



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

## 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 (if possible on 1 January 2011)

4 412 137

##### 2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	18 733 528 635
Regional / federal entity level (total for all regions / federal entities)	NAP

##### 3) Per capita GDP (in €)

10 394

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

12 647

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

7,384297

#### A.1

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

1. Croatian Bureau of Statistics  
2. Ministry of Finance - COMMENT : The data refer to general government, which includes the subsectors according to the IMF methodology GFS 2001:

- budgetary central government (the national budget);
- the extrabudgetary users (funds) i.e. the Croatian Waters, the Fund for Environmental Protection and Energy Efficiency, the Croatian Roads, the State Agency for Deposit Insurance and Bank Rehabilitation, and the Croatian Privatization Fund. (All the transactions of social security funds - the Croatian Pension Insurance Administration, the Croatian Institute for Health Insurance and the Croatian Employment Service are included in budgetary central government);
- local government. The statistical data for local government since the year 2001 include the operations of 53 largest local units (20 counties, the City of Zagreb and 32 other large cities), which participate through a series of years with 70-80% of total local government operations.

The data include the GFS 2001 category of expense (Table 2) and the GFS category of net acquisition of nonfinancial assets (Table 31), on cash basis, i.e. they are on the methodology of the data published (in national currency) on the web site of the Ministry of Finance.

To provide the possibility of comparison, it should be noted that the data on the same methodology for the year 2008, which was the reporting period in the previous evaluation cycle, are: 18.768.003.960 EUR for state level, calculated by using the exchange rate EUR/HRK of 1 January 2009 (7,331773); NAP for regional/entity level."

3. Croatian Bureau of Statistics

4. Croatian Bureau of Statistics

5. Croatian National Bank Midpoint exchange rate of the kuna against the euro on 1 January 2011 was 7,384297

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

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

##### 6) Annual approved public budget allocated to the functioning of all courts, in €(if possible without the

**budget of the public prosecution services and without the budget of legal aid):**

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	211 304 301
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	145 186 639
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	11 684 416
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	31 059 496
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	5 949 553
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	4 497 538
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	1 624 490
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	11 302 169

**7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:**

Other includes: transportation to and from work: 6386421 € ; other expenditures for employees (compensations based on collective agreement for civil servants) 3615791 € ; advertising services 122088 € ; other services 508004 € ; health services 152324 € ; banking services, default interests and membership subscriptions 110692 € ; insurance premiums 69353 € , entertainment allowance 73078€

**8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

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.

#### 9) Annual income of court taxes or fees received by the State (in €)

25 168 311

#### 10) Annual approved public budget allocated to the whole justice system, in €(this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

.

☐ NA

352 621 340

#### 11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	Yes
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	Yes

Comment :

Judiciary budget also includes the budget of judicial Academy.

**12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	229550	NA	NA

**13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.**

. ☒ Amount 41 296 176

Comment :

**14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :**

	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	No
Other ministry	Yes	No	No	No
Parliament	No	Yes	No	Yes
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	Yes	No	Yes	No
Inspection body	No	No	No	No
Other	No	No	No	No

**15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):**

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.

## A.2

**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, 9, 10, 11, 12 and 13.**

6., 10., 11., 12. and 13. Ministry of Justice, Secretariat, Sector for financial planning, treasury and accounting

9. Ministry of Finance

## 2. Access to Justice and to all courts

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

#### 17) Does legal aid include the coverage of or the exemption from court fees?

☒ Yes

☐ No

If yes, please specify:

Approval of any kind of legal aid shall also include exemption from administrative fees and procedural costs (2010).

The approval of the secondary legal aid shall also include exemption from court fees and exemption from payment of judicial proceedings (2011).

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

☒ Yes

☐ No

If yes, please specify:

Pursuant to the amendments of the Free Legal Aid Act (2011) a special kind of legal aid prescribes an exemption from payment of court fees, which can subsequently refer to the exemption from payment for execution of court decisions, in accordance with the criteria prescribed by the Free Legal Aid Act.

#### 19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	No	No

Comment :

#### 20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	3290
in criminal cases	NA
other than criminal cases	3290

Comment :

3290 is the number for issued orders (decisions of approval) for free legal aid.

**21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.**

Accused individuals	Yes
Victims	Yes

Comment :

In the criminal proceedings the accused individual, pursuant to the Criminal Procedure Act, has the right to have 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 offences' cases if the defendant is a low-income and the court determines he/she may not defend himself/herself.

**22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system**

☒ Yes

☐ No

**23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NA	NA
for other than criminal cases?	NA	365

Comment :

The Free Legal Aid stipulates a means test, as well as an obligation to check the assets of the applicant for free legal aid. The means test per household member shall be determined pursuant to the compulsory insurance contribution base stipulated by the Decree of the Ministry of Finance, which in 2010 amounted to €365, whereas in 2011 it amounted to €362.

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

☒ Yes

☐ No

If yes, please explain the exact criteria for denying legal aid:

Pursuant to the provisions of the Free Legal Aid Act (2010) the aid mentioned herein shall not be approved should applicant's existential matter not be resolved in the procedure.

Amendments to the Free Legal Aid Act (which entered into force on 15 July 2011) repealed the existential criterion and introduced internationally acknowledged standards of the European Court of Human Rights. Furthermore, free legal aid shall not be approved in case of wanton litigation.

Source: Free Legal Aid Department

According to the Attorneys' Code of Ethics an attorney may refuse the representation if he/she assesses that the request of the party is not well founded.

Source: Croatian Bar Association

**25) Is the decision to grant or refuse legal aid taken by :**

☐ the court?

☒ an authority external to the court?

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

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



☒ Yes

☐ No

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

In Republic of Croatia 'legal expense insurance' exists according to the Insurance Act, but it is not developed enough yet.

**27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:**

criminal cases?	Yes
other than criminal cases?	Yes

### B.1

**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

Amendments to the Free Legal Aid Act entered into force on 15 July 2011. The information presented in the questionnaire for 2010 refer to the proceedings to which the Free Legal Aid from 2009 used to be applied, whereas the information presented for 2011 refer to the proceedings which were resolved in accordance with the previously mentioned Amendments.

**Please indicate the sources for answering the questions 20 and 23**

Ministry of Justice, Free Legal Aid Department

## 2. 2. Users of the courts and victims

### 2. 2. 1. Rights of the users and victims

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

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**The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.nn.hr; www.pak.hr;<br>www.vsrh.hr;<br>www.usud.hr; www.hoc-cba.hr; www.uhs.hr;<br>www.hjk.hr; www.dorh.hr |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es):                    | <input checked="" type="checkbox"/> Yes | www.vsrh.hr;<br>www.usud.hr;<br>www.vtsrh.hr;<br>www.upravnisudrh.hr  |
| <input type="checkbox"/> other documents (e.g. downloadable forms, online registration)?          | <input checked="" type="checkbox"/> Yes | www.usud.hr;<br>www.vtsrh.hr;<br>http://sudreg.pravosudje.hr;<br>www.mprh.hr                                  |

Comment :

Legal texts:

www.nn.hr (Official Gazette of the Republic of Croatia containing legislation currently in force)

www.pak (Official site of the Judicial Academy)

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.hoc-cba.hr (Official site of the Croatian Bar Association)

www.uhs.hr (Official site of the Croatian Association of Judges)

www.hjk.hr (Official site of the Notary Public)

www.dorh.hr (Official site of State Attorney's Office of the Republic of Croatia)

case-law of the higher courts:

www.vsrh.hr (Supreme Court of the Republic of Croatia)  
 www.vtsrh.hr (High Commercial Court of the Republic of Croatia)  
 www.usud.hr (Constitutional Court of the Republic of Croatia)  
 www.upravnisudrh.hr (Administration Court of the Republic of Croatia)

other documents:

www.usud.hr (example form of the constitutional complaint with instructions for filling)  
 www.vtsrh.hr (example form for mediation)  
 http://sudreg.pravosudje.hr (on-line Company Register of the Republic of Croatia at the Commercial Courts)  
 www.mprh.hr (Official site of the Ministry of Justice of the Republic of Croatia-contains all the information required by witness and/or 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 organization and forms of rights of the witnesses and/or victims. It also contains Legal Guidance in civil and commercial matters.

**29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

☐ Yes

☒ No

If yes, please specify:

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

☒ Yes

☐ No

If yes, please specify:

The public and free informing system which is used to inform and help victims of crime is regulated in a way which does not foresee a unique telephone for victims of crime. Victims of particular criminal offences may apply to specialized associations (depending on the type of criminal offence) and obtain the required information. The Ministry of Justice website lists contacts of the Support Departments operating at County Courts in 7 (seven) cities, enabling the victims to obtain the required information by telephone. Victims as well as witnesses are also able to obtain the information about Support Department upon receiving a subpoena, since each subpoena (this refers to 7 courts where Support Departments have been established) should contain brief information about Support Department, including a telephone number, which victims could use to contact Department employees with their queries. Additionally, the Department for Organizing and Providing Support to Victims and Witnesses shall send informative letters containing the contact details to war crime witnesses who may simultaneously be victims of crimes, and who have been called as witnesses to trials in the Republic of Croatia, Serbia, Bosnia and Herzegovina or Montenegro. Victims can contact Department employees, or the employees shall contact all victims/witnesses by telephone upon having sent the letters.

**31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.**

**[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]**

	information mechanism	special arrangements in court hearings	other
Victims of rape	Yes	Yes	No
Victims of terrorism	Yes	Yes	No
Children (witnesses or victims)	Yes	Yes	No
Victims of domestic violence	Yes	Yes	No
Ethnic minorities	Yes	Yes	No
Disabled persons			

	Yes	Yes	No
Juvenile offenders	Yes	Yes	No
Other (e.g. victims of human trafficking)	Yes	Yes	No

**Comment :**

The Criminal Procedure Act stipulates certain procedural measures for the protection of victims and witnesses, for instance exclusion of public from hearings and possibility to temporarily remove the defendant from the courtroom while a witness gives testimony ( it does not happen automatically but decision shall be made on the spot). Adoption of such measures shall not depend exclusively on the type of criminal offence, but on the circumstances and each particular case. Additionally, the judge shall take into consideration the need to respect cautious examination and protection of victim's dignity.

The Juvenile Courts Act envisages a special kind of examination of child witnesses/victims and it stipulates the manner of scheduled hearings or procedural protection measures pertaining to the prescribed maximum number of examinations and the way of examination (in the presence of an expert and via a video conference link).

As regards informing, at courts where Departments for Organizing and Support to Witnesses and Victims have been established (Zagreb, Zadar, Rijeka, Sisak, Osijek, Vukovar and Split), witnesses and victims may obtain information regarding their rights, the information on court procedures as well as emotional support from Department employees as well as volunteers.

**32) Does your country allocate compensation for victims of crime?**

☒ Yes

☐ No

If yes, for which kind of offences

The Republic of Croatia has an established procedure for indemnification of crime victims. Victims can obtain indemnification within criminal procedure, however this is not a common practice, hence judges mostly advise victims to file a civil lawsuit in order to receive indemnification from the perpetrator.

**33) If yes, does this compensation consist in:**

☐ a public fund?

☒ damages to be paid by the responsible person (decided by a court decision)?

☐ a private fund?

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

☐ Yes

☒ No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

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

☒ Yes

☐ No

If yes, please specify:

State Attorneys are obliged to inform the victim about his/her rights in the proceeding and to take care of victim's interest while reaching the decision to undertake criminal prosecution.

**36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?**

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**Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".**

☒ Yes

☐ No

☐ NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

The State Attorney may dismiss criminal charges or discontinue proceedings during the investigation. In that case, the State Attorney shall himself decide to suspend the proceedings. Should criminal proceedings be initiated before the court and should the State Attorney decide to abandon criminal prosecution, he shall notify the court which shall consequently reach a decision. In both cases, the injured party must be notified and he can resume criminal prosecution from the State Attorney within the statutory term, except in the cases stipulated in Articles 212, 521 and 522 of the Criminal Procedure Act, against which the injured party shall not have the right to lodge a complaint.

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

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

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

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

The system for compensating of the users in the circumstances of wrongful arrest and wrongful condemnation.

According to the provision stipulated in Article 14 of the Criminal Procedure Act, an wrongful condemned person is entitled to overall rehabilitation, compensation from the state budget, as well as other rights stipulated by the law.

In relation to the procedure for compensation and realization of other rights of wrongful arrested and wrongful condemned persons, in the provision of Article 573 subparagraph 3 the Act left in force the provisions of Chapter XXX of the former Criminal Procedure Act (Official Gazette 110/97, 27/98, 58/99, 112/99, 58/02, 143/02, 115/06), until a separate law becomes enacted.

The provisions of Chapter XXX of the former Criminal Procedure Act (Articles 476 – 484) regulate in detail the presumptions of responsibility of the state in the case of wrongful arrests or wrongful condemnation, while the kinds and amount of suffered material and non-material damages shall be determined in accordance with general regulations pertaining to compensation, or according to the provisions of the Obligations Act (Official Gazette 35/05).

The injured party shall be entitled to all types of compensation for material and non-material damages determined by the Obligations Act and in the full scope of the damages suffered (according to Article 1085 – Article 1100 of the Act mentioned herein).

The compensation for non-material damages shall be acknowledged to the injured parties due to having suffered the violation of personality rights, namely the personality rights relating to freedom, honour, reputation and dignity, whereas compensation for material damages shall be generally acknowledged from the title of lost profit or loss of income.

According to the provisions of Article 478 of the former Criminal Procedure Act, the injured party shall be obliged to initially submit his compensation request to the Ministry of Justice in an attempt of peaceful dispute resolution. However, should the agreement not be reached in peaceful proceedings within three months following the submittal of the application, the injured party shall be authorised to file a lawsuit for compensation against the Republic of Croatia.

The Ministry of Justice annually receives approximately 200 to 250 requests for indemnification due to groundless arrest or unlawful sentence, and in the peaceful proceedings the agreement is reached about the kind and amount of damages suffered in about 50 -60 % cases.

In 2010, in 113 cases out of 242 requests, the agreement was reached in peaceful proceedings before this Ministry.

In 2009, out of the total of 202 requests, the settlement was reached in peaceful proceedings in 101 cases, whereas in 2008 out of the total of 213 received requests, the settlement was reached in peaceful proceedings in 120 cases.

The applicants with whom no settlement could be reached in peaceful proceedings (due to the fact that they did not accept the offer considering it to be too low or because the Ministry did not respond to their requests), shall begin compensation proceedings against the Republic of Croatia.

The amount of rightful pecuniary compensation offered to the injured parties from the title of suffered non-material damages shall by all means depend on the duration of freedom deprivation, due to the fact that the criteria by which this Ministry is guided in determining the amount of compensation, as well as those adopted by the judicial practice, shall be determined per day of freedom deprivation.

**38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)**

- ☐ (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 the parties
- ☐ (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- ☐ (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

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

**39) If possible, please specify:**

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	No
Surveys at court level	No	No

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

☒ Yes

☐ No

**41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.**

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	Yes	No	No
Higher court	Yes	No	No
Ministry of Justice	Yes	No	No
High Council of the Judiciary	No	No	No
Other external bodies (e.g. Ombudsman)	No	No	No

**Comment :**

According to the Courts Act, the parties may submit petitions regarding the work of the court or the judges for stalling the proceedings or due to the behaviour of judge or some other court employee with whom they enter into professional relationship. Practically, the highest number of petitions in the Republic of Croatia is received and processed by the Ministry of Justice. In the course of 2010, the Ministry of Justice received the total of 6048 petitions regarding the courts, judges or court employees, which is a significantly smaller number of petitions in relation to the number received in the course of previous years. In the previous period, the Ministry of Justice used to receive about 10,000 petitions per year. All the petitions received in the course of 2010 were resolved in the average period of 3 months.

### 3. Organisation of the court system

#### 3. 1. Functioning

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

**42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	66
42.2 First instance specialised Courts (legal entities)	70
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	154

**43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

Total (must be the same as the data given under question 42.2)	70
Commercial courts	7
Labour courts	NA
Family courts	NA
Rent and tenancies courts	NA
Enforcement of criminal sanctions courts	NA
Administrative courts	1
Insurance and / or social welfare courts	NA
Military courts	NA
Other specialised 1st instance courts	62

Comment :

the term 'other specialized 1 st instance courts'in the Republic of Croatia refers to misdemeanour courts and the Municipal Criminal Court in Zagreb.

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

☒ Yes

☐ No

If yes, please specify:

According to the Law on the Areas and Seats of the Courts from 1 September 2011, only 33 municipal courts may try criminal cases of the first instance belonging to jurisdiction of municipal courts (until then, the total number of 66 was able to try such cases). According to the Law mentioned herein, 4 specialized administrative courts shall begin duty as of 1 January 2012 (administrative courts seated in Zagreb, Rijeka, Split and Osijek) as well as a specialized labour court of the first instance (Municipal Labour Court in Zagreb).

**45) Number of first instance courts (geographic locations) competent for the following cases. If data is not**

available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number of courts
a debt collection for small claims	73
a dismissal	66
a robbery	82

**Please give the definition for small claims and indicate the monetary value of a small claim:**

According to the Civil Procedure Act, the small value disputes are disputes in which the claim applies to monetary claim that does not exceed the amount of HRK 10,000. According to Act mentioned herein, in the proceedings before commercial courts, the small value disputes refer to disputes in which the claim applies to monetary claim that does not exceed the amount of HRK 50,000. In the first instance, for cases relating to the collection of debt for small value disputes, 66 municipal courts shall have jurisdiction (all municipal courts except the Municipal Criminal Court in Zagreb) and all 7 commercial courts.

In disputes over termination of employment, all 66 municipal courts shall have jurisdiction in the first instance (all municipal courts except the Municipal Criminal Court in Zagreb).

In criminal cases of robbery, municipal and county courts shall have jurisdiction in the first instance. County courts shall have jurisdiction should the robbery be made by a group or criminal organization or should in perpetration of such criminal act weapons or dangerous tools be used.

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

Ministry of Justice, Directorate for Organisation of the Judiciary.

Q42#1#2 : The decrease of 43.9% of number of first instance specialised courts is a result of judicial reform aiming to rationalize judicial network in Croatia.

**3. 1. 2. Judges and non-judge staff**

**46) Number of professional judges sitting in courts (if possible on 31 December 2010)**

(please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

\*\*\*\*\*

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	1887	614	1273
1. Number of first instance professional judges	1355	394	961
2. Number of second instance (court of appeal) professional judges	492	200	292
3. Number of supreme court professional judges	40	20	20

Comment :

The number of professional judges in courts of the first instance includes judges of municipal, commercial and magistrates' courts.

The number of judges in courts of the second instance includes judges of the county courts, High Commercial Court, High Magistrates' Court and Administrative Court of the Republic of Croatia.

**47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**



	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	154	61	93
1. Number of first instance court presidents	135	49	86
2. Number of second instance (court of appeal) court presidents	18	11	7
3. Number of supreme court presidents	1	1	0

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.**

Gross figure

NAP

If possible, in full-time equivalent

NAP

Comment :

The Croatian judicial system does not recognize the institute of professional judges who perform a part time duty.

**49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).**

Gross figure

NAP

**50) Does your judicial system include trial by jury with the participation of citizens?**

☐ Yes

☒ No

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

Criminal proceedings envisage participation of associate judges in the trial. According to the Criminal Procedure Act, municipal courts shall have jurisdiction to try in the first instance for criminal offences for which pecuniary punishment or imprisonment up to twelve years is stipulated by the law, unless otherwise prescribed by the law. Municipal courts shall try in councils made up of one judge and two associate judges, unless otherwise prescribed by the law. Criminal offences for which pecuniary punishment or imprisonment up to eight years is prescribed as the main sentence, shall be tried by a municipal court judge alone, except for the following cases stipulated by the Criminal Act: infanticide (Article 93), assisted murder (Article 94), causing death by negligence (Article 95), assisted suicide (Article 96 Paragraph 2), sexual intercourse with a helpless person (Article 189 Paragraph 1), coerced sexual intercourse (Article 190), sexual intercourse caused by abuse of office (Article 191 Paragraph 2), child abuse or abuse of minors for pornography (Article 196 Paragraph 1), severe criminal act against human health (Article 249 Paragraph 4, causing a traffic accident (Article 272 Paragraph 4) and in the cases for criminal acts for which the court composition has been prescribed by special law. In the cases which belong to the jurisdiction of municipal court council, before the beginning of the hearing the parties can agree that the hearing should be conducted by the president of the council as single judge, except should the council composition be prescribed by the law. The single judge shall have the authorities of a council. The parties shall not be able to revoke that consent. County courts shall have jurisdiction to try in the first instance for criminal offences for which imprisonment over twelve years or long term imprisonment are stipulated by the law, as well as for the following criminal acts stipulated by the Criminal Act: criminal offences against the Republic of Croatia (Chapter XII), criminal acts against the values protected by the international law (Chapter XIII) except for the criminal offence of drug abuse stipulated by the Article 173 Paragraph 1, 4 – 6, murder committed in a fit of passion (Article 92), kidnapping (Article 125 Paragraph 2), rape (Article 188 Paragraph 1), sexual intercourse with a child (Article 192 Paragraph 1), frauds at the expense of European communities (Article 224b), robbery (Article 218 Paragraph 2), robbery theft (Article 219 Paragraph 2), money laundry (Article 279), abuse of office and authority (Article 337 Paragraph 4). In the first instance, the county courts shall rule in councils composed of one judge and two associate judges, or in councils composed of two judges and three associate judges for criminal acts for which long term imprisonment is stipulated, unless otherwise stipulated by the law.

**51) Number of citizens who were involved in such juries for the year of reference:**

NAP

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.**

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> Yes	6944
1. 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	600
2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars	<input checked="" type="checkbox"/> Yes	5209
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	<input checked="" type="checkbox"/> Yes	355
4. Technical staff	<input checked="" type="checkbox"/> Yes	780
5. Other non-judge staff		NAP

Comment :

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

Authorised land registry officers. Such officers are authorised to independently decide in land registry cases.

**54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?**☒ Yes☐ No

If yes, please specify:

The courts are authorised to delegate certain private investigators (information support, cleaning of buildings, court protection)

**C.1****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 have been implemented over the last two years

**Please indicate the sources for answering questions 46, 47, 48, 49 and 52**

Ministry of Justice, Directorate for Organisation of the Judiciary

**3. 1. 3. Public prosecutors and staff**

**55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	619	252	367

3)			
1. Number of prosecutors at first instance level	437	167	270
2. Number of prosecutors at second instance (court of appeal) level	158	72	86
3. Number of prosecutors at supreme court level	24	13	11

Comment :

source: State Attorney's Council

**56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	25	13	12
1. Number of heads of prosecution offices at first instance level	11	5	6
2. Number of heads of prosecution offices at second instance (court of appeal) level	13	7	6
3. Number of heads of prosecution offices at supreme court level	1	1	NA

Comment :

source: State Attorney's Council

**57) Do other persons have similar duties to public prosecutors?**

☐ Yes

☒ No

Number (full-time equivalent)

**58) If yes, please specify their title and function:**

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

☐ Yes

☐ No

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number

☐ Yes

38

## C.2

**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 have been implemented over the last two years

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

source: State Attorney's Council

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

**61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.**

	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	Yes

Comment :

The other includes court's financial and accounting department.

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

Word processing	100% of courts
Electronic data base of jurisprudence	+50% of courts
Electronic files	-50% of courts
E-mail	100% of courts
Internet connection	100% of courts

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

Case registration system	100% of courts
Court management information system	+50% of courts
Financial information system	100% of courts
Videoconferencing	-10% of courts

**64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?**

Electronic web forms	-50% of courts
Website	+50% of courts
Follow-up of cases online	100% of courts
Electronic registers	100% of courts
Electronic processing of small claims	100% of courts
Electronic processing of undisputed debt recovery	100% of courts
Electronic submission of claims	100% of courts
Videoconferencing	-10% of courts
Other electronic communication facilities	100% of courts

**65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.**

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?

	Yes	No	Yes	Yes
--	-----	----	-----	-----

**Comment :**

Courts can apply a video conference at defendant and witness hearings, however it is questionable whether such examination method could be applied by the State Attorney. A consistent application of the Criminal Procedure Act would prevent the State Attorney from examining witnesses by using the video conference system.

The legislative framework for application of audio and video conference is stipulated by the Criminal Procedure Act, according to which outside the cases explicitly stipulated by that Act, the court could make a written order to conduct an evidence hearing by applying a closed technical device for distance link (audio and video conference).

The order shall contain the place and time of audio conference as well as names and addresses of the persons whose hearing is requested. The order can request the person in possession of the items which, according to the Criminal Act, should be dispossessed or which may be used for determining the facts in criminal proceedings, to present such items at court's request during the audio and video conference, and submit such items to the court afterwards.

Upon determining the data stipulated in Article 192 Paragraph 2, the court requesting the issuance of the order shall be entitled to ask questions to the examined party. The parties may be present and they may participate in the audio and video conference. The defendant detained in custody or in remand prison shall be enabled to follow the audio and video conference in an appropriate way and to ask questions or make observations via the court.

An expert operating the equipment shall also be present at the audio and video conference.

The body conducting the proceedings shall prepare minutes on the audio and video conference in which it shall state the time and place of the event, the persons present, the type and condition of technical device for long distance connection and the expert operating the device. The minutes can be kept by judicial advisor or court apprentice. The body conducting the proceedings may fulfil the request submitted by a foreign body in relation to form and content of audio and video conference, as well as other specific foreign body requests in accordance with the provisions of particular law or international treaty.

### C.3

**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**

In a further effort to increase the efficiency of the judiciary and modernise court administration, the Republic of Croatia has initiated improvements in the judiciary's information technology (IT) systems. The Integrated Case Management System (ICMS), known locally as eSpis (eFile), is being introduced in the courts. It provides an electronic court register, execute random case allocation, and enables cases to be tracked and monitored throughout the judicial proceedings. The Case Tracking System (CTS) with similar functions as ICMS is being introduced in to state attorney's offices.

By the end of 2010, ICMS was introduced in all county and commercial courts, the Supreme Court, the High Commercial Court, and 33 municipal courts. The remaining municipal courts are expected to be on the system by the end of 2011, once LAN and WAN networks are installed and additional IT equipment procured. Introduction of this system is funded by a World Bank loan and EU funds. Furthermore, through the World Bank Project, these two systems will be connected and improved.

In addition to the development and introduction of operational information systems that increase the efficiency and transparency of the judiciary as a whole, the Project of support to the judicial system of the World Bank will enable the renewing of the basic information infrastructure by equipping courts and state attorney's offices with personal computers, servers, and printers. Under this Project, the Republic of Croatia will procure 1,550 computers with ancillary equipment such as servers and printers.

In line with the Court Rules of Procedure (OG 158/09), all courts connected to the ICMS system have an automatic case allocation process. In other courts, random allocation remains manual. Related to ICMS, the Project of Unifying Statistical System has been launched to establish a single, comprehensive system for statistical monitoring of cases before courts and to make this data available to all relevant persons. As statistical data from various courts are standardised and migrated to the ICMS, defined statistical reports are published on the judiciary intranet and are available to all authorised users. The Project will be complete once ICMS is introduced in all courts.

## 3. 2. Performance and evaluation

### 3. 2. 1. Performance and evaluation

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

☒ Yes

☐ No

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

Ministry of Justice, Dežmanova 6 i 10, Zagreb, Croatia

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

☒ Yes

☐ No

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

-----  
**The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).**

☒ number of incoming cases?

☒ number of decisions delivered?

☒ number of postponed cases?

☒ length of proceedings (timeframes)?

☐ other?

If 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.

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

-----  
**The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).**

☒ Yes

☐ No

Please specify:

**70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)**

☒ Yes

☐ No

**71) Please select the 4 main performance and quality indicators that have been defined:**

☒ incoming cases

☒ length of proceedings (timeframes)

☒ closed cases

☒ pending cases and backlogs

☒ productivity of judges and court staff

☐ percentage of cases that are processed by a single sitting judge

☐ enforcement of penal decisions

☐ satisfaction of court staff

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

☐ judicial quality and organisational quality of the courts

☐ costs of the judicial procedures

☐ other:

If other, please specify:

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

- ☒ Yes  
☐ No

**73) Who is responsible for setting the targets for each judge?**

- ☒ 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 court (if no please skip to question 77)?**

- ☒ Yes  
☐ No

**75) Who is responsible for setting the targets for the courts?:**

- ☒ executive power (for example the ministry of Justice)?  
☐ legislative power  
☒ judicial power (for example a High Judicial Council, Higher Court)  
☐ other

If other, please specify:

**76) Please specify the main targets applied to the courts:**

Solving the monthly inflow of cases at particular court, 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) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

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

If other, please specify:

**78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?**

- ☒ Yes

☐ No

If yes, please specify:

Quality standards (policy of organisational quality or judges' quality) are defined by 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 Republic of Croatia.

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).

**79) Do you have specialised court staff that is entrusted with these quality standards?**

☒ Yes

☐ No

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

☒ in civil law cases

☒ in criminal law cases

☒ in administrative law cases

**81) Do you monitor waiting time during court procedures?**

☒ Yes

☐ No

If yes, please specify:

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.

The application system for monitoring unsolved cases seated in the Supreme Court of the Republic of Croatia.

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

-----  
**This question does not concern the specific evaluation of performance indicators.**

☒ Yes

☐ No

Please specify 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.



**83) Is there a system for monitoring and evaluating the performance of the public prosecution service?**☒ Yes☐ No

If yes, please give further details:

Within the State Attorney's Office, a supervision of supreme State Attorney's Office is established which shall inspect the lower State Attorney's Office every two years and, based on the inspection results, shall provide evaluation of functioning of the lower State Attorney's Office. This must be differentiated from evaluation of individual State Attorneys or their deputies, who are evaluated every three years.

**C.4**

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

## 4. Fair trial

### 4. 1. Principles

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

**84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?**

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):

1

**86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	4	4	8	0
Civil proceedings - Article 6§1 (non-execution)	0	0	1	0
Criminal proceedings - Article 6§1 (duration)	1	0	0	0

**Please indicate the sources:**

Ministry of Justice, Office for case-law and representation before European courts

#### D.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

### 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?

☐ there is no specific procedure

If yes, please specify:

civil cases: labour disputes, maintenance disputes and other status cases, trespassing cases

criminal cases: investigative actions, detention cases and detentions themselves

administrative cases: civil service disputes, refugee disputes and asylum seekers disputes

**88) Are there simplified procedures for:**

☒ civil cases (small disputes)?

☒ criminal cases (small offences)?

☐ administrative cases?

☐ there is no simplified procedure

If yes, please specify:

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. Administrative Dispute Act that will enter into force on 1.1.2012. prescribes simplified procedures.

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

☐ Yes

☒ No

If yes, please specify:

#### 4. 2. 2. Caseflow management and timeframes of judicial proceedings

**90) Comment:**

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

**91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note 1:** cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

**Note 2:** check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	457 432	1 103 864	1 230 937	449 212
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	191 738	146 607	149 290	189 055
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	18 052	262 472	253 120	27 404
3. Enforcement cases	115 020	198 718	186 644	127 094
4. Land registry cases**	95 148	480 096	506 113	69 131
5. Business register cases**	NA	NA	118 853	NA
6. Administrative law cases (litigious and non-litigious)	36 449	14 470	15 616	35 303
7. Other cases (e.g. insolvency registry cases)	1 025	1 501	1 301	1 225

**92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:**

**93) If "other cases", please indicate the case categories included:**

bankruptcy cases

**94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	267 392	383 565	405 548	245 409
8. Criminal cases (severe criminal offences)	34 075	44 819	48 254	30 640
9. Misdemeanour and / or minor offences cases	233 317	338 746	357 294	214 769

**95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).**

**Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".**

In answering question 94, under "criminal cases (severe criminal acts)" information were listed for the first instance criminal cases belonging to the jurisdiction of municipal and county courts, the second instance criminal cases belonging to the jurisdiction of county courts, as well as criminal cases belonging to the jurisdiction of the Supreme Court of the Republic of Croatia. Under "misdemeanour cases (smaller offences)" the information were listed for the first instance belonging to the jurisdiction of misdemeanour courts as well as misdemeanour cases belonging to the jurisdiction of the High Misdemeanour' Court of the Republic of Croatia.

**96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.**

**97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	62 755	81 048	76 368	67 435
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	62 755	81 048	76 368	67 435
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	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 (litigious and non-litigious)	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

**98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	55 550	52 181	55 495	52 236
8. Criminal cases (Severe criminal offences)	4 618	14 449	14 349	4 718
9. Misdemeanour and/or minor offences cases	50 932	37 732	41 146	47 518

Comment :

**99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	3 785	5 995	4 546	5 234
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	3 785	5 995	4 546	5 234
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	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 (litigious and non-litigious)	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

**100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	1 040	3 514	3 432	1 122
8. Criminal cases (severe criminal offences)	1 040	3 514	3 432	1 122
9. Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

**101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
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

**102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

-----  
**[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]**

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

**103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):**

**104) 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.

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

- ☒ to conduct or supervise police investigation
- ☒ to conduct investigations
- ☒ 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 discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- ☐ to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- ☐ other significant powers

If "other significant powers", please specify:

The State Attorney shall inspect the implementation of police investigations, he shall lead the investigation, he shall be authorised to propose remand determination to investigating judge, and he shall also request the issuance of a search warrant and special supporting actions.

The State Attorney shall lay the indictment and he shall represent the indictment before the court, he shall be able to propose the sentence, however, his proposition, apart from the exceptions stipulated by the law, shall not oblige the court. In such cases, the court shall also be authorised to impose a lower sentence.

The State Attorney can terminate the case without court decision only when applying the opportunity.

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

☒ Yes

☐ No

If yes, please specify:

Ha can act exceptionally in the case of public interest protection. Usually, he is a legal representative of the state and its bodies. The State Attorney represents the Republic of Croatia by the law as well as government and other bodies, and as a legal representative, he is furthermore authorised to conduct all legal actions.

**107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	86 339	48 987	NA	28 000

**108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	48 987
1. Discontinued by the public prosecutor because the offender could not be identified	27 364
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	18 811
3. Discontinued by the public prosecutor for reasons of opportunity	2 812

**109) Do the figures include traffic offence cases?**

☐ Yes

☒ No

## D.2

**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

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

91, 94, 97, 98, 100, 101, 102 - Ministry of Justice, Directorate for Organisation of the Judiciary  
107, 108 - State Attorney's Office

## 5. Career of judges and public prosecutors

### 5. 1. Recrutement and promotion

#### 5. 1. 1. Recrutement and promotion

#### 110) How are judges recruited?

- ☐ Mainly through a competitive exam (for instance, following a university degree in law)
- ☐ Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- ☐ A combination of both (competitive exam and working experience)
- ☒ Other

If other, please specify:

Candidates who submitted their applications for a judge vacancy and who are not judges, shall take a test before the Council consisting in writing one or more papers. A candidate can achieve a maximum of 120 points from the paper. The average grade scores shall also be evaluated, on the basis of which the candidates shall be able to achieve a maximum of 30 points. For the candidates who submitted their applications for a judge vacancy, and who are judges, the Council shall request an evaluation of judicial performance from the competent judicial chamber, which can amount to a maximum 150 points. Furthermore, the candidates who obtained up to 100 points by evaluation of judicial performance, in other words, the score sufficient for the appointment, as well as candidates who obtained the score by evaluation of their paper and university grades, and candidates who achieved the best result, shall be invited for an interview before the Council where a total of 20 points may be achieved. After the interview, the Council shall establish a candidate priority list by adding the scores obtained through the performance of judicial duty and the interview, by adding the scores obtained through the paper, or by evaluating their university grades and the interview, and it shall consequently reach a decision on appointment.

#### 111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

**[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].**

- ☐ An authority made up of judges only?
- ☐ An authority made up of non-judges only?
- ☒ An authority made up of judges and non-judges?

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

Judges shall be appointed by the State Judicial Council made up of 7 judges, 2 members of the parliament and 2 University professors from the Law faculties.

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

- ☒ Yes
- ☐ No

If no, which authority is competent for the promotion of judges ?

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

Judges shall be appointed to a higher court based on evaluation of performance of judicial duty as well as interviews with candidates after which the State Judicial Council shall establish a priority list and it shall reach a decision on appointment.

#### 114) Is there a system of qualitative individual assessment of the judges' activity?

- ☒ Yes
- ☐ No



**115) Is the status of prosecution services:**

- ☒ Indépendant?
- ☐ Under the authority of the Minister of justice ?
- ☐ Other?

Please specify:

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

- ☐ Mainly through a competitive exam (for instance, following a university degree in law)
- ☐ Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- ☐ A combination of both (competitive exam and working experience)
- ☒ Other

If "other", please specify:

The public tender published in the official journal of the Republic of Croatia might be applied by the persons who took judicial examination and who fulfil other requirements stipulated by the State Attorney Act for State Attorney Deputy or State Attorney. Upon their first appointment, the candidates for State Attorney Deputy shall take written examination consisting of writing an essay that represents reaching and elaboration of state attorney decision, after which they shall take oral examination. Based on the results of both written and oral examinations, the State Attorney Council shall compose a priority list and it shall reach the decision on the appointment. The State Attorney Council shall reach the decision on the appointment of deputy to the higher State Attorney's Office and for the State Attorney the decision shall be reached based on duty performance evaluation, the opinion by the State Attorney General, the authorised State Attorney and the State Attorney's Office board, as well as potential conversation with candidates.

**117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:**

**[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]**

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

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

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

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

- ☒ Yes
- ☐ No

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

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

The required number of years in service: for appointment in the County State Attorney's Office minimum 8 years, for State Attorney's Office of the Republic of Croatia minimum 15 years, inspection and evaluation of service, opinion by superior State Attorneys and State Attorney's Office board.

**120) Is there a system of qualitative individual assessment of the public prosecutors' activity?**

- ☒ Yes

☐ No

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

☒ Yes

☐ No

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

The State Judicial Council shall dismiss a judge:

-at his or her request;

-if he or she becomes permanently incapable of performing his or her duty;

- if he or she is convicted of criminal offence which makes him or her unworthy of performing judicial duty

-if pursuant to the law, due to the commission of grave disciplinary offence, the Council thus decides.

**122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of probation period (in years)
	NAP

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

☒ Yes

☐ No

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

The State Attorney shall be relieved from duty due to conviction for a criminal offense, should his duty performance be evaluated as unsatisfactory for two consecutive times and upon the decision on disciplinary punishment of relief from duty.

**124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of the probation period (in years)
	NAP

**125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?**

☐ Yes

☒ No

Please indicate the length of the mandate in years:

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

NAP

**E.1**

**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**

With the amendments of 16 June 2010 to the Constitution of the Republic of Croatia (OG 76/10), the provisions of the Constitution stipulating that judges and state attorneys in their first term in office, yet prior to their permanent

appointment are appointed for a period of five years, were abolished as a threat to their independence. Beginning 1 January 2013, judges being appointed for the first time at municipal, misdemeanor, commercial, and administrative courts, as well as new deputy state attorneys in municipal state attorneys' offices, will be appointed strictly from the ranks of candidates who have completed the State School for Judicial Officials.

The new system for promoting judges is based on the same principles of uniform, transparent, objective, and nationally applicable criteria. Applicants for promotion are ranked on the basis of the points achieved through a structured process for assessing their work conducted by the Councils of Judges. The assessment is based on the Methodology for the Evaluation of Judges, which was drafted in accordance to the Courts Act (OG 153/09) and was adopted by the SJC in March 2010 after opinions from the Council of Presidents of all the Councils of Judges and of the General Assembly of the Supreme Court in March 2010.

Amendments to the State Judiciary Council Act (OG 57/11) aim to further strengthen objective and transparent criteria for the appointment of judges by introducing the obligation to conduct interviews also for candidates who apply for promotion within judicial profession.

Regarding the appointment of state attorneys and their deputies, the Act on Amendments to the State Attorney Offices Act, which was adopted on 1 October 2010 (OG 116/10), introduces changes aimed at further strengthening of objective and transparent criteria for their appointment.

Rules of Procedure for the State Judiciary Council (OG 73/11) defines the internal organization and operation of the Secretariat of the State Judicial Council and its services and provisions on the publicity of the work of the State Judicial Council. Moreover, Regulation in the evaluation of the process of appointing court presidents (OG 73/11) and Regulation on the evaluation of the process of appointing judges (OG 73/11) increase transparency and objectivity in the process of the appointment of the judges.

## 5. 2. Training

### 5. 2. 1. Training

#### 127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Compulsory
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Compulsory
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	Optional

#### 128) Frequency of the in-service training of judges:

General in-service training	Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. court president)	Regular (e.g. every 3 months)
In-service training for the use of computer facilities in courts	Regular (e.g. every 3 months)

#### 129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for	Optional

management functions of the court (e.g. Head of prosecution office, manager)	
In-service training for the use of computer facilities in office	Optional

### 130) Frequency of the in-service training of public prosecutors

General in-service training	Regular (e.g. every 3 months)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Regular (e.g. every 3 months)
In-service training for the use of computer facilities in office	Regular (e.g. every 3 months)

### 131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).

If your judicial training institutions do not correspond to these criteria, please specify it.

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	No	No	No
One institution for prosecutors	No	No	No
One single institution for both judges and prosecutors	No	No	Yes

Comment :

budget for training for both judges and prosecutors in 2010. was 2370600 €.

The system of education of judges and State Attorneys in the Republic of Croatia:

The central institution for professional development of judicial officials in the Republic of Croatia is the Judicial Academy. The predecessor of Judicial Academy is Centre for Professional Development of Judges and Other Judicial Officials that was founded in 2003 as a separate unit in the Directorate for International Cooperation and Human Rights within the Ministry of Justice of the Republic of Croatia. In 2004, the Centre became Judicial Academy and it acquired the status of directorate within the Ministry of Justice. When Judicial Academy Act (Official Gazette 153/09, 116/10) entered into force on 1 January 2010, the Judicial Academy became independent and autonomous institution. It was founded by the Republic of Croatia, whereas the Ministry of Justice performs the rights and duties of the founder.

Two following constitutional units operate within the Judicial Academy:

- State school for judicial officials and
- Directorate for professional development of apprentices, advisors and judicial officials.

Judicial Academy performs its activities in its headquarters in Zagreb and in the regional centres in Split, Rijeka, Osijek and Varaždin.

The primary activities of Judicial Academy shall cover: Initial professional development of candidates for judicial officials (judges and state attorneys)

Initial professional development of apprentices in judicial bodies.

Continuous professional development of judicial officials and advisors in judicial bodies.

Apart from the activities mentioned herein, the Academy shall be engaged in numerous other activities such as:

establishment and development of international cooperation, participation in bilateral and multilateral projects and EU projects, information documentation activity, publishing, organization of foreign language courses for judicial officials and others.

Pursuant to basic activities of Judicial Academy, its main target groups include the following:

- o Students of the State school for judicial officials
- o Apprentices in judicial bodies
- o Judicial officials and
- o Court and state attorney advisors

The initial professional development of candidates for judicial officials shall be carried out in the State School for Judicial Officials as a separate establishment unit within the Academy. The purpose of the State school is enabling the candidates to acquire knowledge and skills for autonomous, responsible, independent and impartial performance of judicial duties.

Professional development for judicial officials shall last for two years and it shall consist of theoretical part and professional workshops which shall be carried out at the School, as well as practical part which shall be carried out at the court and in the

State Attorney's Office, and even in state authorities where required.

Judicial Academy shall also carry out the initial professional development of apprentices in judicial bodies, the bachelors of law who have not yet taken the judicial examinations. Such initial training shall primarily serve the purpose of preparation for taking the judicial examination, and it shall last for 60 days.

The largest target group of Judicial Academy are judicial officials – judges and State Attorneys as well as State Attorney Deputies. The programmes of professional development of judges and State Attorneys may be divided in two main categories: standard professional development intended for all judges and State Attorneys and a specialized professional development intended for the chosen target groups of judicial officials engaged in specific legal areas. The above mentioned programmes shall be carried out as workshops, seminars, round tables and conferences, and sometimes the professional development shall even be carried out through study visits and exchanges. Most of the activities shall be carried out in the form of interactive workshops intended for smaller groups of about twenty participants, whereas judges and State Attorneys shall be engaged as lecturers (trainers) or moderators. For judges and supervising State Attorneys, continuous development programmes shall be organized (train-the-trainers programme) in order to prepare them for work in the best possible way. According to the provisions of the Rules on Access to Professional Training ("Official Gazette" 124/10), the Academy is obliged to enable a judicial official to participate in at least two activities of professional development organized by the Judicial Academy per year.

The work assets of Judicial Academy shall be provided from the state budget of the Republic of Croatia. However, the Academy may also acquire the assets by publications, organization of educational activities as well as from other sources according to the law. In 2010, the Academy had a budget amounting to € 2,308,275.00 for professional development of all of its target groups.

Education on the European Convention on Human Rights in the Judicial Academy:

In the period between 2006 and 2010, the Judicial Academy conducted a total of 30 activities with a subject European Convention on Human Rights for the total of 542 participants. Some of those activities were carried out within the CARDS 2003 project "Professional Education of State Attorneys", the other part was carried out with support of the Embassy of the Republic of Finland, whereas the rest was carried out within the regular programme of continuous professional development of judges and State Attorneys in the Judicial Academy.

The education on the European Convention on Human Rights shall also be carried out at the State School for Judicial Officials. While carrying out the workshops dealing with the subject, the trainers intended to familiarize the students with basic standards of human rights protection according to the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as application of standards of the protection of human rights in their daily work.

In 2010, the first generation of students of the State School for Judicial Officials was enrolled, and their graduation shall be a prerequisite for the appointment for judge and State Attorney after 1 January 2013.

## E.2

**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

The Judicial Academy was established as an organizational unit within the Ministry of Justice primarily as a training centre for future judges and deputy state attorneys. To secure its independence, the Judicial Academy is separate, institutionally and operationally, from the executive branch of Government. The Act on the Judicial Academy, adopted in December 2009 (OG 153/09), has rendered the Judicial Academy as an institution independent of the Ministry of Justice and has established the State School for Judicial Officials as an organisational unit within the Judicial Academy.

As of 1 January 2010, the Judicial Academy has acted as an independent institution, responsible primarily for the initial professional training of candidates for judicial bodies and in-service training of judicial officials, as well as overseeing the two-year program for candidates for judicial officials in the State School.

To create a self-sustaining, efficient organisation, the administrative capacities of the Judicial Academy were strengthened and its staff allocation was set at 32 employees. In addition, sufficient budget for performing its duties has been allocated to the Judicial Academy. The Academy has also been moved into more suitable premises.

The continued development of the Judicial Academy has been supported by the adoption of several strategic documents, including the Strategy of the Activities and Development of the Judicial Academy as a Public Institution in 2011 and the Development Strategy of the Judicial Academy 2011-2015. To help prepare the Croatian judiciary to function seamlessly within the European Union, the Judicial Academy developed and adopted in December 2010 the Curriculum on Permanent Professional Development of Trainees, Advisers and Judicial Officials for 2011, putting particular emphasis on training on matters related to the European Union and its *acquis communautaire*.

In January 2011, the contract was signed for the IPA 2008 TAF project, "Support to the Establishment of State School for Judicial Officials." The obligated tasks under this program are the preparation of analysis of the existing legal framework regulating the State School for Judicial Officials and recommendations for its improvement; the improvement of the institutional set up of the State School for Judicial Officials within the Judicial Academy; and the preparation of further training programmes.

### 5. 3. Practice of the profession

#### 5. 3. 1. Practice of the profession

#### 132) Salaries of judges and public prosecutors.

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	30 396	16 416
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	65 592	29 016
Public prosecutor at the beginning of his/her career	30 396	16 416
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	65 592	29 016

#### Comment :

The information regarding the gross and net annual salary of a judge at the beginning of his/her judicial career refers to a judge with 10 years of service, due to the fact that in the judicial profession, it takes approximately that long for a Bachelor of Laws to be appointed as a judge. The same applies for attorneys at law.

#### 133) Do judges and public prosecutors have the following additional benefits?

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

#### 134) If other financial benefit, please specify:

#### 135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	No
Research and publication	Yes	No
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

#### 136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

According to the Law on Courts -a judge may produce expert or scientific papers, publish the content of legally effective court decisions, serve as a lecturer at the Judicial Academy, as a law teacher or teaching associate at a university study, participate in the work of expert or scientific meetings or commissions, and in preparing draft regulations.

A judge must not perform any other service or job which may impair his/her autonomy, impartiality or independence,

or diminish his/her social dignity, or which are otherwise incompatible with a judicial function.

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

	With remuneration	Without remuneration
Teaching	Yes	No
Research and publication	Yes	No
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

**138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:**

The State Attorney is obliged to make preliminary notification in writing to his immediate superior State Attorney, and the State Attorney Deputy is obliged to notify his State Attorney about each duty he performs, except writing professional and scientific thesis etc. The State Attorney shall decide on incompatibility of the duty for the State Attorney Deputy, the immediate superior State Attorney shall decide for the State Attorney, whereas the government of the Republic of Croatia shall decide for the State Attorney General.

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

- ☐ Yes  
☒ No

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

## 5. 4. Disciplinary procedures

### 5. 4. 1. Disciplinary procedures

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

- ☐ Citizens  
☒ Relevant Court or hierarchical superior  
☒ High Court / Supreme Court  
☐ High Judicial Council  
☐ Disciplinary court or body  
☐ Ombudsman  
☐ Parliament  
☒ Executive power  
☒ Other?  
☐ This is not possible

If "executive power" and/or "other", please specify:

executive power-minister of justice  
 other-State Judiciary Council

**141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):**

- ☐ Citizens  
☒ Head of the organisational unit or hierarchical superior public prosecutor  
☒ Prosecutor General /State public prosecutor

- ☐ Public prosecutorial Council (and Judicial Council)
- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Professional body
- ☐ Executive power
- ☐ Other?
- ☐ This is not possible

If "executive power" and/or "other", please specify:

**142) Which authority has disciplinary power on judges? (multiple options possible):**

- ☐ Court
- ☐ Higher Court / Supreme Court
- ☒ Judicial Council
- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Parliament
- ☐ Executive power
- ☐ Other?

If "executive power" and/or "other", please specify:

The State Judicial Council shall carry out a disciplinary procedure against the judges, and for some disciplinary procedures it may appoint an Investigating Commission made up of regular or specialized courts which shall determine the facts and elaborate them during the procedure before the Council.

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

- ☐ Supreme Court
- ☐ Head of the organisational unit or hierarchical superior public prosecutor
- ☐ Prosecutor General /State public prosecutor
- ☒ Public prosecutorial Council (and Judicial Council)
- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Professional body
- ☐ Executive power
- ☐ Other?

If "executive power" and/or "other", please specify:

**144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Judges	Public prosecutors
Total number (1+2+3+4)	5	2
1. Breach of professional ethics	4	NA
2. Professional inadequacy	1	1
3. Criminal offence	NA	NA
4. Other	NA	1



Comment :

The violation of official secret in relation to the performance of the State Attorney duty.

**145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Judges	Public prosecutors
Total number (total 1 to 9)	NA	2
1. Reprimand	1	1
2. Suspension	NA	NA
3. Removal of cases	NA	NA
4. Fine	2	NA
5. Temporary reduction of salary	NA	NA
6. Position downgrade	NA	NA
7. Transfer to another geographical (court) location	NA	NA
8. Resignation	1	NA
9. Other	NA	1

Comment :

State Attorney Council: The sanction of promotion delay in the duration of 3 years was pronounced.

State Judiciary Council: One disciplinary procedure is still underway.

### E.3

**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 Act on State Judiciary Council (OG 116/10) and the Act on State Attorney's Office (OG 76/09,153/09,116/10,145/10), as well as their previous versions, prescribe the list of disciplinary offences and disciplinary sanctions for judges and state attorneys and provide efficient and transparent disciplinary procedures in the event of violations.

The Amendments to the State Judiciary Council Act and to the State Attorney's Office Act were adopted in 2011. to improve further the system of disciplinary proceedings. These amendments introduced a possibility to appoint separate investigation commissions or investigators to establish facts in the disciplinary proceedings. Also, new sanctions for disciplinary offences were introduced to allow increased flexibility for applying the most appropriate sanction for a given violation.

**Please indicate the sources for answering questions 144 and 145**

State Attorney Council

State Judiciary Council

## 6. Lawyers

### 6. 1. Status of the profession and training

#### 6. 1. 1. Status of the profession and training

**146) Total number of lawyers practising in your country.**

4 133

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

☐ Yes

☒ No

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

NAP

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

- ☐ Civil cases?
- ☒ Criminal cases - Defendant?
- ☒ Criminal cases - Victim?
- ☐ Administrative cases?
- ☐ There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a 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. Legal persons may be represented by person who is employed in that legal person. In litigations in which value of the subject of the dispute exceeds value of 50 000 kunas (6,600 €) legal person must be represented by person who has passed bar exam.

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.

**150) Is the lawyer profession organised through? (multiple options possible)**

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

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

- ☒ Yes
- ☐ No

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

**152) Is there a mandatory general system for lawyers requiring in-service professional training?**☒ Yes☐ No**153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?**☒ Yes☐ No

If yes, please specify:

An attorney at law who would like to have his/her specialization in a particular branch of law acknowledged by the Croatian Bar Association should fulfil certain requirements – the length of practice as an attorney, the prevailing engagement in a certain branch of law, the publication of professional and scientific papers. A special commission shall determine whether a candidate meets the requirements and it shall suggest the acknowledgement of specialization to the Chamber Board.

**F.1****Please indicate the sources for answering questions 146 and 148:**

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**Comments for interpreting the data mentioned in this chapter:**

Croatian Bar Association

**6. 2. Practising the profession****6. 2. 1. Practising the profession****154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?**☒ Yes☐ No**155) Are lawyers' fees freely negotiated?**☒ Yes☐ No**156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**☒ Yes laws provide rules☒ Yes standards of the bar association provide rules☐ No, neither laws nor bar association standards provide rules**F.2****Useful comments for interpreting the data mentioned in this chapter:**

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.

**6. 3. Quality standards and disciplinary proceedings****6. 3. 1. Quality standards and disciplinary proceedings**

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

- ☒ Yes  
☐ No

If yes, what are 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.

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

- ☒ the bar association?  
☐ the Parliament?  
☐ other?

If "other", please specify:

**159) Is it possible to file a complaint 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.

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

- ☐ the judge  
☐ the Ministry of justice  
☒ a professional authority  
☐ other

If other, please specify:

**161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	226	NA	NA	NA	NA

Comment :

Croatian Bar Association has no statistical data for those categories. The total number of disciplinary proceedings initiated against lawyers in 2010. is 226.

**162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	92	9	8	35	39	1

Comment :

### F.3

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

160. Croatian Bar Association has its own disciplinary bodies that are responsible for omissions lawyer.

These are:

Disciplinary Prosecutor

Disciplinary Court

Higher Disciplinary Court

## 7. Alternative Dispute Resolution

### 7. 1. Alternative Dispute Resolution

#### 7. 1. 1. Alternative Dispute Resolution

**163) Does the legal system provide for mediation procedures? If no skip to question 168**

-----  
**[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]**

☒ Yes

☐ No

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

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	Yes	Yes	No	Yes	Yes
Family law cases (ex. Divorce)	Yes	No	Yes	Yes	No
Administrative cases	Yes	No	Yes	Yes	No
Employment dismissals	Yes	Yes	Yes	Yes	No
Criminal cases	Yes	No	No	No	Yes

**165) 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.

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

388

**167) Number of judicial mediation procedures.**

-----  
**Please indicate the source in the "comment" box below:**

Total number of cases (total 1+2+3+4+5)	NA
1. civil cases	<input checked="" type="checkbox"/> Yes 541
2. family cases	NA
3. administrative cases	NA
4. employment dismissals cases	NA
5. criminal cases	NA

Comment :

**168) Does the legal system provide for the following ADR.**

**If "other", please specify it in the "comment" box below:**

Mediation other than judicial mediation?	Yes
Arbitration?	

	Yes
Conciliation?	Yes
Other alternative dispute resolution?	Yes

Comment :

There is a possibility of extrajudicial settlement certified by a notary public

### G.1

**- 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**

166. The number of accredited conciliators is not final because mediators continue registering for accreditation.

In the Republic of Croatia, the following system of judicial settlement is set up (within mediation centres at courts and extrajudicial settlement at mediation centres outside courts) – Mediation Centre at the Croatian Chamber of Economy, Mediation Centre at the Croatian Chamber of Trades and Crafts, Mediation Centre at the Croatian Employers Association, Mediation Centre at the Croatian Mediation Association, The Office for Social Partnership, the Banking Mediation Centre at the Croatian Banking Association, Mediation Centre at the Croatian Insurance Office.

A new Mediation Act has been enacted ("Official Gazette" no. 18/11) which is entirely harmonized with the new Directive 2008/52/EC of the European Parliament and Council from 21 May 2008 stipulating certain conciliation aspects in civil and commercial cases. The new Act additionally emphasized the basic principles of mediation such as dispositiveness, the party autonomy, voluntariness and consensuality, informality and confidentiality of proceedings.

A new Ordinance on Mediators Register and Standards for Accreditation of Mediation Institutions and Mediators ("Official Gazette", no. 59/11) has been enacted.

A new Code of Ethics for mediators has been introduced.

A Practice Book has been written presenting a certain guide for courts in carrying out conciliation processes.

A register of conciliators has been established as well as a register of accredited institutions for conciliators which is kept by the Ministry of Justice.

Brochures on the mediation process have been published by the Ministry of Justice.

Numerous round tables and conciliation conferences have been organized.

Q166 : Registration of mediators began in 2010 and currently there are 388 registered mediators. In 2008 there were 1000 trained mediators. Thus, data given to CEPEJ in 2008 concerned only trained mediators and not the registered ones.

**Please indicate the source for answering question 166:**

Ministry of Justice-Civil, Commercial and Administrative Law Directorate

## 8. Enforcement of court decisions

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

#### 8. 1. 1. Functioning

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

☒ Yes

☐ No

#### 170) Number of enforcement agents

71

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

☐ judges?

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

☒ bailiff working in a public institution?

☒ other enforcement agents?

Please specify their status and powers:

Bailiffs shall carry out distraint on the basis of distraining documents; they shall deliver all court documents; enforcement documents or other documents relating to the realization of certain rights and obligations; upon the request of the party or public notary, they shall deliver public notary documents and decisions; they shall deliver enforcement orders, minutes, conclusions and other documents relating to distraint implementation; for the purpose of enforcement, they shall gather information on the property of the distrainee and they shall carry out other tasks in accordance with their legal authority.

#### 172) Is there a specific initial training or examination to become an enforcement agent?

☒ Yes

☐ No

#### 173) Is the profession of enforcement agents organised by?

☒ a national body?

☐ a regional body?

☐ a local body?

☐ NAP (the profession is not organised)

#### 174) Are enforcement fees easily established and transparent for the court users?

☒ Yes

☐ No

#### 175) Are enforcement fees freely negotiated?

☐ Yes

☒ No

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

☒ Yes

☐ No



**Please indicate the source for answering question 170:**

The number of 71 relates to number of appointed bailiffs. Another tender for bailiffs is still in process.

Ministry of Justice-Civil, Commercial and Administrative Law Directorate

**8. 1. 2. Efficiency of enforcement services****177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

☒ Yes

☐ No

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

☒ a professional body?

☒ the judge?

☒ the Ministry of justice?

☐ the public prosecutor?

☐ other?

If other, please specify:

Professional body is Chamebr of bailiffs -starts in 2012.

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

☒ Yes

☐ No

If yes, 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.

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

☐ a professional body

☐ the judge

☒ the Ministry of Justice

☐ other

If "other", please specify:

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

☐ Yes

☒ No

if yes, please specify

**182) 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.

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

- ☐ no execution at all?
- ☐ non execution of court decisions against public authorities?
- ☐ lack of information?
- ☒ excessive length?
- ☐ unlawful practices?
- ☐ insufficient supervision?
- ☒ excessive cost?
- ☐ other?

If other, please specify:

**184) 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.

**185) Is there a system measuring the timeframes of the enforcement procedures:**

- ☒ for civil cases?
- ☒ for administrative cases?

**186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who 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

**187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

Total number of disciplinary proceedings  
(1+2+3+4)

☐ number:

1. for breach of professional ethics

☐ number:

2. for professional inadequacy

☐ number:

3. for criminal offence ☐ number:

4. Other ☐ number:

Comment :

#### 188) Number of sanctions pronounced against enforcement agents.

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

Total number of sanctions (1+2+3+4+5) ☐ number:

1. Reprimand ☐ number:

2. Suspension ☐ number:

3. Dismissal ☐ number:

4. Fine ☐ number:

5. Other ☐ number:

Comment :

#### H.1

**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**

To improve the enforcement system, a new legislative framework has been put in place. The new framework was created by several pieces of legislation: The Act on Conducting Enforcement on Financial Assets, adopted in July 2010 (OG 91/10) and entered into full force 1 January 2011; the new Enforcement Act, adopted in November 2010 (OG 139/10), with some provisions coming into force 1 January 2011 and the remaining entering into force 1 January 2012; and the Public Bailiffs Act, adopted in November 2010 (OG 139/10) and to enter fully into force 1 July 2012, when the necessary operational preconditions are complete.

In line with the provisions of the Act on Conducting Enforcement on Financial Assets, enforcement on financial assets has been administered by the Financial Agency (FINA), the Croatian National Bank, and banks since 1 January 2011. In the first month of the application of the Act, the efficiency of the enforcement procedure noticeably improved. In January 2011, FINA processed 24,987 new grounds for payment, of which 19,822 with the total amount of 1.5 billion kuna were fully or partly enforced. An additional 5,165 cases were returned to creditors after shortcomings were identified.

The new Enforcement Act and Public Bailiffs' Act establish a completely revised system of conducting enforcement procedures, transferring competence from the courts to public bailiffs.

Some of the provisions of the Enforcement Act that entered into force on 1 January 2011 will improve enforcement and reduce the number of enforcement cases ahead of the introduction of public bailiffs in July 2012. These include a provision on retaining a motor vehicle, allowing easier and more effective implementation of enforcement on motor vehicles. (Motor vehicles are the most significant objects of enforcement cases involving movable assets.) Another provision allows for the suspension of all procedures instigated before 1996, unless the creditor moves to continue with the procedure. This provision is expected to resolve old enforcement cases and further unburden the courts.

The Public Bailiffs Act abandons the previous model of enforcement by the court and transfers the jurisdiction in most cases to public bailiffs. Among those that remain under the jurisdiction of courts are those involving the custody of children and enforcement of visitation rights and enforcement based on a foreign court decisions, domestic or foreign arbitrage decisions, or if the Enforcement Act or some other Act proscribes the jurisdiction of courts. All preparatory steps for introducing the public bailiffs' system in 2012 are underway, including the employment of two dedicated staff members in the Department for the Regulations of Enforcement Law in the Ministry of Justice. By the end of the second trimester 2011 public bailiff exams will be ready and the appointment of public bailiffs will begin. The creation of the relevant Chamber is also in progress, along with other necessary measures.

#### **Please indicate the source for answering the questions 186, 187 and 188:**

the Public Bailiffs system will enter into force on 1 July 2012. Therefore, there are no data available for questions 187. and 188.

186. Ministry of Justice-Civil, Commercial and Administrative Law Directorate

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

### 8. 2. 1. Execution of decisions in criminal matters

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

- ☐ Judge
- ☐ Public prosecutor
- ☐ Prison and Probation Services
- ☒ Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

When the sentence ordering the payment of procedural costs or confiscation of certain material gain becomes final and the term expires in which the court determined defendant's obligation to settle his obligations and the defendant fails to do so, the enforcement procedure shall begin.

In that procedure, which is carried out according to the Enforcement Act, the distraining officer is the state and in the proceedings it is represented by the State Attorney civil department.

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

- ☐ Yes
- ☒ No

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

- ☐ 80-100%
- ☐ 50-79%
- ☐ less than 50%
- ☒ it cannot be estimated

Please indicate the source for answering this question:

Ministry of Justice, Criminal Law Directorate

## H.2

**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. Notaries

#### 9. 1. 1. Notaries

**192) Do you have notaries in your country? If no go to question 197**

☒ Yes

☐ No

**193) Are notaries:**

-----

**If other, please specify it in the "comment" box below.**

private professionals (without control from public authorities)?	<input type="checkbox"/> number	
private professionals under the authority (control) of public authorities?	<input checked="" type="checkbox"/> number	308
public agents?	<input type="checkbox"/> number	
other?	<input type="checkbox"/> number	

Comment :

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

- ☐ within the framework of civil procedure?
- ☒ in the field of legal advice?
- ☒ to certify the authenticity of legal deeds and certificates?
- ☒ other?

If "other", please specify:

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

In the field of providing legal advice, notaries public are authorised to provide legal advice in relation to the action 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 receiving and keeping pf documents, money and valuable items for purpose of handling them over to other person or to competent bodies and conducting proceedings prescribed by law upon orders by court 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 conclusion of session of assemblies and other bodies, protests regarding bill of exchange.

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

**195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?**

☒ Yes

☐ No

**196) Which authority is responsible for supervising and monitoring notaries:**

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

☒ other?

If other, please specify:

Professional body is the Croatian Chamber of notary public  
The court is supervising the notaries in inheritance cases.

### **I.1**

**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. Court interpreters

#### 10. 1. 1. Court interpreters

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

☒ Yes

☐ No

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

☒ Yes

☐ No

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

2 020

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

☒ Yes

☐ No

If yes, please specify (e.g. having passed a specific exam):

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.

**201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.**

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

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

- ☐ No

Comment :

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

### J.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 199:**

Ministry of Justice, Directorate for Organization of the Judiciary

## 11. Judicial experts

### 11. 1. Judicial experts

#### 11. 1. 1. Judicial experts

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

- ☐ "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- ☒ "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- ☐ "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

**203) Is the title of judicial experts protected?**

- ☒ Yes
- ☐ No

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

- ☒ Yes
- ☐ No

**205) Number of accredited or registered judicial experts (technical experts)**

3 429

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

- ☒ Yes
- ☐ No

If yes, please specify, in particular the given time to provide a technical report to the judge:

The court shall order a judicial expertise in cases where determining or evaluating an important fact should require a finding and opinion of a person with the required expert knowledge. The court shall summon the expert witness to a scheduled hearing, where he/she shall orally present his/her finding and opinion. However, the court may allow the expert witness to subsequently submit his/her written finding and opinion, whereby the deadline for submittal of written finding and opinion shall be determined by the court. Should the expert witness fail to meet the deadline mentioned herein, the court shall impose a fine. Provisions pertaining to judicial expertise are contained in procedural acts of the Republic of Croatia.

**207) Are the courts responsible for selecting judicial experts?**

-----  
**If no, please indicate in the "comment" box below which authority selects judicial experts?**

- Yes ☒ for recruitment and/or appointment for a specific term of office
- Yes ☒ for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No ☐.

Comment :

#### K.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

Pursuant to the Courts Act, expert witnesses shall be appointed and dismissed by the president of a county court or commercial court for their own territory. Expert witnesses shall be appointed for the period of 4 years and they may be re-appointed. Each president of the county court or commercial court shall make a list of appointed expert witnesses. In particular judicial proceeding, a judge shall independently choose an expert witness from the list mentioned above.



**Please indicate the sources for answering question 205:**

Ministry of Justice, Directorate for Organization of the Judiciary.

On the 31 December, 2010. there were 3429 judicial experts.

## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Reforms

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

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crime and prison system**
- 10. Other**

New Action Plan to implement the Judicial Reform Strategy for 2012 is to be drafted and adopted. Judicial Reform has continued:

Continue to strengthen the independence, accountability, impartiality and judiciary

- ensure sustained track record of recruiting and appointing judges, state attorneys and court presidents based on transparent, objective uniform and nationally applicable criteria,
- ensure full and proper implementation of transitional provisions for the appointment of judges and state attorneys and proper functioning of the State School for Judicial Officials,
- ensure that the State Judicial Council and State Attorneys Council proactively apply the improved disciplinary rules and procedures that have been put in place in an efficient, objective and transparent,
- ensure full application of the Code of Ethics and continue to implement the improved system of assets declarations of judges and their storage,
- continue to improve the delivery of initial and in-service training, including on matters of EU law and strengthen the relevant training institutions
- improve publications of access to final court decisions- by regularly updating the web site of the Supreme Court in all types of civil and criminal cases,

Continue to improve the efficiency of the judiciary

- further reduce the case backlogs before all types of courts, including the backlog of enforcement cases and old civil cases. Particular attention has been focused on eliminating the backlog of all cases older than 10 years at municipal and county courts. The State Attorney's Office has issued internal guidelines that seek settlement agreement in cases where this is possible, and to take other measures which would enable reducing the backlog of civil cases in courts.
- ensure the full functioning of a single comprehensive system for statistical monitoring of case handling before all courts and State Attorney's offices, ensuring that average length of proceeding for different categories of cases can be adequately monitored
- provide courts with sufficient resources to perform their duties
- Complete the reform of the system of administrative justice. The building of the Administrative Court in Zagreb has been renovated, equipped and is ready for moving in.
- Implement the functional and physical mergers of municipal and misdemeanour courts, county courts and commercial courts as well as of state attorney's offices
- Continue to reform the civil procedure, in particular by preventing repeated and frequent referral of cases from higher instance to lower instance courts
- ensure appropriate recourse is made to alternative dispute resolution, paying greater attention to out-of-court mediation and ensuring in-court mediation is not seen as a disincentive in terms of performance indicators for judges
- Continue to ensure a sustained track record of substantial results based on efficient, effective and unbiased investigation, prosecution and court rulings in organized crime and corruption cases at all levels
- Continue to improve international cooperation particularly on organized crime, including exchange of information based on international conventions
- Continue to increase the capacity of the courts to handle corruption and organized crime cases, including in terms of human resources and logistics, and ensure the application of dissuasive sanctions.
- Make full use of legal tools leading to concrete results in seizure and confiscations of assets in corruption and organized crime cases