

THE CROATIAN PARLIAMENT

3084

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the following

DECISION

PROMULGATING THE ACT ON THE GOVERNMENT OF THE REPUBLIC OF CROATIA

I hereby promulgate the Act on the Government of the Republic of Croatia passed by the Croatian Parliament at its session on 22 December 2011.

Class: 011-01/11-01/234
Reg. No: 71-05-03/1-11-2
Zagreb, 22 December 2012

The President of the
Republic of Croatia
Ivo Josipović, m.p.

THE

ACT ON THE GOVERNMENT OF THE REPUBLIC OF CROATIA

Article 1

The Government of the Republic of Croatia (hereinafter: the Government) exercises executive power pursuant to the Constitution and the law.

In the exercise of executive power, the Government shall determine, direct and align the implementation of policies and programmes and to that end propose and adopt strategies, issue guidelines, adopt acts and undertake other measures necessary for regulation of relations in the realm of its competence.

The Government proposes to the Croatian Parliament laws and other acts, the state budget and the final balance, it implements laws and other decisions of the Croatian Parliament, adopts regulations for implementation of laws, conducts foreign and internal policies, directs and supervises the work of the state administration, takes care of the economic development of the country, directs the activities and development of public services and performs other tasks prescribed by the Constitution and the law.

Article 2

The Government comprises the Prime Minister, one or more Deputy Prime Ministers, and Ministers (hereinafter: members of the Government).

If the Government has more than one Deputy Prime Minister, the Prime Minister may designate the First Deputy Prime Minister.

Article 3

The Prime Minister and the members of the Government must be Croatian citizens.

The Prime Minister and the members of the Government are state officials.

Without the approval of the Government the Prime Minister and the members of the Government may not perform any other public or professional duty.

Article 4

The Prime Minister and the members of the Government shall take up their duties when they receive the confidence of the majority of all members of the Croatian Parliament.

Pursuant to a decision by the Croatian Parliament, expressing confidence in the Government, a decision on the appointment of the Prime Minister shall be rendered by the President of the Republic of Croatia, with the President of the Croatian Parliament as the co-signatory, and a decision on appointment of the members of the Government shall be rendered by the Prime Minister, with the President of the Croatian Parliament as the co-signatory.

Article 5

After the Government receives the confidence of the Croatian Parliament, the Prime Minister and the members of the Government shall be sworn in before the Croatian Parliament, using the following oath:

"I swear that I will discharge my duty as a member of the Government conscientiously and honourably, abide by the Constitution, laws and the legal order, and dedicate myself to work for the general advancement of the Republic of Croatia."

A member of the Government who is not present at the swearing in ceremony, and any member of the Government who is subsequently appointed, shall be sworn in later.

Article 6

The Prime Minister and the members of the Government may resign.

The Prime Minister shall hand in his resignation to the Croatian Parliament.

When the Prime Minister resigns, it is deemed that all the members of the Government have also resigned.

A member of the Government shall hand in his resignation to the Prime Minister.

Article 7

If the Croatian Parliament accepts the resignation of the Prime Minister, the Government shall perform technical tasks until a new Government is appointed.

If the Prime Minister accepts the resignation of an individual member of the Government, the decision on the dismissal of that member of the Government shall be adopted by the Prime Minister and he shall inform the Croatian Parliament accordingly.

The Prime Minister shall present the new member of the Government at the first subsequent session of the Croatian Parliament and request a vote of confidence in that member.

Article 8

The Government, or a body authorised by it, shall manage, dispose of and use the assets of the Republic of Croatia, if it is not prescribed otherwise by a separate act.

Article 9

Government sessions are public.

The Government may decide that a session or a debate on individual points on the agenda of the session may be held without the presence of the public.

Article 10

The Prime Minister represents the Government, convenes sessions and chairs them, manages the work of the Government and signs the acts it adopts.

If the Prime Minister appoints a first Deputy Prime Minister, he shall take the Prime Minister's place if the Prime Minister is prevented from attending or is absent. The Prime Minister may not be replaced in issues and procedures of decision-making on confidence in the Government, and the appointment and dismissal of members of the Government.

The Deputy Prime Ministers shall align the work of the ministries and take care of the implementation of Government programmes in the areas they are responsible for.

Article 11

The Prime Minister may issue members of the Government with specific instructions for their work, special duties or tasks, and authorise them to implement and execute specific projects, pursuant to a Government programme, or pursuant to the conclusions and other acts of the Croatian Parliament and international commitments taken on by the Republic of Croatia.

Article 12

The Government shall ensure the presence of its representatives at sessions of the Croatian Parliament and its working bodies, pursuant to the Standing Orders of the Croatian Parliament.

The Prime Minister shall appoint one Deputy Prime Minister to align the work of the representatives of the Government in the Croatian Parliament.

Article 13

The Government may sit if a majority of members of the Government are present at the session.

The Government shall render decisions by a simple majority of votes of all members of the Government, and if the votes are equally divided, the Prime Minister shall have the casting vote.

Article 14

The Government renders decisions by a two-thirds majority of votes of all members of the Government when it proposes to the competent state bodies:

- an amendment to the Constitution of the Republic of Croatia,
- association or disassociation with other states,
- changes to the borders of the Republic of Croatia,
- dissolution of the Croatian Parliament,
- calling a state referendum.

Article 15

In the case of the absence or inability of a minister, he may be replaced at a Government session by his deputy, if the requirements from Article 13 of this Act for holding a session and rendering decisions are met.

Article 16

The Inner Cabinet of the Government comprises the Prime Minister and Deputy Prime Ministers.

The Inner Cabinet of the Government shall propose the implementation of Government policies, monitor the realisation of the programme of work of the Government, discuss certain issues from the competence of the Government in advance and align the work of the members of the Government in performance of the tasks entrusted to them.

The Prime Minister shall chair the sessions of the Inner Cabinet, and if he is absent or unable to do this, the Deputy Prime Minister designated by the Prime Minister shall do so.

Other members of the Government may also be invited to sessions of the Inner Cabinet, as well as other persons designated by the Prime Minister.

Article 17

As an exception, if the Government is not able to meet in a time of a state of war or immediate threat to the independence, integrity and survival of the Republic of Croatia and major natural disasters, the Inner Cabinet of the Government shall decide on issues from the competence of the Government.

The decisions of the Inner Cabinet of the Government shall be confirmed at the next session of the Government.

Article 18

The Prime Minister's Office is established within the Government.

The Prime Minister's Office performs expert and administrative work for the needs of the Prime Minister upon his orders.

The work of the Prime Minister's Office is managed by the head of the Office, who is appointed by the Government at the proposal of the Prime Minister, and is responsible for his work to the Prime Minister.

The head of the Prime Minister's Office has the position of a deputy minister and is a state official.

The Prime Minister's Office harmonises the work of the Government offices from Article 27 of this Act and the councils of the Prime Minister from Article 23 of this Act.

In the management of the Prime Minister's Office, the head of the Prime Minister's Office has the rights and authorities of the head of a body of state administration.

The internal organisation and manner of work of the Prime Minister's Office are prescribed by a Government regulation.

Article 19

The head of the Office has a deputy who is appointed and dismissed by the Government at the proposal of the Prime Minister.

The deputy head of the Prime Minister's Office is a state official.

Article 20

The General Secretariat is established within the Government.

The General Secretariat performs expert, analytical, administrative-legal, administrative, general, technical, support and IT tasks for the needs of the Government, the Deputy Prime Ministers and members of the Government. The General Secretariat performs general, technical, support and IT tasks for the Prime Minister's Office.

The work of the General Secretariat is managed by the Secretary General, who is appointed by the Government at the proposal of the Prime Minister, and who is responsible for his work to the Prime Minister and the Government.

The Government Secretary General has the position of a deputy minister and is a state official.

The Government Secretary General aligns the work of the professional services of the Government, pursuant to the Rules of Procedure of the Government of the Republic of Croatia (hereinafter: the Rules of Procedure) and regulations on organisation of Government services, and assists the Prime Minister in preparation of sessions and other Government tasks.

In management of the General Secretariat, the Government Secretary General has the rights and powers of the head of a body of state administration.

The internal organisation and manner of work of the General Secretariat are prescribed by a Government regulation.

Article 21

The Government Secretary General shall have a Deputy. The Deputy is appointed and dismissed by the Government at the proposal of the Prime Minister.

The Deputy Government Secretary General is a state official.

Article 22

The Deputy Prime Ministers' Office is established for Deputy Prime Ministers who are not the heads of ministries.

The Deputy Prime Ministers' Office performs expert and administrative work for the needs of the Deputy Prime Ministers, and other work upon the orders of the Deputy Prime Ministers.

The work of the Deputy Prime Ministers' Office is managed by the head of the Office, who is appointed by the Government at the proposal of the Deputy Prime Ministers, and is responsible for his work to the Deputy Prime Ministers.

The head of the Deputy Prime Ministers' Office is a managing civil servant.

Article 23

In order to establish the status, prepare strategic development plans and analyses, prepare proposals and align the implementation of individual projects from Government programmes and for individual issues of a permanent or occasional nature, which are of importance for performing the duties of Prime Minister, the Prime Minister may appoint special advisers or found advisory boards and appoint the members of those boards.

The special advisers and boards may be appointed for the entire term of office of the Prime Minister or for a specific term as the nature of their work requires.

A person may also be appointed special adviser who is not permanently employed in the Government, and remuneration for his work may be regulated by the decision on appointment.

The provisions of regulations on employment of civil servants do not apply to the appointment and dismissal of special advisers.

An individual member of the Government may, with the agreement of the Prime Minister, appoint special advisers with the application of this Article *mutatis mutandis*.

Article 24

The Government may found permanent and occasional working bodies for issuing proposals, opinions, or expert explanations of issues from its scope of competence.

Sessions of permanent Government working bodies, as a rule, are chaired by one of the Deputy Prime Ministers.

Permanent Government working bodies are founded by the Rules of Procedure, and occasional bodies by a decision establishing their tasks and composition.

The Rules of Procedure prescribe in more detail the competence and manner of work of Government working bodies.

Article 25

The Government shall found a European Union Affairs Committee, which is chaired by a Deputy Prime Minister. The Committee considers issues and renders decisions and other acts relating to alignment of the legal system of the Republic of Croatia with the legal system of the European Union and alignment and confirmation of standpoints which will be represented by representatives of bodies of state administration in the work of the institutions and bodies of the European Union.

The Rules of Procedure shall prescribe in more detail the competence and manner of work of the European Union Affairs Committee.

Article 26

The Government shall found by a regulation offices, agencies, directorates and other professional services to perform tasks from its competence and regulate their organisation.

The offices, agencies, directorates, or other Government services are managed by a head, appointed by the Government, at the proposal of the Prime Minister, following a public advertisement for candidates for the post.

The head, in relation to civil servants and employees in offices, agencies, directorates and other services, has the rights and powers of a head of a body of state administration.

The head of a Government Office is responsible to the Government for his work.

The regulations governing the organisation, manner of work and financing of bodies of state administration and regulations on civil servants and employees shall apply to offices, agencies, directorates and other Government services, if separate regulations do not prescribe otherwise.

Article 27

For the performance of professional tasks, the Government shall found:

- a Legislation Office
- an Office for Human Rights and the Rights of National Minorities
- an Office for Gender Equality
- an Office for Cooperation with NGOs
- a De-mining Office
- an Office for Combating Drug Abuse
- an Office for General Affairs of the Croatian Parliament and the Government of the Republic of Croatia,
- a Protocol Office.

The Government may also found other offices for specific tasks.

The competence and manner of work of the Government offices shall be regulated in more detail by a Government regulation.

Article 28

Specific joint services may be organised on the basis of a written agreement between the Government and other bodies of state authority.

Article 29

The Government may found commissions for decision-making in administrative matters from its competence and for proposing decisions.

The Government shall render a decision on founding commissions and appointing the president and members of the commission.

A decision by the Government or a commission in an administrative matter is enforceable, and an administrative dispute may be instituted against it.

Article 30

The Government shall adopt regulations pursuant to the Constitution and the law.

The Government shall adopt Rules of Procedure, which shall, pursuant to this Act, regulate the organisation, manner of work and decision-making of the Government and the types of acts the Government adopts.

Article 31

The Government adopts decisions, rulings and conclusions on issues that it does not regulate by regulations.

Individual issues from the competence of the Government shall be regulated or measures established, consent given or the acts of other bodies and legal persons confirmed, and other issues decided on which no regulations are adopted, by Decisions.

The standpoint of the Government shall be established by a conclusion in issues of the implementation of established policies and the tasks of bodies of state administration established.

Rulings shall be rendered on appointments and dismissals and other individual matters from the competence of the Government.

Article 32

Regulations and the Rules of Procedure shall be published in the Official Gazette and shall enter into force on the eighth day from the day of publication, if those acts do not prescribe another time limit for their entry into force.

Decisions, rulings and conclusions may be published in the Official Gazette, if the Government so decides when adopting those acts.

Article 33

The Government shall decide on conflicts of competence between bodies of state administration.

Article 34

No criminal proceedings may be conducted against a member of the Government during his term of office for a criminal offence for which a prison sentence of up to five years is prescribed, without the prior consent of the Government.

TRANSITIONAL AND FINAL PROVISIONS

Article 35

The Government shall adopt the Rules of Procedure within 30 days from the day this Act enters into force.

Article 36

Within 30 days from the day this Act enters into force, the Government shall adopt acts on founding the Prime Minister's Office, the General Secretariat and the offices, agencies, directorates and other professional Government services, pursuant to the provisions of this Act.

The Government Secretariat, the Prime Minister's Office, offices, agencies, directorates and other professional Government services, founded before this Act enters into force, shall continue their work until the adoption of the acts from paragraph 1 of this Article.

Article 37

The act regulating the employment rights status of civil servants shall apply to the employment rights status of civil servants and employees who on the day this Act enters into force are already in Government service in the bodies referred to in Article 36 of this Act.

For the employment rights status of state officials already employed in the bodies referred to in Article 36 of this Act, the regulations on the obligations and rights of state officials shall apply.

Article 38

On the day of entry into force of this Act, the Act on the Government of the Republic of Croatia (Official Gazette: 101/98, 15/00, 117/01, 199/03 and 77/09) shall cease to have effect.

Article 39

This Act shall enter into force on the day of its publication in the Official Gazette.

Class:
Zagreb, 22 December 2011.

022-03/11-01/03

THE CROATIAN PARLIAMENT

The President of the
Croatian Parliament
Boris Šprem, m.p.