



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

## Country: Croatia

### National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants

4434508

##### 2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	18977025434
Regional / entity level	2436048306

##### 3) Per capita GDP (in €)

10683

##### 4) Average gross annual salary (in €)

12533

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

7331773

#### Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

1. Mid-year total population estimate of the Republic of Croatia 2008 (30 06 2008)

3. In 2008, GDP per capita stood at EUR 10.682 (Source: CNB Bulletin).

4. To obtain the data in Euro we used the midpoint exchange rate of the Croatian National Bank – average period 2008)

5. Midpoint exchange rate of the kuna against the euro on 1 January 2009 was 7,331773 (Source: Exchange rate list of the Croatian National Bank).

### 1. 2. Budgetary data concerning judicial system

#### 1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

##### 6) Total annual approved budget allocated to all courts (in €)

225955724

##### 7) Please specify

The court's budget according to the sources consists of:

1. Budget of RC 219.959.200 EUR

2. Loan of the World Bank 2.364.864 EUR  
 3. Donations 3.631.659 EUR

**8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned or indicate NA (not available) in case that the information cannot be supplied**

**Please provide comments to explain the data provided under question 8:**

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	147758459
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	13294887
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	32551399
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	5829162
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	13814864
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	1650201
Other (please specify):	<input checked="" type="checkbox"/> Yes	11076752

**Comment :**

- a) 147.758.459 apart from the gross amount for salaries, the retirement and social security benefit tax is included as well.
- b) the mentioned amount comprehends the planned funds of the budget of RC, the loan of the World Bank and the donations intended for the computerization of the judicial bodies. According to the funds planned for computerization of judicial bodies, 90% relate to the courts and 10% to the state state attorneys offices.
- c) 32.551.399 the planned funds include the funds designated for the courts for settling the expenses for the expert witnesses, ex officio attorneys, interpreters, witnesses, postal and telephone services and office stationary.
- d) 5.829.162 the budget for court building includes the expenses for energy, public utilities, rental charges, current and investment maintenance.
- e) the budget for adaptation and reconstruction of court buildings and the plan of funds for courts equipment has been included.
- g) there are included the funds for professional development of the employees (courses and seminars) and the planned funds of the Judicial Academy for the education of the employees of courts and state attorney's offices.
- h) there are included the funds planned for:
- transport of court employees in the amount of 6.060.945 EUR
  - other expenditures ( collective agreement - based payments, annual reimbursements, redundancy payments, jubilee awards etc. in the amount of 3.730.000 EUR)
  - free legal aid for Roma minority in the amount of 78.378 EUR
  - other purposes in the amount of 1.187.429 EUR, which relate to other services (binding land registries, official trips, bank services etc.)

**9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?**

- ☒ Yes  
☐ No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years:

2004 260.205.349 EUR -

2005 271.834.140 EUR 4,46% more

2006 306.825.381 EUR 12,87% more

2007 325.234.485 EUR 5,99% more

2008 355.556.031 EUR 9,32% more

**10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

☐ for criminal cases?

☒ for other than criminal cases?

If yes, are there exceptions? Please specify:

In the proceedings before the courts (litigious, ex-parte, enforcement, inheritance, land registry, criminal according to a private claim, proceedings in administrative disputes, process of registration in the court register, proceeding of bankruptcy and liquidation and in other proceedings prescribed by the Law) the court fees shall be paid pursuant to the Court Fees Act (Official Gazette 74/95, 57/96, 137/02 and 26/03 – consolidated text) and the amount is determined by the Tariff of court fees.

The proceedings commences regardless of the fact whether the party who initiated the proceeding, after being specifically requested by the court, paid in the fees or failed to do so.

The exemption from the payment of court fees is determined by the law according to the decision of the court along with the conditions prescribed by the Act. The exemption from the payment of fees apply to the Republic of Croatia and the bodies of state authority; persons and bodies who are public authorities; employees and workers/civil servants in labor disputes and workers/civil servants in administrative disputes related to the realization of their rights; Croatian Homeland War invalids, spouses, children and parents of the killed, missing and captured in the Homeland War; exiled, refugees and returnees; beneficiaries of social care who receive assistance for their maintenance; humanitarian organizations and organizations for the protection of invalids and families of those killed, missing and captured in performing humanitarian activities; state attorneys in disputes concerning the right to legal maintenance; state attorneys in disputes concerning the recognition of maternity and paternity and on the costs incurred during pregnancy and birth of a natural child (extra-marital child); parties seeking the restitution of legal capacity; minors who need the approval for the acquisition of legal capacity because they have become parents; parties in proceedings for the handing over of a child and for the realization of the decision on meeting and spending time with the child; state attorneys in disputes on the rights derived from the compulsory pension and basic health insurance, on the rights of unemployed persons according to the regulation on employment and rights concerning the social welfare; state attorneys or proposers in proceedings for the protection of the constitutionally guaranteed human rights and freedoms against final individual acts, or for protection of illegal activities; state attorneys in disputes concerning the compensation for the environmental pollution.

With the decision of the court a party may be exempted from the payment of the court fee if, according to his/her financial asset, he/she can not pay the court fees without endangering himself/herself and the members of his/her family.

Source: Civil Law Directorate, MoJ

**11) If yes, please specify the annual income of court fees (or taxes) received by the State (in Euros)**

23785966

**12) Total annual approved budget allocated to the whole justice system (in €)**

**Please provide information concerning the budgetary elements that included in the whole justice system budget:**

. ☒ Amount 355556031

Comment :

Q 11: 23.785.966,57 EUR The amount represents the overall sum of court fees paid in.

Source: Ministry of Finance

Q 12: The total budget allocated to justice for 2008 was 355.556.031 EUR and it related to the Ministry, courts, state attorneys' offices and prisons.

**13) Total annual approved public budget allocated to legal aid (in €)**

**Please provide comments to explain the figure provided under question 13:**

. ☐ Amount

Comment :

Legal aid comprises three different categories: a) representation, b) court expenses, c) court fees.

Courts have at their disposal their own budget that is partly being used for the abovementioned items.

Ministry of Justice temporarily does not have the access to such data.

Out of the Ministry's annual budget for 2008. the amount of 78.378 EUR was allocated for item "Legal aid and the national program for Roma".

**14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):**

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	NA	NA

Comment :

Same as Q 13.

**15) Is the public budget allocated to legal aid included in the court budget ?**

☒ Yes

☐ No

**16) Total annual approved public budget allocated to the public prosecution system (in €)**

**Please provide comments to explain the figure provided under question 16:**

. ☒ Amount 40702227

Comment :

Total annual budget for state attorney's offices consists of:

1. budget of the RC 39.248.164 EUR

2. donations (from abroad) 1.454.063 EUR

Part of the budget for state attorneys that relates to investments in computerization and office supply includes 10% of the total funds planned for judicial bodies (courts and state attorney's offices).

**17) Is the budget allocated to the public prosecution included in the court budget?**

☐ Yes

☒ No

**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	Yes	Yes
Other ministry	Yes	No	No	Yes
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	Yes	No	Yes	No
Inspection body	No	No	No	No
Other	Yes	Yes	Yes	Yes

**19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):**

The Courts propose their courts' budget, but the bodies responsible for the budget are the Ministry of Finance, Government and the Parliament. The President of each court is responsible for the budget allocated to the Court.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

**Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.**

Finances Directorate, Ministry of Justice of the Republic of Croatia

## 2. Access to Justice and to all courts

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes
Other	No	No

#### 21) If other, please specify (in regards to question 20):

Legal Aid in the RoC is stipulated by several Statutes: Criminal Procedure Act, Civil Procedure Act, Courts' Fees Act, Law on Legal Profession and Advocates.

In the criminal proceeding the defendant, pursuant to the Criminal Procedure Act, has the right to have a defense counsel on official duty (ex officio counsel) under the conditions prescribed by this Act - the gravity of the criminal offence regardless of the financial status of the defendant, and in minor criminal offenses' cases if the defendant is a low-income and the court determines he/she may not defend themselves.

The Law on Legal Profession and Advocates (provision of Art.21) establishes that the Croatian Bar Association can appoint an authorized person (attorney pro bono) for socially deprived persons and victims of the Homeland War in legal issues that such persons realize as a matter of rights connected with their position. This form of legal aid relates to representation and legal counselling.

Source: Croatian Bar Association (hereinafter: CBA)

Note: Free Legal Aid Act which came into force on 1 February 2009. envisages legal aid in administrative proceedings and disputes (representation and assistance in drafting documents), legal aid in peaceful out-of-court settlement of disputes, representation before the European Court of Human Rights and international organizations, legal aid for peaceful settlement of disputes before the court.

Source: Free Legal Aid Department, MJ

#### 22) Does legal aid foresee the covering or the exoneration of court fees?

☒ Yes

☐ No

If yes, please specify:

Low-income persons may ask the court to be exempted from payment of taxes, according to the Court Fees Act.

Source: Croatian Bar Association

The order is an administrative act by which the legal aid is approved. It also includes the exemption from payment of taxes and the costs of the proceedings.

Source: Free Legal Aid Department, MJ



**23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?**☒ Yes☐ No**24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):**

	Number
Total	1449
in criminal cases	NA
Other than criminal cases	1449

**Comment :**

According to data delivered by Croatian Bar association (hereinafter: CBA) out of the total number of 1951 applications, 1449 were granted in civil cases.

The provision of Art. 21 of the Law on Legal Profession and Advocates does not foresee free legal aid in criminal cases. These matters are regulated by the Criminal Procedure Act; therefore, according to the provisions of this Act the court shall appoint the defence counsel ex officio. As mentioned in Q 13., the Ministry does not have such data at its disposal.

Source: CBA

**25) In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?**☒ Yes☐ No**26) Does your country have an income and asset test for granting legal aid:**

	Yes	Amount in €
for criminal cases		
for other than criminal cases?	Yes	358

**Comment :**

The provision of Art. 21 of the Law on Legal Profession and Advocates obliges the bar association to appoint an attorney pro bono for the socially deprived persons in legal matters connected with their financial status. The Act does not regulate the financial limit; therefore, the Administrative Committee of the Croatian Bar Association has determined the financial limit in the amount of the minimum salary in the RC (approx. 385 EUR). Source: CBA

Note: The free Legal Aid Act (in force as of February 2009) determines the financial limit and the verification of the financial assets for non-criminal cases. The financial limit is determined according to the lowest monthly base for calculating and paying contributions for obligatory insurances which the Ministry of Finance establishes, every year, with the Order on the amount for calculating contributions for obligatory insurances (in 2009. the figure amounted in approx. 358 EUR)

The Act establishes that the average monthly income of the member of the household who files the

request shall not exceed the lowest monthly base, as well as the value of the total financial asset shall not exceed the amount of twenty lowest monthly bases. (Source: Free Legal Aid Department, MJ)

**27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?**

☒ Yes

☐ No

Please provide comments to explain the answer under question 27:

No, the court in general may decide on exemption of payment of court fees according to the social status of the party.

Attorneys' Code of Ethics obliges the attorney to reject the representation if he/she assesses that the request of the party is not well founded. Source: CBA

According to the Free Legal Aid Act (2009) the request for the approval of legal aid shall be rejected if it does not relate to existential issues, especially if the applicant requests the approval of free legal aid for wanton conduct of civil proceedings.  
(Source: Free Legal Aid Department, MJ)

**28) If yes, is the decision for granting or refusing legal aid taken by:**

☐ the court?

☒ an authority external to the court?

☐ a mixed decision-making authority (court and external)?

**29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?**

☒ Yes

☐ No

Please specify:

The New Insurance Act came into force in 2006 and it envisages the private system of legal expense insurance that enables individuals to finance court proceedings.

**30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:**

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	Yes
other than criminal cases?	Yes

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

In each individual case the court renders a judgement by which it decides of legal costs.

**Please indicate the sources for answering the questions 24 and 26**

Croatian Bar Association.

**2. 2. Users of the courts and victims****2. 2. 1. Rights of the users and victims****31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:**

☐ legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): ☒ Yes

Internet address(es):  
www.nn.hr (Official site of the Official Gazette of the Republic of Croatia, containing legislation currently in force);  
www.pravosudje.hr (official site of the Ministry of justice)

☐ case-law of the higher court/s? Internet address(es): ☒ Yes

Internet address(es):  
www.vsrh.hr (official site of the Supreme Court of the Republic of Croatia);  
www.usud.hr (official site of the Constitutional Court of the Republic of Croatia);  
www.vtsrh.hr (official site of the High Commercial Court)

☐ other documents (for examples forms)? Internet address(es): ☒ Yes

Internet address(es):  
www.odvj-komora.hr (the Croatian Bar Association);  
http://sudreg.pravosudje.hr (on-line Company Register of the Republic of Croatia at the Commercial Courts);  
www.uhs.hr (official site of the Croatian Association of Judges);  
www.hjk.hr (official site of the Notary Public Chamber);  
www.hgk.hr (official site of the Croatian Chamber of Economy);  
www.pravo.hr (official site of the Faculty of Law)

As of September 2009., on the official web site of the Ministry of Justice www.pravosudje.hr there is a link named "Victims of criminal offences – whom to contact for advices and assistance?". On the link there is a list of courts where have been established the Offices for support to witnesses and

victims as well as documents related to the implementation of the project "Assistance in the development of the system for support to witnesses and victims in the RC" which implemented the United Nations Development Program (UNDP) in the Republic of Croatia and the Ministry of Justice of the Republic of Croatia.

It contains all the information required by the witnesses and/or victims on the Offices for support to witnesses and victims as well as the answers to frequent questions of witnesses and/or victims. In this way the public will be informed on the existing organizations and forms of assistance or rights of the witnesses and/or victims

**32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?**

- ☐ Yes  
☒ No

If yes, please specify:

**33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?**

- ☒ Yes  
☐ No

If yes, please specify:

Offices for support to witnesses and victims has been established to the County Court in Zadar, County Court in Vukovar, County Court in Osijek, County Court in Zagreb and to the Municipal Criminal Court in Zagreb have been established.

The tasks of the Office for support to witnesses and victims are to provide witnesses and victims with psychological support before, during and after the legal proceeding, provide them and the members of their families with practical information.

Therefore, the witnesses and/or victims of the criminal offences may, through the competent Office for support to witnesses and victims established to the courts, be provided with charge-free information (information on the rights of witnesses/victims, ongoing trial or any other information they require)

The tasks of the Office for support to witnesses and victims are to provide witnesses and victims with emotional support before, during and after the legal proceeding, provide them and the members of their families with practical information.

Therefore, the witnesses and/or victims of the criminal offences may, through the competent Office for support to witnesses and victims established to the courts, be provided with charge-free information (information on the rights of witnesses/victims, ongoing trial or any other information they require)

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

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	No	No	Yes	No
Victims of terrorism	No	No	No	No
Children/Witnesses/Victims	Yes	Yes	Yes	No
Victims of domestic violence	No	No	No	Yes
Ethnic minorities	Yes	Yes	Yes	No
Disabled persons	No	Yes	Yes	No
Juvenile offenders	Yes	Yes	Yes	No
Other	No	No	No	No

**Comment :**

The Criminal Procedure Act often refers to procedural rights related to minors, persons with disabilities and victims of criminal offences. According to the provisions of the Criminal Procedure Act and the Civil Procedure Code, the national minorities may use their mother tongue.

**Article 249**

(1) If it is likely that by giving a testimony or by answering any individual question, a witness might expose himself or any other person close to himself to a serious danger to life, health, physical integrity, freedom or property of considerable volume (witness in danger), the witness is entitled to refuse to disclose information referred to in Article 248 paragraph 2 of this Act, to refuse to answer to individual questions or to refuse to testify at all until witness protection measures have been provided.

(2) Witness protection includes a special manner of questioning a witness and of his participation in the proceedings as well as measures for protecting the witness and other persons close to the witness not participating in the proceedings.

Children damaged by a criminal offence shall be examined in a special manner according to the Law on Courts and the Criminal Procedure Act. A minor damaged by a criminal offence shall be summoned and examined in a special manner and is entitled to special procedural rights (mandatory defense).

According to the Criminal Procedure Act, the persons with disabilities shall be examined in a special manner if they cannot appear upon the summons.

Ethnic minorities do not have special rights to use their language during the proceeding and the right to have an interpreter in those local and regional self-governments, where the official language of the national minorities is in use.

**35) Does your country have a compensation procedure for victims of crimes?**

☒ Yes

☐ No

**36) If yes, does this compensation procedure consist in:**

☒ a public fund?

☒ a court decision?

☐ a private fund?

If yes, which kind of cases does this procedure concern?

In July 2008 the Act on Monetary Compensation for Victims of Criminal Offences was adopted, and it was published in the Official Gazette number 80/08. The Act shall come into force on the day of the accession of the Republic of Croatia to the European Union. The Act regulates the right to monetary compensation for victims of intentional crimes of violence, the prerequisites and procedure for exercising the right to compensation, the bodies that render decisions and participate in the procedure for granting this right, and it also specifies the bodies and the procedure used in cross-border cases.

**37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?**

☐ Yes

☒ No

If yes, please specify:

**38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?**

☐ Yes

☒ No

If yes, please specify:

Note: According to the new Criminal Procedure Act the state attorney has specific obligations to inform the victims on their rights, he/she shall protect the interests of the victims and make sure his/her rights are respected during the proceeding.

Source: State Attorney's Office of the Republic of Croatia

**39) Do victims of crimes have the right to contest to a decision of the public prosecution to discontinue a case?**

☒ Yes

☐ No

If yes, please specify:

The victim of the criminal offence has the right, when the state attorney dismisses the crime report or decides to suspend the proceeding, to take over the criminal prosecution and he/she has the same rights as the state attorney in the proceeding before the court.  
Source: State Attorney's Office of the Republic of Croatia

## 2. 2. 2. Confidence of citizens in their justice system

### 40) Is there a system for compensating users in the following circumstances:

- ☒ excessive length of proceedings?
- ☐ non execution of court decisions?
- ☒ wrongful arrest?
- ☒ wrongful condemnation?

If yes, please specify (fund, daily tariff):

For illegal arrest and sentence the daily tariff depends on the duration of the illegal detention; therefore, for the illegal detention of the duration of 30 days the tariff is of 200 HRK per day, over 30 up to 90 days it is of 160 HRK per day and over 90 days it is of 120 HRK per day.

Source: Organization and Personnel Directorate, MoJ

### 41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction (with the services delivered by the judiciary system)?

- ☐ (Satisfaction) surveys aimed at judges
- ☐ (Satisfaction) surveys aimed at court staff
- ☐ (Satisfaction) surveys aimed at public prosecutors
- ☐ (Satisfaction) surveys aimed at lawyers
- ☐ (Satisfaction) surveys aimed at citizens (visitors of the court)
- ☐ (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

No survey conducted on behalf of State authorities, but there have been different surveys conducted by NGOs, TRANSPARENCY INTERNATIONAL, GULLOP etc.

### 42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	No	No
Surveys at court level	No	No

### 43) Is there a national or local procedure for making complaints about the functioning (for example the treatment of a case by a judge or the duration of a proceeding) of the judicial system?

- ☒ Yes
- ☐ No

**44) If yes, please specify:**

**Please give elements of information concerning the efficiency of this complaint procedure:**

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	Yes	No
Higher court	Yes	No
Ministry of Justice	Yes	Yes
High Council of the Judiciary	Yes	No
Other external organisations (e.g. Ombudsman)	No	No

**Comment :**

The Courts' Act: Complaints may be filed only if they concern lengthy court proceedings and inappropriate conduct of the judge or court employee towards the parties in the proceeding. The Ministry of Justice annually receives about 12000 complaints and applications of citizens on the work of judicial bodies, and the largest number of them relates to courts. The Act does not prescribe the deadline within which the competent body shall resolve the complaint.

Source: Organization and Personnel Directorate, MoJ



### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.**

	Total number
First instance courts of general jurisdiction	67
Specialised first instance Courts (legal entities)	123
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	190

**46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):**

According to the areas of specialization there are commercial and misdemeanour courts and the Administrative Court of the RC. On 31 December 2008 there were 13 commercial courts, 21 county court and 110 misdemeanour courts, as well as the High Misdemeanour Court, High Commercial Court, Administrative Court and the Supreme Court.

Source: Organization and Personnel Directorate, MoJ

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

☒ Yes

☐ No

If yes, please specify:

From 1 January 2010 the number of misdemeanor courts shall be decreased from 110 to 63.

Source: Organization and Personnel Directorate, MJ

**48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):**

	Number
a debt collection for small claims	80
a dismissal	67
a robbery	88

**Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):**

De minimis is a claim which does not exceed 10000 HRK.

Source: Organization and Personnel Directorate, MoJ

**Please indicate the sources for answering the questions 45 and 48:**

Source: Organization and Personnel Directorate, MoJ

**3. 1. 2. Judges, courts staff****49) Number of professional judges sitting in courts****(please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)****Please provide comments to explain the answer under question 49:**

Number

 .

1883

Comment :

On 31 December 2008 in all courts 1883 judges were filling out a post of a judge, but a full-time equivalent of judges actually working on the resolution of judicial cases was 1785 (a discrepancy arising out of number of judges at pregnancy leaves, training leaves etc.): 868 of them at municipal courts, 379 at county courts, 28 at the High Commercial Court of the RC, 32 at the Administrative Court of the RC, 38 at the Supreme Court of the RC and 424 at misdemeanour courts and at the High Misdemeanour Court of the RC. However, taking into account the actual presence of judges at work and the fact that judges do not perform only tasks connected with court proceedings but also tasks connected with the court administration, tasks of the head of the department, and that some of them are temporarily assigned to work at the Ministry of Justice, the actual number of judges who resolve judicial cases is significantly lower than the mentioned number.

Source: Organization and Personnel Directorate, MJ

**50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

	Number
gross figure	N/A
if possible, in full time equivalent	

**51) Please provide comments to explain the answer under question 50:**

The Croatian legal system does not know of the category of temporarily employed judges in courts.

Source: Organization and Personnel Directorate, MoJ

**52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).****Please provide comments to explain the answer under question 52:**

	Yes	Number
Do you have non-professional judges?	N/A	

Comment :

The Croatian legal system does not know of the category of non-professional judges.

Source: Organization and Personnel Directorate, MoJ

**53) Does your judicial system include trial by jury with the participation of citizens?**☒ Yes☐ No

If yes, for which type of case(s)?

In all courts except administrative court and supreme court.

**54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?**

4776

**55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.****Please provide comments to explain the answer under question 55:**Number  6822

Comment :

At courts there are 6822 employees, who can be classified as non-judicial staff. This number includes 6092 employees who work as the judicial affairs adviser (561), professional (expert) associates, a court bailiff, the authorised land officer (227), court clerk, court register staff, head of internal organizational units in the courts, for the material and financial affairs, IT jobs, jobs execution of criminal sanctions, etc.(2905) and 730 court employees who work on the technical and support activities such as building maintenance, delivery, cleaning, etc. Source: Organization and Personnel Directorate, MJ

**56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).**

- |   |   |      |
|---|---|------|
| - non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal  | <input checked="" type="checkbox"/> Yes | 227  |
| - non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars   | <input checked="" type="checkbox"/> Yes | 5515 |
| - staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) | <input checked="" type="checkbox"/> Yes | 350  |
| - technical staff   | <input checked="" type="checkbox"/> Yes | 730  |

Comment :

Out of the total number of judicial officers, 227 of them are deployed at the workplace as authorized land officer and who are authorized to independently conduct and adjudication regarding land – registry matters, against which the parties have the right to appeal and the judge decides. In addition, there are 350 officers at the court, who are deployed to work in the office of President of the Court, at material financial affairs and IT jobs and operations. Besides that, some of the tasks in the office of the

president are being done during working time, by the employees who perform other tasks assigned by the court. The remaining number of 5515 employees refers to all other officers in the courts, including judicial advisers (561: 77 at misdemeanour courts, all other at other courts), professional associates, the court bailiff, the land book referents, court clerks (2399), administrative referents, clerks who keep records of the received requests, officers in the court, ect.

**57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:**

Authorized land officers as judicial officers who are authorized to resolve independently land cases.

Source: Organization and Personnel Directorate, MJ

**3. 1. 3. Prosecutors**

**58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**

Number  . 570

Comment :

There is 1 General State Attorney and 1 Head of Office for Supression of Corruption and Organised Crime( as a special State Attorney's department, at all levels (state, county and municipal) there are 349 deputies dealing with criminal proceedings, 152 dealing with civil proceedings, there are 16 County State Attorneys and 51 Municipal State Attorneys. 6 deputy State Attorneys in 2008 were temporarily allocated to the Ministry of Justice.

**59) Do any other persons have similar duties as public prosecutors?**

☐ Yes

☒ No

If yes, please specify:

**60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**

**Please provide comments to explain the answer under question 60:**

Number  . 894

Comment :

Out of the stated number:

110 are advisors, persons with the Bar examination passed having certain jurisdictions in the process, 63 are trainees, persons holding a Law degree and preparing themselves for the Bar examination, The rest of 721 are clerks, IT persons and other auxiliary personnel.

**3. 1. 4. Court budget and new technologies**

**61) Who is entrusted with the individual court budget?**

---

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other	Yes	Yes	Yes	No

**62) You can indicate below:**

- any useful comments for interpreting the data mentioned above
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process in the court

**63) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Word processing	Yes	No	No	No
Electronic data base of jurisprudence	No	Yes	No	No
Electronic files	No	No	Yes	No
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

**64) For administration and management, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	No	Yes	No	No
Court management information system	No	Yes	No	No
Financial information system	Yes	No	No	No

**65) For the communication between the court and the parties, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	No	No	Yes	No
Special Website	No	Yes	No	No
Other electronic communication facilities	No	No	Yes	No

**66) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

☒ Yes

☐ No

If yes, please specify the name and the address of this institution:

1. Ministry of Justice, Dežmanova 6-10, Zagreb,
2. Supreme Court of the RoC

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

63.: All courts are equipped with IT equipment, and have installed MS Office which includes Word for word processing.

Supreme Court since December 2003. publishes texts anonimised court judgments of the Supreme Court and other courts throughout the system, "Supra" on the Internet creating transparency in the work of courts and increase their efficiency. Currently project "New Supra" in progress which is conducted within the project Phare 2006, a goal is to improve the system "Supra" and expand the system to all courts.

At the Municipal Court in Pula, the District Criminal Court in Zagreb, the Municipal Civil Court in Zagreb, Commercial Court in Split, the Commercial Court in Zagreb County Court in Zagreb, Pula County Court, High Commercial Court and the Supreme Court has implemented a ICMS system that allows keeping records in electronic form.

Electronic document is fully in use in the system through the company e-notaries who create electronic application, signed by the advanced electronic signature and electronically through the application submitted to the competent commercial court, where further processing of cases is also done electronically.

Close to 40% of the courts through HitroNet network connected to a unique information system of justice, and they mentioned the system, among other things enabled and access to the Internet and use e-mail. The above system is centralized, and systematically maintained and monitored. Other courts are in the process of preparing to merge into a single system, and currently are using a DSL-connected to the Internet.

64.: At the Municipal Court in Pula, the Municipal Criminal Court in Zagreb, the municipal civil court in Zagreb, Commercial Court in Split, the Commercial Court in Zagreb, the Zagreb County Court, County Court in Pula, the High Commercial Court and the Supreme Court of the Republic of Croatia the ICMS system is implemented and through it registers are being run.

Expansion of the system is planned, for another 60 courts, in the 2010 th. Other municipal courts are running their registers through the application "E-Statistics," but misdemeanor courts run through the application "misdemeanor register".

The above-mentioned registers and ICMS system generated information and reports that serve to high courts and the ministry in order to better control the courts and making executive decisions.

In all courts system is implemented "E-file" through which the cable financial and material operations of the Tribunal.

65.: Project sudovi.pravosudje.hr all courts are allowed the creation of web pages in the central place in the Ministry of Justice. The design is predefined, but courts create content for themselves. Besides the above mentioned informations, that can also be found on the web sites, access is allowed to bulletin boards through the courts web site <http://e-oglasna.pravosudje.hr/>. On the mantioned web pages and on the website of the Ministry of Justice users are enabled to download forms.

## 3. 2. Monitoring and evaluation

### 3. 2. 1. Monitoring and evaluation

**67) Are the courts required to prepare an annual activity report?**

- ☒ Yes  
☐ No

**68) Do you have a regular monitoring system of court activities concerning the**

- ☒ number of incoming cases?  
☒ number of decisions?  
☐ number of postponed cases?  
☒ length of proceedings (timeframes)?  
☐ other?

Please specify:

President of each court monitors the judges' performances (prescribed number of decisions) and submits the data on that to the Ministry of Justice, municipal court submit their data directly to the Ministry, by means of e-Statistics application.

Source: Ministry of Justice

**69) Do you have a regular system to evaluate the performance of each court?**

- ☒ Yes  
☐ No

Please specify:

**70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?**

- ☒ Yes  
☐ No

**71) Please select the 4 main performance and quality indicators that is used for a proper functioning of courts:**

- ☒ incoming cases  
☒ length of proceedings (timeframes)  
☒ closed cases  
☒ pending cases and backlogs  
☐ productivity of judges and court staff  
☐ percentage of cases that are treated by a single sitting judge  
☐ enforcement of penal decisions  
☐ satisfaction of employees of the courts  
☐ satisfaction of clients (regarding the services delivered by the courts)  
☐ judicial quality and organisational quality of the courts

☐ costs of the judicial procedures

☐ other:

Please specify:

**72) Are there performance targets defined for individual judges (if no go to question 74) ?**

☒ Yes

☐ No

**73) Please specify who is responsible for setting the targets:**

☒ executive power (for example the ministry of Justice)?

☐ legislative power

☒ judicial power (for example a High Judicial Council or a Higher Court

☐ other

If other, please specify:

Goals for particular judge's efficiency are defined by Framework measures for the work of judges enforced by the Minister of Justice at proposal of General Assembly of the Supreme Court.

**74) Are there performance targets defined at the level of the courts (if no go to question 77)?**

☒ Yes

☐ No

**75) Please specify who is responsible for setting the targets:**

☒ executive power (for example the ministry of Justice)?

☐ legislative power

☒ judicial power (for example a High Judicial Council or a Higher Court)

☐ other

If other, please specify:

**76) Please specify the main targets applied**

Main goal is the efficiency of the courts aiming at decreasing the backlog, especially of the old cases (older than 3 years), as well as the shortening of court procedures.

**77) Which authority is responsible for the evaluation of the performances of the courts:**

☐ High Council of judiciary



- ☒ Ministry of justice
- ☒ inspection authority
- ☒ Supreme Court
- ☐ external audit body
- ☐ other

If other, Please specify:

**78) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?**

- ☒ Yes
- ☐ No

If yes, please specify:

Quality standards (policy of organisational quality or judges' quality) are defined by said Framework measures and the quality of judges' work is measured by Methodology of evaluating of judges which are put in place by all presidents of judges's councils, the body which is presided by the president of the judges' council of the Supreme Court of the RoC.

Courts of second instance in 2008 have reached reversal decisions as follows:

County court in RC: in civil proceedings 14463 (20,6%); enforcement proceedings 3717 (19,3%); criminal proceedings 2433 (23%)

High Commercial Court: 2620 (32,4%)

High Misdemeanor Court: 4620 (6,3%)

Supreme Court of RC: civil proceedings 9 (32,1%), criminal proceedings 400 (16,1%)

Source: The Supreme Court of the RoC

**79) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?**

- ☒ Yes
- ☐ No

**80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:**

- ☒ civil cases?
- ☒ criminal cases?
- ☒ administrative cases?

**81) Do you have a way of analysing waiting time during court procedures?**

- ☒ Yes
- ☐ No

If yes, please specify:



Q 79: Implementation of quality policy and quality system of justice are entrusted to the presidents of courts, sessions judges in particular cases the quality control performed by the judges of higher courts on the basis of procedural law, the Law on Courts and Courts Rulebook.

Judges are appraised by the Judges' council when upgraded to a higher court, for permanent appointment or for appointment as president of a court.

According to the Courts Act for each previous calendar year presidents of the courts determine the performance of judicial duties of each judge, which, besides acting on the basis of Framework standards for judges, includes the types of decisions made on appeal (confirmed, revoked or altered in the first instance, decision in absolute numbers and in relation to the total number of decisions, especially the number of decision terminated because of significant violations of the proceedings).

Q 80. Yes. Monitoring and detection of cases that are not completed within a reasonable time period shall be determined by regular, mandatory statistical reports on the work of judges and court, also in courts records there are sections in which the duration of the process is registered.

Statistics of cases, older than three years, is especially being monitored.

Article 77 of Courts' Act

The President of the court in which a judge performs his judicial duty shall determine for the previous calendar year:

1. whether the judge issued the requisite number of decisions as set down in the framework standards for judicial work, where the output shall be determined according to types of cases, in absolute figures and percentages, and justified reasons given if a judge failed to meet the requisite number of decisions based on the framework standards for judicial work
2. whether the judge complied with the deadlines for reaching and issuing decisions
3. what was the outcome of appellate proceedings (confirmed, repealed or amended decisions), in absolute figures and in relation to the total number of issued decisions, and how many decisions were repealed due to a fundamental error in procedure,
4. whether the judge participated in training at the Judicial Academy or post-graduate studies, in which ones in particular and in which way, as a participant or as a lecturer/trainer, whether he/she published scientific and professional articles or was engaged as a lecturer or associate lecturer at faculties of law, and whether he/she participated in the working bodies for preparation of draft legislation, and whether he/she was referred to work at a higher instance court within the meaning of Articles 103 and 104 of this Act. In such cases, the judge shall be obliged to submit a written report to the president of the court on the type and duration of such activities, at the latest by December 31 of each calendar year,
7. other activities and procedures enabling a comprehensive insight into the manner in which a judge fulfils his/her obligations.

Article 27. of Courts' Act

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

within reasonable time.

(2) If the application refers to an ongoing procedure before the High Commercial Court of the Republic of Croatia, High Misdemeanour Court of the Republic of Croatia or the Administrative Court of the Republic of Croatia, it shall be decided by the Supreme Court of the Republic of Croatia.

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

#### Article 28

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

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

(3) The decision on the application for protection of the right to trial within reasonable time can be appealed to the Supreme Court of the Republic of Croatia within 15 8 days. The decision of the Supreme Court of the Republic of Croatia cannot be appealed, but a constitutional

complaint can be filed.

Source: Supreme Court

Q 81. The duration of court proceedings is analyzed according to data from the register and reports that the presidents of the lower courts provide to higher courts and to the Supreme Court.

The waiting period during court procedures is analyzed in cases of protection of the right to trial within a reasonable time. Statistics of individual performance of judge allows also the effective monitoring of the duration of court proceedings. Courts Rulebook envisages the possibility of re-assigning cases to another judge or another council of the same court, if there is no possibility of completing the proceeding within a reasonable time or for other justified reason.

### **82) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?**

☒ Yes

☐ No

Please specify (including an indication of the frequency of the evaluation):

Supreme Court and appellate courts adopt annual plans on review of lower courts which include control of the quality and quantity monitoring of specific procedures and judges's performance, as well as duration of the proceedings. By such monitoring deficiencies or exceeding of reasonable trial period are observed and instructions to remove the deficiencies provided. The courts are obliged to submit reports on treatment by the established shortcomings.

Source: the Supreme Court

**83) Is there a system for monitoring and evaluating the functioning of the prosecution services?**

☒ Yes

☐ No

If yes, please specify:

State Attorney's Office has developed a system of monitoring work and it's evaluation. State attorneys and deputies are evaluated based on given criteria (working on cases, quality of work, the success of the procedure, the adoption of new knowledge through education, etc.)

**You can indicate below:**

☐ **any useful comments for interpreting the data mentioned in this chapter**

☐ **the characteristics of your court monitoring and evaluation system**

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**84) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).**

NA

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

☒ Yes

☐ No

If possible, number of successful challenges (in a year):

**86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	3	7	8	0
Civil proceedings - Article 6§1 (non-execution)	0	0	1	0
Criminal proceedings - Article 6§1 (duration)	0	0	0	0

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**87) Are there specific procedures for urgent matters as regards:**

☒ civil cases?

☒ criminal cases?

☒ administrative cases?

Please specify:

Procedural laws stipulate which court cases or issues are urgent.

Code of Civil Procedure, as emergency procedures prescribes labor disputes and disputes trespassing. Labor Law, as emergency procedures determines procedures related to the strikes. Enforcement Act also includes the provision on urgency.

Law on Criminal Procedure defines as urgent: investigative actions ( the investigation itself is defined as urgent by the legal timeframes within which the action is to be performed). In proceedings before the court of first instance and second instance urgent are cases to do with detention.

The Administrative Court of Croatian as emergency procedures has:

- procedures for the dissolution of the city council
- procedures to termination of the civil service / employment
- procedures for the right of access to information
- procedures for the status of parent caregiver

Source: Supreme Court and Administrative Court

### 88) Are there simplified procedures for:

- ☒ civil cases (small claims)?
- ☒ criminal cases (petty offences)?
- ☐ administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

Simplified procedures before court exist in civil and criminal cases. Procedural laws define specific procedures where certain provisions are simplified in relation parties' conduct, evidentiary actions or deadlines. Code of Civil Procedure, as simplified procedures prescribes de minimis procedures, payments orders, as well as in certain enforcement procedures according to Enforcement Act. In the Criminal procedure that is the procedure on the issuance of a criminal warrant as well as the judicial admonition.

Source: Supreme Court

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

- ☐ Yes
- ☒ No

If yes, please specify:

Courts and lawyers have not the possibility to conclude agreements on the modalities of the processing of cases. Timelimits for actions and the manner in which the action is conducted are stipulated by procedural and substantive laws.

## 4. 2. 2. Penal, civil and administrative law cases

### 90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil,	503595	1104436	1136502	471529

commercial and administrative law cases (litigious and non litigious)*				
1 Civil (and commercial) litigious cases*	202853	140283	145069	198067
2 Civil (and commercial) non-litigious cases*	24765	230297	230245	24817
3 Enforcement cases	114060	177083	185494	105649
4 Land registry cases**	122501	542534	559912	105123
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	38420	13298	14847	36871
7 Other	996	941	935	1002
Total criminal cases (8+9)	298005	365311	400684	262632
8 Criminal cases (severe criminal offences)	38012	41012	43438	35586
9 Misdemeanour and / or minor offences cases	259993	324299	357246	227046

**91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):**

In the category of civil and commercial litigious cases, there are included the litigious cases at the municipal and commercial courts / commercial disputes / and cases of payment orders initiated by these courts. In the category of civil and commercial non-litigious cases there are included non-litigious cases at the municipal and commercial courts (commercial register are excluded as those are not recorded at the Ministry of Justice) as well as the cases related to inheritance. The administrative cases include the cases of the administrative court as a consequence of administrative suits, cases of request for protection of the constitutionally guaranteed rights and freedoms of men and citizens / quasi administrative proceedings / and cases related to the request of renewal of administrative proceedings. The criminal cases include criminal first-instance cases at the municipal and county courts as well as the cases of court panels at these courts.

**92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).**

**\* Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**\*\* if applicable**

**Please check the consistency of data as mentioned under question 91.**

**Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	56869	81089	78372	59595
1 Civil (and commercial) litigious cases*	56869	81098	78372	59595
2 Civil (and	1082	2970	3230	825



commercial) non-litigious cases*				
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	NA	NA	NA	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	104446	62002	80895	81889
8 Criminal cases (Severe criminal offences)	5523	9394	9459	1794
9 Misdemeanour and/or minor offences cases	98923	52608	71436	80095

Comment :

**93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**\* Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**\*\* if applicable**

**Please check the consistency of data as mentioned under question 88.**

**Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	997	2672	1958	1711
1 Civil (and commercial) litigious cases*	980	2625	1929	1676
2 Civil (and commercial) non-litigious cases*	NA	NA	NA	NA
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	17	47	29	35
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	291	999	1082	209
8 Criminal cases (severe criminal offences)	291	999	1082	209
9 Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

In the tables are entered data on cases that are being led at the Supreme Court as the highest court. The category of civil litigation cases includes data for civil cases in stage II competence of the Supreme Court, and information about cases of the extraordinary remedies (request for protection of legality and audit).

The category of administrative and legal cases includes data on subjects for protection of legality in administrative disputes, and the category of criminal cases includes data on third instance criminal cases, as well cases in this court that are being led for extraordinary remedies (protection laws, demand for extraordinary mitigation of the sentence, the request for extraordinary review of a final verdict)

**94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	NA	NA	NA	NA
Employment dismissal cases*	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA

**95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 92:**

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	NA	NA	NA	NA	NA
Employment dismissal cases*	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA

Comment :

**96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:**

NA

**97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.**

From the day the lawsuit is filed until the day the decision becomes final.

**98) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):**

- ☒ to conduct or supervise police investigation
- ☒ to conduct investigation
- ☒ when necessary, to demand investigation measures from the judge
- ☒ to charge

- ☒ to present the case in the court
- ☒ to propose a sentence to the judge
- ☒ to appeal
- ☐ to supervise enforcement procedure
- ☒ to end the case by dropping it without the need for a judicial decision
- ☐ to end the case by imposing or negotiating a penalty without a judicial decision
- ☒ other significant powers

Please specify:

When it concerns minor criminal offences, the state attorney may, with the consent of the suspect person, define an obligation (compensation, apology to the damaged party, visiting therapeutic sessions etc.). If he/she performs the mentioned obligation the criminal charges are dismissed (discontinuance of proceeding).

**99) Does the prosecutor also have a role in civil and/or administrative cases?**

- ☒ Yes
- ☐ No

Please specify:

State attorney represents the State, Ministries and other government bodies in civil proceedings before the court.

Izvor: State Attorney's Office

**100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:**

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	85069	28666	16757	3058	0	28838

Comment :

Data given for 2008 are based on the statistical monitoring of Croatian State Attorney's Office.

Data are given by the number of people who have reported or the number of reported offenses if the offender is unknown.

The total number of first-instance criminal cases includes serious traffic offenses with the consequences of death or serious bodily injury.

**You can indicate below:**

- ☐ any useful comments for interpreting the data mentioned in this chapter
- ☐ the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

In 2008 the new Criminal Procedure Act was adopted, according to which the state attorney

conducts the investigation. The Law entered into force in relation to the category of serious criminal offences and organized crime on 1 July 2009. According to the new provisions the proceeding will be conducted in a quicker manner.

**Please indicate the sources for answering the questions 90 to 95 and 100:**

For the question 97th the source are the statistics of Croatian State Attorney's Office for 2008.

## 5. Career of judges and prosecutors

### 5. 1. Appointment and training

#### 5. 1. 1. Recruitment, nomination and promotion

##### 101) How are judges recruited?

- ☐ Through a competitive exam (for instance after a law degree)?
- ☐ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- ☒ A combination of both
- ☐ Other

Other, please specify:

Source: State Judicial Council

##### 102) Are judges initially/at the beginning of their carrier recruited and nominated by:

- ☐ An authority composed of judges only?
- ☐ An authority composed of non-judges only?
- ☒ An authority composed of judges and non-judges?

##### 103) Is the same authority competent for the promotion of judges?

- ☒ Yes
- ☐ No

If no, please specify which authority is competent for the promotion of judges:

Source: State Judicial Council

##### 104) Which procedures and criteria are used for promoting judges? Please specify.

Article 74 of the Courts Act

(1) Eligible for appointment as a judge at a misdemeanour and municipal court shall be persons who

after passing the bar examination have a minimum of two years of professional experience as adviser in court or other judiciary body, i.e. who practiced law as attorney, notary public, assessor

or university professor or associate in the field of law for a minimum of two years.

(2) Eligible for appointment as a judge at a misdemeanour and municipal court shall also be persons

with a minimum of four years of professional experience in other legal professions after the bar examination. Traineeship in court, state attorney's office, office of a public notary or an attorney (law firm) after passing the bar examination shall be considered professional experience in other legal professions.

(3) Eligible for appointment as a judge at a commercial court shall be persons who have a minimum

of four years of professional experience as a judicial official, i.e. as advisor in court or other judiciary body, attorney, public notary, assessor, professor of law or associate in the field of law, and persons with a minimum of six years of professional experience in other legal professions after

passing the bar examination.

(4) Eligible for appointment as a judge at a county court, the High Misdemeanour Court of the

Republic of Croatia and the Administrative Court of the Republic of Croatia shall be persons with a minimum of 8 years of professional experience as a judicial official, or persons with a minimum of 12 years of professional experience after the bar examination as a court advisor, attorney-at-law, notary public, assessor or professor of law, i.e. assistant professor of law, or persons with a minimum of 12 years of professional experience in other legal professions after passing the bar examination.

(5) Eligible for appointment as a judge at the Supreme Court of the Republic of Croatia shall be persons with a minimum of 15 years of professional experience as a judicial official or as attorney-

at-law or notary public with the same number of years of professional experience.

(6) Eligible for appointment as a judge of the Supreme Court of the Republic of Croatia are university professors of law with a bar examination and a minimum of 15 years of professional experience.

(7) Representation of judges members of national minorities shall be taken into consideration in appointment of judges, in accordance with the provisions of Article 22 paragraph 2 of the Constitutional Law on the Rights of Minorities (Official Gazette 155/02).

(8) Members of national minorities who apply for an announced vacant position of a judge shall have the right to invoke the rights pertaining to them in accordance with the Constitutional Law on

the Rights of National Minorities.

Article 75 of the Courts Act

In order to be appointed as judge of a court of higher instance, in addition to the requirements referred to in Article 74 of this Act, candidates must have expert knowledge and ability to fill the position of a judge determined by evaluation of fulfilment of judicial obligations.

Source: State Judicial Council

### 105) How are prosecutors recruited?

- ☐ Through a competitive exam? (for example after a law degree)
- ☐ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- ☒ A combination of both
- ☐ Other

Other, please specify:

After graduating from law faculty candidates accepted as trainees at court and state attorney's office ( or at private attorney's office and public notary's office) are to be deployed for two years in order to become eligible for sitting for the Bar exam. If deployed outside the judiciary they must have a specific work experience (4 years on other legal matters) in order to become eligible for sitting for the Bar exam.

Pursuant the amendments which shall come into force on 1 January 2014, the candidates shall complete, after passing the bar examination, the State school for judicial officials. If they meet all the requirements they can apply for the vacancies and the State Attorney's Council selects them, after taking into consideration the opinion of the State attorney as well as the opinions and evaluation of previous working experience, if provided.

Source:

### 106) Are prosecutors initially/at the beginning of their carrier recruited and nominated

**by:**

- ☐ An authority composed of prosecutors only?
- ☐ An authority composed of non-prosecutors only?
- ☒ An authority composed of prosecutors and non-prosecutors?

**107) Is the same authority formally responsible for the promotion of prosecutors?**

- ☒ Yes
- ☐ No

If no, please specify which authority is competent for promoting prosecutors:

Note: State Attorney's Council appoints deputy state attorneys at the outset of their career and during promotions while state attorneys are appointed by the Chief State Attorney.

**108) Which procedures and criteria are used for promoting prosecutors? Please specify:**

The conditions are:

- for promotion to the position of Deputy County Attorney: experience of 8 years,
- for promotion to the position of Deputy Chief State Attorney: experience of 15 years
- positive opinion of the collegium, of the state attorney and a positive evaluation (medium or higher).

If the deputy was assessed with a negative mark (insufficient or sufficient) s/he can't be promoted.

The invitation for tenders and the applications of all candidates are published and submitted to the State Attorney's Council, regardless of the opinion of the collegium and the state attorney. The State Attorney's Council shall appoint, in situation of fulfilment of equal conditions, the candidate who obtained higher grade.

**109) Is the mandate given for an undetermined period for judges?**

- ☒ Yes
- ☐ No

Are there exceptions? Please specify:

**110) Is there a probation period for judges? If yes, how long is this period?**

	Yes	Duration of the probation period (in years)
Probation period for judges	Yes	5 years

**111) Is the mandate given for an undetermined period for prosecutors?**

- ☐ Yes
- ☒ No

Are there exceptions? Please specify:

When appointed for the first time, prosecutors are appointed for 5 years, when appointed for the second time they are appointed for indefinite time.

**112) Is there a probation period for prosecutors? If yes, how long is this period?**

	Yes	Duration of the probation period (in years)
Probation period for prosecutors	Yes	5 years

**113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?**

**Please specify the length**

for judges? ☐ Yes

for prosecutors? ☐ Yes

**You can indicate below:**

- ☐ **any useful comments for interpreting the data mentioned in this chapter**
- ☐ **the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years**

**5. 1. 2. Training**

**114) Nature of the training of judges. Is it compulsory?**

- ☒ Initial training
- ☒ General in-service training
- ☒ In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- ☒ In-service training for management functions of the court (e.g. court president)
- ☒ In-service training for the use of computer facilities in the court

**115) Frequency of the training of judges**

	Annual	Regular	Occasional
Initial training	No	Yes	No
General in-service training	No	Yes	No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	No	Yes
In-service training for management functions of the court (e.g. court president)	No	No	Yes
In-service training for the use of computer facilities in the court	No	Yes	No



**116) Nature of the training of prosecutors. Is it compulsory?**

- ☐ Initial training
- ☒ General in-service training
- ☒ Specialised in-service training (specialised public prosecutor)
- ☐ In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- ☐ In-service training for the use of computer facilities in the public prosecution service)

**117) Frequency of the training of prosecutors**

	Annual	Regular	Occasional
Initial training	No	Yes	No
General in-service training	No	Yes	No
Specialised in-service training (specialised public prosecutor)	No	No	Yes
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	No	Yes
In-service training for the use of computer facilities in the public prosecution service)	No	No	Yes

**You can indicate below:**

- ☐ **any useful comments for interpreting the data mentioned in this chapter**
- ☐ **comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court**
- ☐ **the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years**

Judicial Academy is exclusively entitled to conduct activities of the continuous professional training of judges, state attorneys and court and state attorneys' advisors. Fundamental goals of the Judicial Academy:

- to upgrade the life-time professional training of judicial officials, judges and state attorneys' according to predefined needs, taking into account specific needs of different regions;
- to implement the system of initial training which is to upgrade skills, knowledge and abilities of future judges and state attorneys, as well as define uniform standards of accessing the judiciary in the RoC;
- to assure the optimum institutional development of the Judicial Academy as an institution under the scope of the Ministry of Justice with the aim of continuous professional training of judges and other judicial officials, advisors and trainees state attorney court and judicial bodies.

Source: Judicial Academy, Ministry of Justice

**5. 2. Practice of the profession****5. 2. 1. Salaries**

**118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 118:**

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	25765	15315
Judge of the Supreme Court or the Highest Appellate Court	58490	29754
Public prosecutor at the beginning of his/her career	25765	15315
Public prosecutor of the Supreme Court or the Highest Appellate Instance	58490	29754

Comment :

**119) Do judges and public prosecutors have additional benefits?**

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

**120) If other financial benefit, please specify:**

**121) Can judges combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	Yes	No	No
Consultant	No	No	No
Cultural function	Yes	No	No
Other function	No	No	No

**122) If other function, please specify:**

Judges may participate as lecturers or participants to Judicial Academy's programmes.

**123) Can prosecutors combine their work with any of the following other functions ?**

Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No

Consultant	No	No	No
Cultural function	No	Yes	No
Other function	No	Yes	No

**124) If other function, please specify:**

In various non-profit organizations which do not deal with matters that can not cause a conflict of interest, to the various amateur societies etc.

**125) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?**

☐ Yes

☒ No

If yes, please specify:

**Please indicate the source for answering the question 118**

Source: Finances Directorate, Ministry of Justice

**5. 2. 2. Disciplinary procedures****126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

For prosecutors: State Attorney in the State Attorney's Office where the person works.  
Senior State Attorney,  
Chief State Attorney  
Minister responsible for legal affairs.

Source: State Attorney's Council

For judges, to initiate disciplinary procedures, authorized are: 1) the president of the court in which the judge performs judicial duties, 2) the President immediately higher court and 3) the President of the Supreme Court, 4) the competent judicial council; 5) The Minister of Justice.  
Source: State Judicial Council

**127) Which authority has the disciplinary power on judges and prosecutors? Please specify:**

For prosecutors: State Attorney's Council  
Source: State Attorney's Council

At the request of the authorized applicant, the disciplinary proceedings against judges are conducted by the State Judiciary Council in the first instance and by the Constitutional Court of RC in the second instance.

Source: State Judicial Council

**128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 128:**

	Judges	Prosecutors
Total number (1+2+3+4)	11	1
1. Breach of professional ethics	1	0
2. Professional inadequacy	5	1
3. Criminal offence		0
4. Other	5	0

**Comment :**

Disciplinary proceedings initiated against judges for damaging the reputation of the court or judiciary are listed in the column “breach of professional ethics”, while the proceedings for careless performance of judicial duty are listed in the column “professional inadequacy”.

During 2008, 11 disciplinary proceedings were initiated; 6 proceedings were completed and the following sanctions were imposed: 3 reprimands, 2 temporary reductions of salaries and 1 dismissal. 3 proceedings are pending while in 2 cases proceedings have been discontinued since the judge asked for dismissal of office.

Source: State Judiciary Council

In 2008, 1 disciplinary proceeding was initiated and a fine was imposed for inappropriate conduct while performing judicial duties (professional inadequacy).

Source: State Attorney’s Council

**129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 129**

	Judges	Prosecutors
Total number (total 1 to 9)	6	1
1. Reprimand	3	
2. Suspension	NAP	
3. Withdrawal of cases	NAP	
4. Fine	NAP	1
5. Temporary reduction of salary	2	
6. Degradation of post	NAP	
7. Transfer to another geographical (court) location	NAP	
8. Dismissal	1	
9. Other	NAP	

**Comment :**

The disciplinary proceedings against judges can impose only three disciplinary penalties: reprimand, temporary reduction in pay or dismissal from office.

**You can indicate below:**

- ☐ **any useful comments for interpreting the data mentioned in this chapter**
- ☐ **the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years**

The difference between the number of initiated disciplinary proceedings against judges and imposed disciplinary sanctions stems from the fact that a number of disciplinary actions are suspended, and because during the process judges themselves sought to be resolved judicial duties or because involving unauthorized applicant.

Source: State Judicial Council

## 6. Lawyers

### 6. 1. Statute of the profession

#### 6. 1. 1. Profession

**130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).**

3.757

Source: Croatian Bar Association

**131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.**

- ☐ Yes
- ☐ No
- ☒ Not applicable

**132) Number of legal advisors. If there is no data available, please indicate it (NA)**

In the RoC there are no legal advisors or junior attorneys.

**133) Do lawyers have a monopoly of representation in (multiple options are possible):**

- ☐ Civil cases\*?
- ☒ Criminal cases - Defendant\*?
- ☐ Criminal cases - Victim\*?
- ☐ Administrative cases\*?

\* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases:

In civil cases lawyers do not have a monopoly. Law of Civil Procedure provides that the parties can represent themselves in the proceeding or be represented by a proxy who is a relative by blood in direct line, brother, sister or spouse-if where such person has legal capacity and isn't illegal practitioner of law.

The same law stipulates that the corporation may be represented by certain employees, who have legal capacities. Specified statutory provisions apply to both first instance and on appeal.

In criminal cases of first and second instance counsels may be lawyers only.

In administrative matters the party or his/hers legal representative may appoint a proxy, who will represent the party. A proxy may be a lawyer, law firm or other legal person, who can represent the party according to the law, or any other person with full litigation capacity, except for illegal law practitioners.

Source: HOK

Source: CBA

**134) Is the lawyer profession organised through?**

- ☒ a national bar?
- ☒ a regional bar?
- ☐ a local bar?

Please specify:

Pursuant to the Law on legal profession and advocates, article 37., it is mandatory for advocates to join the Chamber as a autonomous and independent organization with legal personality. Chambers of the Attorney represents lawyer's profession in general.

**Please indicate the source for answering the questions 130 and 132:**

Source Croatian Bar Association Inventory

**6. 1. 2. Training****135) Is there a specific initial training and/or examination to enter the profession of lawyer?**

- ☒ Yes
- ☐ No

**136) Is there a mandatory general system for lawyers requiring continuing professional training?**

- ☒ Yes
- ☐ No

**137) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?**

- ☒ Yes
- ☐ No

If yes, please specify:

The Law on Legal Profession and advocates and the Regulations on the conditions and procedure for recognition of specialty lawyers, defines that lawyers may demand from the Bar Association for the recognition of his specialty in a specific area of law. Lawyer meets the requirements for recognition of speciality if the attorney involved at least:

three years after acquiring the academic degree of doctor of jurisprudence (PhD) in area of law for which s/he is requiring specialization and has published at least two professional papers;

five years after acquiring the academic degree of Master of Legal Science (MSc) in area of law for which s/he is requiring specialization and has published at least two professional papers;

eight years after being registered as a lawyer, if s/he mostly practices the area of law for which s/he is requiring specialization and has published at least three professional papers;

three years if prior to entering the registry of lawyers s/he was a lawyer at least five years as professor of legal sciences in the field of law for which s/he seeks specialty, judge of regular or specialized courts, who specializes in the area of law and published at least two professional papers;

### 6. 1. 3. Fees

#### 138) Can users establish easily what the lawyers' fees will be?

☒ Yes

☐ No

Please provide comments to explain the answer under question 138

Tariff of fees and costs for attorneys is published in the Official Gazette of the Croatian Republic.

Attorney's Code of Ethics obliges lawyers to inform the party about costs of the proceedings, and lawyer's fee.

#### 139) Are lawyers fees

☐ regulated by law?

☒ regulated by Bar association?

☒ freely negotiated?

Please provide comments to explain the answer under question 139:

Law on Legal Profession and Advocats (article 18) stipulates that the Croatian Bar Association determines and adopts Tariff with the consent of the Minister of Justice.

Tariff stipulates that the Party and a lawyer in certain cases, may agree on a attorney's fee based on hourly rate or according to the success of the dispute.

## 6. 2. Evaluation

### 6. 2. 1. Complaints and sanctions

#### 140) Have quality standards been formulated for lawyers?



☒ Yes

☐ No

**141) If yes, who is responsible for formulating these quality standards:**

☒ the bar association?

☐ the legislature?

☐ other?

Please specify (including a description of the quality criteria used):

Attorney's Code of Ethics prescribes that the attorney shall take into account the requests of professional culture, protect the interests of the clients pursuant to the law, always preserve his/her independence, shall not entrust to persons who are not authorized to practice law any legal services, broaden and improve his/her legal education, be faithful to the client, preserve the attorney's secret, not cause unnecessary costs to the client, not come in contact with the adverse party without consent of his/her client, not accept the invitation of the adverse party for representing them in other legal matters while s/he is still representing his/her client, be accurate and deal with the case in due time, store files and keep record of dates and hearings, be precise and accurate when dealing with finances of the client, not mingle someone else's money with his/her private money and shall be able to pay back someone else's money, pay the money s/he received from the client without delay, not keep the file of the client if award has not been paid, enable the client to have access on the Tariff, acknowledge him/her on the costs and provide him with the specification of the costs etc.

Source: CBA

**142) Is it possible to complain about**

☒ the performance of lawyers?

☒ the amount of fees?

Please specify:

If a party believes that the attorney has not acted in accordance with the order or hasn't taken any action that had to be taken, the party can file a complaint to Croatian Bar Association.

A complaint to the amount of fees charged can also be submitted to Croatian Bar Association.

Source: CBA

**143) Which authority is responsible for disciplinary procedures**

☐ the judge?

☐ the Ministry of justice?

☒ a professional authority or other?

Please specify:

Croatian Bar Association has its own disciplinary bodies that are responsible for omissions lawyer.  
These are:  
Disciplinary Prosecutor  
Disciplinary Court  
Higher Disciplinary Court

**144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 141:**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	79			

Comment :

Law on Legal Profession and Advocates, Statute of the Croatian Bar Association and the Attorneys' Code of Ethics contain information about serious or minor violation of attorneys' duty, regardless of the fact whether injuries had been caused by violations of professional ethics, professional inadequacy or because of committing a criminal offence. The number refers to disciplinary procedures.

**145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 145:**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	5	6	18	24	

Comment :

**You can indicate below:**

- ☐ any useful comments for interpreting the data mentioned in this chapter
- ☐ the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation

**146) Does the legal system provide for mediation procedures? If no go to question 151**

☒ Yes

☐ No

**147) If applicable, please specify, by type of cases, the organisation of mediation**

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	Yes	Yes	Yes	Yes	No
Family law cases (ex. Divorce)	No	Yes	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	Yes	Yes	Yes	Yes	No
Criminal cases	Yes	Yes	Yes	No	Yes

**148) Is there a possibility to receive legal aid for mediation procedures?**

☒ Yes

☐ No

If yes, please specify:

Legal aid for mediation procedure may be gained on behalf of the attorney but also on basis of Free Legal Aid Act.

Source: Croatian mediation Centre

**149) Number of accredited mediators. If there is no data available, please indicate it (NA)**

Around 1000 reconciliers

**150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

civil cases?	NA
family cases?	NA
administrative cases?	NA
employment dismissals?	NA
criminal cases?	NA

**Please indicate the source for answering the question 150:**

At some courts of the RoC meditation may be conducted, however, no data on the total number of

mediation within all courts in Croatia.

Source: Croatian mediation Centre

## 7. 1. 2. Other forms of alternative dispute resolution

### **151) Can you give information concerning other forms of alternative dispute resolution (e.g. arbitration, conciliation)? Please specify:**

Services of organizations and enforcement of the arbitration is provided by Permanent arbitration Court, at the Croatian Chamber of Commerce. Organisation of mediation are provided by: Croatian association for mediation, Mediation Center at Croatian Chamber of Commerce, Mediation Center at Croatian Chamber of Trades and Crafts, Mediation Center at Croatian' Association of Employers. It is possible to to initiate and conduct mediation in courts. Parties in conciliation independently choose one or more mediators unless otherwise agreed. An important characteristic of reconciliation in Croatia is that the party with the help of mediator come up with a solution (settlement) that satisfies the interests of both sides in the dispute.

In the Republic of Croatia, except at the court, parties may solve their disputes in arbitration and mediation proceedings. Arbitration is regulated by the Law on Arbitration, while mediation is envisaged by the Law on Mediation.

Source: Croatian association for mediation

#### **You can indicate below:**

- ☐ **any useful comments for interpreting the data mentioned in this chapter**
- ☐ **the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

In the last two years has been actively involved in the implementation of the mediation proceedings in the Croatian legal system by holding a number of different forms of education (seminars, round tables, workshops, conferences, panels). The effort was made in order to educate lawyers who work in the judiciary, lawyers, notaries public and members of other professions such as engineers, psychologists, physicians, political scientists and so on.

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

**152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154**

- ☒ Yes  
☐ No

**153) Number of enforcement agents. If there is no data available, please indicate it (NA).**

NA

**154) Are enforcement agents (multiple options are possible):**

- ☐ judges?  
☐ bailiff practising as private profession ruled by public authorities?  
☒ bailiff working in a public institution?  
☐ other enforcement agents?

Please specify their status and powers:

Q 153.: Enforcement departments are part of first instance courts where judges and enforcement agents work as employees of the court.

Q 154.: Enforcement departments are part of first instance courts where judges and enforcement agents work as employees of the court.

Source: Supreme Court

**155) Is there a specific initial training or examination to enter the profession of enforcement agent?**

- ☒ Yes  
☐ No  
☐ Not applicable

**156) Is the profession of enforcement agent organised by?**

- ☐ a national body?  
☐ a regional body?  
☐ a local body?  
☒ not applicable

**157) Can users establish easily what the fees of the enforcement agents will be?**

- ☒ Yes

- ☐ No
- ☐ Not applicable

**158) Are enforcement fees:**

- ☒ regulated by law?
- ☐ freely negotiated?
- ☐ not applicable

**Please indicate the source for answering the question 153:**

Enforcement fees are prescribed by the Law on Court Fees and Tariff on court fees.

Source: the Supreme Court

**8. 1. 2. Supervision**

**159) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- ☒ Yes
- ☐ No
- ☐ Not applicable

**160) Which authority is responsible for the supervision and the control of enforcement agents:**

- ☐ a professional body?
- ☒ the judge?
- ☒ the Ministry of justice?
- ☐ the prosecutor?
- ☐ other?

Please specify:

The enforcement judge and president of the enforcement department are obliged to monitor and control enforcement agents. Apart from them, monitoring may be performed by court presidents and in cases concerning judicial administration by the Ministry of Justice.

**161) Have quality standards been formulated for enforcement agents?**

- ☒ Yes
- ☐ No
- ☐ Not applicable

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

Quality standards for enforcement officers are identical to standards for judicial officers under the Civil servants Act, Regulations and enforcement proceedings.

**162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?**

☐ Yes

☒ No

if yes, please specify

There are no specific mechanisms for the enforcement of court decisions rendered against public bodies. Enforcement is being implemented by the application of the Enforcement Act.

Source : Supreme Court

**163) Is there a system for monitoring the execution?**

☒ Yes

☐ No

If yes, please specify

Courts statistics is included in monitoring of the enforcement cases and there is no any other specific system of monitoring. This relates to the statistics of individual judges, who act as enforcement judges.

**8. 1. 3. Complaints and sanctions**

**164) What are the main complaints of 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:

Main complaints of the bailiff are the lenght of the proceedings and costs of the proceedings.

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

☒ Yes

☐ No

If yes, please specify:

On 30 July 2009 the Government adopted the Strategic study for more efficient way of enforcement and introduction of the public bailiffs with the aim of developing an efficient and effective enforcement system in the Republic of Croatia by simplifying the procedure, reducing the duration of the procedure and unburdening courts. By the end of 2009 a new Enforcement Act and Act on Private Bailiffs, which will introduce the institution of the private bailiff, will be drafted. In this way, the implementation of the enforcement procedure will be professionalised, accelerated and simplified.

**166) Is there a system measuring the timeframes of the enforcement of decisions :**

- ☐ for civil cases?
- ☐ for administrative cases?

**167) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court sits:**

- ☐ between 1 and 5 days
- ☐ between 6 and 10 days
- ☒ between 11 and 30 days
- ☐ more

If more, please specify

Regarding the decision on collection of debts in enforcement actions, according to treatment in court's writing-offices, after the order to send out the court decision, it can be delivered between 6 to 30 days if the parties are living in the seat of the court.

**168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

Total number of disciplinary proceedings	NA
for breach of professional ethics	NA
for professional inadequacy	NA
for criminal offence	NA
Other	NA



**169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

Total number of sanctions	NA
Reprimand	NA
Suspension	NA
Dismissal	NA
Fine	NA
Other	NA

**You can indicate below:**

- ☐ **any useful comments for interpreting the data mentioned in this chapter**
- ☐ **the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years**

Q 166: No, there is no special system for measuring the time frame for enforcement of decisions, but the control of the duration of the procedure is being implemented as mentioned above, by means of statistical monitoring of cases and their duration, and cases related to the protection of the right to trial within reasonable time and by undertaking measures in order to intensify the work. Presidents of courts are responsible for the implementation of these measures.

**Please indicate the source for answering the questions 167, 168 and 169:**

Ministry of Justice

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Functioning

**170) Is there a judge who is in charge of the enforcement of judgments?**

- ☐ Yes
- ☒ No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor):

Criminal proceedings: the Law on execution of prison sentence prescribes the working methods of enforcement judge when enforcing criminal sentences. Therefore, enforcement judge renders the decision or participates in rendering the decision related to the enforcement of the sentence.

Source: the Supreme Court

When the court decision ordering payment of costs of proceedings or confiscation of certain pecuniary gain becomes final and the time limit (within which the court has set the duty of settling the obligation) has expired, and the defendant fails to do it, the enforcement proceeding has to be initiated.

In this procedure, which is conducted pursuant the Enforcement Act, the State is the bailiff, and it is represented by the civil department of the State Attorney's Office.

Source: Ministry of Justice

**171) As regards fines decided by a criminal court, are there studies to evaluate the**

**effective recovery rate?**☐ Yes☒ No

If yes, please specify:

**You can indicate below:**

- ☐ **any useful comments for interpreting the data mentioned in this chapter**
- ☐ **the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

## 9. Notaries

### 9. 1. Statute

#### 9. 1. 1. Functioning

**172) Do you have notaries in your country? If no go to question 177**

☒ Yes

☐ No

**173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):**

a private one (without control from public authorities)?	<input type="checkbox"/> number	
a status of private worker ruled by the public authorities?	<input type="checkbox"/> number	
a public one?	<input checked="" type="checkbox"/> number	308
other?	<input type="checkbox"/> number	

Comment :

**174) Do notaries have duties:**

☐ within the framework of civil procedure?

☒ in the field of legal advice?

☒ to authenticate legal deeds?

☐ other?

Please specify:

Within the framework of civil procedure notaries conduct inheritance proceedings and enforcement proceedings – rendering of rulings on the basis of credible documents. These are non-contentious civil proceedings.

In the field of providing legal advice, notaries public are authorized to provide legal advice in relation to the actions undertaken by them.

The most important actions by notaries public are the certification of public acts – the official drawing up and issuance of public documents, official certification of private documents – certification of signatures, copies, excerpts from commercial and business records, translations.

Other tasks carried out by notaries public are, in brief – receiving and keeping of documents, money and valuable items for the purpose of handing them over to other persons or to competent bodies and conducting proceedings prescribed by law upon orders by courts or other bodies – drawing up notary public acts in statements of last will and testament and in inheritance contracts, issuance of written copies, certificates, transcripts and excerpts, communication of statements, receiving statements under oath, confirmation of conclusions of sessions of assemblies and other bodies, protests regarding bills of exchange.

In accordance with the provisions of the Companies Act, notaries public play a significant role in the founding and status changes of a company.

**Please indicate the source for answering the question 173**

Chamber of Public Notaries

### 9. 1. 2. Supervision

**175) Is there an authority entrusted with the supervision and the control of the notaries?**

☒ Yes

☐ No

**176) Which authority is responsible for the supervision and the control of the notaries:**

☒ a professional body?

☐ the judge?

☒ the Ministry of justice?

☐ the prosecutor?

☐ other?

☐ not applicable

Please specify:

Professional body is the Croatian Chamber of notary public

The court is supervising the notaries in inheritance cases.

**You can indicate below:**

☐ **any useful comments for interpreting the data mentioned in this chapter**

☐ **the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

## 10. Court interpreters

### 10. 1. function

#### 10. 1. 1. Statute

**177) Is the title of court interpreter protected?**

- ☒ Yes  
☐ No

**178) Is the function of court interpreter regulated?**

- ☒ Yes  
☐ No

**179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations**

1978

**180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?**

- ☒ Yes  
☐ No

If yes, please specify:

Law on Courts prescribes the conditions that the person must fulfil in order to be appointed as a court interpreter, such as university degree, knowledge of foreign language and the language in official use, a satisfactory level of general and legal knowledge.

**181) Are the courts responsible for the selection of court interpreters?**

- ☒ Yes  
☐ No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

Responsibility is reflected in the fact that the presidents of county and commercial courts appoint and relief permanent court interpreters, and there is no responsibility of judges, for the recruitment of court interpreter from a list of permanent court interpreter, in concrete cases.

## 11. Functioning of justice

### 11. 1. Foreseen reforms

#### 11. 1. 1. Reforms

**182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:**

(Comprehensive) reform plans

20 May 2010- The revised Action plan of the judicial reform strategy

By the end of 2010 the Revised Strategy of the Judicial Reform

18 March 2010- The revised Anticorruption Action plan

25 November 2009- The Anti-Corruption Programme for State-Majority Owned Companies (2010 – 2012)

Independence and transparency

By means of introduction of State School for Judicial officials objective and transparent criteria for admission and promotion to the judicial profession are to be introduced.

powers and organisation

Law on amendments to the Law on Courts will be sent to Governmental procedure by the end of 2010

Structural modifications

Reduction of the number of courts:

Municipal courts have been functionally reduced from 108 to 67 courts

Misdemeanor courts have been functionally reduced from 114 to 63 courts

County courts will be reduced from 21 to 15

Commercial courts will be reduced from 13 to 8.

New organization of administrative courts: administrative courts for the territory of one or several counties (Zagreb, Split, Rijeka and Osijek) and the High Administrative Court of the Republic of Croatia

The number of municipal state attorney offices has been functionally reduced from 71 to 55 state attorney offices.

Judicial councils

Following the Constitutional amendments the Draft Law on State Judicial Council and Law on amendments to the State Attorney's Act, these will be sent to Governmental procedure (they provide for a definition and implementation of the reformed enhanced manner of selection of judges and public prosecutors.

Management and working methods of courts

Adjustment of legislative framework in order to unburden judges of non-judicial tasks ( e.g. calculating of civil procedures' costs and non-contentious proceedings' costs and court fees, drafting of writs and decisions (requesting data, documents..));

Information technologies

Networking Ministry of Justice and courts in a single IT judicial system (2009)

Up to 1 July 2010, the ICMS (e-file) has been introduced in 50 courts (11 commercial, 27 municipal courts and permanent offices and 12 county courts). In accordance with the ensured

funds, in 2010 the introduction of the e-File (ICMS) will continue.

The CTS was introduced in 4 pilot state attorney offices (Zagreb, Zlatar, Karlovac and Pula).

On 1 January 2010, JCMS was introduced in all misdemeanor courts (similar to ICMS: e-file, statistics, and the file tracking system).

Overall implementation of prison IT system

reforms of civil, criminal, administrative laws – international conventions

New Criminal code ( will be sent to Governmental procedure in December 2010)

Act on Rehabilitation and Criminal Database ` (preparation of the draft underway)

Act on amendments to the Civil Procedure Act (will be sent to Governmental procedure in December 2010)

backlog of cases and efficiency

- Drafting of the Action Plan for reduction of backlog (reduction of the number of "old cases" (cases older than 3 years) is underway

Legal Aid

In 2010, the value of the point for rendering free legal aid increased for 50% and the application form for uses was simplified

Victims' and witnesses' rights

Sector for witnesses' and victims' support became a part of Directorate for Probation within the Ministry of Justice, Network of 7 offices will be established for the purpose of witnesses and victims protection ( 4 of which are already established).

Crime and penitentiary system

Within the Ministry of Justice in September 2009 Probation Directorate was established. During 2009, five probation offices were established. In 2010, the requisite subordinate legislation and the Action Plan for the Development of Probation Service 2011-2015 will be adopted.

In the prison system, construction of a new building for the penitentiary in Glina to accommodate 420 inmates has been made as well as adaptation of facilities for 37 persons in Varaždin.

Preparations are underway to construct additional buildings for the prison in Zagreb, which will increase its capacity and to construct a new penitentiary and prison in Šibenik. Special departments were refurbished to accommodate elderly and disabled inmates in the penitentiaries in Lepoglava, Lipovica-Popovača and Valtura.

Enforcement

Introducing public bailiffs system (under way) – includes enacting of new Enforcement Act and Public Bailiffs Act

Mediation and other adr

Measures taken to strengthening mediation as an ADR:

- seminars and workshops were held for judges and out-of-court mediators as well as for the mediation officers (judicial advisors)

- In the last quarter of 2010, it is planned to submit for Government procedure a new Mediation

Act (with the purpose of the further alignment with the acquis)

International and regional judicial cooperation

- Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters of 18 march 1970 entered into force on 30 November 2009.

- Convention of 25 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children entered into force on 1 January 2010.

- the Agreement on Co-operation between the Republic of

Croatia and EUROJUST entered in force on 5 June 2009

- the Act on Judicial Cooperation in Criminal Matters with Member States of the European Union (underway)

- The Agreement on the mutual enforcement of judgments in criminal matters with Bosnia and Herzegovina was amended on 12 February 2010

- Agreement on Extradition between Croatia and Serbia was signed on 29 June 2010

Judicial schools and training

State School for Judicial Officials effective in October 2010