

THE CROATIAN PARLIAMENT

2605

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

DECISION

PROMULGATING THE ACT ON AMENDMENTS TO THE STATE ATTORNEY'S OFFICE ACT

I hereby promulgate the Act on Amendments to the State Attorney's Office Act, passed by the Croatian Parliament at its session on 28 October 2011.

Class: 011-01/11-01/212

Reg. No: 71-05-03/1-11-2

Zagreb, 4 November 2011

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

ACT

ON AMENDMENTS TO THE STATE ATTORNEY'S OFFICE ACT

Article 1

In the State Attorney's Office Act (Official Gazette 76/09, 153/09, 116/10, 145/10 and 57/11) in Article 8, paragraph 2 is amended to read:

“(2) The following may be established in the Republic of Croatia:

- for the jurisdiction of one or more municipal courts – a municipal state attorney office;
- for the jurisdiction of a county court, a commercial court, and for the jurisdiction of an administrative court – a county state attorney office.”

Article 2

Article 32 is amended to read as follows:

“(1) Municipal state attorney offices shall represent the Republic of Croatia in all proceedings conducted before municipal courts and administrative bodies, unless otherwise prescribed by law or by a decision of a competent state body based on that law.

(2) County state attorney offices shall represent the Republic of Croatia in proceedings before county courts, commercial courts and administrative courts, unless otherwise prescribed by law or by a decision of a competent state body based on that law.

(3) The State Attorney's Office of the Republic of Croatia shall undertake legal actions under its competence to protect the Constitution of the Republic of Croatia and legality before the Constitutional Court of the Republic of Croatia, it shall undertake actions under its competence before the Supreme Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia and the High Administrative Court of the Republic of Croatia.

(4) The State Attorney's Office of the Republic of Croatia shall undertake legal actions under its competence before international and foreign courts and other bodies.”

Article 3

Article 34 is amended to read as follows:

“(1) The State Attorney General may decide that tasks of representation in certain types of civil and administrative cases under the competence of municipal and county courts or administrative bodies shall be performed by one state attorney office for the purpose of expediency and cost effectiveness.

(2) The State Attorney General may decide that tasks of representation in certain types of cases shall be carried out by one state attorney office for the jurisdiction of several competent commercial and administrative courts with territorial and subject matter jurisdiction, or that individual legal actions in the course of representation shall be performed by that state attorney office under whose jurisdiction the procedure is being conducted.”

Article 4

In Article 97, paragraph 6, a new sentence is added at the end of the text which reads:

“The State Attorney General shall deliver to the Council information on background checks for individual candidates only if such information is important for rendering a decision on the appointment.”

Article 5

Article 129 is amended to read as follows:

(1) The performance of the duties of a deputy state attorney who has been appointed to a state attorney office for the first time shall be assessed each year for the first three years after appointment. Other deputy state attorneys shall be assessed every three years.

(2) If a deputy municipal state attorney has filed a request for permanent reassignment or has applied for a vacancy, the state attorney shall assess his performance at the Council's request

regardless of the fact that one year has not passed since the date of his first appointment. The purpose of this assessment shall be only to establish a list of candidates referred to in Article 156, paragraph 6 of this Act and it shall not affect the duty to perform the assessment referred to in paragraph 1 of this Article.

Article 6

In Article 156, paragraph 2 is amended to read as follows:

“(2) If during the year, due to changed circumstances, a need occurs in an individual state attorney office to fill more vacancies than envisaged in the Plan, the State Attorney General shall notify thereof the minister responsible for judicial affairs and the president of the Council.”

Paragraph 4 is amended to read as follows:

(4) After the adoption of the Plan and before announcing vacancies envisaged in the Plan for the first time, the Council shall publish in the Official Gazette an invitation to state attorneys to submit an application for permanent reassignment within 30 days.

Paragraph 6 is amended to read as follows:

“(6) The Council shall establish a list of candidates on the basis of the total number of points from the assessment of the performance of state attorney duties and on the basis of the approval of the state attorney in the state attorney office to which reassignment has been requested. If he does not agree with the reassignment of the candidate into that state attorney office, the state attorney must provide a written statement of reasons for the refusal of approval.”

Article 7

Article 157a is amended to read:

“(1) The Council shall test the knowledge of candidates fulfilling the requirements for the position of deputy state attorney.

(2) The test shall consist of a written paper which represents the rendering and drafting of a state attorney office decision. The candidates shall write their paper under a personal code name.

(3) The candidates may be awarded a maximum of 100 points for the written paper.

(4) State attorneys and deputy state attorneys who are not applying for the position of deputy municipal state attorney for the first time shall not be tested, but the number of points referred to in paragraph 3 of this Article shall be calculated by transforming their grade referred to in Article 130 of this Act into points in the manner laid down in the Ordinance on the manner of conducting and assessing the written test and the oral interview.

(5) Candidates who have earned more than 70 points in the written test or after the transformation of their grade shall be invited for an oral interview in which the candidates’

motivation for work in the state attorney office is assessed, as well as their ability to communicate with others, resolve conflicts and render decisions, and their ability to collect data and evidence necessary to render a decision.

(6) A maximum of 50 points may be awarded for the oral interview.

(7) Based on the results of the written test and the oral interview, the Council shall compile a list of candidates in order of merit and render a decision on appointment. In the event of candidates with the same number of points, priority shall be given to the candidate who received a positive opinion of a state attorney (Article 159, paragraph 3).

(8) Within 60 days of the coming into force of this Act, the Council shall adopt the Ordinance on the manner of conducting and assessing the written test and the oral interview.”

Article 8

In Article 159, after paragraph 2, a new paragraph 3 is added which reads as follows:

“(3) The provision of paragraph 2 of this Article shall not apply when an opinion is given for candidates for deputy municipal state attorney.”

In former paragraph 3, which now becomes paragraph 4, the following new sentence is added after the last sentence: “The opinion shall be accompanied by an assessment of the performance of the duties of the candidate.”

The former paragraphs 4 and 5 shall become paragraphs 5 and 6.

Article 9

In Article 160, paragraph 2, after the words: “when adopting the decision”, a full stop is added and the words: “and, if it does not have the assessments at its disposal, it shall procure them from the State Attorney's Office of the Republic of Croatia or from the ministry responsible for judicial affairs.” shall be deleted.

Article 10

In Article 161, paragraph 1, after the words: “and the competent collegiate body”, a full stop is added and the words: “and the assessment of the discharge of duties.” shall be deleted.

Article 11

In Article 195, subparagraph 1 the words: “Article 159, paragraph 4” are replaced by the words: “Article 159, paragraph 5”.

Article 12

In Article 159, paragraph 3 ceases to be valid on 31 December 2012.

Article 13

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette, except for Article 2 which amends Article 32 of this Act which shall enter into force on 1 January 2012.

Class: 701-01/11-01/05

Zagreb, 28 October 2011

THE CROATIAN PARLIAMENT

President of the
Croatian
Parliament
Luka Bebić, m.p.

PROVISIONAL TRANSLATION