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Version 14 May 2020

[reference to the provisions of the Budapest Convention]

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*This profile has been prepared by the Cybercrime Programme Office (C-PROC) of the Council of Europe in view of sharing information on cybercrime legislation and assessing the current state of implementation of the Budapest Convention on Cybercrime under national legislation. It does not necessarily reflect official positions of the State covered or of the Council of Europe.*

<b>State:</b>	
<b>Signature of the Budapest Convention:</b>	N/A
<b>Ratification/accession:</b>	

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
<b>Chapter I – Use of terms</b>	
<p><b>Article 1 – “Computer system”, “computer data”, “service provider”, “traffic data”:</b></p> <p>For the purposes of this Convention:</p> <p>a “computer system” means any device or a group of interconnected or related devices, one or more of which, pursuant to a program, performs automatic processing of data;</p> <p>b “computer data” means any representation of facts, information or concepts in a form suitable for processing in a computer system, including a program suitable to cause a computer system to perform a function;</p> <p>c “service provider” means:</p> <p>i any public or private entity that provides to users of its service the ability to communicate by means of a computer system, and</p> <p>ii any other entity that processes or stores computer data on behalf of such communication service or users of such service;</p> <p>d “traffic data” means any computer data relating to a communication by means of a computer system, generated by a computer system that formed a part in the chain of communication, indicating the communication’s origin, destination, route, time, date, size, duration, or type of underlying service</p>	<p><b>CRIMINAL CODE (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19)</b></p> <p>Article 87 - Meaning of terms used in this Act</p> <p>(18) A computer system shall mean any device or a group of inter-connected or inter-linked devices, one or more of which process data automatically on the basis of a computer programme, as well as computer data stored or processed in, read or transferred into it for the purpose of its operation, use, protection and maintenance.</p> <p>(19) Computer data shall mean any denotation of facts, information or ideas in a form suitable for computer processing.</p> <p><b>Telecommunications Act (OG 73/08, 90/11, 133/12, 80/13, 71/14)</b></p> <p>Article 2</p> <p>(36) provider of services: any public or private entity that provides public telecommunication services on the market by means of telecommunication network,</p> <p>(55) data on telecommunication traffic: any data which are processed for the purpose of communication through telecommunication network or for the purpose of calculation of costs.</p>

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<b>Chapter II – Measures to be taken at the national level</b>	
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<b>Title 1 – Offences against the confidentiality, integrity and availability of computer data and systems</b>	
<p><b>Article 2 – Illegal access</b> Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the access to the whole or any part of a computer system without right. A Party may require that the offence be committed by infringing security measures, with the intent of obtaining computer data or other dishonest intent, or in relation to a computer system that is connected to another computer system.</p>	<p><b>CRIMINAL CODE (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19)</b></p> <p><b>Article 266 - Unauthorised Access</b></p> <p>(1) Whoever accesses the whole or a part of a computer system or computer data without authorisation shall be sentenced to imprisonment for a term of up to two year.</p> <p>(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article with respect to a computer system or computer data of a state authority, Constitutional Court of Republic of Croatia and international organization of which the Republic of Croatia is a member, body of local or regional self-government, public institution or company of special public interest shall be sentenced to imprisonment for a term of up to three years.</p> <p>(3) A perpetrator who attempts to commit the criminal offence referred to in paragraph 1 or 2 of this Article shall be punished.</p> <p>(4) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted upon request.</p>
<p><b>Article 3 – Illegal interception</b> Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the interception without right, made by technical means, of non-public transmissions of computer data to, from or within a computer system, including electromagnetic emissions from a computer system carrying such computer data. A Party may require that the offence be committed with dishonest intent, or in relation to a computer system that is connected to another computer system.</p>	<p><b>CRIMINAL CODE (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19)</b></p> <p>Article 269 - Unauthorised Interception of Computer Data</p> <p>(1) Whoever intercepts or records without authorisation non-public transmissions of computer data, including electromagnetic emissions from a computer system, or makes available to another the data thus procured shall be sentenced to imprisonment for a term of up to three years.</p> <p>(2) A perpetrator who attempts to commit the criminal offence referred to in paragraph 1 of this Article shall be punished.</p>

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	<p>(3) The data derived from the commission of the criminal offence referred to in paragraph 1 of this Article shall be destroyed.</p> <p>Article 273 - Serious Criminal Offences Against Computer Systems, Programmes and Data</p> <p>(1) Whoever commits any of the criminal offences referred to in Articles 267 through 270 of this Act with respect to a computer system or computer data of a state authority, Constitutional Court of Republic of Croatia and international organization of which the Republic of Croatia is a member, body of local or regional self-government, public institution or company of special public interest shall be sentenced to imprisonment for a term of between six months and five years.</p> <p>(2) The sentence referred to in paragraph 1 shall be imposed on whoever commits any of the criminal offences referred to in Articles 266 through 269 of this Act by concealing his/her real identity and giving rise to misconceptions about the authorised identity holder.</p> <p>(3) Whoever commits any of the criminal offences referred to in Articles 267 through 269 of this Act by a means intended for carrying out an attack on a number of computer systems, or whereby considerable damage is caused shall be sentenced to imprisonment for a term of between one and eight years.</p>
<p><b>Article 4 – Data interference</b></p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the damaging, deletion, deterioration, alteration or suppression of computer data without right.</p> <p>2 A Party may reserve the right to require that the conduct described in paragraph 1 result in serious harm.</p>	<p><b>CRIMINAL CODE (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19)</b></p> <p>Article 268 - Damage to Computer Data</p> <p>(1) Whoever damages, alters, deletes, destroys, suppress or renders inaccessible, in full or in part, another's computer data or programmes without right shall be sentenced to imprisonment for a term of up to three years.</p> <p>(2) A perpetrator who attempts to commit the criminal offence referred to in paragraph 1 of this Article shall be punished.</p> <p>Article 273 - Serious Criminal Offences Against Computer Systems, Programmes and Data</p>

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	<p>(1) Whoever commits any of the criminal offences referred to in Articles 267 through 270 of this Act with respect to a computer system or computer data of a state authority, Constitutional Court of Republic of Croatia and international organization of which the Republic of Croatia is a member, body of local or regional self-government, public institution or company of special public interest shall be sentenced to imprisonment for a term of between six months and five years.</p> <p>(2) The sentence referred to in paragraph 1 shall be imposed on whoever commits any of the criminal offences referred to in Articles 266 through 269 of this Act by concealing his/her real identity and giving rise to misconceptions about the authorised identity holder.</p> <p>(3) Whoever commits any of the criminal offences referred to in Articles 267 through 269 of this Act by a means intended for carrying out an attack on a number of computer systems, or whereby considerable damage is caused shall be sentenced to imprisonment for a term of between one and eight years</p>
<p><b>Article 5 – System interference</b> Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the serious hindering without right of the functioning of a computer system by inputting, transmitting, damaging, deleting, deteriorating, altering or suppressing computer data</p>	<p><b>CRIMINAL CODE (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19)</b></p> <p>Article 267 - Computer System Interference</p> <p>(1) Whoever prevents or hinders the functioning or use of a computer system, computer data or programmes, or computer communication shall be sentenced to imprisonment for a term of up to three years.</p> <p>(2) A perpetrator who attempts to commit the criminal offence referred to in paragraph 1 of this Article shall be punished.</p> <p>Article 273 - Serious Criminal Offences Against Computer Systems, Programmes and Data</p> <p>(1) Whoever commits any of the criminal offences referred to in Articles 267 through 270 of this Act with respect to a computer system or computer data of a state authority, Constitutional Court of Republic of Croatia and international</p>

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	<p>organization of which the Republic of Croatia is a member, body of local or regional self-government, public institution or company of special public interest shall be sentenced to imprisonment for a term of between six months and five years.</p> <p>(2) The sentence referred to in paragraph 1 shall be imposed on whoever commits any of the criminal offences referred to in Articles 266 through 269 of this Act by concealing his/her real identity and giving rise to misconceptions about the authorised identity holder.</p> <p>(3) Whoever commits any of the criminal offences referred to in Articles 267 through 269 of this Act by a means intended for carrying out an attack on a number of computer systems, or whereby considerable damage is caused shall be sentenced to imprisonment for a term of between one and eight years</p>
<p><b>Article 6 – Misuse of devices</b></p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right:</p> <p>a the production, sale, procurement for use, import, distribution or otherwise making available of:</p> <p>i a device, including a computer program, designed or adapted primarily for the purpose of committing any of the offences established in accordance with the above Articles 2 through 5;</p> <p>ii a computer password, access code, or similar data by which the whole or any part of a computer system is capable of being accessed, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5; and</p> <p>b the possession of an item referred to in paragraphs a.i or ii above, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5. A Party may require by law that a number of such items be possessed before criminal liability attaches.</p> <p>2 This article shall not be interpreted as imposing criminal liability where the production, sale, procurement for use, import, distribution or otherwise making available or possession referred to in paragraph 1 of this article is not for the purpose of committing an offence established in accordance with</p>	<p><b>CRIMINAL CODE (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19)</b></p> <p>Article 272 - Misuse of Devices</p> <p>(1) Whoever produces, procures, import, sells, possesses, <b>distributes</b> or makes available to another a device or computer programme or computer data designed or adapted for the purpose of committing any of the criminal offences referred to in Articles 266, 267, 268, 269, 270 and 271 of this Act with intent that it be used for the purpose of committing any of the criminal offences established in Articles 266 through 271 shall be sentenced to imprisonment for a term of up to three years.</p> <p>(2) Whoever produces, procures, import, sells, possesses, <b>distributes</b> or makes available to another a computer password, access code or other data by which a computer system is capable of being accessed with intent that it be used for the purpose of committing any of the criminal offences referred to in Articles 266, 267, 268, 269, 270 and 271 of this Act shall be sentenced to imprisonment for a term of up to one year.</p> <p>(3) The perpetrator of the criminal offence referred to in paragraph 1 of this Article shall not be imposed a sentence more severe than the one prescribed for the criminal offence the perpetrator intended to commit.</p> <p>(4) Special devices and programmes referred to in paragraph 1 of this Article</p>

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<p>Articles 2 through 5 of this Convention, such as for the authorised testing or protection of a computer system.</p> <p>3 Each Party may reserve the right not to apply paragraph 1 of this article, provided that the reservation does not concern the sale, distribution or otherwise making available of the items referred to in paragraph 1 a.ii of this article.</p>	<p>shall be seized while the data referred to in paragraph 1 and 2 of this Article shall be destroyed</p>
<b>Title 2 – Computer-related offences</b>	
<p><b>Article 7 – Computer-related forgery</b></p> <p>Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the input, alteration, deletion, or suppression of computer data, resulting in inauthentic data with the intent that it be considered or acted upon for legal purposes as if it were authentic, regardless whether or not the data is directly readable and intelligible. A Party may require an intent to defraud, or similar dishonest intent, before criminal liability attaches.</p>	<p><b>CRIMINAL CODE (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19)</b></p> <p>Article 270 - Computer Forgery</p> <p>(1) Whoever produces, inputs, alters, deletes, or renders unusable or inaccessible without authorisation computer data of value to legal relations with the intent that they be used as authentic, or whoever uses or procures for use such data shall be sentenced to imprisonment for a term of up to three years.</p> <p>(2) A perpetrator who attempts to commit the criminal offence referred to in paragraph 1 of this Article shall be punished.</p> <p>(3) The data derived from the commission of the criminal offence referred to in paragraph 1 of this Article shall be destroyed.</p> <p>Article 273 - Serious Criminal Offences Against Computer Systems, Programmes and Data</p> <p>(1) Whoever commits any of the criminal offences referred to in Articles 267 through 270 of this Act with respect to a computer system or computer data of a state authority, Constitutional Court of Republic of Croatia and international organization of which the Republic of Croatia is a member, body of local or regional self-government, public institution or company of special public interest shall be sentenced to imprisonment for a term of between six months and five years.</p> <p>(2) The sentence referred to in paragraph 1 shall be imposed on whoever</p>

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	<p>commits any of the criminal offences referred to in Articles 266 through 269 of this Act by concealing his/her real identity and giving rise to misconceptions about the authorised identity holder.</p> <p>(3) Whoever commits any of the criminal offences referred to in Articles 267 through 269 of this Act by a means intended for carrying out an attack on a number of computer systems, or whereby considerable damage is caused shall be sentenced to imprisonment for a term of between one and eight years.</p>
<p><b>Article 8 – Computer-related fraud</b></p> <p>Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the causing of a loss of property to another person by:</p> <ul style="list-style-type: none"> <li>a any input, alteration, deletion or suppression of computer data;</li> <li>b any interference with the functioning of a computer system,</li> </ul> <p>with fraudulent or dishonest intent of procuring, without right, an economic benefit for oneself or for another person.</p>	<p><b>CRIMINAL CODE (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19)</b></p> <p>Article 271. Computer Fraud</p> <p>(1) Whoever with the aim of acquiring for himself/herself or another an unlawful pecuniary advantage inputs, alters, deletes, damages, renders unusable or inaccessible computer data or interferes with the functioning of a computer system and thus causes damage to another shall be sentenced to imprisonment for a term of between six months and five years.</p> <p>(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a considerable pecuniary advantage is acquired or considerable damage is caused, the perpetrator shall be sentenced to imprisonment for a term of between one and eight years.</p> <p>(3) The data derived from the commission of the criminal offence referred to in paragraphs 1 and 2 of this Article shall be destroyed.</p>
<b>Title 3 – Content-related offences</b>	
<p><b>Article 9 – Offences related to child pornography</b></p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct:</p> <ul style="list-style-type: none"> <li>a producing child pornography for the purpose of its distribution through a computer system;</li> <li>b offering or making available child pornography through a computer system;</li> </ul>	<p><b>CRIMINAL CODE (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19)</b></p> <p>Article 161 Child Enticement for the Purpose of Satisfying Sexual Needs</p> <p>(1) An adult who, with the intention that he or she or a third party commits the criminal offence referred to in Article 158 <b>or Article 163, paragraph 1 or 2, or Article 164, paragraph 1,</b> of this Code against a person under the age of fifteen,</p>



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<p>c distributing or transmitting child pornography through a computer system;</p> <p>d procuring child pornography through a computer system for oneself or for another person;</p> <p>e possessing child pornography in a computer system or on a computer-data storage medium.</p> <p>2 For the purpose of paragraph 1 above, the term "child pornography" shall include pornographic material that visually depicts:</p> <p>a a minor engaged in sexually explicit conduct;</p> <p>b a person appearing to be a minor engaged in sexually explicit conduct;</p> <p>c realistic images representing a minor engaged in sexually explicit conduct</p> <p>3 For the purpose of paragraph 2 above, the term "minor" shall include all persons under 18 years of age. A Party may, however, require a lower age-limit, which shall be not less than 16 years.</p> <p>4 Each Party may reserve the right not to apply, in whole or in part, paragraphs 1, sub-paragraphs d. and e, and 2, sub-paragraphs b. and c.</p>	<p>proposes to this person, through information and communication technologies or in some other way, to meet up with him or her or a third party, where this proposal is followed by material acts leading to such a meeting, shall be punished by imprisonment for a term of between six months and five years.</p> <p>(2) Whoever collects, gives or transfers data on a person under the age of fifteen for the purpose of committing the criminal offence referred to in paragraph 1 of this Article shall be punished by imprisonment not exceeding three years.</p> <p>(3) An attempt to commit the criminal offence referred to in paragraph 1 of this Article shall be punishable.</p> <p>Article 163 - Exploitation of Children for Pornography</p> <p>(1) Whoever entices, recruits or incites a child to participate in the taking of child pornography pictures or whoever organises or makes possible the taking of child pornography pictures shall be sentenced to imprisonment for a term of between one and ten years.</p> <p>(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever takes child pornography pictures or produces, offers, makes available, distributes, transmits, imports, exports, procures for himself/herself or for another person, sells, gives, exhibits or possesses child pornography or knowingly obtains access, through information and communication technologies, to child pornography.</p> <p>(3) Whoever by means of the use of force or threats, of deception, of fraud, of abuse of authority or of a situation of hardship or dependence coerces or induces a child to participate in the taking of child pornography pictures shall be sentenced to imprisonment for a term of between three and twelve years.</p> <p>(4) Special devices, means, computer programmes or data intended for, adapted to or used for committing or facilitating the commission of the criminal offences referred to in paragraphs 1, 2 and 3 of this Article shall be seized, while the pornographic material which was created by the commission of the criminal offences referred to in paragraphs 1, 2 and 3 of this Article shall be destroyed.</p> <p>(5) A child shall not be punished for producing and possessing pornographic</p>

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	<p>material depicting him/her alone or him/her and another child, where this material is produced and possessed by them with their consent and solely for their own private use.</p> <p>(6) Child pornography shall mean any material that visually or otherwise depicts a real child or a realistic image of a non-existent child or a person appearing to be a child, involved or engaged in real or simulated sexually explicit conduct, or any depiction of sexual organs of a real child or a realistic image of a non-existent child or a person appearing to be a child for sexual purposes. For the purpose of this Article, any material depicts sexual organs of a real child or a realistic image of a non-existent child or a person appearing to be a child that is artistic, medical or scientific character shall not be deemed pornography.</p> <p>Article 166 - Serious Criminal Offence of Child Sexual Abuse and Exploitation</p> <p>(1) If as a result of the criminal offence referred to in Article 158, paragraph 1, Article 162, paragraph 1 or 2, Article 163, paragraph 1 or 2, or Article 164, paragraph 1 or 2, of this Act a child suffers severe bodily injury or his/her physical or emotional development is compromised or becomes pregnant, where a number of perpetrators participate in the offence, or the offence is committed against an especially vulnerable child, or is committed by a family member or a person the child lives with in a joint household, or is committed in an especially cruel or degrading manner, the perpetrator shall be sentenced to imprisonment for a term of between three and fifteen years.</p> <p>(2) If as a result of the criminal offence referred to in Article 158, paragraph 5, Article 162, paragraph 3, Article 163, paragraph 3, or Article 164, paragraph 2, of this Act a child suffers severe bodily injury or his/her physical or emotional development is compromised or becomes pregnant, where a number of perpetrators participate in the offence, or the offence is committed against an especially vulnerable child, or is committed by a family member or a person the child lives with in a joint household, or is committed in an especially cruel or degrading manner, the perpetrator shall be sentenced to imprisonment for a term of at least five years.</p> <p>(3) If as a result of the criminal offence referred to in Article 158, 162, 163 or 164 of this Act a child dies, the perpetrator shall be sentenced to imprisonment for a term of at least ten years or long-term imprisonment.</p>

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	<p>Article 164 - Exploitation of Children for Pornographic Performance</p> <p>(1) Whoever entices, recruits or incites a child to participate in pornographic performances shall be sentenced to imprisonment for a term of between one and ten years.</p> <p>(2) Whoever profits from pornographic performances involving the participation of a child or otherwise exploits a child for pornographic performances shall be sentenced to imprisonment for a term of between one and twelve years.</p> <p>(3) Whoever by means of the use of force or threats, of deception, of fraud, of abuse of authority or of a situation of hardship or dependence coerces or induces a child to participate in a pornographic performance shall be sentenced to imprisonment for a term of between three and twelve years.</p> <p>(4) The sentence of imprisonment referred to in paragraph 1 of this Article shall be imposed on whoever watches a pornographic performance that is transmitted live or via communication means, where he/she knows or should and could have known that it involved the participation of a child.</p> <p>(5) Special devices, means, computer programmes or data intended, adapted or used for committing or facilitating the commission of the criminal offences referred to in paragraphs 1, 2 and 3 of this Article shall be seized, while the pornographic material which was created by the commission of the criminal offences referred to in paragraphs 1 and 2 of this Article shall also be destroyed.</p> <p>(6) Pornographic performances shall mean any live exhibition or exhibition by means of communication technology of a real child or a realistic image of a non-existent child or a person appearing to be a child, involved or engaged in real or simulated sexually explicit conduct, or sexual organs of a real child or a realistic image of a non-existent child or a person appearing to be a child for sexual purposes.</p> <p>Article 87</p> <p>(7) A child shall mean a person who has not attained the age of eighteen years.</p>
<b>Title 4 – Offences related to infringements of copyright and related rights</b>	

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<p><b>Article 10 – Offences related to infringements of copyright and related rights</b></p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of copyright, as defined under the law of that Party, pursuant to the obligations it has undertaken under the Paris Act of 24 July 1971 revising the Bern Convention for the Protection of Literary and Artistic Works, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Copyright Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system.</p> <p>2 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of related rights, as defined under the law of that Party, pursuant to the obligations it has undertaken under the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Performances and Phonograms Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system.</p> <p>3 A Party may reserve the right not to impose criminal liability under paragraphs 1 and 2 of this article in limited circumstances, provided that other effective remedies are available and that such reservation does not derogate from the Party’s international obligations set forth in the international instruments referred to in paragraphs 1 and 2 of this article.</p>	<p><b>CRIMINAL CODE (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19)</b></p> <p>Article 284 - Infringement of the Personal Rights of an Author or Artist Performer</p> <p>(1) Whoever in violation of regulations on copyright and related rights designates another’s copyright work by a wrong name, his/her name or a third party’s name or whoever in violation of the author’s prohibition designates a work by its author’s name and publishes or uses it, or allows this to be done shall be sentenced to imprisonment for a term of up to one year.</p> <p>(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever in violation of regulations on copyright and related rights designates by a wrong name, his/her name or a third party’s name the performance by an artist performer, or on whoever in violation of the artist performer’s prohibition designates the performance by an artist performer by the name of the artist performer and publishes or uses it, or allows this to be done.</p> <p>(3) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever in violation of regulations on copyright and related rights inserts parts of another’s copyright work or performance by an artist performer into his/her copyright work or his/her performance with the aim of obtaining a benefit or causing damage.</p> <p>(4) The criminal offences referred to in paragraphs 1 through 3 of this Article shall be prosecuted upon request of the injured party or other interested party.</p> <p>Article 285 Unauthorised Use of a Copyright Work or Performance by an Artist Performer</p> <p>(1) Whoever in violation of regulations on copyright and related rights reproduces, adapts, distributes, stores or takes any other action for the purpose of distribution of, or communicates to the public in whatever way another’s copyright work, or allows this to be done and thus obtains a pecuniary</p>

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	<p>advantage or causes damage shall be sentenced to imprisonment for a term of up to three years.</p> <p>(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever in violation of regulations on copyright and related rights fixates a performance by an artist performer that is not fixed, reproduces, adapts, distributes, stores or takes any other action for the purpose of distributing a fixed performance by an artist performer, or communicates to the public in whatever way a performance by an artist performer that is either fixed or not fixed, or allows this to be done and thus obtains a considerable pecuniary advantage or causes considerable damage.</p> <p>(3) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever in violation of regulations on copyright and related rights circumvents technical measures for the protection of the rights of authors and artists performers, or removes or alters information on the management of such rights and thus obtains a considerable pecuniary advantage or causes considerable damage.</p> <p>(4) The perpetrator who attempts to commit any of the criminal offences referred to in paragraphs 1 through 3 of this Article shall be punished.</p> <p>(5) The objects intended to be used or used for the purpose of committing any of the criminal offences referred to in paragraphs 1, 2, 3, and 4 of this Article shall be seized, while the objects which are the product of commission of those criminal offences shall be destroyed unless the person whose right has been infringed requests their handing over along with the payment of compensation which cannot exceed the costs of their production. The compensation shall be paid into the state budget and shall be used for the purpose of fighting against criminal offences against intellectual property.</p> <p>Article 286 - Infringement of Other Rights Related to Copyright</p> <p>(1) Whoever in violation of regulations on copyright and related rights reproduces, distributes, stores or takes any other action for the purpose of</p>

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	<p>distribution of, or makes available to the public another person's phonogram, or allows this to be done and thus obtains a considerable pecuniary advantage or causes considerable damage shall be sentenced to imprisonment for a term of up to one year.</p> <p>(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever in violation of regulations on copyright and related rights reproduces, distributes, stores or takes any other action for the purpose of distribution of, or publicly displays or makes available to the public another person's videogram, or allows this to be done and thus obtains a considerable pecuniary advantage or causes considerable damage.</p> <p>(3) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever in violation of regulations on copyright and related rights reemits another's broadcast, or communicates to the public another's broadcast in exchange for ticket purchase, or makes available to the public another's broadcast, or allows this to be done and thus obtains a considerable pecuniary advantage or causes considerable damage.</p> <p>(4) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever in violation of regulations on copyright and related rights circumvents technical measures for the protection of related rights of phonogram or videogram producers or broadcasting organisations, or removes or alters information on the management of such rights, or allows this to be done and thus obtains a considerable pecuniary advantage or causes considerable damage.</p> <p>(5) The perpetrator who attempts to commit any of the criminal offences referred to in paragraphs 1 through 4 of this Article shall be punished.</p> <p>(6) The objects intended to be used or used for the purpose of committing any of the criminal offences referred to in paragraphs 1 through 4 of this Article shall be seized, while the objects which are the product of commission of those criminal offences shall be destroyed unless the person whose right has been infringed requests their handing over along with the payment of compensation</p>

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	which cannot exceed the costs of their production. The compensation shall be paid into the state budget and shall be used for the purpose of fighting against criminal offences against intellectual property.
<b>Title 5 – Ancillary liability and sanctions</b>	
<p><b>Article 11 – Attempt and aiding or abetting</b></p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, aiding or abetting the commission of any of the offences established in accordance with Articles 2 through 10 of the present Convention with intent that such offence be committed.</p> <p>2 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, an attempt to commit any of the offences established in accordance with Articles 3 through 5, 7, 8, and 9.1.a and c. of this Convention.</p> <p>3 Each Party may reserve the right not to apply, in whole or in part, paragraph 2 of this article.</p>	<p><b>CRIMINAL CODE (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19)</b></p> <p>Article 27 Punishability for Acting Intentionally and Negligently</p> <p>(1) Acting with intent to commit a criminal offence shall be punishable. Acting negligently is punishable only when expressly prescribed by law.</p> <p>(2) A more severe penalty prescribed by law for a more severe consequence of a criminal offence may be imposed where the perpetrator acted at least negligently with regard to this consequence.</p> <p>Article 28 – Intent</p> <p>(1) A criminal offence may be committed with direct (<i>dolus directus</i>) or indirect intent (<i>dolus eventualis</i>).</p> <p>(2) A perpetrator is acting with direct intent when he/she is aware of the elements of a criminal offence and wants or is certain of their realisation.</p> <p>(3) A perpetrator is acting with indirect intent when he/she is aware that he/she is capable of realising the elements of a criminal offence and agrees to this.</p> <p>Article 34 - Attempt</p> <p>(1) Whoever, with the intent to commit a criminal offence, performs an act which spatially and temporally directly precedes the realisation of the statutory definition of the criminal offence shall be punished for the attempt, provided that a sentence of imprisonment of five years or a more severe punishment may be imposed or that the law expressly provides for the punishment of an attempt as well.</p> <p>(2) The perpetrator of an attempt may be punished less severely.</p> <p>(3) The punishment of a perpetrator who through gross unreasonableness attempts to commit a criminal offence by unsuitable means or towards an unsuitable object may be remitted.</p>

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	<p>Article 36 - Perpetratorship</p> <p>(1) A perpetrator is a person who by himself/herself or via another person commits a criminal offence.</p> <p>(2) If on the basis of a joint decision a number of persons commit a criminal offence so that each one of them participates in the carrying out of the act or otherwise substantially contributes to the commission of the criminal offence, each one of them shall be punished as the perpetrator (accomplices).</p> <p>(3) Negligent liability of accomplices is based on a joint violation of due care.</p> <p>Article 37 - Incitement</p> <p>(1) Whoever intentionally incites another to commit a criminal offence shall be punished as if he/she himself/herself has committed it.</p> <p>(2) Whoever intentionally incites another to commit a criminal offence for which an attempt is punishable, and the act is never even attempted, shall incur the penalty provided for an attempt to commit this criminal offence.</p> <p>(3) In the case of an inappropriate attempt at incitement, the punishment of the inciter may be remitted.</p> <p>Article 38 - Aiding</p> <p>Whoever intentionally aids another in the commission of a criminal offence may be punished less severely.</p> <p>Article 39 - Punishment of Accomplice and Participant</p> <p>(1) Every accomplice and participant (inciter and aider) shall be punished according to his/her guilt.</p> <p>(2) Special personal circumstances by reason of which the law provides for remission or mitigation of punishment or for a less serious or a more serious form of criminal offence shall be taken into account only with respect to the accomplice or participant in whose person they are present.</p>
<b>Article 12 – Corporate liability</b>	<b>Act on the responsibility of the legal persons for the criminal offences (OG 151/2003, 110/7, 45/11, 143/12)</b>



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<p>1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that legal persons can be held liable for a criminal offence established in accordance with this Convention, committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within it, based on:</p> <ul style="list-style-type: none"> <li>a a power of representation of the legal person;</li> <li>b an authority to take decisions on behalf of the legal person;</li> <li>c an authority to exercise control within the legal person.</li> </ul> <p>2 In addition to the cases already provided for in paragraph 1 of this article, each Party shall take the measures necessary to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of a criminal offence established in accordance with this Convention for the benefit of that legal person by a natural person acting under its authority.</p> <p>3 Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil or administrative.</p> <p>4 Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offence.</p>	<p>Article 1 - General provisions</p> <p>(1) This Act regulates the assumption of culpability, penalties, security measures, confiscation of property, the seizure of articles, publication of the judgment, the statute of limitations and criminal proceedings for criminal acts of legal persons.</p> <p>(2) Legal persons within the meaning of this Act are also foreign legal person that are considered legal persons under Croatian law.</p> <p>Article 3 - The basis of responsibility of legal persons</p> <p>(1) A legal person shall be punished for a criminal act of a responsible person if it breaches a certain legal duty of the legal person or it resulted or should have resulted in an illegal pecuniary benefit for itself or someone else.</p> <p>(2) Under the conditions from paragraph 1 of this Article the legal person shall be punished for criminal acts prescribed by the Criminal Act and other laws prescribing criminal acts.</p> <p><i>No corresponding national measure has been notified.</i></p> <p>Article 4 - The Responsible person</p> <p>The responsible person in the sense of this Act is a natural person that is carrying out the duties of the legal person or it has been entrusted to a him or her to carry out the activities in the area of activity of the legal person</p> <p>Article 5 - The imputation of guilt of the responsible person to the legal person</p> <p>(1) The responsibility of the legal person is based on the guilt of the responsible person.</p> <p>(2) A legal person shall be punished for a criminal act of the responsible person also in the event of existence of legal or real obstacles for the determining the responsibility of the responsible person</p>

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	<p><b>CRIMINAL CODE (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19)</b></p> <p>Article 20 - Manner of Committing a Criminal Offence</p> <p>(1) A criminal offence may be committed by acting or by omitting to act.  (2) Whoever fails to avert the consequence of a criminal offence described under the law shall be liable for omitting to act if he/she is legally bound to avert such a consequence and if the omission to act is by its effects and meaning tantamount to committing the said act by acting.  (3) A perpetrator who has committed a criminal offence by omitting to act may be punished less severely, unless the criminal offence in question can be committed only by omission to act.</p>
<p><b>Article 13 – Sanctions and measures</b></p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that the criminal offences established in accordance with Articles 2 through 11 are punishable by effective, proportionate and dissuasive sanctions, which include deprivation of liberty.</p> <p>2 Each Party shall ensure that legal persons held liable in accordance with Article 12 shall be subject to effective, proportionate and dissuasive criminal or non-criminal sanctions or measures, including monetary sanctions.</p>	<p><b>CRIMINAL CODE (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19)</b></p> <p>Title XXV- Criminal Offences Against Computer Systems, Programmes And Data (Articles 266, 267, 268, 269, 270, 271 and 272),  Title XVII- Criminal Offences Of Sexual Abuse And Sexual Exploitation Of Children (Articles 163 and 166)</p> <p><b>Act on the responsibility of the legal persons for the criminal offences (OG 151/2003, 110/7, 45/11, 143/12)</b></p> <p>Article 8 - Types of sanctions  Sanctions are monetary fine and judicial winding up.</p> <p>Amount of a fine</p> <p>Article 10</p> <p>(1) If the criminal offence is punishable by fine or by imprisonment for a term of up of one year, a legal person may be punished by a fine of 5.000,00 to 8.000.000,00 kunas.  (2) If the criminal offence is punishable by imprisonment for a term of up of five years, a legal person may be punished by a fine of 15.000,00 to 10.000.000,00</p>

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	<p>kunas.</p> <p>(3) If the criminal offence is punishable by imprisonment for a term of up of ten years, a legal person may be punished by a fine of 30.000,00 to 12.000.000,00 kunas.</p> <p>(4) If the criminal offence is punishable by imprisonment for a term of up of fifteen years, a legal person may be punished by a fine of 50.000,00 to 15.000.000,00 kunas.</p> <p>Article 10 a Execution of the fines In case of the legal person s failure to pay the fine within the specified period of time, the sam shall be collected under coercion.</p> <p>Article 11 - The imposition of a fine for criminal offences committed in concurrence  If the court has imposed fines on a legal entity for two or more criminal offences committed in concurrence, the single fine may not exceed the sum of individual fines or the highest fine determined by the law.</p> <p>Article 12 - Termination of legal person  (1)The penalty of termination of the legal person may be pronounced if the legal person has been established for the purpose of the committing criminal offences or if the same has used its activities to commit criminal offences. (2)The penalty of termination of the legal person may not be pronounced on units of local and regional self-government, political parties. (3) Apart from the penalty of termination of the legal person the court may also impose a fine upon the legal person. (4) After the judgment on termination of the legal person becomes final, liquidation shall be carried out.</p> <p>Article 13 - Suspended sentence  (1)The court may pronounce a suspended sentence on the legal person and determinate that the fine shall not be collected if the legal person does not commit another criminal offence within the time specified by the court,which may not be shorter than one yer or longer then three years. (2) Suspended sentence may be pronounced for criminal offences for which the court has imposed a fine on the legal entity less then 50.000,00 kunas. (3) Partly suspended sentence can not be pronounced to legal entity.</p>

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	<p>Article 15 - Types of security measures</p> <p>Apart from other penalites the court may impose one or more security measures on the legal person: ban on performance of certain activities or transactions, ban on obtaining of licenses, authorizations, concessions or subventions, ban on transaction with beneficiaries of the national or local bdgets and cofiscation.</p> <p>Article 16 - Ban on performance of certain activities</p> <p>(1) A ban of performance of certain activites may be imposed on one or more activites, the performance of which was a criminal offence.</p> <p>(2) A ban of performance of certain activites may be imposed on the legal person on the basis of the court judgegement for the period of one to three years as of the moment the judgment becomes final, if further performance of certain activites would be a danger to life, health or security of persons, or hazardous to property, or economy, or if the legal person has already been punished for the same or similar criminal offence.</p> <p>(3) A ban of performance of certain activites may not be imposed on units of local and regional self-government and political parties.</p> <p>Article 17 - Ban on obtaining of licenses, authorizations, concessions or subventions</p> <p>(1) Ban on obtaining of licenses, authorizations, concessions or subventions as issued by government bodies or units of local and regional self-government may be impose on the legal person in case of a threat that such obtaining of licenses, authorizations, concessions or subventions might instigate the same to commit another criminal offence.</p> <p>(2) The security measure referred to in paragraph 1 shall be imposed for a period of one to three years after the court judgment becomes final.</p> <p>Article 18 - Ban on transaction with beneficiaries of the national or local budgets</p> <p>(1) Ban on transaction with beneficiaries of the national or local bdgets may be imposed on the legal person in case of a threat that such operations might instigate the same to commit another criminal offence.</p>

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	(2) The security measure referred to in paragraph 1 shall be imposed for a period of one to three years after the court judgment becomes final.
<b>Section 2 – Procedural law</b>	
<p><b>Article 14 – Scope of procedural provisions</b></p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish the powers and procedures provided for in this section for the purpose of specific criminal investigations or proceedings.</p> <p>2 Except as specifically provided otherwise in Article 21, each Party shall apply the powers and procedures referred to in paragraph 1 of this article to:</p> <ul style="list-style-type: none"> <li>a the criminal offences established in accordance with Articles 2 through 11 of this Convention;</li> <li>b other criminal offences committed by means of a computer system; and</li> <li>c the collection of evidence in electronic form of a criminal offence.</li> </ul> <p>3 a Each Party may reserve the right to apply the measures referred to in Article 20 only to offences or categories of offences specified in the reservation, provided that the range of such offences or categories of offences is not more restricted than the range of offences to which it applies the measures referred to in Article 21. Each Party shall consider restricting such a reservation to enable the broadest application of the measure referred to in Article 20.</p> <ul style="list-style-type: none"> <li>b Where a Party, due to limitations in its legislation in force at the time of the adoption of the present Convention, is not able to apply the measures referred to in Articles 20 and 21 to communications being transmitted within a computer system of a service provider, which system: <ul style="list-style-type: none"> <li>i is being operated for the benefit of a closed group of users, and</li> <li>ii does not employ public communications networks and is not connected with another computer system, whether public or private,</li> </ul> </li> </ul> <p>that Party may reserve the right not to apply these measures to such communications. Each Party shall consider restricting such a reservation to enable the broadest application of the measures referred to in Articles 20 and 21</p>	<p><b>CRIMINAL PROCEDURE ACT</b> (OG 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19)</p> <p>Article 257 - Search of Movable Property and Bank Safe</p> <p>(1) The search of movable property also includes a search of a computer and devices connected with the computer, other devices for collecting, saving and transfer of data, telephone, computer and other communications, as well as data carriers. Upon the request of the authority carrying out the search, the person using the computer or having access to the computer or data carrier or the telecommunications service provider shall provide access to the computer, device or data carrier and give necessary information for an undisturbed use and the fulfillment of search objectives.</p> <p>(2) Upon the order of the authority carrying out the search, the person using the computer or having access to the computer and other devices referred to in paragraph 1 of this Article or the telecommunications service provider shall immediately undertake measures for preventing the destruction or change of data. The authority carrying out the search may order a professional assistant to undertake such measures.</p> <p>(3) The person using the computer or having access to the computer or other device or data carriers or the telecommunications service provider, who fail to comply with paragraphs 1 and 2 of this Article, even though there are no justifiable causes whatsoever, may be penalized by the investigating judge upon the motion of the State Attorney in accordance with provisions of Article 259 paragraph 1 of this Act. The penalty clause shall not apply to the defendant.</p> <p>Article 261 - Temporary Seizure of Objects</p>

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	<p>(1) Objects which have to be seized pursuant to the Penal Code or which may be used to determine facts in proceedings shall be temporarily seized and deposited for safekeeping.</p> <p>(2) Whoever is in possession of such objects shall be bound to surrender them upon the request of the State Attorney, the investigator or the police authorities. The State Attorney, the investigator or the police authorities shall instruct the holder of the object on consequences arising from denial to comply with the request.</p> <p>(3) A person who fails to comply with the request to surrender the objects, even though there are no justified causes, may be penalized by the investigating judge upon a motion with a statement of reasons of the State Attorney pursuant to Article 259 paragraph 1 of this Act.</p> <p>(4) The measures referred to in paragraph 2 of this Article shall not apply either to the defendant or persons who are exempted from the duty to testify (Article 285)</p> <p>Article 263</p> <p>(1) The provisions of Article 261 of this Act also apply to data saved on the computer and devices connected thereto, as well as on devices used for collecting and transferring of data, data carriers and subscription information that are in possession of the service provider, except in case when temporary seizure is prohibited pursuant to Article 262 of this Act.</p> <p>(2) Data referred to in paragraph 1 of this Act must be handed over to the State Attorney upon his written request in an integral, original, legible and understandable format. The State Attorney shall stipulate a term for handing over of such data in his request. In case handing over is denied, it may be pursued in accordance with Article 259 paragraph 1 of this Act.</p> <p>(3) Data referred to in paragraph 1 of this Act shall be recorded in real time by the authority carrying out the action. Attention shall be paid to regulations regarding the obligation to observe confidentiality (Articles 186 to 188) during acquiring, recording, protecting and storing of data. In accordance with the circumstances, data not related to the criminal offence for which the action is taken, and are required by the person against which the measure is applied, may be recorded to appropriate device and be returned to this person even prior</p>

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	<p>to the conclusion of the proceedings.</p> <p>(4) Upon a motion of the State Attorney, the investigating judge may by a ruling decide on the protection and safekeeping of all electronic data from paragraph 1 of this Article, as long as necessary and six months at longest. After this term data shall be returned, unless:</p> <ol style="list-style-type: none"> <li>1) they concern the commission of criminal offences against computer systems, programmes and data (Title XXV) of the Criminal Code</li> <li>2) they are related to committing another criminal offence which is subject to public prosecution, committed by using a computer system;</li> <li>3) they are not used as evidence of a criminal offence for which proceedings are instituted.</li> </ol> <p>(5) The user of the computer and the service provider may file an appeal within twenty-four hours against the ruling of the investigating judge prescribing the measures referred to in paragraph 3 of this Article. The panel shall decide on the appeal within three days.</p> <p>The appeal shall not stay the execution of the ruling.</p> <p>Article 202 - Meaning of legal terms</p> <p>(1) Terms and expressions which have a gender meaning regardless whether they are used in this Act in the male or female gender shall refer equally to the male and female gender.</p> <p>(2) If not otherwise prescribed, the terms used in this Act shall have the following meaning:</p> <p>(33) The electronic (digital) evidence means data that was collected as evidence in the electronic (digital) form pursuant to this Act.</p> <p>Article 331 - Electronic (Digital) Evidence</p> <p>Unless otherwise prescribed by this Act, electronic evidence shall be obtained by applying the provisions of Articles 257, 262 and 263 of this Act.</p> <p>Article 332 Special Collection of Evidence</p>

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(1) If the investigation cannot be carried out in any other way or would be accompanied by great difficulties, the investigating judge may, upon the written request with a statement of reasons of the State attorney, order against the person against whom there are grounds for suspicion the he committed or has taken part in committing an offence referred to in Article 334 of this Act, measures which temporarily restrict certain constitutional rights of citizens as follows:

- 1) surveillance and interception of telephone conversations and other means of remote technical communication;
- 2) interception, gathering and recording of electronic data;
- 3) entry on the premises for the purpose of conducting surveillance and technical recording at the premises;
- 4) covert following and technical recording of individuals and objects;
- 5) use of undercover investigators and informants;
- 6) simulated sales and purchase of certain objects, simulated bribe-giving and simulated bribe-taking;
- 7) offering simulated business services or closing simulated legal business;
- 8) controlled transport and delivery of objects from criminal offences.

(2) By way of exception, when circumstances require that the actions are to commenced immediately, the order from paragraph 1 of this Article may be issued by the State Attorney prior to commencement of the investigation for the term of twenty-four hours. The State Attorney must deliver the order with a note on the time of issue and a statement of reasons to the investigating judge within eight hours from the issue. The investigating judge shall decide immediately on the legality of the order. If the investigating judge accepts the order of the State attorney, he shall proceed pursuant to paragraph 1 of this Article. If the investigating judge denies the order, the State Attorney may file an appeal within eight hours. The panel shall decide on the appeal within twelve hours.

(3) If the panel does not approve the order, it shall be ordered by a ruling that the actions shall be immediately ceased and the data collected pursuant to the order of the State Attorney shall be handed over to the investigating judge who will destroy them. The investigating judge shall make a record on the destruction of the data.

(4) Actions referred to in paragraph 1 item 1 of this Article may be ordered



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	<p>against persons against whom there are grounds for suspicion that that he delivers to the perpetrator or receives from the perpetrator of the offences referred to in Article 334 of this Act information and messages in relation to offences or that the perpetrator uses their telephone or other telecommunications devices, which hide the perpetrator of the criminal offence or help him from being discovered by hiding the means by which the criminal offence was committed, traces of the criminal offences or objects resulting or acquired through the criminal offence or in any other way.</p> <p>(5) Under the conditions referred to in paragraph 1 of this Article, the measures referred to in paragraph 1 items 1, 2, 3, 4, 6, 7 and 8 of this Article may with his written consent be applied to means, premises and objects of that person.</p> <p>(6) In case there is no knowledge about the identity of the accomplices in the criminal offence, the measure referred to in paragraph 1 item 8 of this Article may be determined in accordance with the object of the criminal offence.</p> <p>(7) The application of measures referred to in paragraph 1 items 5 and 6 of this Article should not constitute an instigation to commit a criminal offence.</p> <p>Article 333</p> <p>(1) Recordings, documents and objects obtained by the application of the measures referred to in Article 332 paragraph 1 item 1 to 8 of this Act may be used as evidence in criminal proceedings.</p> <p>(2) An undercover agent and an informant may be interrogated as witnesses on the content of discussions held with the persons against whom the measures referred to in Article 332 paragraph 1 items 5 to 8 of this Act are imposed, as well as all accomplices in the criminal offence for whose disclosure and evidence collecting the measure was imposed and their statements may be used as evidence in the proceedings.</p> <p>(3) A ruling and evaluation on inadmissibility of evidence may not be based exclusively on the witness testimony referred to in paragraph 2 of this Article.</p> <p>Article 334</p>

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	<p>(1) The special evidentiary actions referred to in Article 332, paragraph 1, of the present Act may be ordered for the following criminal offences set forth in the Criminal Code:</p> <p>3) public incitement to terrorism (Article 99), unlawful deprivation of liberty (Article 136), rape (Article 153), serious criminal offences against sexual freedom (Article 154), prostitution (Article 157), abduction of a child (Article 174), neglect and abuse of the rights of a child (Article 177), falsification of medicinal products or medical devices (Article 185), unauthorised manufacture of and traffic in illicit drugs (Article 190), enabling the use of illicit drugs (Article 191, paragraphs 2 and 3), unauthorised manufacture of and traffic in substances banned in sports (Article 191a), extortion (Article 243), receiving or giving bribes during bankruptcy proceedings (Article 251), giving bribes in business dealings (Article 253), <b>producing, procuring, possessing, selling or giving to another for use forgery tools (Article 283)</b>, giving a bribe (Article 294), giving a bribe for trading in influence (Article 296), disclosure of official secret (Article 300) if the offence represents a violation of the secrecy of the inquiry and fact-finding activity, preventing the presentation of evidence (Article 306), violation of secrecy of proceedings (Article 307) if the offence represents a violation of secrecy in criminal proceedings; <b>giving false testimony (Article 305)</b>, disclosing the identity of a person in danger or protected witness (Article 308), coercion against a judicial official (Article 312), illegal entry into, movement and residence within the Republic of Croatia (Article 326), unlawful possession, making and procurement of weapons and explosive substances (Article 331), murder of an internationally protected person (Article 352), kidnapping of an internationally protected person (Article 353), attack on an internationally protected person (Article 354), threat to an internationally protected person (Article 355) and for criminal offences against computer systems, programmes and data (Title XXV) and against intellectual property (Title XXVII) if committed by the use of computer systems or computer networks.</p>
<p><b>Article 15 – Conditions and safeguards</b></p> <p>1 Each Party shall ensure that the establishment, implementation and application of the powers and procedures provided for in this Section are subject to conditions and safeguards provided for under its domestic law,</p>	<p><b>CRIMINAL PROCEDURE ACT</b> (OG 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19)</p> <p>Article 1</p>

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<p>which shall provide for the adequate protection of human rights and liberties, including rights arising pursuant to obligations it has undertaken under the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the 1966 United Nations International Covenant on Civil and Political Rights, and other applicable international human rights instruments, and which shall incorporate the principle of proportionality.</p> <p>2 Such conditions and safeguards shall, as appropriate in view of the nature of the procedure or power concerned, <i>inter alia</i>, include judicial or other independent supervision, grounds justifying application, and limitation of the scope and the duration of such power or procedure.</p> <p>3 To the extent that it is consistent with the public interest, in particular the sound administration of justice, each Party shall consider the impact of the powers and procedures in this section upon the rights, responsibilities and legitimate interests of third parties.</p>	<p>(1) This Act establishes regulations which ensure that whoever is innocent shall not be convicted and that to a perpetrator of a criminal offense a punishment or other measure is imposed according to the conditions provided for by the law and on the basis of legally conducted proceedings at the authorized court.</p> <p>(2) Criminal prosecution and criminal proceedings may be conducted and concluded only according to the rules and under the conditions laid down by law.</p> <p>Article 3</p> <p>(1) Everyone is innocent and no one may be deemed guilty for a criminal offense until his guilt is established by a final court judgement.</p> <p>(2) The court shall resolve doubt on the existence of facts constituting a criminal offense or on which the implementation of criminal law depends, by issuing decision in the manner more favourable to the defendant.</p> <p>Article 4</p> <p>(1) Any act or measure limiting a freedom or a right pursuant to the present Act must in each particular instance be proportionate to the nature of the need for the said limitation.</p> <p>(2) In deciding on an act or measure limiting a particular freedom or right, the court or any other state body shall take care <i>ex officio</i> that a measure more severe than is required for the achievement of a particular purpose is not applied. Their duration shall be limited to the shortest necessary length of time.</p> <p>Article 5</p> <p>(1) The defendant shall have the right to defend himself or with the professional assistance of the attorney-at-law chosen by him. If the defendant does not choose an attorney-at-law, he shall, in order for ensuring his defence, be assigned an attorney-at-law, when provided for by this Code.</p> <p>(2) The defendant who shall not be able to pay for the costs of an attorney-at-law, under the conditions prescribed by this Code, and upon his request, an attorney-at-law at the expense of the budget shall be assigned.</p> <p>(3) Prior to interrogating the defendant, the court or other state body conducting actions in a criminal proceedings shall be obliged to instruct the defendant about</p>

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	<p>his right to, and provide with information in connection with, an attorney-at-law..</p> <p>(4) The defendant shall be ensured enough time and opportunity for the preparation of his defence.</p> <p>Article 6</p> <p>(1) In the proceedings defined by this Code, any discrimination relating to racial affiliation, ethnic origin, skin colour, gender, language, religion, political or other belief, national or social origin, census, membership in union, education, social status, marital or family status, age, health condition, disability, genetic inheritance, gender identity, expression or sexual orientation shall be forbidden.</p> <p>(2) Any application of medical interventions or giving such substances to a defendant, a witness or any other person which could influence their will in the course of giving testimony as well as the use of coercion, threat or any other similar means on them shall be strictly forbidden.</p> <p>(3) A testimony obtained in contravention of provisions laid down in paragraphs 1 and 2 of this article, may not be used as evidence in the proceedings.</p> <p>Article 7</p> <p>(1) Every arrestee and defendant shall be treated humanely and his dignity shall be respected.</p> <p>(2) The arrestee shall be:</p> <ol style="list-style-type: none"> <li>1) informed without delay and in a way understandable to him of the reasons for the arrest;</li> <li>2) instructed without delay that he is not required to testify;</li> <li>3) instructed without delay that he is entitled to the professional assistance of counsel which he can choose himself;</li> <li>4) instructed without delay that upon his request, the competent authority will inform of the arrest his family or any other person which he designates;</li> <li>5) instructed without delay of any other right provided for in the present Act own choice.</li> </ol> <p>Article 8</p> <p>(1) The Croatian language and Latin script shall be used in criminal proceedings unless in particular areas the use of another language or script has also been</p>

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	<p>introduced by law.</p> <p>(2) Decisions, summons and other legal briefs shall be sent in the Croatian language and Latin script by the body conducting the proceedings. Accusatory pleadings, appeals and other briefs shall be submitted to the court in the Croatian language and Latin script. If within a certain jurisdictional territory of a court another language or script has also been introduced by law into official use, briefs may be filed with the body conducting the proceedings also in this language or script.</p> <p>(3) The parties to and other participants in the proceedings shall be entitled to use their native language, including the sign language of the deaf and the deaf and blind. If an act within the proceedings is not being taken in the language which the person speaks and understands, oral translation or sign language translation and interpretation for the deaf and the deaf and blind of what this person or another person is saying and of the documents and any other written evidentiary material being adduced shall be provided. It shall be noted in the minutes that the notification was read and statements by the participants given. The person shall be instructed of his right to oral translation or sign language translation or interpretation for the deaf and the deaf and blind before his first examination.</p> <p>(4) The defendant within the meaning of Article 202, paragraph 3, of this Act who neither speaks nor understands the language of the proceedings or who is deaf or mute or deaf and blind shall be entitled to translation.</p> <p>(5) A written translation of the notification of rights, the decision on the deprivation of liberty, the investigation order and the order for the taking of evidentiary actions, the indictment, the private charge, the summons, the court decision following the filing of the charges until the conclusion of the proceedings by a final judgment and in proceedings on extraordinary remedies shall be provided to the defendant referred to in paragraph 4 of this Article. If the said documents are not available in the language which the defendant speaks and understands, they shall be translated to the defendant orally and a written translation thereof into the language spoken and understood by the defendant shall be provided to the defendant in the shortest possible time. If the defendant referred to in paragraph 4 of this Article cannot read the said documents, they shall be presented to him in a way which he understands.</p> <p>(6) The body conducting the proceedings may of its own motion or upon a reasoned written request of the defendant order that a written translation of a piece of evidence or a part thereof be provided where this is necessary for the</p>

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	<p>exercise of procedural defence rights. Exceptionally, an oral translation or oral summary of evidence may be provided instead of a written translation on condition that procedural defence rights are not violated thereby and that the defendant has a defence counsel. The defendant shall be entitled to appeal against the ruling to deny his request that a written translation of a piece or a part of evidence be provided where he considers it necessary for the exercise of procedural defence rights.</p> <p>(7) The defendant referred to in paragraph 4 of this Article may waive his right to written translation after he has been instructed of the consequences of such waiver by the body conducting the proceedings. The waiver must be made freely and unambiguously and must be signed by the defendant.</p> <p>(8) The defendant referred to in paragraph 4 of this Article is also entitled to the translation of the conversations and the correspondence with his defence counsel that are required for preparing the defence, filing legal relief or a legal remedy or taking other actions within the framework of the proceedings where this is necessary for the exercise of procedural defence rights. Translation shall be provided at the request of the defendant.</p> <p>(9) The court decision cannot be based on evidence obtained by violation of the right to translation.</p> <p>(10) The defendant referred to in paragraph 4 of this Article is entitled to complain to the quality of the translation to the body conducting the proceedings. If such complaint is founded, another interpreter shall be appointed.</p> <p>(11) The translation and interpretation shall be provided by an interpreter. Where this does not constitute a violation of the procedural defence rights, <b>or other participants' in the proceedings rights to actively exercise their rights and understand the course of proceedings</b>, the translation and interpretation can be provided via the telephone or an audio-video device.</p> <p>(12) The defendant referred to in paragraph 4 of this Article who has been deprived of liberty may file written petitions to the body conducting the proceedings in his native language.</p> <p>Article 10</p> <p>(1) Court decisions cannot be based on evidence procured in an illegal manner (illegal evidence).</p> <p>(2) The following shall represent illegal evidence:</p> <p>1) obtained in violation of the prohibition of torture, inhumane or degrading treatment provided for in the Constitution, statute or international law</p>

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	<p>2) evidence procured by breaching of right to defence, right to dignity, respect and honour and right to the inviolability of personal and family life, guaranteed by the Constitution, the law and international law, except in the case referred to in paragraph 3 of this Article</p> <p>3) obtained in violation of criminal procedure provisions which is expressly provided for in this Act,</p> <p>4) evidence that became known from illegal evidence.</p> <p>(3) Any evidence obtained in violation of the rights and freedoms referred to in paragraph 2, item 2, of this Article in proceedings for grave forms of criminal offences falling within the jurisdiction of the county court and with respect to which the interest of the perpetrator's criminal prosecution and punishment prevails over the violation of a right shall not be deemed unlawful.</p> <p>(4) Court decision may not be exclusively based on the evidence referred to in paragraph 3, of this article.</p> <p>Article 11</p> <p>(1) The defendant is entitled to have any charge against him decided on in accordance with the law, in a fair and public hearing held within a reasonable time, by an independent and impartial court established by law.</p> <p>(2) Proceedings shall be conducted without procrastination. In the case of proceedings in which the defendant has been temporarily deprived of liberty, the court and state bodies shall proceed with particular urgency.</p> <p>(3) The court and other state bodies shall prevent any abuse of the rights which the participants in the proceedings have.</p> <p>(4) If within the framework of criminal proceedings a party, defence counsel, injured party, proxy or statutory representative by any of his acts evidently abuses a right provided for in the present Act, the court shall issue an order denying him the right to this act. The appeal shall not stay the execution of the said order.</p> <p>(5) If in the case referred to in paragraph 4 of this Article the defendant has been left without defence counsel, the president of the court shall upon request of the body conducting the proceedings appoint defence counsel <i>ex officio</i>.</p> <p>Article 12</p> <p>(1) No one can be criminally prosecuted twice for an act for which he has already been convicted and for which act a final verdict was brought.</p> <p>(2) Criminal proceedings concluded by a final judgment can be reinstated only</p>

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	<p>under the procedure and conditions laid down by law. Criminal proceedings against a person that has been acquitted of a charge by a final judgment cannot be reinstated.</p> <p>Article 13 Unless otherwise prescribed by this Code (article 544, paragraph 2), when a remedy is declared only in favour of a defendant, a verdict can not be changed to his detriment.</p> <p>Article 14 Whoever is unjustifiably convicted for a criminal offense or arrested without grounds shall have the right to an entire rehabilitation, the right to a compensation for damage from the state budget funds as well as other rights prescribed by law.</p> <p>Article 15 A defendant or other person participating in the procedure and who, due to a lack of information, could omit to take an action or fail to exercise his rights, the court or other body conducting the action shall instruct about the rights he is entitled to, pursuant to this Code, as well as about consequences of his omission of taking that action.</p> <p>Article 239 (1) The notification of the rights of the defendant must include information on the following: 1) what he is being charged with and the circumstances giving rise to reasonable grounds for suspicion against him, unless he has already received the investigation order; 2) that he is not required to present his defence or answer questions; 3) that under Article 184, paragraphs 4 and 5, of the present Act he has the right to inspect the case file; 4) that he has the right to use his native language or the language which he speaks and understands as well as the right to an interpreter in accordance with the provision of Article 8 of the present Act; 5) that he has the right to retain a defence counsel of his own choosing or that he shall be appointed, where so provided by the present Act, an <i>ex officio</i> defence counsel or a defence counsel paid by the budget if due to his financial condition</p>



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	<p>he is unable to pay the costs of defence.</p> <p>(2) The notification of rights shall be served on the defendant together with:</p> <ol style="list-style-type: none"> <li>1) the search warrant;</li> <li>2) the summons to the first interrogation;</li> <li>3) the investigation order;</li> <li>4) the summons to the evidentiary hearing;</li> <li>5) the notice referred to in Article 213, paragraph 2, of the present Act;</li> <li>6) the investigative imprisonment order;</li> <li>7) the identification warrant;</li> <li>8) the warrant for the examination of the person of the defendant by an expert witness.</li> </ol> <p>(3) Where the present Act so provides, the body taking a particular action checks of its own motion, before taking the action in question, whether the defendant received the notification of rights and where it establishes that the notification of rights was not served on him, it shall stop taking any further action, order that the notification be served and only thereafter proceed.</p> <p>(4) If the State Attorney or the body taking the action in question establishes that the notification of rights has already been received by the defendant on some previous occasion, it shall make an official note thereof in the case file and shall not re-serve the notification.</p> <p>Article 332 - Special Collection of Evidence</p> <p>(1) Where the inquiries into criminal offences cannot be carried out in any other way or where this would entail disproportionate difficulty, the judge of investigation may, upon a written reasoned motion of the State Attorney, issue against the person suspected of having committed the criminal offence referred to in Article 334 of the present Act alone or of having participated together with other persons in its commission a written reasoned warrant for the taking of special evidentiary actions temporarily restricting certain constitutional rights of citizens, namely:</p> <ol style="list-style-type: none"> <li>1) the surveillance and technical recording of telephone conversations and other remote communications;</li> <li>2) the interception, collection, and recording of computer data;</li> <li>3) entry into premises for the purpose of surveillance and the technical recording</li> </ol>

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	<p>of the premises;</p> <p>4) covert tailing and technical recording of persons and objects;</p> <p>5) the use of undercover investigators and confidants;</p> <p>6) simulated selling and purchasing of objects, simulated bribe-giving and simulated bribe-taking;</p> <p>7) the provision of simulated business services or the conclusion of simulated legal transactions;</p> <p>8) supervised transport and delivery of the objects of a criminal offence.</p> <p>(2) By way of exception, where there is a risk of delay and the State Attorney has reason to believe that he will not be able to obtain the warrant of the judge of investigation in time, the warrant referred to in paragraph 1 of this Article may be issued by the State Attorney for a period of twenty-four hours.</p> <p>(3) The State Attorney may not issue the warrant referred to in paragraph 2 of this Article for special evidentiary actions referred to in:</p> <ul style="list-style-type: none"> <li>- paragraph 1, item 2) of this Article, if the manner in which the said action is to be taken requires entry into the suspect's home or remote entry into the suspect's computer located in the suspect's home;</li> <li>- paragraph 1, item 3) of this Article, if for surveillance and technical recording purposes it is necessary to enter a person's home.</li> </ul> <p>(4) Within eight hours from the issuance of the said order, the State Attorney shall deliver to the judge of investigation the warrant stating the time of its issuance and an official letter presenting the reasons for the warrant's issuance. In addition thereto, where he deems that the taking of the special evidentiary action should be continued, the State Attorney shall submit to the judge of investigation a written reasoned motion requesting that the said action be continued. Immediately upon receipt of the said warrant and official letter, the judge of investigation shall examine whether the conditions for the issuance of the warrant were fulfilled and whether the risk of delay referred to in paragraph 2 of this Article existed.</p> <p>(5) The judge of investigation shall issue an order deciding on the legality of the State Attorney's warrant. If the judge of investigation approves the State Attorney's warrant and the State Attorney filed a motion requesting that the evidentiary action in question be continued, the judge of investigation shall</p>

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	<p>proceed as provided for in paragraph 1 of this Article. If the judge of investigation disagrees with the State Attorney's warrant, he shall request that the decision thereon be taken by the panel. If the taking of an evidentiary action ordered pursuant to paragraph 2 of this Article was requested to continue, the said evidentiary action shall be continued until the panel reaches its decision. The panel shall decide on the request of the judge of investigation within twelve hours from receipt of request. If the panel confirms the State Attorney's warrant and the State Attorney filed a motion requesting that the evidentiary action in question be continued, the panel shall issue the warrant referred to in paragraph 1 of this Article. If the panel does not approve the warrant, it shall issue an order requesting that the actions taken be immediately stopped, while the data collected pursuant to the State Attorney's order shall be handed over to the judge of investigation who shall destroy them. The judge of investigation shall draw up a minutes of the destruction of data.</p> <p>(6) The special evidentiary action referred to in Article 332, paragraph 1, item 3, of the present Act, where such action requires entry into a home, shall be taken solely by order of the court which has a duty to take care that the right to the inviolability of personal and family life be restricted commensurably.</p> <p>(7) The actions referred to in item 1 of paragraph 1 of this Article may also be ordered with respect to persons suspected of transmitting to or from the perpetrator of any of the criminal offences referred to in Article 334 of the present Act any information or messages relating to the offence or persons whose telephone connection or any other telecommunications device the perpetrator is suspected of using or persons suspected of hiding the perpetrator of a criminal offence or of assisting him by concealing the means by which the criminal offence was committed, the traces of the criminal offences or the objects resulting from or acquired through the commission of the criminal offence or otherwise assisting him in order to prevent his discovery.</p> <p>(8) Under the conditions referred to in paragraph 1 of this Article, the actions referred to in paragraph 1, items 1, 2, 3, 4, 6, 7 and 8 of this Article may subject to the person's written consent be taken with respect to the said person's means, premises and objects.</p> <p>(9) In cases where there is no knowledge about the identity of the participants in</p>

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	<p>a criminal offence, the action referred to in paragraph 1, item 8, of this Article may be ordered with respect to the object of the criminal offence.</p> <p>(10) The taking of the actions referred to in paragraph 1, items 5 and 6, of this Article must not constitute an instigation to commit a criminal offence.</p> <p>Article 335</p> <p>(1) In the order referred to in article 332, paragraph 1 of this Code available data are listed about a person against who special evidential actions are being implemented, the facts from which arises the need for undertaking these actions, period of duration, the manner, scope the place of the conduct of the action appropriate for the realization of the aim. Actions shall be carried out by the police. Official and responsible persons participating in the procedure of decision-making and the execution of the actions referred to in article 332 of this Code shall be obliged to preserve the secrecy of all data learned in relation to the actions.</p> <p>(2) Operational Technology Centre for Surveillance of Telecommunications of the Republic of Croatia (hereinafter: OTC) performing technical coordination with telecommunication services provider in Croatia the as well as providers of telecommunication services shall be obliged to ensure all necessary technical assistance to the police. Any acting of the provider of telecommunication service contrary to this obligation, investigating judge shall, at the justified motion of state attorney, punish by a fine up to HRK 1,000,000.00 and the responsible person in OTC as well as that of the provider of telecommunication services by a fine in the amount not exceeding HRK 50,000.00. If, after that a responsible person does not execute the decision, he may be punished by a maximum of one month imprisonment until the execution. Appeal filed against the decision by which a monetary fine or imprisonment is imposed, shall be decided by the panel. An appeal against decision imposing a fine or imprisonment, shall not postpone the execution of decision.</p> <p>(3) Special evidential actions may last no longer than for the period of six months. At the motion of state attorney, investigating judge may extend those actions on the ground of important reasons for additional six months. In particularly complex</p>

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	<p>cases investigating judge may extend the actions yet for another six months. If investigating judge refuses the motion of state attorney for the extension of action, he shall issue the decision against which state attorney may file an appeal within the period of eight hours. Appeal shall be decided by the panel within the period of twelve hours.</p> <p>(4) As soon as the preconditions referred to in article 332, paragraph 1 of this Code have ceased, investigating judge shall be obliged to order the termination of the undertaken actions. If state attorney renounces from criminal prosecution, i.e. if the data and information procured by the implementation of the undertaken actions are not needed for criminal proceedings, these shall be destroyed under the monitoring of investigating judge, who shall make official notes about it.</p> <p>(5) The warrant referred to in paragraph 1 of this article shall be kept in a special envelope. After the termination of the action and earlier, if the results of proceeding so allow, a warrant may be delivered to a person against whom the action has been ordered, on her request.</p> <p>(6) If, during the execution of the actions referred to in article 332, paragraph 1 of this Code, the recorded data and information point to another criminal offense and the perpetrator referred to in article 334 of this Code, that part of the record shall be copied and submitted to the state attorney, and may be used as evidence in the proceedings for that criminal offense.</p> <p>(7) If the actions referred to in article 332 of this Code are undertaken contrary to the provision referred to in article 332 of this Code, evidence that became known from the data procured in such a way shall not be used as evidence in the proceedings.</p> <p>Article 337</p> <p>(1) ) The actions referred to in Article 332 of the present Act shall be executed by the police. On the course of execution of the said actions the police shall prepare daily reports and technical transcripts which it shall deliver to the State Attorney on his request. At any moment during the taking of the special evidentiary actions the judge of investigation may request from the State Attorney to deliver to him a report on the course of the said actions and the need for their further taking. During the taking of special evidentiary actions the judge of investigation may,</p>

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where necessary, request from the police to have daily reports and technical transcripts delivered to him for the purpose of assessing the well-foundedness of their further taking, within the scope and to the extent which he himself determines. If the actions were extended by six months pursuant to Article 335, paragraph 3, of the present Act, after three months the judge of investigation must request from the State Attorney to deliver to him the report on the need for their further taking.

(2) Upon expiry of the period for which the said actions were approved, the police shall draw up a special report for the State Attorney's Office and the judge of investigation in which it shall specify:

1. the dates and times the action in question started and ended;
2. the number and identity of persons with respect to whom the action in question was taken.

(3) The police shall draw up two copies of technical transcripts. One copy shall be kept in police archives. The second copy accompanied by a special report shall be served on the State Attorney by the police together with compiled recordings and documentation.

(4) The use of undercover investigators includes the right of the undercover investigator to enter a person's home if the conditions provided for by statutory regulations on police entry into a person's home without a court warrant are met.

(5) Where, in addition to the conditions referred to in Article 332, paragraph 1, of this Act there is evidence to reasonably suspect that particularly serious criminal offences as referred to in Article 334 of this Act will be committed or that some of them have already been committed, the judge of investigation may, upon the motion of the State Attorney, issue an order authorising an undercover investigator not only to enter a person's home but also to use technical equipment for the purpose of recording non-public conversations. Where the judge of investigation denies the motion, he shall issue an order. The State Attorney may file an appeal against the order within the time limit of eight hours. The appeal shall be decided on by the panel within the time limit of twelve hours.

(6) The taking of actions referred to in Article 332, paragraph 1, of this Act shall cease as soon as the reasons for which they were ordered cease to exist. The

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	<p>State Attorney and the court shall <i>ex officio</i> take care that the reasons for which the action was ordered exist.</p> <p>(7) Subject to prior consent from the minister responsible for justice, the minister responsible for internal affairs shall adopt regulations on the method of taking actions referred to in Article 332 of this Act.</p> <p><b>Decree on the obligations in the area of national security of the Republic of Croatia for legal and physical persons in telecommunications (OG 64/08, 76/13)</b></p> <p>Article 13</p> <p>In case of an illegal implementation of the measures of secret surveillance of telecommunications, disclosure of secret data, i.e. of the results arising from the implementation of measures or other misuse of the results of the implementation of the measures of secret surveillance of telecommunications exclusive liability shall be borne by a physical or legal entity for who it is established that it has illegally implemented or misused the results of the implementation of the measures of secret surveillance of telecommunications, i.e. the data and signals produced by the implementation of the function of secret surveillance.</p>
<p><b>Article 16 – Expedited preservation of stored computer data</b></p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to enable its competent authorities to order or similarly obtain the expeditious preservation of specified computer data, including traffic data, that has been stored by means of a computer system, in particular where there are grounds to believe that the computer data is particularly vulnerable to loss or modification.</p> <p>2 Where a Party gives effect to paragraph 1 above by means of an order to a person to preserve specified stored computer data in the person’s possession or control, the Party shall adopt such legislative and other measures as may be necessary to oblige that person to preserve and maintain the integrity of that computer data for a period of time as long as necessary, up to a maximum</p>	<p><b>CRIMINAL PROCEDURE ACT</b> (OG 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19)</p> <p>Article 263</p> <p>...</p> <p>(4) Upon a motion of the State Attorney, the judge of investigation may decide by an order that all computer data referred to in paragraph 1 of this Article be protected and safeguarded as long as necessary but not for a period in excess of six months. Afterwards data shall be returned unless:</p> <p>1) they are related to the commission of the following criminal offences as referred to in the Criminal Act: violation of secrecy, integrity and accessibility of computer data, programmes and systems (Article 223), computer forgery (Article 223a) and computer fraud (Article 224a);</p> <p>2) they are related to the commission of another criminal offence prosecuted ex</p>

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<p>of ninety days, to enable the competent authorities to seek its disclosure. A Party may provide for such an order to be subsequently renewed.</p> <p>3 Each Party shall adopt such legislative and other measures as may be necessary to oblige the custodian or other person who is to preserve the computer data to keep confidential the undertaking of such procedures for the period of time provided for by its domestic law.</p> <p>4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.</p>	<p>officio, which was committed by means of a computer system;</p> <p>3) they are to be used as evidence of a criminal offence for which proceedings are ongoing.</p> <p>(5) The person using the computer and the service provider are entitled to file an appeal against the order of the judge of investigation imposing the measures referred to in paragraph 3 of this Article within the time limit of twenty-four hours. The appeal shall be decided by the panel within the time limit of three days. The appeal shall not stay the execution of the order.</p> <p>Article 332 - Special Collection of Evidence</p> <p>(1) If the investigation cannot be carried out in any other way or would be accompanied by great difficulties, the investigating judge may, upon the written request with a statement of reasons of the State attorney, order against the person against whom there are grounds for suspicion the he committed or has taken part in committing an offence referred to in Article 334 of this Act, measures which temporarily restrict certain constitutional rights of citizens as follows:</p> <ol style="list-style-type: none"> <li>1) surveillance and interception of telephone conversations and other means of remote technical communication;</li> <li>2) interception, gathering and recording of electronic data;</li> <li>3) entry on the premises for the purpose of conducting surveillance and technical recording at the premises;</li> <li>4) covert following and technical recording of individuals and objects;</li> <li>5) use of undercover investigators and informants;</li> <li>6) simulated sales and purchase of certain objects, simulated bribe-giving and simulated bribe-taking;</li> <li>7) offering simulated business services or closing simulated legal business;</li> <li>8) controlled transport and delivery of objects from criminal offences.</li> </ol> <p>(2) By way of exception, when circumstances require that the actions are to commenced immediately, the order from paragraph 1 of this Article may be issued by the State Attorney prior to commencement of the investigation for the term of twenty-four hours. The State Attorney must deliver the order with a note on the time of issue and a statement of reasons to the investigating judge within eight hours from the issue. The investigating judge shall decide immediately on the legality of the order. If the investigating judge accepts the order of the State attorney, he shall proceed pursuant to paragraph 1 of this</p>



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	<p>Article. If the investigating judge denies the order, the State Attorney may file an appeal within eight hours. The panel shall decide on the appeal within twelve hours.</p> <p>(3) If the panel does not approve the order, it shall be ordered by a ruling that the actions shall be immediately ceased and the data collected pursuant to the order of the State Attorney shall be handed over to the investigating judge who will destroy them. The investigating judge shall make a record on the destruction of the data.</p> <p>(4) Actions referred to in paragraph 1 item 1 of this Article may be ordered against persons against whom there are grounds for suspicion that that he delivers to the perpetrator or receives from the perpetrator of the offences referred to in Article 334 of this Act information and messages in relation to offences or that the perpetrator uses their telephone or other telecommunications devices, which hide the perpetrator of the criminal offence or help him from being discovered by hiding the means by which the criminal offence was committed, traces of the criminal offences or objects resulting or acquired through the criminal offence or in any other way.</p> <p>(5) Under the conditions referred to in paragraph 1 of this Article, the measures referred to in paragraph 1 items 1, 2, 3, 4, 6, 7 and 8 of this Article may with his written consent be applied to means, premises and objects of that person.</p> <p>(6) In case there is no knowledge about the identity of the accomplices in the criminal offence, the measure referred to in paragraph 1 item 8 of this Article may be determined in accordance with the object of the criminal offence.</p> <p>(7) The application of measures referred to in paragraph 1 items 5 and 6 of this Article should not constitute an instigation to commit a criminal offence.</p> <p>Article 333</p> <p>(1) Recordings, documents and objects obtained by the application of the measures referred to in Article 332 paragraph 1 item 1 to 8 of this Act may be used as evidence in criminal proceedings.</p> <p>(2) An undercover agent and an informant may be interrogated as witnesses on the content of discussions held with the persons against whom the measures referred to in Article 332 paragraph 1 items 5 to 8 of this Act are imposed, as well as all accomplices in the criminal offence for whose disclosure and evidence collecting the measure was imposed and their statements may be used as evidence in the proceedings.</p>

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	<p>(3) A ruling and evaluation on inadmissibility of evidence may not be based exclusively on the witness testimony referred to in paragraph 2 of this Article.</p> <p>Article 334</p> <p>(1) The special evidentiary actions referred to in Article 332, paragraph 1, of the present Act may be ordered for the following criminal offences set forth in the Criminal Code:</p> <p>3) public incitement to terrorism (Article 99), unlawful deprivation of liberty (Article 136), rape (Article 153), serious criminal offences against sexual freedom (Article 154), prostitution (Article 157), abduction of a child (Article 174), neglect and abuse of the rights of a child (Article 177), falsification of medicinal products or medical devices (Article 185), unauthorised manufacture of and traffic in illicit drugs (Article 190), enabling the use of illicit drugs (Article 191, paragraphs 2 and 3), unauthorised manufacture of and traffic in substances banned in sports (Article 191a), extortion (Article 243), receiving or giving bribes during bankruptcy proceedings (Article 251), giving bribes in business dealings (Article 253), <b>producing, procuring, possessing, selling or giving to another for use forgery tools (Article 283)</b>, giving a bribe (Article 294), giving a bribe for trading in influence (Article 296), disclosure of official secret (Article 300) if the offence represents a violation of the secrecy of the inquiry and fact-finding activity, preventing the presentation of evidence (Article 306), violation of secrecy of proceedings (Article 307) if the offence represents a violation of secrecy in criminal proceedings; <b>giving false testimony (Article 305)</b>, disclosing the identity of a person in danger or protected witness (Article 308), coercion against a judicial official (Article 312), illegal entry into, movement and residence within the Republic of Croatia (Article 326), unlawful possession, making and procurement of weapons and explosive substances (Article 331), murder of an internationally protected person (Article 352), kidnapping of an internationally protected person (Article 353), attack on an internationally protected person (Article 354), threat to an internationally protected person (Article 355) and for criminal offences against computer systems, programmes and data (Title XXV) and against intellectual property (Title XXVII) if committed by the use of computer systems or computer networks.</p>

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	<p>Article 337</p> <p>(1) ) The actions referred to in Article 332 of the present Act shall be executed by the police. On the course of execution of the said actions the police shall prepare daily reports and technical transcripts which it shall deliver to the State Attorney on his request. At any moment during the taking of the special evidentiary actions the judge of investigation may request from the State Attorney to deliver to him a report on the course of the said actions and the need for their further taking. During the taking of special evidentiary actions the judge of investigation may, where necessary, request from the police to have daily reports and technical transcripts delivered to him for the purpose of assessing the well-foundedness of their further taking, within the scope and to the extent which he himself determines. If the actions were extended by six months pursuant to Article 335, paragraph 3, of the present Act, after three months the judge of investigation must request from the State Attorney to deliver to him the report on the need for their further taking.</p> <p>(2) Upon expiry of the period for which the said actions were approved, the police shall draw up a special report for the State Attorney's Office and the judge of investigation in which it shall specify:</p> <ol style="list-style-type: none"> <li>1. the dates and times the action in question started and ended;</li> <li>2. the number and identity of persons with respect to whom the action in question was taken.</li> </ol> <p>(3) The police shall draw up two copies of technical transcripts. One copy shall be kept in police archives. The second copy accompanied by a special report shall be served on the State Attorney by the police together with compiled recordings and documentation.</p> <p>(4) The use of undercover investigators includes the right of the undercover investigator to enter a person's home if the conditions provided for by statutory regulations on police entry into a person's home without a court warrant are met.</p> <p>(5) Where, in addition to the conditions referred to in Article 332, paragraph 1, of this Act there is evidence to reasonably suspect that particularly serious criminal offences as referred to in Article 334 of this Act will be committed or that some of them have already been committed, the judge of investigation may, upon the motion of the State Attorney, issue an order authorising an undercover investigator not only to enter a person's home but also to use technical equipment for the purpose of recording non-public conversations. Where the judge of investigation denies the motion, he shall issue an order. The</p>

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	<p>State Attorney may file an appeal against the order within the time limit of eight hours. The appeal shall be decided on by the panel within the time limit of twelve hours.</p> <p>(6) The taking of actions referred to in Article 332, paragraph 1, of this Act shall cease as soon as the reasons for which they were ordered cease to exist. The State Attorney and the court shall <i>ex officio</i> take care that the reasons for which the action was ordered exist.</p> <p>(7) Subject to prior consent from the minister responsible for justice, the minister responsible for internal affairs shall adopt regulations on the method of taking actions referred to in Article 332 of this Act.</p> <p>Article 257</p> <p>(1) The search of movable objects shall include the search of a computer and devices connected with it, other devices which serve to collect, store and transmit data by means of a telephone, computer and other communication means as well as a computer-data storage medium. On the request of the body undertaking the search, the person who uses a computer or has access to a computer, other device or computer-data storage medium, and the provider of telecommunication services shall be obliged to enable access to a computer, device or a computer-data storage medium and to provide necessary information for unhindered use and the realization of the aims of the search.</p> <p>(2) Upon the order of the body which undertakes the search, a person who uses the computer or has access to a computer and other devices referred to in paragraph 1 of this article, as well as the provider of telecommunication services, shall be obliged to immediately undertake measures aimed at preventing the destruction or alteration of a computer data. A body undertaking the search may order to a professional assistant to carry out these measures.</p> <p>(3) A person who uses s computer or has access to a computer or another device or a computer-data storage medium, as well as the provider of telecommunication services, who, with no justified reasons shall not proceed according to paragraphs 1 and 2 of this article, investigating judge may, at the motion of state attorney, punish, according to the provision of article 259, paragraph 1 of this Code. The provision on punishment shall not apply to a defendant.</p> <p>Article 261 - Temporary Seizure of Objects</p>

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	<p>(1) Objects which have to be seized pursuant to the Penal Code or which may be used to determine facts in proceedings shall be temporarily seized and deposited for safekeeping.</p> <p>(2) Whoever is in possession of such objects shall be bound to surrender them upon the request of the State Attorney, the investigator or the police authorities. The State Attorney, the investigator or the police authorities shall instruct the holder of the object on consequences arising from denial to comply with the request.</p> <p>(3) A person who fails to comply with the request to surrender the objects, even though there are no justified causes, may be penalized by the investigating judge upon a motion with a statement of reasons of the State Attorney pursuant to Article 259 paragraph 1 of this Act.</p> <p>(4) The measures referred to in paragraph 2 of this Article shall not apply either to the defendant or persons who are exempted from the duty to testify (Article 285)</p> <p>Article 263</p> <p>(1) Provisions referred to in article 261 of this Code shall also refer to data stored in computers and devices connected with it, devices for the collection and transmission of data, computer-data storage medium as well as to the subscribers information at the disposal of service provider, except in cases when, pursuant to article 262 of this Code, temporary seizure of objects is forbidden.</p> <p>(2) Data referred to in paragraph 1 of this article shall be, on the written motion of state attorney, submitted to state attorney in their integral, original, readable and intelligible form. In his motion, the state attorney shall determine deadline for the submission of the data. In the case of refusal of the submission of data, proceedings pursuant to article 259, paragraph 1 of this Code may apply.</p> <p>(3) Data referred to in paragraph 1 of this article, shall be recorded in a real-time by the body performing the recording. Upon the collection, recording, protection and keeping of data, provisions related to the protection of secrecy of certain data (article 186 through 188) shall be observed. According to the circumstances, data which are not related to a criminal offense for which it is being proceeded, and which a person against whom measure is being implemented needs, may be recorded on an adequate media and returned to that person prior to the termination of proceedings.</p> <p>(4) At the motion of state attorney, investigating judge may, by issuing</p>

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	<p>decision, determine the protection and keeping of all computer data referred to in paragraph 1 of this article, until it is necessary, but no longer than for the period of six months. After that, computer data shall be returned provided that:</p> <ol style="list-style-type: none"> <li>1) they concern the commission of criminal offences against computer systems, programmes and data (Title XXV) of the Criminal Code</li> <li>2) they are included in the perpetration of another criminal offense committed by means of a computer system and which is pursued ex officio,</li> <li>3) they do not serve as evidence of criminal offense for which proceedings are being conducted.</li> </ol> <p>(5) Against the decision of investigating judge by which the measures referred to in paragraph 3 of this article are established, a person using the computer and a person acting as service provider shall have the right to appeal within 24 hours. The panel shall decide on the appeal within the period of three days. Filing an appeal shall not postpone the execution of the decision.</p> <p>Article 335</p> <p>(1) In the order referred to in article 332, paragraph 1 of this Code available data are listed about a person against who special evidential actions are being implemented, the facts from which arises the need for undertaking these actions, period of duration, the manner, scope the place of the conduct of the action appropriate for the realization of the aim. Actions shall be carried out by the police. Official and responsible persons participating in the procedure of decision-making and the execution of the actions referred to in article 332 of this Code shall be obliged to preserve the secrecy of all data learned in relation to the actions.</p>
<p><b>Article 17 – Expedited preservation and partial disclosure of traffic data</b></p> <p>1 Each Party shall adopt, in respect of traffic data that is to be preserved under Article 16, such legislative and other measures as may be necessary to:</p> <ol style="list-style-type: none"> <li>a ensure that such expeditious preservation of traffic data is available regardless of whether one or more service providers were involved in the transmission of that communication; and</li> <li>b ensure the expeditious disclosure to the Party’s competent authority, or a person designated by that authority, of a sufficient amount of traffic data</li> </ol>	<p><b>Decree on obligations from the area of national security of the Republic of Croatia for legal and physical persons in telecommunications (OG 64/08, 76/13)</b></p> <p><b>Article 13</b></p> <p>In case of an illegal implementation of the measures of secret surveillance of telecommunications, disclosure of secret data, i.e. of the results arising from the implementation of measures or other misuse of the results of the implementation of the measures of secret surveillance of telecommunications exclusive liability shall be borne by a physical or legal entity for who it is</p>

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<p>to enable the Party to identify the service providers and the path through which the communication was transmitted.</p> <p>2 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.</p>	<p>established that it has illegally implemented or misused the results of the implementation of the measures of secret surveillance of telecommunications, i.e. the data and signals produced by the implementation of the function of secret surveillance.</p> <p><b>CRIMINAL PROCEDURE ACT</b> (OG 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19)</p> <p><b>Article 261 -Temporary Seizure of Objects</b></p> <p>(1) Objects which have to be seized pursuant to the Penal Code or which may be used to determine facts in proceedings shall be temporarily seized and deposited for safekeeping.</p> <p>(2) Whoever is in possession of such objects shall be bound to surrender them upon the request of the State Attorney, the investigator or the police authorities. The State Attorney, the investigator or the police authorities shall instruct the holder of the object on consequences arising from denial to comply with the request.</p> <p>(3) A person who fails to comply with the request to surrender the objects, even though there are no justified causes, may be penalized by the investigating judge upon a motion with a statement of reasons of the State Attorney pursuant to Article 259 paragraph 1 of this Act.</p> <p>(4) The measures referred to in paragraph 2 of this Article shall not apply either to the defendant or persons who are exempted from the duty to testify (Article 285)</p> <p><b>Article 263</b></p> <p>(1) Provisions referred to in article 261 of this Code shall also refer to data stored in computers and devices connected with it, devices for the collection and transmission of data, computer-data storage medium as well as to the subscribers information at the disposal of service provider, except in cases when, pursuant to article 262 of this Code, temporary seizure of objects is forbidden.</p> <p>(2) Data referred to in paragraph 1 of this article shall be, on the written motion of state attorney, submitted to state attorney in their integral, original, readable and intelligible form. In his motion, the state attorney shall determine deadline for the submission of the data. In the case of refusal of the submission of data, proceedings pursuant to article 259, paragraph 1 of this Code may apply.</p> <p>(3) Data referred to in paragraph 1 of this article, shall be recorded in a real-time by the body performing the recording. Upon the collection, recording, protection and keeping of data, provisions related to the protection of secrecy of</p>

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	<p>certain data (article 186 through 188) shall be observed. According to the circumstances, data which are not related to a criminal offense for which it is being proceeded, and which a person against whom measure is being implemented needs, may be recorded on an adequate media and returned to that person prior to the termination of proceedings.</p> <p>(4) At the motion of state attorney, investigating judge may, by issuing decision, determine the protection and keeping of all computer data referred to in paragraph 1 of this article, until it is necessary, but no longer than for the period of six months. After that, computer data shall be returned provided that:</p> <ol style="list-style-type: none"> <li>1) they concern the commission of criminal offences against computer systems, programmes and data (Title XXV) of the Criminal Code</li> <li>2) they are included in the perpetration of another criminal offense committed by means of a computer system and which is pursued ex officio,</li> <li>3) they do not serve as evidence of criminal offense for which proceedings are being conducted.</li> </ol> <p>(5) Against the decision of investigating judge by which the measures referred to in paragraph 3 of this article are established, a person using the computer and a person acting as service provider shall have the right to appeal within 24 hours. The panel shall decide on the appeal within the period of three days. Filing an appeal shall not postpone the execution of the decision.</p> <p><b>Article 242</b></p> <p>(1) Unless otherwise prescribed by this Act, at the request of the State Attorney the judge of investigation shall order a search by a written warrant including a statement of reasons. The search warrant shall contain the following:</p> <ol style="list-style-type: none"> <li>1) designation of the object of search (person, home, other premises or movables);</li> <li>2) purpose of the search;</li> <li>3) authority conducting the search.</li> </ol> <p>(2) The judge of investigation shall decide on the request for search as soon as possible, but not later than four hours from the receipt of the request. Should he deny the request, the judge of investigation shall issue an order. The State Attorney shall be entitled to appeal against the order of the judge of investigation within the time limit of eight hours. Any appeal shall be decided by the panel within the time limit of twelve hours.</p> <p>(3) The search warrant issued by the judge of investigation and referred to in</p>



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	<p>paragraph 1 of this Article shall be executed within the time limit of three days from the date of its issue. After the expiry of the said time limit, a search may no longer be conducted on the basis of the said warrant. The warrant shall be immediately returned to the judge of investigation who shall make a note on it invalidating it.</p> <p>(4) A search shall be conducted by the State Attorney, the investigator or the police.</p> <p>(5) Where the investigation is conducted by the judge of investigation, he shall designate in the search warrant the investigator who is to conduct the search. The investigator shall conduct the search as stipulated in the warrant and shall immediately deliver the protocol and the objects that were temporarily seized to the judge of investigation.</p>
<p><b>Article 18 – Production order</b></p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order:</p> <p>a a person in its territory to submit specified computer data in that person’s possession or control, which is stored in a computer system or a computer-data storage medium; and</p> <p>b a service provider offering its services in the territory of the Party to submit subscriber information relating to such services in that service provider’s possession or control.</p> <p>2 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.</p> <p>3 For the purpose of this article, the term “subscriber information” means any information contained in the form of computer data or any other form that is held by a service provider, relating to subscribers of its services other than traffic or content data and by which can be established:</p> <p>a the type of communication service used, the technical provisions taken thereto and the period of service;</p> <p>b the subscriber’s identity, postal or geographic address, telephone and other access number, billing and payment information, available on the basis of the service agreement or arrangement;</p>	<p><b>CRIMINAL PROCEDURE ACT</b> (OG 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19)</p> <p><b>Article 261</b></p> <p>(1) Objects that are to be seized under the Criminal Act or which may serve to establish facts in proceedings shall be temporarily seized and their safekeeping shall be ensured.</p> <p>(2) Whoever is in possession of such objects shall be required to hand them over at the request of the State Attorney, the investigator or the police</p> <p><b>Article 257</b></p> <p>(1) The search of movable objects shall include the search of a computer and devices connected with it, other devices which serve to collect, store and transmit data by means of a telephone, computer and other communication means as well as a computer-data storage medium. On the request of the body undertaking the search, the person who uses a computer or has access to a computer, other device or computer-data storage medium, and the provider of telecommunication services shall be obliged to enable access to a computer, device or a computer-data storage medium and to provide necessary information for unhindered use and the realization of the aims of the search.</p> <p>(2) Upon the order of the body which undertakes the search, a person who uses the computer or has access to a computer and other devices referred to in paragraph 1 of this article, as well as the provider of telecommunication services, shall be obliged to immediately undertake measures aimed at</p>

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<p>c any other information on the site of the installation of communication equipment, available on the basis of the service agreement or arrangement.</p>	<p>preventing the destruction or alteration of a computer data. A body undertaking the search may order to a professional assistant to carry out these measures. (3) A person who uses s computer or has access to a computer or another device or a computer-data storage medium, as well as the provider of telecommunication services, who, with no justified reasons shall not proceed according to paragraphs 1 and 2 of this article, investigating judge may, at the motion of state attorney, punish, according to the provision of article 259, paragraph 1 of this Code. The provision on punishment shall not apply to a defendant.</p> <p><b>Article 335</b></p> <p>(2) Operational Technology Centre for Surveillance of Telecommunications of the Republic of Croatia (hereinafter: OTC) performing technical coordination with telecommunication services provider in Croatia the as well as providers of telecommunication services shall be obliged to ensure all necessary technical assistance to the police. Any acting of the provider of telecommunication service contrary to this obligation, investigating judge shall, at the justified motion of state attorney, punish by a fine up to HRK 1,000,000.00 and the responsible person in OTC as well as that of the provider of telecommunication services by a fine in the amount not exceeding HRK 50,000.00. If, after that a responsible person does not execute the decision, he may be punished by a maximum of one month imprisonment until the execution. Appeal filed against the decision by which a monetary fine or imprisonment is imposed, shall be decided by the panel. An appeal against decision imposing a fine or imprisonment, shall not postpone the execution of decision.</p>
<p><b>Article 19 – Search and seizure of stored computer data</b></p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to search or similarly access:</p> <p>a a computer system or part of it and computer data stored therein; and</p> <p>b a computer-data storage medium in which computer data may be stored</p> <p>in its territory.</p> <p>2 Each Party shall adopt such legislative and other measures as may be necessary to ensure that where its authorities search or similarly access a specific computer system or part of it, pursuant to paragraph 1.a, and have grounds to believe that the data sought is stored in another computer system or part of it in its territory, and such data is lawfully accessible from or</p>	<p><b>CRIMINAL PROCEDURE ACT</b> (OG 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19)</p> <p><b>Article 332 Special Collection of Evidence</b></p> <p>(1) If the investigation cannot be carried out in any other way or would be accompanied by great difficulties, the investigating judge may, upon the written request with a statement of reasons of the State attorney, order against the person against whom there are grounds for suspicion the he committed or has taken part in committing an offence referred to in Article 334 of this Act, measures which temporarily restrict certain constitutional rights of citizens as follows:</p> <p>1) surveillance and interception of telephone conversations and other means of remote technical communication; 2) interception, gathering and recording of electronic data;</p>

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<p>available to the initial system, the authorities shall be able to expeditiously extend the search or similar accessing to the other system.</p> <p>3 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to seize or similarly secure computer data accessed according to paragraphs 1 or 2. These measures shall include the power to:</p> <ul style="list-style-type: none"> <li>a seize or similarly secure a computer system or part of it or a computer-data storage medium;</li> <li>b make and retain a copy of those computer data;</li> <li>c maintain the integrity of the relevant stored computer data;</li> <li>d render inaccessible or remove those computer data in the accessed computer system.</li> </ul> <p>4 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order any person who has knowledge about the functioning of the computer system or measures applied to protect the computer data therein to provide, as is reasonable, the necessary information, to enable the undertaking of the measures referred to in paragraphs 1 and 2.</p> <p>5 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.</p>	<p>3) entry on the premises for the purpose of conducting surveillance and technical recording at the premises;</p> <p>4) covert following and technical recording of individuals and objects;</p> <p>5) use of undercover investigators and informants;</p> <p>6) simulated sales and purchase of certain objects, simulated bribe-giving and simulated bribe-taking;</p> <p>7) offering simulated business services or closing simulated legal business;</p> <p>8) controlled transport and delivery of objects from criminal offences.</p> <p>(2) By way of exception, when circumstances require that the actions are to commenced immediately, the order from paragraph 1 of this Article may be issued by the State Attorney prior to commencement of the investigation for the term of twenty-four hours. The State Attorney must deliver the order with a note on the time of issue and a statement of reasons to the investigating judge within eight hours from the issue. The investigating judge shall decide immediately on the legality of the order. If the investigating judge accepts the order of the State attorney, he shall proceed pursuant to paragraph 1 of this Article. If the investigating judge denies the order, the State Attorney may file an appeal within eight hours. The panel shall decide on the appeal within twelve hours.</p> <p>(3) If the panel does not approve the order, it shall be ordered by a ruling that the actions shall be immediately ceased and the data collected pursuant to the order of the State Attorney shall be handed over to the investigating judge who will destroy them. The investigating judge shall make a record on the destruction of the data.</p> <p>(4) Actions referred to in paragraph 1 item 1 of this Article may be ordered against persons against whom there are grounds for suspicion that that he delivers to the perpetrator or receives from the perpetrator of the offences referred to in Article 334 of this Act information and messages in relation to offences or that the perpetrator uses their telephone or other telecommunications devices, which hide the perpetrator of the criminal offence or help him from being discovered by hiding the means by which the criminal offence was committed, traces of the criminal offences or objects resulting or acquired through the criminal offence or in any other way.</p> <p>(5) Under the conditions referred to in paragraph 1 of this Article, the measures referred to in paragraph 1 items 1, 2, 3, 4, 6, 7 and 8 of this Article may with his written consent be applied to means, premises and objects of that person.</p>

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	<p>(6) In case there is no knowledge about the identity of the accomplices in the criminal offence, the measure referred to in paragraph 1 item 8 of this Article may be determined in accordance with the object of the criminal offence.</p> <p>(7) The application of measures referred to in paragraph 1 items 5 and 6 of this Article should not constitute an instigation to commit a criminal offence.</p> <p><b>Article 333</b></p> <p>(1) Recordings, documents and objects obtained by the application of the measures referred to in Article 332 paragraph 1 item 1 to 8 of this Act may be used as evidence in criminal proceedings.</p> <p>(2) An undercover agent and an informant may be interrogated as witnesses on the content of discussions held with the persons against whom the measures referred to in Article 332 paragraph 1 items 5 to 8 of this Act are imposed, as well as all accomplices in the criminal offence for whose disclosure and evidence collecting the measure was imposed and their statements may be used as evidence in the proceedings.</p> <p>(3) A ruling and evaluation on inadmissibility of evidence may not be based exclusively on the witness testimony referred to in paragraph 2 of this Article.</p> <p><b>Article 334</b></p> <p>(1) The special evidentiary actions referred to in Article 332, paragraph 1, of the present Act may be ordered for the following criminal offences set forth in the Criminal Code:</p> <p>3) public incitement to terrorism (Article 99), unlawful deprivation of liberty (Article 136), rape (Article 153), serious criminal offences against sexual freedom (Article 154), prostitution (Article 157), abduction of a child (Article 174), neglect and abuse of the rights of a child (Article 177), falsification of medicinal products or medical devices (Article 185), unauthorised manufacture of and traffic in illicit drugs (Article 190), enabling the use of illicit drugs (Article 191, paragraphs 2 and 3), unauthorised manufacture of and traffic in substances banned in sports (Article 191a), extortion (Article 243), receiving or giving bribes during bankruptcy proceedings (Article 251), giving bribes in business dealings (Article 253), <b>producing, procuring, possessing, selling or giving to another for use forgery tools (Article 283)</b>, giving a bribe (Article 294), giving a bribe for trading in influence (Article 296), disclosure of official secret (Article 300) if the offence represents a violation of the secrecy of the inquiry and fact-finding activity, preventing the presentation of evidence (Article</p>

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306), violation of secrecy of proceedings (Article 307) if the offence represents a violation of secrecy in criminal proceedings; **giving false testimony (Article 305)**, disclosing the identity of a person in danger or protected witness (Article 308), coercion against a judicial official (Article 312), illegal entry into, movement and residence within the Republic of Croatia (Article 326), unlawful possession, making and procurement of weapons and explosive substances (Article 331), murder of an internationally protected person (Article 352), kidnapping of an internationally protected person (Article 353), attack on an internationally protected person (Article 354), threat to an internationally protected person (Article 355) and for criminal offences against computer systems, programmes and data (Title XXV) and against intellectual property (Title XXVII) if committed by the use of computer systems or computer networks.

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(1) ) The actions referred to in Article 332 of the present Act shall be executed by the police. On the course of execution of the said actions the police shall prepare daily reports and technical transcripts which it shall deliver to the State Attorney on his request. At any moment during the taking of the special evidentiary actions the judge of investigation may request from the State Attorney to deliver to him a report on the course of the said actions and the need for their further taking. During the taking of special evidentiary actions the judge of investigation may, where necessary, request from the police to have daily reports and technical transcripts delivered to him for the purpose of assessing the well-foundedness of their further taking, within the scope and to the extent which he himself determines. If the actions were extended by six months pursuant to Article 335, paragraph 3, of the present Act, after three months the judge of investigation must request from the State Attorney to deliver to him the report on the need for their further taking.

(2) Upon expiry of the period for which the said actions were approved, the police shall draw up a special report for the State Attorney's Office and the judge of investigation in which it shall specify:

1. the dates and times the action in question started and ended;
2. the number and identity of persons with respect to whom the action in question was taken.

(3) The police shall draw up two copies of technical transcripts. One copy shall be kept in police archives. The second copy accompanied by a special report shall be served on the State Attorney by the police together with compiled

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	<p>recordings and documentation.</p> <p>(4) The use of undercover investigators includes the right of the undercover investigator to enter a person's home if the conditions provided for by statutory regulations on police entry into a person's home without a court warrant are met.</p> <p>(5) Where, in addition to the conditions referred to in Article 332, paragraph 1, of this Act there is evidence to reasonably suspect that particularly serious criminal offences as referred to in Article 334 of this Act will be committed or that some of them have already been committed, the judge of investigation may, upon the motion of the State Attorney, issue an order authorising an undercover investigator not only to enter a person's home but also to use technical equipment for the purpose of recording non-public conversations. Where the judge of investigation denies the motion, he shall issue an order. The State Attorney may file an appeal against the order within the time limit of eight hours. The appeal shall be decided on by the panel within the time limit of twelve hours.</p> <p>(6) The taking of actions referred to in Article 332, paragraph 1, of this Act shall cease as soon as the reasons for which they were ordered cease to exist. The State Attorney and the court shall <i>ex officio</i> take care that the reasons for which the action was ordered exist.</p> <p>(7) Subject to prior consent from the minister responsible for justice, the minister responsible for internal affairs shall adopt regulations on the method of taking actions referred to in Article 332 of this Act.</p> <p><b>Article 257</b></p> <p>(1) The search of movable objects shall include the search of a computer and devices connected with it, other devices which serve to collect, store and transmit data by means of a telephone, computer and other communication means as well as a computer-data storage medium. On the request of the body undertaking the search, the person who uses a computer or has access to a computer, other device or computer-data storage medium, and the provider of telecommunication services shall be obliged to enable access to a computer, device or a computer-data storage medium and to provide necessary information for unhindered use and the realization of the aims of the search.</p> <p>(2) Upon the order of the body which undertakes the search, a person who uses the computer or has access to a computer and other devices referred to in</p>

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	<p>paragraph 1 of this article, as well as the provider of telecommunication services, shall be obliged to immediately undertake measures aimed at preventing the destruction or alteration of a computer data. A body undertaking the search may order to a professional assistant to carry out these measures.</p> <p>(3) A person who uses s computer or has access to a computer or another device or a computer-data storage medium, as well as the provider of telecommunication services, who, with no justified reasons shall not proceed according to paragraphs 1 and 2 of this article, investigating judge may, at the motion of state attorney, punish, according to the provision of article 259, paragraph 1 of this Code. The provision on punishment shall not apply to a defendant.</p> <p><b>Article 242</b></p> <p>(1) Unless otherwise prescribed by this Act, at the request of the State Attorney the judge of investigation shall order a search by a written warrant including a statement of reasons. The search warrant shall contain the following:</p> <ol style="list-style-type: none"> <li>1) designation of the object of search (person, home, other premises or movables);</li> <li>2) purpose of the search;</li> <li>3) authority conducting the search.</li> </ol> <p>(2) The judge of investigation shall decide on the request for search as soon as possible, but not later than four hours from the receipt of the request. Should he deny the request, the judge of investigation shall issue an order. The State Attorney shall be entitled to appeal against the order of the judge of investigation within the time limit of eight hours. Any appeal shall be decided by the panel within the time limit of twelve hours.</p> <p>(3) The search warrant issued by the judge of investigation and referred to in paragraph 1 of this Article shall be executed within the time limit of three days from the date of its issue. After the expiry of the said time limit, a search may no longer be conducted on the basis of the said warrant. The warrant shall be immediately returned to the judge of investigation who shall make a note on it invalidating it.</p> <p>(4) A search shall be conducted by the State Attorney, the investigator or the police.</p> <p>(5) Where the investigation is conducted by the judge of investigation, he shall designate in the search warrant the investigator who is to conduct the search.</p>

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	<p>The investigator shall conduct the search as stipulated in the warrant and shall immediately deliver the protocol and the objects that were temporarily seized to the judge of investigation.</p> <p><b>Article 261 - Temporary Seizure of Objects</b></p> <p>(1) Objects which have to be seized pursuant to the Penal Code or which may be used to determine facts in proceedings shall be temporarily seized and deposited for safekeeping.</p> <p>(2) Whoever is in possession of such objects shall be bound to surrender them upon the request of the State Attorney, the investigator or the police authorities. The State Attorney, the investigator or the police authorities shall instruct the holder of the object on consequences arising from denial to comply with the request.</p> <p>(3) A person who fails to comply with the request to surrender the objects, even though there are no justified causes, may be penalized by the investigating judge upon a motion with a statement of reasons of the State Attorney pursuant to Article 259 paragraph 1 of this Act.</p> <p>(4) The measures referred to in paragraph 2 of this Article shall not apply either to the defendant or persons who are exempted from the duty to testify (Article 285)</p> <p><b>Article 263</b></p> <p>(1) Provisions referred to in article 261 of this Code shall also refer to data stored in computers and devices connected with it, devices for the collection and transmission of data, computer-data storage medium as well as to the subscribers information at the disposal of service provider, except in cases when, pursuant to article 262 of this Code, temporary seizure of objects is forbidden.</p> <p>(2) Data referred to in paragraph 1 of this article shall be, on the written motion of state attorney, submitted to state attorney in their integral, original, readable and intelligible form. In his motion, the state attorney shall determine deadline for the submission of the data. In the case of refusal of the submission of data, proceedings pursuant to article 259, paragraph 1 of this Code may apply.</p> <p>(3) Data referred to in paragraph 1 of this article, shall be recorded in a real-time by the body performing the recording. Upon the collection, recording, protection and keeping of data, provisions related to the protection of secrecy of certain data (article 186 through 188) shall be observed. According to the</p>



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	<p>circumstances, data which are not related to a criminal offense for which it is being proceeded, and which a person against whom measure is being implemented needs, may be recorded on an adequate media and returned to that person prior to the termination of proceedings.</p> <p>(4) At the motion of state attorney, investigating judge may, by issuing decision, determine the protection and keeping of all computer data referred to in paragraph 1 of this article, until it is necessary, but no longer than for the period of six months. After that, computer data shall be returned provided that:</p> <ol style="list-style-type: none"> <li>1) they concern the commission of criminal offences against computer systems, programmes and data (Title XXV) of the Criminal Code</li> <li>2) they are included in the perpetration of another criminal offense committed by means of a computer system and which is pursued ex officio,</li> <li>3) they do not serve as evidence of criminal offense for which proceedings are being conducted.</li> </ol> <p>(5) Against the decision of investigating judge by which the measures referred to in paragraph 3 of this article are established, a person using the computer and a person acting as service provider shall have the right to appeal within 24 hours. The panel shall decide on the appeal within the period of three days. Filing an appeal shall not postpone the execution of the decision.</p>
<p><b>Article 20 – Real-time collection of traffic data</b></p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to:</p> <ol style="list-style-type: none"> <li>a collect or record through the application of technical means on the territory of that Party, and</li> <li>b compel a service provider, within its existing technical capability: <ol style="list-style-type: none"> <li>i to collect or record through the application of technical means on the territory of that Party; or</li> <li>ii to co-operate and assist the competent authorities in the collection or recording of, traffic data, in real-time, associated with specified communications in its territory transmitted by means of a computer system.</li> </ol> </li> </ol> <p>2 Where a Party, due to the established principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1.a, it may instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of traffic data associated with specified</p>	<p><b>CRIMINAL PROCEDURE ACT</b> (OG 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19)</p> <p><b>Article 257</b></p> <p>(1) The search of movable objects shall include the search of a computer and devices connected with it, other devices which serve to collect, store and transmit data by means of a telephone, computer and other communication means as well as a computer-data storage medium. On the request of the body undertaking the search, the person who uses a computer or has access to a computer, other device or computer-data storage medium, and the provider of telecommunication services shall be obliged to enable access to a computer, device or a computer-data storage medium and to provide necessary information for unhindered use and the realization of the aims of the search.</p> <p>(2) Upon the order of the body which undertakes the search, a person who uses the computer or has access to a computer and other devices referred to in paragraph 1 of this article, as well as the provider of telecommunication services, shall be obliged to immediately undertake measures aimed at preventing the destruction or alteration of a computer data. A body undertaking</p>

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communications transmitted in its territory, through the application of technical means on that territory.

3 Each Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information relating to it.

4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.

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the search may order to a professional assistant to carry out these measures.

(3) A person who uses a computer or has access to a computer or another device or a computer-data storage medium, as well as the provider of telecommunication services, who, with no justified reasons shall not proceed according to paragraphs 1 and 2 of this article, investigating judge may, at the motion of state attorney, punish, according to the provision of article 259, paragraph 1 of this Code. The provision on punishment shall not apply to a defendant.

**Article 242**

(1) Unless otherwise prescribed by this Act, at the request of the State Attorney the judge of investigation shall order a search by a written warrant including a statement of reasons. The search warrant shall contain the following:

- 1) designation of the object of search (person, home, other premises or movables);
- 2) purpose of the search;
- 3) authority conducting the search.

(2) The judge of investigation shall decide on the request for search as soon as possible, but not later than four hours from the receipt of the request. Should he deny the request, the judge of investigation shall issue an order. The State Attorney shall be entitled to appeal against the order of the judge of investigation within the time limit of eight hours. Any appeal shall be decided by the panel within the time limit of twelve hours.

(3) The search warrant issued by the judge of investigation and referred to in paragraph 1 of this Article shall be executed within the time limit of three days from the date of its issue. After the expiry of the said time limit, a search may no longer be conducted on the basis of the said warrant. The warrant shall be immediately returned to the judge of investigation who shall make a note on it invalidating it.

(4) A search shall be conducted by the State Attorney, the investigator or the police.

(5) Where the investigation is conducted by the judge of investigation, he shall designate in the search warrant the investigator who is to conduct the search. The investigator shall conduct the search as stipulated in the warrant and shall immediately deliver the protocol and the objects that were temporarily seized to the judge of investigation.

**Article 332 - Special Collection of Evidence**

(1) If the investigation cannot be carried out in any other way or would be accompanied by great difficulties, the investigating judge may, upon the written request with a statement of reasons of the State attorney, order against the person against whom there are grounds for suspicion the he committed or has taken part in committing an offence referred to in Article 334 of this Act, measures which temporarily restrict certain constitutional rights of citizens as follows:

- 1) surveillance and interception of telephone conversations and other means of remote technical communication;
- 2) interception, gathering and recording of electronic data;
- 3) entry on the premises for the purpose of conducting surveillance and technical recording at the premises;
- 4) covert following and technical recording of individuals and objects;
- 5) use of undercover investigators and informants;
- 6) simulated sales and purchase of certain objects, simulated bribe-giving and simulated bribe-taking;
- 7) offering simulated business services or closing simulated legal business;
- 8) controlled transport and delivery of objects from criminal offences.

(2) By way of exception, when circumstances require that the actions are to commenced immediately, the order from paragraph 1 of this Article may be issued by the State Attorney prior to commencement of the investigation for the term of twenty-four hours. The State Attorney must deliver the order with a note on the time of issue and a statement of reasons to the investigating judge within eight hours from the issue. The investigating judge shall decide immediately on the legality of the order. If the investigating judge accepts the order of the State attorney, he shall proceed pursuant to paragraph 1 of this Article. If the investigating judge denies the order, the State Attorney may file an appeal within eight hours. The panel shall decide on the appeal within twelve hours.

(3) If the panel does not approve the order, it shall be ordered by a ruling that the actions shall be immediately ceased and the data collected pursuant to the order of the State Attorney shall be handed over to the investigating judge who will destroy them. The investigating judge shall make a record on the destruction of the data.

(4) Actions referred to in paragraph 1 item 1 of this Article may be ordered against persons against whom there are grounds for suspicion that that he delivers to the perpetrator or receives from the perpetrator of the offences referred to in Article 334 of this Act information and messages in relation to

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	<p>offences or that the perpetrator uses their telephone or other telecommunications devices, which hide the perpetrator of the criminal offence or help him from being discovered by hiding the means by which the criminal offence was committed, traces of the criminal offences or objects resulting or acquired through the criminal offence or in any other way.</p> <p>(5) Under the conditions referred to in paragraph 1 of this Article, the measures referred to in paragraph 1 items 1, 2, 3, 4, 6, 7 and 8 of this Article may with his written consent be applied to means, premises and objects of that person.</p> <p>(6) In case there is no knowledge about the identity of the accomplices in the criminal offence, the measure referred to in paragraph 1 item 8 of this Article may be determined in accordance with the object of the criminal offence.</p> <p>(7) The application of measures referred to in paragraph 1 items 5 and 6 of this Article should not constitute an instigation to commit a criminal offence.</p> <p><b>Article 333</b></p> <p>(1) Recordings, documents and objects obtained by the application of the measures referred to in Article 332 paragraph 1 item 1 to 8 of this Act may be used as evidence in criminal proceedings.</p> <p>(2) An undercover agent and an informant may be interrogated as witnesses on the content of discussions held with the persons against whom the measures referred to in Article 332 paragraph 1 items 5 to 8 of this Act are imposed, as well as all accomplices in the criminal offence for whose disclosure and evidence collecting the measure was imposed and their statements may be used as evidence in the proceedings.</p> <p>(3) A ruling and evaluation on inadmissibility of evidence may not be based exclusively on the witness testimony referred to in paragraph 2 of this Article.</p> <p><b>Article 334</b></p> <p>(1) The special evidentiary actions referred to in Article 332, paragraph 1, of the present Act may be ordered for the following criminal offences set forth in the Criminal Code:</p> <p>3) public incitement to terrorism (Article 99), unlawful deprivation of liberty (Article 136), rape (Article 153), serious criminal offences against sexual freedom (Article 154), prostitution (Article 157), abduction of a child (Article 174), neglect and abuse of the rights of a child (Article 177), falsification of</p>

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	<p>medicinal products or medical devices (Article 185), unauthorised manufacture of and traffic in illicit drugs (Article 190), enabling the use of illicit drugs (Article 191, paragraphs 2 and 3), unauthorised manufacture of and traffic in substances banned in sports (Article 191a), extortion (Article 243), receiving or giving bribes during bankruptcy proceedings (Article 251), giving bribes in business dealings (Article 253), <b>producing, procuring, possessing, selling or giving to another for use forgery tools (Article 283)</b>, giving a bribe (Article 294), giving a bribe for trading in influence (Article 296), disclosure of official secret (Article 300) if the offence represents a violation of the secrecy of the inquiry and fact-finding activity, preventing the presentation of evidence (Article 306), violation of secrecy of proceedings (Article 307) if the offence represents a violation of secrecy in criminal proceedings; <b>giving false testimony (Article 305)</b>, disclosing the identity of a person in danger or protected witness (Article 308), coercion against a judicial official (Article 312), illegal entry into, movement and residence within the Republic of Croatia (Article 326), unlawful possession, making and procurement of weapons and explosive substances (Article 331), murder of an internationally protected person (Article 352), kidnapping of an internationally protected person (Article 353), attack on an internationally protected person (Article 354), threat to an internationally protected person (Article 355) and for criminal offences against computer systems, programmes and data (Title XXV) and against intellectual property (Title XXVII) if committed by the use of computer systems or computer networks.</p> <p><b>Article 335</b></p> <p>(1) In the order referred to in article 332, paragraph 1 of this Code available data are listed about a person against who special evidential actions are being implemented, the facts from which arises the need for undertaking these actions, period of duration, the manner, scope the place of the conduct of the action appropriate for the realization of the aim. Actions shall be carried out by the police. Official and responsible persons participating in the procedure of decision-making and the execution of the actions referred to in article 332 of this Code shall be obliged to preserve the secrecy of all data learned in relation to the actions.</p> <p>(2) Operational Technology Centre for Surveillance of Telecommunications of the Republic of Croatia (hereinafter: OTC) performing technical coordination with telecommunication services provider in Croatia the as well as providers of</p>

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telecommunication services shall be obliged to ensure all necessary technical assistance to the police. Any acting of the provider of telecommunication service contrary to this obligation, investigating judge shall, at the justified motion of state attorney, punish by a fine up to HRK 1,000,000.00 and the responsible person in OTC as well as that of the provider of telecommunication services by a fine in the amount not exceeding HRK 50,000.00. If, after that a responsible person does not execute the decision, he may be punished by a maximum of one month imprisonment until the execution. Appeal filed against the decision by which a monetary fine or imprisonment is imposed, shall be decided by the panel. An appeal against decision imposing a fine or imprisonment, shall not postpone the execution of decision.

(3) Special evidential actions may last no longer than for the period of six months. At the motion of state attorney, investigating judge may extend those actions on the ground of important reasons for additional six months. In particularly complex cases investigating judge may extend the actions yet for another six months. If investigating judge refuses the motion of state attorney for the extension of action, he shall issue the decision against which state attorney may file an appeal within the period of eight hours. Appeal shall be decided by the panel within the period of twelve hours.

(4) As soon as the preconditions referred to in article 332, paragraph 1 of this Code have ceased, investigating judge shall be obliged to order the termination of the undertaken actions. If state attorney renounces from criminal prosecution, i.e. if the data and information procured by the implementation of the undertaken actions are not needed for criminal proceedings, these shall be destroyed under the monitoring of investigating judge, who shall make official notes about it.

(5) The warrant referred to in paragraph 1 of this article shall be kept in a special envelope. After the termination of the action and earlier, if the results of proceeding so allow, a warrant may be delivered to a person against whom the action has been ordered, on her request.

(6) If, during the execution of the actions referred to in article 332, paragraph 1 of this Code, the recorded data and information point to another criminal offense

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	<p>and the perpetrator referred to in article 334 of this Code, that part of the record shall be copied and submitted to the state attorney, and may be used as evidence in the proceedings for that criminal offense.</p> <p>(7) If the actions referred to in article 332 of this Code are undertaken contrary to the provision referred to in article 332 of this Code, evidence that became known from the data procured in such a way shall not be used as evidence in the proceedings.</p>
<p><b>Article 21 – Interception of content data</b></p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary, in relation to a range of serious offences to be determined by domestic law, to empower its competent authorities to:</p> <p>a collect or record through the application of technical means on the territory of that Party, and</p> <p>b compel a service provider, within its existing technical capability:</p> <p>    i to collect or record through the application of technical means on the territory of that Party, or</p> <p>    ii to co-operate and assist the competent authorities in the collection or recording of, content data, in real-time, of specified communications in its territory transmitted by means of a computer system.</p> <p>2 Where a Party, due to the established principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1.a, it may instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of content data on specified communications in its territory through the application of technical means on that territory.</p> <p>3 Each Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information relating to it.</p> <p>4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.</p>	<p><b>CRIMINAL PROCEDURE ACT</b> (OG 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19)</p> <p><b>Article 332 - Special Collection of Evidence</b></p> <p>(1) If the investigation cannot be carried out in any other way or would be accompanied by great difficulties, the investigating judge may, upon the written request with a statement of reasons of the State attorney, order against the person against whom there are grounds for suspicion the he committed or has taken part in committing an offence referred to in Article 334 of this Act, measures which temporarily restrict certain constitutional rights of citizens as follows:</p> <ol style="list-style-type: none"> <li>1) surveillance and interception of telephone conversations and other means of remote technical communication;</li> <li>2) interception, gathering and recording of electronic data;</li> <li>3) entry on the premises for the purpose of conducting surveillance and technical recording at the premises;</li> <li>4) covert following and technical recording of individuals and objects;</li> <li>5) use of undercover investigators and informants;</li> <li>6) simulated sales and purchase of certain objects, simulated bribe-giving and simulated bribe-taking;</li> <li>7) offering simulated business services or closing simulated legal business;</li> <li>8) controlled transport and delivery of objects from criminal offences.</li> </ol> <p>(2) By way of exception, when circumstances require that the actions are to commenced immediately, the order from paragraph 1 of this Article may be issued by the State Attorney prior to commencement of the investigation for the term of twenty-four hours. The State Attorney must deliver the order with a note on the time of issue and a statement of reasons to the investigating judge within eight hours from the issue. The investigating judge shall decide</p>

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	<p>immediately on the legality of the order. If the investigating judge accepts the order of the State attorney, he shall proceed pursuant to paragraph 1 of this Article. If the investigating judge denies the order, the State Attorney may file an appeal within eight hours. The panel shall decide on the appeal within twelve hours.</p> <p>(3) If the panel does not approve the order, it shall be ordered by a ruling that the actions shall be immediately ceased and the data collected pursuant to the order of the State Attorney shall be handed over to the investigating judge who will destroy them. The investigating judge shall make a record on the destruction of the data.</p> <p>(4) Actions referred to in paragraph 1 item 1 of this Article may be ordered against persons against whom there are grounds for suspicion that that he delivers to the perpetrator or receives from the perpetrator of the offences referred to in Article 334 of this Act information and messages in relation to offences or that the perpetrator uses their telephone or other telecommunications devices, which hide the perpetrator of the criminal offence or help him from being discovered by hiding the means by which the criminal offence was committed, traces of the criminal offences or objects resulting or acquired through the criminal offence or in any other way.</p> <p>(5) Under the conditions referred to in paragraph 1 of this Article, the measures referred to in paragraph 1 items 1, 2, 3, 4, 6, 7 and 8 of this Article may with his written consent be applied to means, premises and objects of that person.</p> <p>(6) In case there is no knowledge about the identity of the accomplices in the criminal offence, the measure referred to in paragraph 1 item 8 of this Article may be determined in accordance with the object of the criminal offence.</p> <p>(7) The application of measures referred to in paragraph 1 items 5 and 6 of this Article should not constitute an instigation to commit a criminal offence.</p> <p><b>Article 333</b></p> <p>(1) Recordings, documents and objects obtained by the application of the measures referred to in Article 332 paragraph 1 item 1 to 8 of this Act may be used as evidence in criminal proceedings.</p> <p>(2) An undercover agent and an informant may be interrogated as witnesses on the content of discussions held with the persons against whom the measures referred to in Article 332 paragraph 1 items 5 to 8 of this Act are imposed, as</p>



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	<p>well as all accomplices in the criminal offence for whose disclosure and evidence collecting the measure was imposed and their statements may be used as evidence in the proceedings.</p> <p>(3) A ruling and evaluation on inadmissibility of evidence may not be based exclusively on the witness testimony referred to in paragraph 2 of this Article.</p> <p><b>Article 334</b></p> <p>(1) The special evidentiary actions referred to in Article 332, paragraph 1, of the present Act may be ordered for the following criminal offences set forth in the Criminal Code:</p> <p>3) public incitement to terrorism (Article 99), unlawful deprivation of liberty (Article 136), rape (Article 153), serious criminal offences against sexual freedom (Article 154), prostitution (Article 157), abduction of a child (Article 174), neglect and abuse of the rights of a child (Article 177), falsification of medicinal products or medical devices (Article 185), unauthorised manufacture of and traffic in illicit drugs (Article 190), enabling the use of illicit drugs (Article 191, paragraphs 2 and 3), unauthorised manufacture of and traffic in substances banned in sports (Article 191a), extortion (Article 243), receiving or giving bribes during bankruptcy proceedings (Article 251), giving bribes in business dealings (Article 253), <b>producing, procuring, possessing, selling or giving to another for use forgery tools (Article 283)</b>, giving a bribe (Article 294), giving a bribe for trading in influence (Article 296), disclosure of official secret (Article 300) if the offence represents a violation of the secrecy of the inquiry and fact-finding activity, preventing the presentation of evidence (Article 306), violation of secrecy of proceedings (Article 307) if the offence represents a violation of secrecy in criminal proceedings; <b>giving false testimony (Article 305)</b>, disclosing the identity of a person in danger or protected witness (Article 308), coercion against a judicial official (Article 312), illegal entry into, movement and residence within the Republic of Croatia (Article 326), unlawful possession, making and procurement of weapons and explosive substances (Article 331), murder of an internationally protected person (Article 352), kidnapping of an internationally protected person (Article 353), attack on an internationally protected person (Article 354), threat to an internationally protected person (Article 355) and for criminal offences against computer systems, programmes and data (Title XXV) and against intellectual property (Title XXVII) if committed by the use of computer systems or computer networks.</p>

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(1) In the order referred to in article 332, paragraph 1 of this Code available data are listed about a person against who special evidential actions are being implemented, the facts from which arises the need for undertaking these actions, period of duration, the manner, scope the place of the conduct of the action appropriate for the realization of the aim. Actions shall be carried out by the police. Official and responsible persons participating in the procedure of decision-making and the execution of the actions referred to in article 332 of this Code shall be obliged to preserve the secrecy of all data learned in relation to the actions.

(2) Operational Technology Centre for Surveillance of Telecommunications of the Republic of Croatia (hereinafter: OTC) performing technical coordination with telecommunication services provider in Croatia the as well as providers of telecommunication services shall be obliged to ensure all necessary technical assistance to the police. Any acting of the provider of telecommunication service contrary to this obligation, investigating judge shall, at the justified motion of state attorney, punish by a fine up to HRK 1,000,000.00 and the responsible person in OTC as well as that of the provider of telecommunication services by a fine in the amount not exceeding HRK 50,000.00. If, after that a responsible person does not execute the decision, he may be punished by a maximum of one month imprisonment until the execution. Appeal filed against the decision by which a monetary fine or imprisonment is imposed, shall be decided by the panel. An appeal against decision imposing a fine or imprisonment, shall not postpone the execution of decision.

(3) Special evidential actions may last no longer than for the period of six months. At the motion of state attorney, investigating judge may extend those actions on the ground of important reasons for additional six months. In particularly complex cases investigating judge may extend the actions yet for another six months. If investigating judge refuses the motion of state attorney for the extension of action, he shall issue the decision against which state attorney may file an appeal within the period of eight hours. Appeal shall be decided by the panel within the period of twelve hours.

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	<p>(4) As soon as the preconditions referred to in article 332, paragraph 1 of this Code have ceased, investigating judge shall be obliged to order the termination of the undertaken actions. If state attorney renounces from criminal prosecution, i.e. if the data and information procured by the implementation of the undertaken actions are not needed for criminal proceedings, these shall be destroyed under the monitoring of investigating judge, who shall make official notes about it.</p> <p>(5) The warrant referred to in paragraph 1 of this article shall be kept in a special envelope. After the termination of the action and earlier, if the results of proceeding so allow, a warrant may be delivered to a person against whom the action has been ordered, on her request.</p> <p>(6) If, during the execution of the actions referred to in article 332, paragraph 1 of this Code, the recorded data and information point to another criminal offense and the perpetrator referred to in article 334 of this Code, that part of the record shall be copied and submitted to the state attorney, and may be used as evidence in the proceedings for that criminal offense.</p> <p>(7) If the actions referred to in article 332 of this Code are undertaken contrary to the provision referred to in article 332 of this Code, evidence that became known from the data procured in such a way shall not be used as evidence in the proceedings.</p>
<b>Section 3 – Jurisdiction</b>	
<p><b>Article 22 – Jurisdiction</b></p> <p>1 Each Party shall adopt such legislative and other measures as may be necessary to establish jurisdiction over any offence established in accordance with Articles 2 through 11 of this Convention, when the offence is committed:</p> <ul style="list-style-type: none"> <li>a in its territory; or</li> <li>b on board a ship flying the flag of that Party; or</li> <li>c on board an aircraft registered under the laws of that Party; or</li> <li>d by one of its nationals, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State.</li> </ul>	<p><b>CRIMINAL CODE (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19)</b></p> <p><b>Article 10 - Application of Criminal Legislation to Criminal Offences Committed in the Territory of the Republic of Croatia</b></p> <p>The criminal legislation of the Republic of Croatia shall be applied to anyone who commits a criminal offence in its territory.</p>

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<p>2 Each Party may reserve the right not to apply or to apply only in specific cases or conditions the jurisdiction rules laid down in paragraphs 1.b through 1.d of this article or any part thereof.</p> <p>3 Each Party shall adopt such measures as may be necessary to establish jurisdiction over the offences referred to in Article 24, paragraph 1, of this Convention, in cases where an alleged offender is present in its territory and it does not extradite him or her to another Party, solely on the basis of his or her nationality, after a request for extradition.</p> <p>4 This Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its domestic law. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate jurisdiction for prosecution.</p>	<p><b>Article 11 - Application of Criminal Legislation to Criminal Offences Committed Aboard a Vessel or Aircraft of the Republic of Croatia</b></p> <p>The criminal legislation of the Republic of Croatia shall also be applied to anyone who commits a criminal offence aboard a national vessel or aircraft, irrespective of where the vessel or the aircraft is located at the time the criminal offence was committed.</p> <p>Particularities Concerning the Institution of Criminal Proceedings for Criminal Offences Committed in the Territory of the Republic of Croatia,</p> <p><b>Article 12 - Particularities Concerning the Institution of Criminal Proceedings for Criminal Offences Committed in the Territory of the Republic of Croatia, Aboard its Vessel or Aircraft</b></p> <p>Where, in the case of application of the criminal legislation of the Republic of Croatia pursuant to the provisions of Articles 10 and 11 of this Act, criminal proceedings in a foreign country have ended with a judgment having the force of <i>res judicata</i>, criminal proceedings in the Republic of Croatia shall be instituted upon authorisation from the State Attorney. criminal offence have ended with a judgment having the force of <i>res judicata</i>.</p> <p><b>Article 14 - Application of Criminal Legislation to Criminal Offences Committed Outside the Territory of the Republic of Croatia by its Citizens</b></p> <p>(1) The criminal legislation of the Republic of Croatia shall be applied to a Croatian citizen or a person with permanent residence in the Republic of Croatia who outside the territory of the Republic of Croatia commits a criminal offence other than those established in accordance with the provisions of Articles 13 and 16 of this Act, provided the criminal offence in question is also punishable under the law of the country in which it was committed.</p> <p>(2) The provision of paragraph 1 of this Article shall also be applied to cases where the perpetrator acquires Croatian citizenship after having</p>

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	<p>committed the criminal offence.</p> <p>(3) In cases referred to in paragraphs 1 and 2 of this Article, with respect to criminal offences referred to in Article 115, paragraphs 3 and 4, and Articles 116, 153, 154, 158, 159, 161, 162, 163, 164, 166 and 169 of this Act and other criminal offences provided for by international treaties to which the Republic of Croatia is a party, the criminal legislation of the Republic of Croatia shall also be applied to cases where the criminal offence is not punishable under the law of the country in which it was committed.</p> <p>(4) Where a Croatian citizen participates in peacekeeping operations or other international activities outside of the territory of the Republic of Croatia and commits in such operations or activities a criminal offence, the application of the legislation of the Republic of Croatia shall be governed by the provisions of this Act, unless otherwise provided by an international treaty to which the Republic of Croatia is a party.</p> <p><b><i>Article 16 - Application of Criminal Legislation to Criminal Offences against Values Protected by International Law, Committed outside the Territory of the Republic of Croatia</i></b></p> <p>The criminal legislation of the Republic of Croatia shall be applied to anyone who outside its territory commits any of the criminal offences referred to in Articles 88, 90, 91, 97, 104, 105 and 106 of this Act or a criminal offence which the Republic of Croatia is required to punish under an international treaty also when committed outside the territory of the Republic of Croatia.</p> <p><b><i>Article 17 - Application of Criminal Legislation to Other Criminal Offences Committed outside the Territory of the Republic of Croatia</i></b></p> <p>(1) The criminal legislation of the Republic of Croatia shall be applied to an alien who outside the territory of the Republic of Croatia commits a criminal offence for which a sentence of imprisonment of five years or a more severe punishment may be imposed under the Croatian law, where this does not concern the cases referred to in Articles 13 through 16 of this Act, provided the criminal offence in question is also punishable under the law of the country in which it was</p>

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	<p>committed and that the extradition of the perpetrator is permitted under the law or an international treaty but has not come to pass.</p> <p>(2) With respect to the case referred to in paragraph 1 of this Article, the court may not pronounce a sentence that is more severe than the one provided for by the law of the country in which the criminal offence was committed.</p> <p>Article 18 Particularities Concerning the Institution of Criminal Proceedings for Criminal Offences Committed outside the Territory of the Republic of Croatia</p> <p>(1) Where, in the case of application of the criminal legislation in the Republic of Croatia pursuant to provisions of Article 13 of this Act, criminal proceedings have ended with a judgment having the force of <i>res judicata</i> in a foreign country, the State Attorney General may desist from criminal prosecution.</p> <p>(2) In cases referred to in Articles 14 of this Act, criminal proceedings for the purpose of applying the criminal legislation of the Republic of Croatia shall not be instituted:</p> <ol style="list-style-type: none"> <li>1. if the <i>res judicata</i> sentence has been carried out or is in the process of being carried out or can no longer be carried out under the law of the country in which the person was convicted,</li> <li>2. if the perpetrator has been acquitted by a judgment having the force of <i>res judicata</i> in a foreign country or if he/she has been granted pardon under the law of the country in which he/she committed the criminal offence,</li> <li>3. the period of limitation of prosecution has expired.</li> </ol> <p>(3) In case referred to in Article 14 paragraph 1 and 2 of this Act criminal proceedings for the purpose of applying the criminal legislation of the Republic of Croatia shall not be instituted if under the law of the country in which the criminal offence was committed, the criminal offence in question is prosecuted on the basis of a motion or private action, and such motion or private action have not been filed, or the statute of limitations for criminal prosecution has expired.</p> <p>(4) In case referred to in Article 14 paragraph 3 of this Act criminal proceedings for the purpose of applying the criminal legislation of the Republic of Croatia shall not be instituted even if under the law of the country in which the criminal offence was committed, the criminal offence in question is prosecuted on the basis of a motion or private action, and such motion or private action have not been filed, or the statute of limitations for criminal prosecution has expired.</p> <p>(5) In cases referred to in Articles 15 and 17 of this Act, criminal proceedings for the purpose of applying the criminal legislation of the Republic of Croatia shall not be instituted:</p> <ol style="list-style-type: none"> <li>1. if the <i>res judicata</i> sentence has been carried out or is in the process of being carried out or can no longer be carried out under the law of the country in which the person was convicted,</li> </ol>

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	<p>2. if the perpetrator has been acquitted by a judgment having the force of <i>res judicata</i> in a foreign country or if he/she has been granted pardon under the law of the country in which he/she committed the criminal offence,</p> <p>3. if under the law of the country in which the criminal offence was committed, the criminal offence in question is prosecuted on the basis of a motion or private action, and such motion or private action have not been filed, or the statute of limitations for criminal prosecution has expired.</p> <p>(6) In the case referred to in Article 16 of this Act, criminal proceedings for the purpose of applying criminal legislation of the Republic of Croatia may be instituted provided that criminal prosecution has not been initiated before the International Criminal Court or a court of another country or that just proceedings before a court of the country in which the criminal offence was committed, a court of the country of which the perpetrator is a citizen or another court with jurisdiction to adjudicate cannot be expected. If criminal proceedings were carried out in another country contrary to internationally recognised standards of just adjudication, criminal proceedings may be instituted only with the authorisation from the State Attorney General.</p> <p>(7) In the case referred to in Articles 14, 15, 16 and 17 of this Act criminal proceedings shall be instituted only if the perpetrator is located in the territory of the Republic of Croatia.</p>
<b>Chapter III – International co-operation</b>	
<p><b>Article 24 – Extradition</b></p> <p>1 a This article applies to extradition between Parties for the criminal offences established in accordance with Articles 2 through 11 of this Convention, provided that they are punishable under the laws of both Parties concerned by deprivation of liberty for a maximum period of at least one year, or by a more severe penalty.</p> <p>b Where a different minimum penalty is to be applied under an arrangement agreed on the basis of uniform or reciprocal legislation or an extradition treaty, including the European Convention on Extradition (ETS No. 24), applicable between two or more parties, the minimum penalty provided for under such arrangement or treaty shall apply.</p> <p>2 The criminal offences described in paragraph 1 of this article shall be deemed to be included as extraditable offences in any extradition treaty existing between or among the Parties. The Parties undertake to include such offences</p>	<p><b><i>The Act on Mutual Legal Assistance in Criminal Matters, articles 32. – 61. (OG 178/04.).</i></b></p> <p><b>Article 32</b></p> <p>(1) A Croatian national may not be extradited for criminal prosecution or enforcement of a prison sentence in a foreign state, nor he may be transferred as a convicted person from the Republic of Croatia to another state for the purpose of serving the prison sentence.</p> <p>(2) The provision of paragraph 1 of this Article shall not apply in cases of temporary transfer of a Croatian national to the domestic judicial authority for the purpose of undertaking certain actions within the criminal proceedings in the Republic of Croatia.</p>

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<p>as extraditable offences in any extradition treaty to be concluded between or among them.</p> <p>3 If a Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any criminal offence referred to in paragraph 1 of this article.</p> <p>4 Parties that do not make extradition conditional on the existence of a treaty shall recognise the criminal offences referred to in paragraph 1 of this article as extraditable offences between themselves.</p> <p>5 Extradition shall be subject to the conditions provided for by the law of the requested Party or by applicable extradition treaties, including the grounds on which the requested Party may refuse extradition.</p> <p>6 If extradition for a criminal offence referred to in paragraph 1 of this article is refused solely on the basis of the nationality of the person sought, or because the requested Party deems that it has jurisdiction over the offence, the requested Party shall submit the case at the request of the requesting Party to its competent authorities for the purpose of prosecution and shall report the final outcome to the requesting Party in due course. Those authorities shall take their decision and conduct their investigations and proceedings in the same manner as for any other offence of a comparable nature under the law of that Party.</p> <p>7 a Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the name and address of each authority responsible for making or receiving requests for extradition or provisional arrest in the absence of a treaty.</p> <p>b The Secretary General of the Council of Europe shall set up and keep updated a register of authorities so designated by the Parties. Each Party shall ensure</p>	<p><b>Article 33 Extradition of a foreigner</b></p> <p>A foreigner may be extradited to another state for the purpose of criminal prosecution or enforcement of a sanction implying deprivation of liberty, if that state requested extradition or has taken over criminal prosecution or enforcement of a criminal verdict, upon request of the Republic of Croatia, i.e. with its consent.</p> <p><b>Article 34</b></p> <p>(1) A foreigner who has been prosecuted or convicted based on a decision of a foreign judicial authority of the requesting state, for criminal offences punishable pursuant to the law of that state, shall be extradited to that state, for the purpose of carrying out the criminal proceedings, i.e. enforcement of sanctions which include deprivation of liberty, provided that the domestic law incorporates corresponding essential features of the relevant offences.</p> <p>(2) Extradition for the purpose of carrying out criminal proceedings may only be granted for offences that are punishable pursuant to the domestic law by prison or security measure implying deprivation of liberty for the longest period of at least one year or by application of a more severe penalty.</p> <p>(3) Extradition for the purpose of enforcement of sanctions including deprivation of liberty may be granted when, in cases of offences referred to in paragraph 1 of this Article, a final verdict has been issued for the prison sentence or security measure implying detention, determined for a period of at least four months.</p> <p>(4) As an exception, if the request for extradition covers several separate criminal offences out of which some fail to satisfy the conditions referred to in paragraphs 1 and 2 of this Article in respect of the duration of the penalty that may be determined or if the offences concern only pecuniary fine, the extradition may also be granted for these offences.</p> <p>(5) Extradition shall be allowed if the requesting state guarantees that it would grant the request of the Republic of Croatia of the same kind.</p> <p><b>Article 35 Refusal to extradite</b></p> <p>(1) Extradition shall not be allowed:</p> <ol style="list-style-type: none"> <li>1. if the person whose extradition is claimed is a national of the Republic of Croatia,</li> <li>2. if an offence for which the extradition is claimed was committed either on the territory of the Republic of Croatia, or against Croatia or its national,</li> <li>3. if the offence for which extradition is claimed is not a criminal offence in both domestic law and the law of the state in which it was committed,</li> </ol>



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	<p>4. if, pursuant to domestic law, a statute of limitation for criminal prosecution or statute of limitation for execution of the punishment has occurred prior to putting the foreigner in detention or prior to his interrogation as a prosecuted person,</p> <p>5. if a foreigner whose extradition is claimed had already been convicted for the same offence by the domestic court, or if he was finally acquitted in respect of that same offence by the domestic court, unless conditions are met for re-trial as envisaged by the Criminal Procedure Act, or if the criminal proceedings have been initiated in the Republic of Croatia against the foreigner for the same offence committed against the Republic of Croatia. In case of proceedings initiated due to an offence committed towards the national of the Republic of Croatia – if no security has been deposited for realization of material claim of the injured person,</p> <p>6. if identity of a person whose extradition is claimed has not been determined,</p> <p>7. if there are no sufficient evidence for reasonable doubt that the foreigner whose extradition is claimed has committed a particular criminal offence and that there exists a final verdict.</p> <p>(2) Extradition may be refused if the Republic of Croatia may take over the prosecution of an offence or enforcement of the criminal verdict, and this seems to be appropriate considering the social rehabilitation of the prosecuted person.</p> <p><b>Article 36</b></p> <p>A foreigner subject to jurisdiction of the Republic of Croatia may exceptionally be extradited to another state if justified by special circumstances, and particularly by possibility of social rehabilitation.</p> <p><b>Article 37 Rule of speciality</b></p> <p>(1) Extradition shall be allowed provided that the requesting state, in respect of the extradited person:</p> <ol style="list-style-type: none"> <li>1. does not prosecute, punish or extradite that person to a third state for any offence committed prior to extradition, in respect of an offence for which extradition has not been granted,</li> <li>2. does not restrict his personal rights due to the reasons which have not occurred in relation to extradition,</li> <li>3. does not bring him before a special court.</li> </ol> <p>(2) Conditions referred to in paragraph 1 points 1 and 2 of this Article shall not apply:</p>

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	<p>1. if the extradited person expressly waives such conditions, or  2. if the extradited person, despite being warned of the consequences, fails to leave the state territory of the requesting state within 45 days after the probational or final release from detention, although he could have done so, or if he comes back to that territory after leaving the territory.</p> <p><b>Article 38 - Additional request for extradition</b></p> <p>If the extradited person is charged for other criminal offences, the requesting state shall be allowed to carry out the criminal proceedings in respect of these offences, subject to conditions referred to in Articles 34, 35 and 37 of this Act.</p> <p><b>Article 39 - Conflicting requests</b></p> <p>(1) If extradition is requested concurrently by more than one state for the same person and the same criminal offence, the extradition shall be granted to the state in whose territory the offence had been committed, or in whose territory majority of criminal activities have been committed in case of continuous or permanent criminal offence, or in whose territory the organiser is domiciled in case of organized crime offences.</p> <p>(2) Should a state request extradition of the same person for different criminal offences, the decision shall be reached having regard to all circumstances of the particular case, especially the seriousness of the offence, the respective dates of the requests, nationality of the person claimed, possibility of better social rehabilitation and subsequent extradition to a third state.</p> <p>(3) The decision referred to in previous paragraphs of this article shall state the reasons.</p> <p><b>Article 40 - Conditions for extradition to the Republic of Croatia</b></p> <p>(1) If the criminal proceedings are pending in the Republic of Croatia against a person residing in a foreign country or if a domestic court has issued a final verdict against such a person, the Minister of Justice may transmit a request for extradition upon the request of a domestic judicial authority.</p> <p>(2) If the claimed person is extradited, he shall be criminally prosecuted, i.e. a sanction may be enforced against that person, only for a criminal offence for which the extradition was granted, unless the person waived that right and the extraditing state has not imposed such a condition.</p> <p>(3) The request referred to in paragraph 1 of this Article shall be supported by documents referred to in Article 43 of this Act.</p>

**Article 41**

(1) If a foreign state granted extradition subject to certain conditions in respect of the type or duration of penalty which may be sentenced, i.e. enforced, and the extradition is accepted subject to such conditions, the court is bound by such conditions in sentencing the penalty. If the matter concerns an enforcement of an already sentenced verdict, the court who adjudicated in the final instance shall reverse the verdict and adjust the sentenced penalty to the conditions for extradition.

(2) If the extradited person was in custody in a foreign state due to a criminal offence that he was extradited for, the period of custody shall be deducted from the punishment.

**Article 42 - Transit of the extradited person through the Republic of Croatia**

(1) If a foreign state claims extradition from another foreign state, and the transit of the extradited person should be through the territory of the Republic of Croatia, the Minister of Justice may allow transit to the requesting state, pursuant to the conditions necessary for granting extradition, referred to in Article 34 and 35 of this Act.

(2) Request for transit of extradited person through the state territory of the Republic of Croatia has to contain all data referred to in Article 43 of this Act.

(3) Costs of transit of the extradited person through the territory of the Republic of Croatia are borne by the state requesting extradition.

**Part Two: PROCEDURE OF EXTRADITION****Article 43 - Request for extradition**

(1) Request for extradition contains data referred to in Article 8 paragraph 3 of this Act, and the request shall be supported by:

1. means to determine identity of the extradited person (detailed description, photographs, finger prints and alike),
2. indictment or a verdict or a detention order or any other corresponding act, either in original or certified copy, which should state the name and surname of the person whose extradition is claimed and other data necessary to determine his identity,
3. description of the offence, legal title of the offence and evidence for reasonable doubt,
4. excerpt from the text of the criminal act to be applied or has been applied to the extradited person concerning the offence for which extradition is claimed, and if the offence has been committed in the territory of a third county, then

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	<p>also an excerpt from the criminal law of that state.</p> <p>(2) If the documents referred to in paragraph 1 of this Article have been composed in a foreign language, the request should be supported by the translation into Croatian.</p> <p><b>Article 44 - Request for temporary arrest for extradition</b></p> <p>In addition to the contents provided for in Article 8 paragraph 3 of this Act, the request for temporary arrest for extradition shall contain the following:</p> <ol style="list-style-type: none"> <li>1. data to determine identity of a person whose arrest is claimed for extradition,</li> <li>2. factual and legal description of the criminal offence,</li> <li>3. statement of the judicial authority concerning existence of a final convicting verdict or a detention order,</li> <li>4. statement that extradition shall be requested for the person whose arrest for extradition is claimed.</li> </ol> <p><b>Article 45</b></p> <p>The Ministry of Justice transmits the request for extradition, i.e. request for temporary arrest for the purpose of extradition, to the competent court on whose territory the person whose extradition is claimed either resides or is found.</p> <p><b>Article 46</b></p> <p>A person whose extradition is sought may be arrested for extradition based on a written request of a foreign judicial authority or, subject to condition of reciprocity, based on an international APB.</p> <p><b>Article 47 - Detention order for extradition</b></p> <p>(1) The competent court issues a detention order for extradition, unless there is likelihood that the extradition shall not be granted, and the foreigner's stay in freedom does not endanger the extradition procedure.</p> <p>(2) If a foreigner is not capable of being in detention or if justified by other reasons, the competent court may order other measures to guarantee his presence, instead of detention.</p>

**Article 48 - Revocation of detention**

(1) Investigative judge shall release the foreigner from detention when the reasons for detention cease to exist or if the request for extradition is not submitted within a term determined by him, having regard of all the circumstances contained in the request for extradition, and which may not be longer than 40 days as of the day of placement into detention. Detention determined pursuant to Article 44 of this Act may be revoked if the request for extradition is not submitted within 18 days as of the foreigner's detention.

(2) The Ministry of Justice shall notify without delay the requesting state about the deadlines referred to in paragraph 1 of this Article. Upon request of the requesting state, the competent judicial authority may prolong detention for maximum of additional 30 days.

(3) If the extradited person is already in detention on certain other grounds, the deadline referred to in paragraph 1 of this Article will start as of the date of the detention order for extradition.

**Article 49 - Prolongation and renewal of the detention**

(1) After the receipt of the request for extradition, the detention measure shall stay in force during the whole extradition procedure until expiry of the deadline for enforcement of a resolution on the extradition referred to in Article 59 of this Act.

(2) Should the extradited person be released from detention due to expiry of deadlines provided for in Article 48 paragraphs 1 and 2 of this Act, it is allowed to renew the detention for extradition if the requesting state re-submits the request for temporary arrest for extradition or a request for extradition.

**Article 50 - Temporary seizure of articles**

(1) Upon a request of the requesting state, the domestic court may order search of the arrested person and premises.

(2) During the arrest, articles and monetary gain which may serve in the foreign criminal proceedings as evidence or originating from the criminal offence shall be temporarily seized.

(3) Measures referred to in paragraphs 1 and 2 of this Article may last until the issuance of a decision on detention for extradition, but for the maximum of 48 hours following the arrest.

**Article 51**

Notification on arrest, temporary seizure of articles, i.e. search of the arrested person and premises, shall be delivered to the Ministry of Justice without delay.

**Article 52 Right to be heard**

(1) When issuing a decision on detention for execution, the competent court shall determine whether the extradited person is a person identified in the request, and thereafter the court shall inform him without delay why and based on which evidence his extradition is claimed and invite him to state his defence. The court will explain to him the preconditions for extradition, and will familiarize him with his right to an appeal and right to an attorney, i.e. appoint him a defending attorney *ex officio* in cases of criminal offences for which the Criminal Procedure Act prescribes mandatory defence. He shall also notify the extradited person on the possibility of giving consent to surrender to the requesting state pursuant to the simplified extradition procedure and waiver of right referred to in Article 54 paragraph 1 of this Act.

(2) The extradited person will be questioned summarily on his personal circumstances, nationality and relations towards the requesting state, whether he objects to arrest or extradition and for what reasons. The extradited person's attorney may be present during questioning.

(3) Minutes on the questioning and defence shall be kept.

**Article 53 - Pre-investigative actions**

(1) After the hearing pursuant to Article 52, paragraph 2 of this Act, the investigative judge shall carry out pre-investigative actions if necessary, in order to determine whether extradition preconditions are met.

(2) If criminal proceedings are pending in the Republic of Croatia against the extradited person, due to the same or other criminal offence, the investigative judge shall note that in the official records.

**Article 54 Simplified extradition procedure**

(1) Extradited person may give consent to be surrendered to the requesting state pursuant to the simplified extradition procedure, as well as waive the right referred to in Article 40 paragraph 2 of this Act, after which the competent court shall approve his extradition, unless there are reasons to the contrary.

(2) Consent and waiver referred to in paragraph 1 of this Article shall be entered into the minutes before a competent court pursuant to the Criminal Procedure Act, in a way which proves that the extradited person acted voluntarily in this and was fully aware of the consequences.

(3) Consent and waiver referred to in paragraph 1 of this Article are irrevocable.

(4) The competent court shall notify the Ministry of Justice on the consent referred to in paragraph 1 of this Article without delay. The Ministry of Justice will, at latest within 10 days as of the extradited person's detention, notify the requesting state, which is not obliged to deliver the request for extradition in

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	<p>that case.</p> <p>(5) If the extradited person gave his consent referred to in paragraph 1 of this Article, the court shall, after the expiry of the deadline referred to in paragraph 4 of this Article, carry out a simplified extradition procedure if the request for extradition has not been received yet.</p> <p>(6) If the extradited person gave his consent referred to in paragraph 1 after the expiry of the deadline referred to in paragraph 4 of this Article, and the request for extradition was received in the meantime, the competent court may carry out a simplified extradition procedure.</p> <p>(7) Simplified extradition procedure has equal effects of extradition and is subject to the same conditions. The requesting state shall be warned about this.</p> <p><b>Article 55 - Resolution refusing the request for extradition</b></p> <p>(1) If the competent court finds that statutory preconditions for extradition have not been met, it shall issue a resolution refusing the request for extradition and deliver it without delay to the Supreme Court of the Republic of Croatia, which will either confirm, repeal or reverse the resolution after hearing the competent state attorney.</p> <p>(2) A final resolution refusing the extradition shall be delivered to the Ministry of Justice, which will notify the requesting state thereof.</p> <p><b>Article 56 - Resolution allowing extradition</b></p> <p>(1) When the judges' panel of the competent court finds that the statutory preconditions for extradition have been met, it shall issue a resolution to that effect.</p> <p>(2) An appeal may be lodged against this resolution within 3 days. The Supreme Court of the Republic of Croatia shall decide on the appeal.</p> <p><b>Article 57 - Resolution of the Minister of Justice</b></p> <p>(1) A final resolution determining that the statutory preconditions for extradition have been met, shall be delivered together with the judicial record to the Ministry of Justice.</p> <p>(2) The Minister of Justice shall issue a resolution whereby extradition is either allowed or not.</p> <p>(3) In the resolution allowing the extradition, the Minister of Justice shall state the following:</p> <ol style="list-style-type: none"> <li>1. that the extradited person may not be criminally prosecuted for another</li> </ol>

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	<p>criminal offence committed anterior to extradition, unless he waived this right pursuant to Article 40 paragraph 2 of this Act,</p> <p>2. that a punishment may not be imposed upon an extradited person for another criminal offence anterior to extradition, unless he waived this right pursuant to Article 40 paragraph 2 of this Act,</p> <p>3. that the extradited person may not be extradited to a third state for criminal prosecution or enforcement of the prison sentence for an offence committed anterior to extradition, without the permission of the Minister of Justice of the Republic of Croatia.</p> <p>(4) In addition to the aforementioned conditions, the Minister of Justice may impose other extradition preconditions to the requesting state in a resolution referred to in paragraph 2 of this Article.</p> <p>(5) The resolution of the Minister of Justice referred to in paragraph 2 of this Article may not be appealed.</p> <p>Article 58 - Enforceability of the resolution on extradition</p> <p>Resolution on extradition shall become enforceable:</p> <ol style="list-style-type: none"> <li>1. when the Minister of Justice issues a resolution provided for in Article 57 paragraph 2 of this Act,</li> <li>2. in case referred to in Article 54 of this Act, when the extradited person expressly agrees to be extradited.</li> </ol> <p>Article 59 - Enforcement of the extradition</p> <ol style="list-style-type: none"> <li>(1) The Ministry of Interior is in charge of enforcement of the resolution on extradition, which will agree with the competent authority of the requesting state on the place and time of surrendering the extradited person.</li> <li>(2) Surrender of the extradited person must be executed at latest within 2 months as of the enforceability of the resolution on extradition.</li> <li>(3) If the requesting state does not take over the extradited person within eight days as of the agreed day of surrender referred to in paragraph 1 of this Article, the extradited person shall be released from detention. This deadline may be prolonged for the maximum of 30 days based on a justified request of the requesting state.</li> </ol>



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	<p><b>Article 60 - Postponed surrender and temporary extradition</b></p> <p>(1) Enforcement of the extradition may be postponed until the completion of the criminal proceedings carried out for another criminal offence in the Republic of Croatia against the extradited person, or until the extradited person completes serving the prison sentence in the Republic of Croatia or a security measure of deprivation of liberty.</p> <p>(2) Temporary extradition may be allowed if it will not harmfully influence the criminal proceedings pending before a domestic court and if the requesting state guaranteed to keep the extradited person in detention during his stay in that state and to return the extradited person to the Republic of Croatia within the term determined by the Ministry of Justice.</p> <p><b>Article 61</b></p> <p>The Republic of Croatia shall bear the costs of bringing the extradited person from the requested state, and in case of extradition abroad, the Republic of Croatia shall bear the costs of detention and transport of the extradited person to the agreed location of surrender in the Republic of Croatia</p> <p><i>Continuous criminal offence may summarily be described as an offence in which the perpetrator intentionally commits more of the same type of offences, which considering the manner of commission, time-link and other actual circumstances form a whole, in which case each of the offences will not be tried separately, but will be treated as one offence (such as if an employee repeatedly steals certain amounts of money within the period of several weeks).</i></p> <p><i>Permanent criminal offence is an offence where the perpetrator has caused illegal situation and continues to maintain such a situation, so that as long as this illicit situation persists, the criminal offence is still not finished (such as kidnapping, abuse of narcotics, medical quackery etc).</i></p>
<p><b>Article 25 – General principles relating to mutual assistance</b></p> <p>1 The Parties shall afford one another mutual assistance to the widest extent possible for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence.</p>	<p><b>The Act on Mutual Legal Assistance in Criminal Matters, article 1. (OG 178/04.)</b></p> <p>Article 1</p> <p>(1) This Act regulates mutual legal assistance in criminal matters (hereinafter: «mutual legal assistance»), unless provided otherwise by an international treaty.</p>

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<p>2 Each Party shall also adopt such legislative and other measures as may be necessary to carry out the obligations set forth in Articles 27 through 35.</p> <p>3 Each Party may, in urgent circumstances, make requests for mutual assistance or communications related thereto by expedited means of communication, including fax or e-mail, to the extent that such means provide appropriate levels of security and authentication (including the use of encryption, where necessary), with formal confirmation to follow, where required by the requested Party. The requested Party shall accept and respond to the request by any such expedited means of communication.</p> <p>4 Except as otherwise specifically provided in articles in this chapter, mutual assistance shall be subject to the conditions provided for by the law of the requested Party or by applicable mutual assistance treaties, including the grounds on which the requested Party may refuse co-operation. The requested Party shall not exercise the right to refuse mutual assistance in relation to the offences referred to in Articles 2 through 11 solely on the ground that the request concerns an offence which it considers a fiscal offence.</p> <p>5 Where, in accordance with the provisions of this chapter, the requested Party is permitted to make mutual assistance conditional upon the existence of dual criminality, that condition shall be deemed fulfilled, irrespective of whether its laws place the offence within the same category of offence or denominate the offence by the same terminology as the requesting Party, if the conduct underlying the offence for which assistance is sought is a criminal offence under its laws.</p>	<p>(2) Mutual legal assistance is provided in respect of criminal acts the punishment of which, at the time of the request for assistance, falls within the jurisdiction of the judicial authorities of the requesting state.</p> <p>(3) Mutual legal assistance may also be afforded in misdemeanour proceedings brought by the administrative authorities, in respect of acts which are punishable under the Croatian law by pecuniary fine, by virtue of being infringements of the rule of law and where in such proceedings the decision of the administrative authority may give rise to proceedings before a court having subject matter jurisdiction in criminal matters.</p> <p>(4) Mutual legal assistance is also afforded in criminal proceedings referred to in paragraph 2 of this Article, and misdemeanour proceedings referred to in paragraph 3 of this Article, which are brought against legal persons.</p> <p>(5) Mutual legal assistance is also afforded in respect of the European Court of Human Rights and the European Court of Justice, as well as in respect of other international and supranational organisations whose member the Republic of Croatia may become, if so stipulated in an international treaty.</p>
<p><b>Article 26 – Spontaneous information</b></p> <p>1 A Party may, within the limits of its domestic law and without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with this Convention or might lead to a request for co-operation by that Party under this chapter.</p>	<p><b><i>The Act on Mutual Legal Assistance in Criminal Matters, article 18. (OG 178/04.)</i></b></p> <p><b><i>Article 18</i></b></p> <p>(1) Without prejudice in any way to their own investigations or proceedings and subject to condition of reciprocity, domestic judicial authorities may, without prior request, forward to the competent foreign judicial authorities information obtained within the framework of their own investigations, which relate to criminal offences or breach of the rule of law referred to in Article 1 paragraph 3 of this Act, when they consider that the disclosure of such information might</p>

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<p>2 Prior to providing such information, the providing Party may request that it be kept confidential or only used subject to conditions. If the receiving Party cannot comply with such request, it shall notify the providing Party, which shall then determine whether the information should nevertheless be provided. If the receiving Party accepts the information subject to the conditions, it shall be bound by them.</p>	<p>assist the receiving state in initiating or carrying out investigations or court proceedings or might lead to a request for mutual assistance by that state.  (2) Domestic judicial authority shall request from the foreign judicial authority to which it transmitted the information referred to in paragraph 1 of this Article, the communications on any action undertaken upon such information, as well as transmission of issued decisions, and it may also impose other conditions for the use of such information at the receiving state.  (3) Information referred to in paragraph 1 of this Article shall be forwarded through the Ministry of Justice.</p>
<p><b>Article 27 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements</b></p> <p>1 Where there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and requested Parties, the provisions of paragraphs 2 through 9 of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof.</p> <p>2 a Each Party shall designate a central authority or authorities responsible for sending and answering requests for mutual assistance, the execution of such requests or their transmission to the authorities competent for their execution.</p> <p>b The central authorities shall communicate directly with each other;</p> <p>c Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the names and addresses of the authorities designated in pursuance of this paragraph;</p> <p>d The Secretary General of the Council of Europe shall set up and keep updated a register of central authorities designated by the Parties. Each Party shall ensure that the details held on the register are correct at all times.</p> <p>3 Mutual assistance requests under this article shall be executed in accordance with the procedures specified by the requesting Party, except where incompatible with the law of the requested Party.</p> <p>4 The requested Party may, in addition to the grounds for refusal established in Article 25, paragraph 4, refuse assistance if:</p> <p>a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or</p>	<p><b><i>The Act on Mutual Legal Assistance in Criminal Matters, articles. 6. – 31. (OG 178/04.)</i></b></p> <p><b>Article 6</b></p> <p>(1) Domestic judicial authorities transmit the requests for mutual assistance and information referred to in Article 18 paragraph 1 of this Act to foreign competent authorities through the Ministry of Justice.</p> <p>(2) The Ministry of Justice has jurisdiction to receive requests for mutual assistance of foreign competent authorities, and transmit them without delay to domestic judicial authorities, unless evident that the request should be refused.</p> <p>(3) The Ministry of Justice may return the request to the foreign competent authority for corrections or supplements and determine an appropriate deadline for delivery of so corrected, i.e. supplemented request. After the expiry of the deadline, the request shall be executed according to the status in the judicial record.</p> <p>(4) As an exception to paragraph 1 of this Article, domestic judicial authorities may directly address the request for mutual legal assistance to a foreign judicial authority, when so explicitly provided by the provisions of this Act and subject to condition of reciprocity, or when such a communication is envisaged by an international treaty (direct communication).</p> <p>(5) In cases of direct communication referred to in paragraphs 4 and 7 of this Article, a domestic judicial authority shall communicate a copy of the request for mutual legal assistance to the Ministry of Justice.</p> <p>(6) In urgent cases and subject to reciprocity, the Ministry of Justice may transmit and receive requests for mutual legal assistance through the Interpol.</p> <p>(7) In cases of direct communication referred to in paragraph 4 of this Article, domestic judicial authorities may, provided they fulfil the obligation referred to in paragraph 5 of this Article, transmit and receive requests for mutual legal assistance through the Interpol.</p>

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<p>b it considers that execution of the request is likely to prejudice its sovereignty, security, <i>ordre public</i> or other essential interests.</p> <p>5 The requested Party may postpone action on a request if such action would prejudice criminal investigations or proceedings conducted by its authorities.</p> <p>6 Before refusing or postponing assistance, the requested Party shall, where appropriate after having consulted with the requesting Party, consider whether the request may be granted partially or subject to such conditions as it deems necessary.</p> <p>7 The requested Party shall promptly inform the requesting Party of the outcome of the execution of a request for assistance. Reasons shall be given for any refusal or postponement of the request. The requested Party shall also inform the requesting Party of any reasons that render impossible the execution of the request or are likely to delay it significantly.</p> <p>8 The requesting Party may request that the requested Party keep confidential the fact of any request made under this chapter as well as its subject, except to the extent necessary for its execution. If the requested Party cannot comply with the request for confidentiality, it shall promptly inform the requesting Party, which shall then determine whether the request should nevertheless be executed.</p> <p>9 a In the event of urgency, requests for mutual assistance or communications related thereto may be sent directly by judicial authorities of the requesting Party to such authorities of the requested Party. In any such cases, a copy shall be sent at the same time to the central authority of the requested Party through the central authority of the requesting Party.</p> <p>b Any request or communication under this paragraph may be made through the International Criminal Police Organisation (Interpol).</p> <p>c Where a request is made pursuant to sub-paragraph a. of this article and the authority is not competent to deal with the request, it shall refer the request to the competent national authority and inform directly the requesting Party that it has done so.</p> <p>d Requests or communications made under this paragraph that do not involve coercive action may be directly transmitted by the competent authorities of the requesting Party to the competent authorities of the requested Party.</p> <p>e Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, inform the</p>	<p>(8) The Ministry of Justice shall transmit and receive through the Ministry of Foreign Affairs the requests for mutual legal assistance to/from a foreign state that has no international treaty in force with the Republic of Croatia, as well as in cases when an international treaty envisages use of special diplomatic channels.</p> <p><b>Article 7 Service of documents by post</b></p> <p>(1) Domestic judicial authorities may, subject to condition of reciprocity or if so envisaged by an international treaty, address procedural documents and judicial verdicts to the persons who find themselves abroad directly by mail.</p> <p>(2) Procedural documents and judicial verdicts referred to in paragraph 1 of this Article shall be accompanied by a report stating that the addressee may obtain information regarding his or her rights and obligations concerning the service of documents.</p> <p>(3) Procedural documents and judicial verdicts shall be transmitted to the persons who find themselves abroad in the Croatian language.</p> <p>(4) If a domestic judicial authority knows or has reasons to believe that the addressee understands only some other language, the documents shall be accompanied by a translation into that other language.</p> <p>(5) Domestic regulations shall apply to the validity of service.</p> <p>Article 8 - Form and mandatory contents of the request</p> <p>(1) Domestic judicial authority shall act upon the request for mutual legal assistance of a foreign judicial authority if the request was transmitted in writing. The request, as well as attached documents, have to be accompanied by the translation into Croatian, and if this is not possible, into English. The translations have to be officially certified.</p> <p>(2) A domestic judicial authority shall act upon a request for mutual legal assistance of a foreign judicial authority even if the request was transmitted via electronic or some other telecommunications means which provide written record, if it may establish its authenticity and if the foreign competent authority is willing, upon request, to deliver a written evidence on the manner of transmission and the original request.</p> <p>(3) Unless provided otherwise by an international treaty or the provisions of this Act, the request for mutual legal assistance shall indicate the following:</p> <ol style="list-style-type: none"> <li>1. place of issuance and the name of the competent authority making the request,</li> <li>2. legal grounds to afford mutual legal assistance,</li> <li>3. detailed description of an act of mutual legal assistance sought and the reason for the request,</li> </ol>

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<p>Secretary General of the Council of Europe that, for reasons of efficiency, requests made under this paragraph are to be addressed to its central authority.</p>	<p>4. legal title, short factual and legal description of the criminal offence (unless the request refers to service of judicial verdicts, depositions of parties, documents and alike),</p> <p>5. exact data and nationality of the person concerned and his status in the proceedings,</p> <p>6. in case of service of judicial writs, also the type of the writ to be served.</p> <p><b>Article 9</b></p> <p>(1) In the mutual legal assistance proceedings, the prosecuted person may have a defending attorney.</p> <p>(2) Third persons concerned by the measure or act of mutual legal assistance may have proxies in the mutual legal assistance proceedings.</p> <p>(3) An appeal may be lodged against the decisions of domestic judicial authorities in the proceedings of affording mutual legal assistance.</p> <p>(4) An appeal against the decision issued pursuant to this Act does not delay its enforcement, unless it concerns a decision:</p> <ol style="list-style-type: none"> <li>1. of the county court of the Republic of Croatia, determining existence of legal preconditions for extradition, or</li> <li>2. granting return of articles or monetary gain to a foreign country.</li> </ol> <p><b>Article 10 - Particularities in the manner of executing the request</b></p> <p>(1) When affording mutual legal assistance, domestic judicial authority shall comply with the formalities and procedures expressly indicated in the request as necessary pursuant to the law of the requesting state, unless provided otherwise by an international treaty and provided that such formalities and procedures are not contrary to the principles of the domestic legal order.</p> <p>(2) Domestic judicial authority executes the request of a foreign judicial authority without delay, taking into account procedural deadlines, as well as other specially determined deadlines explained in the request.</p> <p>(3) If a domestic judicial authority may foresee that it shall not be able to observe a specially determined deadline for execution of the request, while the explanation referred to in paragraph 2 of this Article expressly indicates that each postponement will lead to significant disruption of procedure before a foreign judicial authority, the domestic judicial authority shall indicate without delay the required time to execute the request. Domestic and foreign judicial authorities may thereafter agree on further acts required to be undertaken in connection with the request.</p> <p>(4) If the request of a foreign judicial authority may not be executed, or may not be executed fully in compliance with the required conditions, the domestic</p>

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	<p>judicial authority shall without delay inform the foreign judicial authority to this effect, indicating the conditions under which such request may be executed.</p> <p><b>Article 11</b></p> <p>(1) Upon explicit request of a foreign judicial authority, the domestic judicial authority shall inform of the place and date of execution of the request for mutual legal assistance.</p> <p>(2) Upon explicit request of a foreign judicial authority, the domestic judicial authority may allow presence of a foreign official during the execution of the request for mutual legal assistance.</p> <p>(3) A request referred to in paragraph 2 of this Article shall not be refused if this would likely avoid the need for supplementary requests for assistance.</p> <p><b>Article 12 - Refusal of the request</b></p> <p>(1) Domestic competent authority may refuse the request for mutual legal assistance:</p> <ol style="list-style-type: none"> <li>1. if the request concerns an offence which is considered to be a political offence, an offence connected with a political offence,</li> <li>2. if the request concerns a fiscal offence,</li> <li>3. if the execution of the request would prejudice the sovereignty, security, legal order or other essential interests of the Republic of Croatia,</li> <li>4. if it may reasonably be assumed that a person whose extradition is claimed would be in case of extradition criminally prosecuted or punished on account of his race, religious beliefs, nationality, affiliation with a particular social group or on account of his political beliefs, i.e. that that person's position may be prejudiced for any of these reasons,</li> <li>5. if it concerns an insignificant criminal offence.</li> </ol> <p>(2) Criminal offences or attempts to commit criminal offences against the values protected by international law, and participation in execution of such criminal offences, may not serve as basis for refusal of the request for mutual legal assistance in the context of paragraph 1 point 1 of this Article.</p> <p>(3) Request for mutual legal assistance concerning the fiscal offence referred to in paragraph 1 point 2 of this Article shall not be refused solely based on the grounds it concerns an offence which is considered to be a fiscal offence pursuant to domestic law.</p>

**Article 13**

(1) A domestic judicial authority shall refuse the request for mutual legal assistance:

1. if the prosecuted person has been acquitted in the Republic of Croatia for the same criminal offence based on the substantive-legal grounds or if a procedure against him has been discontinued, or if he was acquitted of the punishment, or if a sanction was executed or may not be executed pursuant to the law of the country in which the verdict has been passed,
2. if criminal proceedings are pending against the prosecuted person in the Republic of Croatia for the same criminal offence, unless the execution of the request might lead to a decision releasing the prosecuted person from custody,
3. if the criminal prosecution, execution of a sanction or of a security measure or protective measure pursuant to the domestic law would be barred due to the absolute statute of limitation.

(2) The provisions referred to in paragraph 1 points 1 and 3 of this Article shall not apply in cases of reversal of the final verdict in the requesting state.

**Article 14**

The decision refusing the request to afford mutual legal assistance must give reasons for such a decision, unless provided otherwise by an international treaty.

**Article 15 - Postponed execution of the request**

Domestic judicial authority may postpone execution of the request for mutual legal assistance if such action would prejudice the course of the investigation, prosecution or proceedings pending before a domestic judicial authority, which are connected to the request. The domestic judicial authority shall inform the foreign judicial authority that transmitted the request.

**Article 16 - Partial execution of the request**

If the request for mutual legal assistance concerns several facts which may fall under several domestic criminal-law provisions, and there are reasons to refuse some of them, the request shall be executed only in respect of the facts lacking the grounds for refusal.

**Article 17 - Reciprocity**

(1) Domestic judicial authorities shall afford assistance in respect of the request for mutual legal assistance to a judicial authority of the state that has no

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international treaty on legal assistance in force with the Republic of Croatia, only if it may be expected based on the assurances provided by the requesting state that this state would execute corresponding request of the domestic judicial authority.

(2) Assurances referred to in paragraph 1 of this Article shall not be sought for the purpose of service of judicial verdicts, deposition of parties and other documents.

**Article 18 - Spontaneous exchange of information**

(1) Without prejudice in any way to their own investigations or proceedings and subject to condition of reciprocity, domestic judicial authorities may, without prior request, forward to the competent foreign judicial authorities information obtained within the framework of their own investigations, which relate to criminal offences or breach of the rule of law referred to in Article 1 paragraph 3 of this Act, when they consider that the disclosure of such information might assist the receiving state in initiating or carrying out investigations or court proceedings or might lead to a request for mutual assistance by that state.

(2) Domestic judicial authority shall request from the foreign judicial authority to which it transmitted the information referred to in paragraph 1 of this Article, the communications on any action undertaken upon such information, as well as transmission of issued decisions, and it may also impose other conditions for the use of such information at the receiving state.

(3) Information referred to in paragraph 1 of this Article shall be forwarded through the Ministry of Justice.

**Article 19 - Costs**

(1) Remuneration of costs incurred in respect of afforded mutual legal assistance shall not be claimed, except:

1. costs incurred by the expert testimony,
2. costs incurred by a temporary transfer of persons deprived of liberty,
3. costs of substantial or extraordinary nature.

(2) Costs referred to in paragraph 1 point 3 of this Article shall be remunerated according to an arrangement between the Ministry of Justice and the competent authority of the foreign state in each individual case separately.

**Article 20 - Special cases of communicating information on criminal offences**

(1) When the request for mutual legal assistance concerns a criminal offence related to trafficking in humans and slavery, money laundering, counterfeiting



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	<p>money, illicit production, processing and sale of narcotic substances and poisons, production and dissemination of pornographic material, criminal offences related to organized crime and terrorism, and other criminal offences for which centralisation of data has been provided under international agreements, the domestic judicial authority conducting criminal proceedings, i.e. authority affording mutual legal assistance, shall be bound immediately to transmit the data on such criminal offences and perpetrators to the Ministry of Interior, while the first-instance court shall in addition transmit a final verdict.</p> <p>(2) If the request for legal assistance concerning the criminal offences referred to in paragraph 1 of this Article was forwarded to or received directly within the context of Article 8 paragraph 2 of this Act, the domestic judicial authority shall also transmit without delay the data referred to in paragraph 1 of this Article to the Ministry of Justice.</p> <p>(3) At least once a year, the Ministry of Justice shall notify the foreign competent authority of all criminal convictions and measures in respect of nationals of that foreign state, entered into judicial records, unless provided otherwise by an international treaty.</p> <p>(4) Upon a request of a foreign competent authority, the Ministry of Justice shall transmit in each individual case a transcript of the verdicts and measures on which it delivered notification, in the context of paragraph 3 of this Article, and it may also deliver other information that it deems might be useful for subsequent measures at the requesting state.</p> <p><b>Article 21 Confidentiality</b></p> <p>(1) Upon a request of a foreign judicial authority, the Ministry of Justice and the domestic judicial authority shall keep confidential the request for mutual assistance and its substance, except to the extent necessary to execute the request.</p> <p>(2) If the confidentiality condition referred to in paragraph 1 may not be upheld, the Ministry of Justice, i.e. domestic judicial authority shall notify the foreign judicial authority on this fact, without delay.</p> <p><b>Article 22</b></p> <p>Third persons who prove having legal interest may be present in the proceedings of mutual legal assistance and they are entitled to inspect the file, except:</p> <ol style="list-style-type: none"> <li>1. if this is in the interest of criminal proceedings pending abroad,</li> <li>2. for protection of essential interests of a foreign state, upon its request,</li> <li>3. due to the nature or urgency of the measure undertaken,</li> </ol>

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	<p>4. due to the protection of justified interests of the parties to the proceedings, 5. if in the interest of criminal proceedings pending in the Republic of Croatia.</p> <p><b>Article 23 - Provisional measures</b></p> <p>(1) Upon a request of a foreign judicial authority, the competent domestic judicial authority may issue a decision ordering provisional measures for securing the evidence, protection of endangered legal interests and other measures in compliance with the domestic law.</p> <p>(2) Appeal against the decision referred to in paragraph 1 of this Article does not postpone its execution.</p> <p>(3) Domestic judicial authority may partially grant the request referred to in paragraph 1 of this Article, or it may condition execution of such a request by time limitation.</p> <p><b>Article 24</b></p> <p>Upon a request of a foreign judicial authority, the domestic judicial authority may order measures temporarily restricting certain constitutional rights, subject to conditions provided by the Criminal Procedure Act.</p> <p><b>Article 25 - Hearing of a person domiciled abroad</b></p> <p>(1) A person domiciled abroad, appearing in the Republic of Croatia on a summons by the domestic judicial authority, to testify as a witness or expert witness in the criminal proceedings, shall not be criminally prosecuted, or subject to any other restriction of his personal liberty due to reasons anterior to his arrival.</p> <p>(2) The immunity provided for in paragraph 1 of this Article shall cease when the person upon leaving the state territory of the Republic of Croatia either returns or does not leave the state territory of the Republic of Croatia upon expiry of eight days as of the testimony.</p> <p>Article 26 - Temporary transfer for testimony</p> <p>(1) Upon a request of a foreign judicial authority, a person who has been deprived of liberty in the Republic of Croatia, including Croatian nationals, may be temporarily transferred to a foreign judicial authority for the purpose of testimony as witness or for confrontation purposes, provided that the person is returned to the Republic of Croatia within a deadline determined by the domestic judicial authority, and provided that:</p> <ol style="list-style-type: none"> <li>1. the person consents to temporary transfer,</li> </ol>

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	<p>2. the presence of a person is necessary at the criminal proceedings pending in the foreign state,</p> <p>3. the temporary transfer is not liable to prolong his or her deprivation of liberty,</p> <p>4. there are no other overriding grounds against temporary transfer.</p> <p>(2) Person referred to in paragraph 1 of this Article who was temporarily transferred to a foreign judicial authority, shall remain in custody during the whole stay abroad, unless the domestic judicial authority applies for his or her release.</p> <p><b>Article 27</b></p> <p>When a person placed in custody based on a decision of a foreign judicial authority has been transferred to a domestic judicial authority, for the purpose of hearing in the criminal proceedings, the decision of the foreign judicial authority on placing in custody abroad shall also apply in the Republic of Croatia.</p> <p><b>Article 28 - Treatment of the temporarily seized articles</b></p> <p>(1) Articles, documents or monetary gain which have been temporarily seized to be presented as evidence, as well as records and decisions, shall be made available to a foreign judicial authority upon its request, after the completion of the mutual legal assistance proceedings in the Republic of Croatia.</p> <p>(2) Should a third person who acquired the right in good faith, the state authority or the injured party domiciled in the Republic of Croatia claim his/her right in the articles, documents or monetary gain referred to in paragraph 1 of this Article, such articles, documents or monetary gain shall be delivered only if the competent foreign authority guarantees their return free of charge after the completion of its proceedings.</p> <p>(3) Delivery may be postponed, as long as the articles, documents or monetary gain are necessary at the criminal proceedings pending in the Republic of Croatia.</p> <p><b>Article 29</b></p> <p>(1) Articles or monetary gain which have been temporarily seized for security purposes may be delivered to a foreign judicial authority, upon its request, upon completion of the mutual legal assistance proceedings, for the purpose of seizure or return to an authorised person.</p>

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	<p>(2) Articles and monetary gain referred to in paragraph 1 of this Article encompass:</p> <ol style="list-style-type: none"> <li>1. articles used to commit the criminal offence,</li> <li>2. products of the criminal offence or their counter-value,</li> <li>3. gain resulting from the criminal offence or their counter-value,</li> <li>4. presents and other gifts as an incentive and reward to commit a criminal offence or their counter-value.</li> </ol> <p>(3) Delivery may follow in any stage of foreign criminal proceedings, and it may only be executed based on a final and enforceable decision of a foreign judicial authority.</p> <p>(4) Articles or monetary gain may be permanently detained in the Republic of Croatia if:</p> <ol style="list-style-type: none"> <li>1. the injured person is domiciled in the Republic of Croatia, and the objects have to be returned to that person,</li> <li>2. state authority claims the right of the Republic of Croatia in such objects,</li> <li>3. person not participating in the offence, whose claims have not been guaranteed through the requesting state, proves that he/she has acquired in good faith the right in such articles or monetary gain either in the Republic of Croatia or abroad, and the person is domiciled in the Republic of Croatia,</li> <li>4. if the articles or monetary gain are necessary to carry out the criminal proceedings pending in the Republic of Croatia or to apply the seizure measure in the Republic of Croatia.</li> </ol> <p>(5) If an authorised person claims rights in the articles or monetary gain referred to in paragraph 4 of this Article, their delivery to the requesting state shall be postponed until resolution of the legal issues. Disputed articles or monetary gain may be delivered to an authorised person:</p> <ol style="list-style-type: none"> <li>1. if the requesting state consents,</li> <li>2. if the state authority consents, in cases referred to in paragraph 4 point 2 of this Article,</li> <li>3. if the domestic court has acknowledged authority to claim.</li> </ol> <p><b>Article 30</b></p> <p>When a domestic judicial authority deems that mutual legal assistance has been afforded in whole or partially, it shall issue a decision containing reasons to that effect.</p> <p><b>Article 31</b></p> <p>(1) A domestic judicial authority may condition affording the mutual legal assistance in whole or partially, by prior settlement of certain charges (taxes,</p>

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	<p>surtaxes, fiscal stamps and alike).</p> <p>(2) The Ministry of Justice determines an appropriate term for the competent foreign authority to state opinion on accepting or refusing payment of charges referred to in paragraph 1 of this Article. In case of refusal or silence of a foreign judicial authority, mutual legal assistance shall be afforded in respect of the part of the request which is not connected to the charges</p>
<p><b>Article 28 – Confidentiality and limitation on use</b></p> <p>1 When there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and the requested Parties, the provisions of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof.</p> <p>2 The requested Party may make the supply of information or material in response to a request dependent on the condition that it is:</p> <p>a kept confidential where the request for mutual legal assistance could not be complied with in the absence of such condition, or</p> <p>b not used for investigations or proceedings other than those stated in the request.</p> <p>3 If the requesting Party cannot comply with a condition referred to in paragraph 2, it shall promptly inform the other Party, which shall then determine whether the information should nevertheless be provided. When the requesting Party accepts the condition, it shall be bound by it.</p> <p>4 Any Party that supplies information or material subject to a condition referred to in paragraph 2 may require the other Party to explain, in relation to that condition, the use made of such information or material.</p>	<p><b><i>The Act on Mutual Legal Assistance in Criminal Matters, article 21. (OG 178/04.)</i></b></p> <p><b>Article 21</b></p> <p>(1) Upon a request of a foreign judicial authority, the Ministry of Justice and the domestic judicial authority shall keep confidential the request for mutual assistance and its substance, except to the extent necessary to execute the request.</p> <p>(2) If the confidentiality condition referred to in paragraph 1 may not be upheld, the Ministry of Justice, i.e. domestic judicial authority shall notify the foreign judicial authority on this fact, without delay.</p>
<p><b>Article 29 – Expedited preservation of stored computer data</b></p> <p>1 A Party may request another Party to order or otherwise obtain the expeditious preservation of data stored by means of a computer system, located within the territory of that other Party and in respect of which the requesting Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the data.</p> <p>2 A request for preservation made under paragraph 1 shall specify:</p> <p>a the authority seeking the preservation;</p>	<p><b><i>The Act on Mutual Legal Assistance in Criminal Matters, article 4. connected to article 10. (OG 178/04.)</i></b></p> <p><b>Article 4</b></p> <p>Mutual legal assistance is afforded in the widest sense, in compliance with the principles of domestic legal order, principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights.</p>

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<p>b the offence that is the subject of a criminal investigation or proceedings and a brief summary of the related facts;</p> <p>c the stored computer data to be preserved and its relationship to the offence;</p> <p>d any available information identifying the custodian of the stored computer data or the location of the computer system;</p> <p>e the necessity of the preservation; and</p> <p>f that the Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the stored computer data.</p> <p>3 Upon receiving the request from another Party, the requested Party shall take all appropriate measures to preserve expeditiously the specified data in accordance with its domestic law. For the purposes of responding to a request, dual criminality shall not be required as a condition to providing such preservation.</p> <p>4 A Party that requires dual criminality as a condition for responding to a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of stored data may, in respect of offences other than those established in accordance with Articles 2 through 11 of this Convention, reserve the right to refuse the request for preservation under this article in cases where it has reasons to believe that at the time of disclosure the condition of dual criminality cannot be fulfilled.</p> <p>5 In addition, a request for preservation may only be refused if:</p> <p>a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or</p> <p>b the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, <i>ordre public</i> or other essential interests.</p> <p>6 Where the requested Party believes that preservation will not ensure the future availability of the data or will threaten the confidentiality of or otherwise prejudice the requesting Party's investigation, it shall promptly so inform the requesting Party, which shall then determine whether the request should nevertheless be executed.</p> <p>4 Any preservation effected in response to the request referred to in paragraph 1 shall be for a period not less than sixty days, in order to enable the requesting Party to submit a request for the search or similar access, seizure</p>	<p><b>Article 10</b></p> <p>(1) When affording mutual legal assistance, domestic judicial authority shall comply with the formalities and procedures expressly indicated in the request as necessary pursuant to the law of the requesting state, unless provided otherwise by an international treaty and provided that such formalities and procedures are not contrary to the principles of the domestic legal order.</p> <p>(2) Domestic judicial authority executes the request of a foreign judicial authority without delay, taking into account procedural deadlines, as well as other specially determined deadlines explained in the request.</p> <p>(3) If a domestic judicial authority may foresee that it shall not be able to observe a specially determined deadline for execution of the request, while the explanation referred to in paragraph 2 of this Article expressly indicates that each postponement will lead to significant disruption of procedure before a foreign judicial authority, the domestic judicial authority shall indicate without delay the required time to execute the request. Domestic and foreign judicial authorities may thereafter agree on further acts required to be undertaken in connection with the request.</p> <p>(4) If the request of a foreign judicial authority may not be executed, or may not be executed fully in compliance with the required conditions, the domestic judicial authority shall without delay inform the foreign judicial authority to this effect, indicating the conditions under which such request may be executed.</p>

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<p>or similar securing, or disclosure of the data. Following the receipt of such a request, the data shall continue to be preserved pending a decision on that request.</p>	
<p><b>Article 30 – Expedited disclosure of preserved traffic data</b></p> <p>1 Where, in the course of the execution of a request made pursuant to Article 29 to preserve traffic data concerning a specific communication, the requested Party discovers that a service provider in another State was involved in the transmission of the communication, the requested Party shall expeditiously disclose to the requesting Party a sufficient amount of traffic data to identify that service provider and the path through which the communication was transmitted.</p> <p>2 Disclosure of traffic data under paragraph 1 may only be withheld if:</p> <p>a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence; or</p> <p>b the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, <i>ordre public</i> or other essential interests.</p>	<p><b><i>The Act on Mutual Legal Assistance in Criminal Matters, article 4. connected to article 10. (OG 178/04.)</i></b></p> <p><b>Article 4</b></p> <p>Mutual legal assistance is afforded in the widest sense, in compliance with the principles of domestic legal order, principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights.</p> <p><b>Article 10</b></p> <p>(1) When affording mutual legal assistance, domestic judicial authority shall comply with the formalities and procedures expressly indicated in the request as necessary pursuant to the law of the requesting state, unless provided otherwise by an international treaty and provided that such formalities and procedures are not contrary to the principles of the domestic legal order.</p> <p>(2) Domestic judicial authority executes the request of a foreign judicial authority without delay, taking into account procedural deadlines, as well as other specially determined deadlines explained in the request.</p> <p>(3) If a domestic judicial authority may foresee that it shall not be able to observe a specially determined deadline for execution of the request, while the explanation referred to in paragraph 2 of this Article expressly indicates that each postponement will lead to significant disruption of procedure before a foreign judicial authority, the domestic judicial authority shall indicate without delay the required time to execute the request. Domestic and foreign judicial authorities may thereafter agree on further acts required to be undertaken in connection with the request.</p> <p>(4) If the request of a foreign judicial authority may not be executed, or may not be executed fully in compliance with the required conditions, the domestic judicial authority shall without delay inform the foreign judicial authority to this effect, indicating the conditions under which such request may be executed.</p>
<p><b>Article 31 – Mutual assistance regarding accessing of stored computer data</b></p>	<p>The Act on Mutual Legal Assistance in Criminal Matters, article 4. connected to article 10. (OG 178/04.).</p>

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<p>1 A Party may request another Party to search or similarly access, seize or similarly secure, and disclose data stored by means of a computer system located within the territory of the requested Party, including data that has been preserved pursuant to Article 29.</p> <p>2 The requested Party shall respond to the request through the application of international instruments, arrangements and laws referred to in Article 23, and in accordance with other relevant provisions of this chapter.</p> <p>3 The request shall be responded to on an expedited basis where:</p> <ul style="list-style-type: none"> <li>a there are grounds to believe that relevant data is particularly vulnerable to loss or modification; or</li> <li>b the instruments, arrangements and laws referred to in paragraph 2 otherwise provide for expedited co-operation.</li> </ul>	
<p><b>Article 32 – Trans-border access to stored computer data with consent or where publicly available</b></p> <p>A Party may, without the authorisation of another Party:</p> <ul style="list-style-type: none"> <li>a access publicly available (open source) stored computer data, regardless of where the data is located geographically; or</li> <li>b access or receive, through a computer system in its territory, stored computer data located in another Party, if the Party obtains the lawful and voluntary consent of the person who has the lawful authority to disclose the data to the Party through that computer system.</li> </ul>	<p><b><i>The Act on Mutual Legal Assistance in Criminal Matters, article 4. connected to article 10. (OG 178/04.)</i></b></p> <p><b>Article 4</b></p> <p>Mutual legal assistance is afforded in the widest sense, in compliance with the principles of domestic legal order, principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights.</p> <p><b>Article 10</b></p> <p>(1) When affording mutual legal assistance, domestic judicial authority shall comply with the formalities and procedures expressly indicated in the request as necessary pursuant to the law of the requesting state, unless provided otherwise by an international treaty and provided that such formalities and procedures are not contrary to the principles of the domestic legal order.</p> <p>(2) Domestic judicial authority executes the request of a foreign judicial authority without delay, taking into account procedural deadlines, as well as other specially determined deadlines explained in the request.</p> <p>(3) If a domestic judicial authority may foresee that it shall not be able to observe a specially determined deadline for execution of the request, while the explanation referred to in paragraph 2 of this Article expressly indicates that each postponement will lead to significant disruption of procedure before a foreign judicial authority, the domestic judicial authority shall indicate without delay the required time to execute the request. Domestic and foreign judicial</p>



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	<p>authorities may thereafter agree on further acts required to be undertaken in connection with the request.</p> <p>(4) If the request of a foreign judicial authority may not be executed, or may not be executed fully in compliance with the required conditions, the domestic judicial authority shall without delay inform the foreign judicial authority to this effect, indicating the conditions under which such request may be executed.</p>
<p><b>Article 33 – Mutual assistance in the real-time collection of traffic data</b></p> <p>1 The Parties shall provide mutual assistance to each other in the real-time collection of traffic data associated with specified communications in their territory transmitted by means of a computer system. Subject to the provisions of paragraph 2, this assistance shall be governed by the conditions and procedures provided for under domestic law.</p> <p>2 Each Party shall provide such assistance at least with respect to criminal offences for which real-time collection of traffic data would be available in a similar domestic case.</p>	<p><b><i>The Act on Mutual Legal Assistance in Criminal Matters, article 4. connected to article 10. (OG 178/04.)</i></b></p> <p><b><i>Article 4</i></b></p> <p>Mutual legal assistance is afforded in the widest sense, in compliance with the principles of domestic legal order, principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights.</p> <p><b><i>Article 10</i></b></p> <p>(1) When affording mutual legal assistance, domestic judicial authority shall comply with the formalities and procedures expressly indicated in the request as necessary pursuant to the law of the requesting state, unless provided otherwise by an international treaty and provided that such formalities and procedures are not contrary to the principles of the domestic legal order.</p> <p>(2) Domestic judicial authority executes the request of a foreign judicial authority without delay, taking into account procedural deadlines, as well as other specially determined deadlines explained in the request.</p> <p>(3) If a domestic judicial authority may foresee that it shall not be able to observe a specially determined deadline for execution of the request, while the explanation referred to in paragraph 2 of this Article expressly indicates that each postponement will lead to significant disruption of procedure before a foreign judicial authority, the domestic judicial authority shall indicate without delay the required time to execute the request. Domestic and foreign judicial authorities may thereafter agree on further acts required to be undertaken in connection with the request.</p> <p>(4) If the request of a foreign judicial authority may not be executed, or may not be executed fully in compliance with the required conditions, the domestic judicial authority shall without delay inform the foreign judicial authority to this effect, indicating the conditions under which such request may be executed.</p>

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<p><b>Article 34 – Mutual assistance regarding the interception of content data</b></p> <p>The Parties shall provide mutual assistance to each other in the real-time collection or recording of content data of specified communications transmitted by means of a computer system to the extent permitted under their applicable treaties and domestic laws.</p>	<p><b><i>The Act on Mutual Legal Assistance in Criminal Matters, article 4. connected to article 10. (OG 178/04.)</i></b></p> <p><b>Article 4</b></p> <p>Mutual legal assistance is afforded in the widest sense, in compliance with the principles of domestic legal order, principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights.</p> <p><b>Article 10</b></p> <p>(1) When affording mutual legal assistance, domestic judicial authority shall comply with the formalities and procedures expressly indicated in the request as necessary pursuant to the law of the requesting state, unless provided otherwise by an international treaty and provided that such formalities and procedures are not contrary to the principles of the domestic legal order.</p> <p>(2) Domestic judicial authority executes the request of a foreign judicial authority without delay, taking into account procedural deadlines, as well as other specially determined deadlines explained in the request.</p> <p>(3) If a domestic judicial authority may foresee that it shall not be able to observe a specially determined deadline for execution of the request, while the explanation referred to in paragraph 2 of this Article expressly indicates that each postponement will lead to significant disruption of procedure before a foreign judicial authority, the domestic judicial authority shall indicate without delay the required time to execute the request. Domestic and foreign judicial authorities may thereafter agree on further acts required to be undertaken in connection with the request.</p> <p>(4) If the request of a foreign judicial authority may not be executed, or may not be executed fully in compliance with the required conditions, the domestic judicial authority shall without delay inform the foreign judicial authority to this effect, indicating the conditions under which such request may be executed.</p>
<p><b>Article 35 – 24/7 Network</b></p> <p>1 Each Party shall designate a point of contact available on a twenty-four hour, seven-day-a-week basis, in order to ensure the provision of immediate assistance for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection</p>	<p>Croatia is listed in 24/7 contact point list.</p>

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<p>of evidence in electronic form of a criminal offence. Such assistance shall include facilitating, or, if permitted by its domestic law and practice, directly carrying out the following measures:</p> <p>a the provision of technical advice;</p> <p>b the preservation of data pursuant to Articles 29 and 30;</p> <p>c the collection of evidence, the provision of legal information, and locating of suspects.</p> <p>2 a A Party's point of contact shall have the capacity to carry out communications with the point of contact of another Party on an expedited basis.</p> <p>b If the point of contact designated by a Party is not part of that Party's authority or authorities responsible for international mutual assistance or extradition, the point of contact shall ensure that it is able to co-ordinate with such authority or authorities on an expedited basis.</p> <p>3 Each Party shall ensure that trained and equipped personnel are available, in order to facilitate the operation of the network.</p>	
<p><b>Article 42 – Reservations</b></p> <p>By a written notification addressed to the Secretary General of the Council of Europe, any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it avails itself of the reservation(s) provided for in Article 4, paragraph 2, Article 6, paragraph 3, Article 9, paragraph 4, Article 10, paragraph 3, Article 11, paragraph 3, Article 14, paragraph 3, Article 22, paragraph 2, Article 29, paragraph 4, and Article 41, paragraph 1. No other reservation may be made.</p>	<p><b>Declaration contained in a letter from the Chargée d'Affaires a.i. of Croatia, dated 8 January 2009, registered at the Secretariat General on 9 January 2009 - Or. Engl., up-dated by a communication from Croatia registered at the Secretariat General on 30 June 2010 - Or. Engl.</b></p> <p>In accordance with Article 24, paragraph 7, Article 27, paragraph 2, and Article 35, paragraph 1, of the Convention on Cybercrime, Croatia designates as the competent authorities for the purposes of the Convention :</p> <p><u>Articles 24 and 27:</u> the Ministry of Justice Ulica grada Vukovara 49 10 000 Zagreb.</p> <p><u>Article 35:</u> The Ministry of Interior General Police Directorate Criminal Police Directorate National Police Office for Suppression of Corruption and Organised Crime Department for Economic Crime and Corruption Ilica 335</p>

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	10 000 Zagreb Republic of Croatia Internet: <a href="http://www.mup.hr">http://www.mup.hr</a>