

COMPLIANCE MATRIX (CROATIA)

| Treaty | Treaty Requirement | Self assessment | | | Relevant legislation and institutional framework in place ¹ | Difficulties in implementing specific requirements ² |
|---|---|-----------------|-----------------------|-------------------|--|---|
| | | Not implemented | Partially implemented | Fully implemented | | |
| | Yes/No | Yes/No | Yes/No | Yes/No | | |
| CoE Criminal Law Convention on Corruption | Criminalization of Offences/and Provision of: Active and passive bribery ³ | | | Yes | <ul style="list-style-type: none"> Criminal Code of the RoC; NN 110/97, 27/98, 50/00, 129/00, 51/01, 05/04, Art 294 a, 294 b, 343, 345 347, 348, 89 (3) Law on Prevention of Conflict of Interest NN 163/03, 94/04 Law on Freedom of Access to Information NN.172/03 Law on Public Procurement NN 117/03, 197/03 | |
| | Money-laundering of proceeds from corruption | | | Yes | <ul style="list-style-type: none"> Criminal Code NN 110/97, 27/98, 50/00, 129/00,51/01,05/04; art. 27 Law on Prevention of Money Laundering NN 69/97, 67/01, 114/01, 117/03 | |
| | Accounting corruption related offences | | | Yes | <ul style="list-style-type: none"> Criminal Code NN 110/97, 27/98, 50/00, 129/00, 51/01, 105/04; - articles 283 (2,3), 289(2), 294, 295 (2), 351(2) | |
| | Effective and dissuasive sanctions and measures | | | Yes | <ul style="list-style-type: none"> Criminal Code NN 110/97, 27/98, 50/00, 129/00, 51/01, 105/04 (imprisonment punishments up to 5 years, fines – which are determined according to daily allowance) Law on Responsibility of the Legal Persons for Criminal Acts NN 151/03, Art. 8-13 Law on State Officials and Employees NN 27/01 : art. 51 | |
| | Legal entities criminal and non-criminal liability | | | Yes | <ul style="list-style-type: none"> Law on Responsibility of legal Persons for Criminal Acts NN 151/03 | |
| | Liability of legal persons | | | Yes | <ul style="list-style-type: none"> The Law on Criminal Responsibility of Legal Persons - adopted in 09/2003 and in force since 03/2004 | |
| | Setting up of specialised anti-corruption bodies | | | Yes | <ul style="list-style-type: none"> Office for Suppression of Corruption and Organized Crime – “USKOK” established in 2001 according to the Law on USKOK NN 88/01, 12/02, 02/05 Law on Suppression of Money Laundering - The Office for Prevention of Money Laundering, within Ministry of Finance The MoI Department of Economic Crime and Corruption | |

¹ When applicable please only provide the Law/Act title, Nr. and date of entry into force

² Please list the specific areas/notions

³ Please note that which subjects are covered by active and passive bribery (i.e., public officials, international officials, private sector etc)

| Treaty | Treaty Requirement | Self assessment | | | Relevant legislation and institutional framework in place ¹ | Difficulties in implementing specific requirements ² |
|--|--|-----------------|-----------------------|---------------------|--|---|
| | | Not implemented | Partially implemented | Fully in compliance | | |
| | Protection of collaborators of justice | | | Yes | <ul style="list-style-type: none"> Law on Criminal Procedure-NN 27/98, 58/99, 112/99, 58/99, 12/99, 58/02, 143/02- articles 238a –238e Law on Office for Suppression of Organised Crime and Corruption NN 88/01, 12/02, – protection of crown witness articles 29-38 Law on Witness Protection NN 163/03 | |
| | Investigating or prosecuting authorities, gathering of evidence and confiscation of proceeds | | | Yes | <ul style="list-style-type: none"> Law on USKOK -Office for Suppression of Organised Crime and Corruption is specialised prosecuting body Law on USKOK art.25 – Special Investigative departments of the four Country Courts Within the MoI Special Department of Economic Crime and Corruption Law on Suppression of Money Laundering- Office for Suppression of Money Laundering Law on Criminal Procedure- art. 218-221, 463-471 Law on Responsibility of Legal Persons for Criminal Acts- Art. 20 Law on USKOK- art 41-56 Criminal Code- art.80,82 Law on Execution 57/96, 29/99 42/00, 173/03, 151/04 art. 297-299 | |
| | International co-operation: mutual assistance, extradition & provision of information during proceedings re: corruption offences | | | Yes | <ul style="list-style-type: none"> Law on Mutual Legal Assistance in Criminal Matters NN 178/04 in force 01.07.2005 Law on USKOK- art.15 a – Department for International Cooperation and Joint Investigations Constitution of the RoC -art. 9 and 140 Bilateral agreements Croatia signed with Albania, Hungary, Romania etc. | |
| CoE Civil Law Convention on Corruption | Provision of: compensation for damage | Yes/No | Yes/No | Yes/No | <ul style="list-style-type: none"> Law on Obligations NN 53/91, 73/91,3/94, 7/96, 112/99, 35/05 art 186-190 | |
| | liability (including State liability for acts of corruption committed by public officials); | | | Yes | <ul style="list-style-type: none"> Law on Obligations 53/91, 73/91,3/94, 7/96, 112/99, 35/05 art 190-192 | |
| | contributory negligence: reduction or disallowance of compensation, depending on the circumstances | | | Yes | <ul style="list-style-type: none"> Law on Obligations 53/91, 73/91,3/94, 7/96, 112/99, 35/05 art 60-65, 103-116 | |

| Treaty | Treaty Requirement | Self assessment | | | Relevant legislation and institutional framework in place ¹ | Difficulties in implementing specific requirements ² |
|---|--|-----------------|-----------------------|---------------------|---|---|
| | | Not implemented | Partially implemented | Fully in compliance | | |
| | validity of contracts; | | | Yes | <ul style="list-style-type: none"> • Law on Obligation- NN 53/91, 73/91,3/94, 7/96, 112/99, 35/05 | |
| | protection of employees who report corruption | | | Yes | <ul style="list-style-type: none"> • Labour Law- NN 38/95, 54/95 65/9517/01, 82/01, 114/03, 142/03, 30/04, art 108, 119(1) | |
| | clarity and accuracy of accounts and audits | | | Yes | <ul style="list-style-type: none"> • Law on State Officials and Civil Servants -art 30 • Law on Commercial Associations NN 111/93, 34/99, 121/99, 52/00 NN 27/01 • Law on State Revision NN 27/03, Law on Revision • General Tax Law NN 127/00, 150/02 | |
| | acquisition of evidence | | | | <ul style="list-style-type: none"> • Law on Civil Procedure NN 53/91, 91/92, 58/93, 112/99, 88/01 117/03 | |
| | court orders to preserve the assets necessary for the execution of the final judgment and maintenance of status quo pending resolution | | | | <ul style="list-style-type: none"> • Execution Law – articles 297, 299 • Law on Civil Procedure NN 53/91, 91/92, 58/93, 112/99, 88/01 117/03 | |
| | international co-operation | | | | <ul style="list-style-type: none"> • Bilateral Agreement on Mutual Legal Assistance in Civil and Criminal Matters among GoC and GoBiH, Government of Federation of BiH /1996 • Bilateral Agreement on Mutual Legal Assistance in Civil and Criminal Matters among RoC and SRJ /1998 | |
| CoE | Provision of: | Yes/No | Yes/No | Yes/No | <ul style="list-style-type: none"> • Criminal Code, art 347, 348 related to article 89(3) | |
| Additional Protocol to the Criminal Law Convention on Corruption | measures to establish, as criminal offences, the active and passive bribery of domestic and foreign arbitrators and jurors | | | yes | | |
| UN | Provision of: | Yes/No | Yes/No | Yes/No | <ul style="list-style-type: none"> • | |

| Treaty | Treaty Requirement | Self assessment | | | Relevant legislation and institutional framework in place ¹ | Difficulties in implementing specific requirements ² |
|-------------------------------|-------------------------------------|-----------------|-----------------------|---------------------|---|---|
| | | Not implemented | Partially implemented | Fully in compliance | | |
| Convention against Corruption | Preventive measures | | | | <ul style="list-style-type: none"> The Draft National Strategy and Action Plan. Foreseen is the independent Anticorruptive body with preventive and education role Law on USKOK, NN 81/01, 12/02, 5/05 Law on State Servants and Employees NN 27/01 Law on Prevention of Conflict of Interest NN 163/03, 94/04 Law on Freedom of Access to Information NN.172/03 Law on Public Procurement NN 117/03, 197/03 Law on State Commission for Control of Public Procurement NN 117/03 Law on State Attorney Office NN 51/01 Law on State Judicial Council NN 58/93, 49/99, 129/00 Law on Political Parties NN 76/93, 111/96, 164/98, 36/01 | |
| | Criminalization and law enforcement | | | yes | <ul style="list-style-type: none"> Implemented in: Criminal Code of the RoC; NN 110/97, 27/98, 50/00, 129/00, 51/01, 105/04 Criminal Procedure Law NN 27/98, 58/99, 112/99, 58/99, 112/99, 58/02, 143/02 Law on Responsibility of Legal Persons for Criminal Acts NN 151/03 Law on USKOK NN 81/01, 12/02, 5/05 Law on Office for Prevention of Money Laundering NN 69/97, 67/01, 114/01, 117/03 Law on Witness Protection NN 163/03 Law on Payment Operations NN 117/01 Law on Mutual legal Assistance in Criminal Matters NN 178/04 Law on Custom Service NN 67/01 | |
| | International cooperation | | | yes | <ul style="list-style-type: none"> Law on Mutual Legal Assistance in Criminal Matters Law on USKOK- Department for International Co-operation and Joint Investigations | |

| Treaty | Treaty Requirement | Self assessment | | | Relevant legislation and institutional framework in place ¹ | Difficulties in implementing specific requirements ² |
|--------|---|-----------------|-----------------------|---------------------|--|---|
| | | Not implemented | Partially implemented | Fully in compliance | | |
| | Asset recovery | | | yes | <ul style="list-style-type: none"> • Law on Payment Operations NN 117/01 • Law on Prevention of Money Laundering NN 69/97, 67/01, 114/01, 117/03 • Law on USKOK- art 48 • Criminal Code – art. 82 | |
| | Technical assistance and information exchange | | | yes | <ul style="list-style-type: none"> • Within the Ministry of Justice established is the Judicial Academy in 2004 with the aim of continuing expert improvement of the judges and other judicial officials, advisors etc. Preparation of the education materials, organisation of standard and specific models of education, close co-operation with Courts, State Attorney offices through work shops, seminars, round tables • Police Academy • Police school – basic education • Department for expert specialisation • High Police School – criminology studies | |