary actions in such a way that for offenses punishable by imprisonment of more than five years, in case there is a danger of delay and the need to carry out the evidentiary actions, the police would immediately notify the state attorney, except for the carrying out the evidence of temporary seizure of objects and the search.

An institute for expanding the investigation was introduced as well as a simpler concept of prolonging the investigation for the relief of state attorneys from administration during the formal extension of the investigation, and preclusive deadlines for filing the indictment had been extended. Furthermore, the standardized institutes for the withdrawal of the indictment and return of the indictment have been detailed. The underdevelopment of those instruments has so far caused certain doubts in practice. The news is that judicial investigation is introduced at the end of the investigation, at the return of the indictment to the state attorney and at the withdrawal of the indictment.

It is envisaged that the possibility of renewal of the criminal proceedings when the request for renewal was filed on the basis of a final judgment of the European Court of Human Rights finding a violation of the rights and freedoms of the Convention for the Protection of Human Rights and Fundamental Freedoms if the violation of the Convention affected the outcome of the proceedings, and the violation or its consequences can be corrected in the renewed procedure.

It is anticipated that the court of first instance, before submitting the file to the Supreme Court of the Republic of Croatia, response to the request will deliver to the convicted person and his attorney. This intervention was necessary in the light of the views of the Constitutional Court of the Republic of Croatia that, referring to the practice of the European Court of Human Rights, reiterated the perception that violations of the principle of equality of arms and the right to a contradictory procedure exist if the Supreme Court of the Republic of Croatia had not delivered to the defendant a statement of the State Attorney's Office of the Republic of Croatia for response.

7. Enforcement of court decisions The adoption of the Act on Amendments to the Enforcement Act is conditioned by the need to more effectively regulate the blocking of funds on bank accounts in cross-border cases, especially in cases where the creditor wishes to block several accounts located in different Member States, i.e. the need to correct and supplement certain provisions.

As a particularly sensitive issue, there is a need to revise the provisions on enforcement on the immovable property in which the occupier resides and which is necessary for the fulfilment of his/her basic housing needs and of persons he/she is legally required to support, all in order to protect the rights of parties in the proceedings.

It is necessary to further unburden the persons who are legally required to execute the enforcement on salaries and arrange the enforcement proceedings in cases where the value of the subject matter of the dispute does not exceed the sum of HRK 20,000.00 in

order to prevent misuse of the system and to protect the rights of parties to the proceedings more effectively.

The aim of the act:

The Act on Amendments to the Enforcement Act provides for a more effective application of the Regulation (EU) No. 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters (or the EU Regulation on the European Account Preservation Order) by specifying in the national legislation which bodies are competent to act in the area of application of the Regulation, in order to simplify cross-border debt collection in civil and commercial matters and enable efficient and rapid blocking of funds in bank accounts.

8. Mediation and other ADR No foreseen reforms.

9. Fight against crime The described changes to the criminal legislation of the Republic of Croatia are, among other things, directed towards the fight against crime. (see question 208, item 6)

9.1. Prison system No foreseen reforms.

9.2 Child friendly justice By the Amendments to the Criminal Procedure Act, special catalogs of rights for certain categories of victims are prescribed (children of victims of criminal offenses), given the specific position of these categories of victims. The amendments stipulate that the child as a victim of a criminal offense, in addition to all the rights that belong to the victim in accordance with the Criminal Procedure Act (in the first place, rights from the "general" catalog, but also other rights), also has the right to the defender paid by budgetary resources, confidentiality of personal data and exclusion of the public. The right to be accompanied by a person of trust in participating in the acts becomes one of the rights from the "general" catalog. Therefore, by the amendments to the Criminal Procedure Code, to the child victim of criminal offense it is provided the highest level of protection of the rights in criminal proceedings, considering the child is the most vulnerable category of participant of criminal proceedings. Furthermore, by amendments to the Criminal Procedure Act, it is stipulated that the welfare body will always appoint a special guardian to a child when his / her interests are in conflict with parents' interests. This is an additional protection of the interests of the injured party.

Amendments introduce the duty of the police to immediately inform the parent or guardian about the arrest of the child. This amendment is the result of the transposition of Article 5 paragraph 2 of Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty. Specifically, the provision of Directive 2013/48 / EC stipulates that in the case of detention of a child, the holder of parental responsibility should be notified as soon as possible.

9.3. Violence against partners The circle of persons covered by the new Act on Protection from Family Violence is the same as that of family or close family members to which the Criminal Code provides additional protection in case of perpetration of domestic violence offenses (domestic violence offenses, bodily injury, severe bodily injury, especially severe bodily injury, coercion, threats). This definition is in line with the definition of domestic violence in the Istanbul Convention (Article 41, paragraph 3), which refers to "the violence of intimate partners between current or former spouses or partners, and the intergenerational violence commonly occurring between parents and children". Still, when it comes to family violence as a violence of intimate partners, it is exclusively related to the violence between current or former spouses, as well as current or former extramarital partners, living partners or informal life partners. Thus, the provisions of this Act will apply to the relationships between spousal and non-spousal and same-sex partners, both current and former, and on the relationships of persons who, although not in the above categories, have a common child and those who live in a common household. Therefore, more broadly than the Convention's requirement, this Act protects all those partners who are married, who are unmarried or who are same-sex partners, but also persons who are connected by the fact that they have a common child even if they have not been in the status of marital, extramarital or same-sex partners as and those who, although not in this relationship, live in a common household. So, it refers to people who are in some form (formal or informal) of community or where such communities do not exist or have ceased to exist, but because of other circumstances (such as a common child, unresolved property rights after marriage divorce or disengagement of the extramarital community, the fact of coexistence in the same housing facility) are inextricably linked or independent of one's own free will directed towards one another. All other persons will have adequate protection in case of violence according to general regulations.

By the Act on Protection from Domestic Violence, emphasis is placed on the principle of urgency in dealing with domestic violence, which ensures promptness in responding to the knowledge of a possible perpetration of domestic violence, as well as in the taking of procedural and other actions.

Furthermore, it lists the catalogue of rights of victims of domestic violence, which strengthens their procedural position and enables active participation in procedural actions taken by the competent authorities to protect and sanction perpetrators and to prevent their trauma and secondary victimization in the proceedings.

This Act gives to the court the right to impose a protective measure prohibiting the approachment, harassment or stalking of a victim of domestic violence and the removal from the common household, even before the initiation of the misdemeanor proceedings on the victim's proposal or on a proposal of another authorized prosecutor if there is a direct danger to the victim's safety or to the safety of members of his/her family.

10. New information and communication technologies No foreseen reforms.

11. Other The Independent Victim and Witnesses Support Service of the Ministry of Justice has been included in the system of financing NGO projects from public sources for the second time in 2017. By the public call form July 2017 for funding the activities of the partner network of support and assistance organizations for victims and witnesses in counties where there are no victim and witness support departments, funds will be allocated to the network of organizations for the implementation of three-year program activities related to the assistance and support to victims by civil society organizations.

The Ministry of Justice will carry out the necessary activities in the forthcoming period for expanding victim and witness support systems and at the rest of county courts will establish departments for victims and witnesses support and hire new officers.

Implementation of the projects:

1. Project VICATIS is financed through Justice Programme, Action Grants 2016 - Action grants to support transnational projects to enhance the rights of victims of crime. The Croatian Law Centre is the project coordinator, which, together with partners from Croatia - the Ministry of Justice, the Independent Service for Victims and Witnesses Support, and the Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia, is being implemented in two other EU member states. In Hungary

the partner is a Patent Patriarchatust Ellenzog Tarsasag Jogvedo Egyesulet, and in Slovenia, the Peace Institute and the Nonviolent Communication Society.

The main objectives of the project are to improve understanding of how the relevant regulations, procedures and institutional frameworks affect victims of crime by conducting research focusing on victim and victim population, contributing to the improvement of regulations, procedures and institutional frameworks in order to effectively and consistently implement Victims' Rights Directive and to develop tools for better realization of victims' rights to obtaining information and referral to victim support systems.

Project activities will include:

- analysis of the national systems for support to victims of crime in participating countries;
- empirical research by conducting interview on the population of victims of domestic violence. Research areas will include providing information to victim, referring to relevant parts of the system/available support services, co-operation between institutions in providing information and support, and exploring experience and perception of victims;
- making national and comparative reports on the results of the research;
- drawing up and applying a advocacy plan for improving practice (based on research results);
- creating web content and mobile applications for victims - guide for realization of rights and use of support systems;
- making version of Internet/mobile application for persons with disabilities;
- preparation of training modules for relevant groups of experts in the area of support to crime victims (information, referral);
- creating information materials on access to victim support system for citizens of all countries involved in the project
- final conference of the project

The project will be implemented for 18 months and the implementation of project activities started on 1 September 2017.

2. Preparation of the project to be funded through the operational program effective human potentials 2014 - 2020 - tc 11.

Strengthening institutional capacities of public bodies and interested parties and efficient public administration / Priority axis 4. Good governance

Project title: Strengthening and systematic human resource development of the probation system and support systems for victims and witnesses. Project activities will be intended for the victim and witness support system and the probation system, and in the preparation of the project assist the Sector for Probation and Independent Service for Victims and Witnesses.

The general objective of the project is to improve the skills and competences of the officers of probation system and of the victim and witness support system

Specific objectives are:

1. Improve the knowledge and competences of the Officers of the Probation Sector and of the Independent Services for Victims and Witnesses in the Ministry of Justice and Departments for Victim Assistance and Counselling on county Courts through systematic and continuous supervision and education
2. Establishment of the educational centre in Sisak and improvement of the technical conditions for the work of officers of victim and witnesses support
3. Sensitizing and informing the public about the rights and needs of victims of crime and about the system of victim and witness support in the Republic of Croatia.