

THE CROATIAN PARLIAMENT

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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 13 March 2015.

Class: 011-01/15-01/23

Reg. No.: 71-05-03/1-15-2

Zagreb, 18 March 2015

The President of
the Republic of
Croatia
**Kolinda
Grabar-
Kitarović**, 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, 57/11, 130/11, 72/13 and 148/13), after Article 19 there shall be inserted the following subtitle and Article 19a:

»4. Standing Services

Article 19a

- (1) The state attorney office shall act in its seat and, exceptionally, also outside its seat through the setting up of standing services or departments outside its seat.
- (2) A standing service or department located outside the seat shall represent an organisational unit of a state attorney office set up within the state attorney office's jurisdictional territory, in which jurisdictional territory due to the number of inhabitants, the inflow of a particular type

of cases and other justified reasons there is a need for such manner of operation of the state attorney office.

(3) The decision on the setting up and closure of standing services or departments located outside the seat of a state attorney office shall be taken by the minister in charge of the judiciary after obtaining the opinion of the State Attorney General.

(4) A standing service may be headed by the head of standing service.

(5) The head of standing service shall be a deputy state attorney assigned to the post on the basis of the annual assignment of tasks.

(6) The head of standing service shall assist the state attorney in the performance of the tasks relating to state attorney office administration.«.

Article 2

In Article 20, after paragraph 2 there shall be inserted the following paragraph 3:

»(3) The manner of operation and use of the information system used by state attorney offices for their work shall be regulated in more detail by the Rules of Procedure of the State Attorney's Office.«.

Article 3

In Article 21, paragraph 5, after the words: »the state attorney is assisted by deputies – heads of departments,« there shall be inserted the words: »heads of standing services,«.

Article 4

In Article 23, paragraph 2, the words: »State Attorney's Office of the Republic of Croatia« shall be replaced by the words: »State Attorney General«, and the words: »appropriate state attorney offices« shall be replaced by the words: »state attorney offices having jurisdiction«.

In paragraph 3, the words: »ministry responsible« shall be replaced by the words: »minister responsible«.

Article 5

In Article 27, paragraphs 3 and 4 shall be amended to read as follows:

»(3) The judicial inspection tasks may be performed by persons fulfilling the requirements of deputy county state attorneys.

(4) Direct insight into the performance of judicial administration tasks by state attorney offices as referred to in paragraph 1 of this Article, namely the provision of material and financial resources and premises and the fulfilment of other conditions for the work of state attorney offices, computerisation of state attorney offices, collection of statistical and other data on the performance of state attorney offices, and supervision of financial operations and material transactions of state attorney offices may also be performed by employees of the

ministry in charge of the judiciary who fulfil the conditions for being assigned to the position of senior expert adviser or senior administrative adviser.«.

Article 6

In Article 35, paragraph 3, the second sentence shall be deleted.

Article 7

In Article 40, paragraph 1, after the word »shall« there shall be inserted the words: »by 30 April of the current year«.

Article 8

In Article 49, paragraph 1 shall be amended to read as follows:

»(1) The protection and safety of persons, assets and buildings of the state attorney offices the maintenance of order in state attorney offices shall be performed by the justice police and exceptionally also by legal persons authorised to provide protection and security services with the consent of the minister in charge of the judiciary in cases where it is not possible to ensure the performance of the said tasks by the justice police.«.

After paragraph 4 there shall be inserted the following paragraph 5:

»(5) The Ordinance on the manner of ensuring the safety of persons, assets and building of the state attorney offices shall be adopted by the minister in charge of the judiciary.«.

Article 9

In Article 107, paragraph 3 shall be amended to read as follows:

»(3) The minister in charge of the judiciary shall warn the State Attorney General of the need for the adoption of Framework Measures and their amendments where legislative amendments or the implementation of other measures falling within the competence of the ministry in charge of the judiciary so require.«.

After paragraph 3 there shall be inserted the following paragraphs 4 and 5:

»(4) If the State Attorney General fails to deliver a proposal of Framework Measures for the work of state attorney offices within two months from the day the warning referred to in paragraph 3 of this Article was given, the minister in charge of the judiciary shall adopt the Framework Measures without such proposal.

(5) The Framework Measures shall be published on the web page of the ministry in charge of the judiciary.«.

Article 10

In Article 115, paragraph 5 shall be deleted.

Paragraph 6 shall be renumbered 5.

Article 11

After Article 115 there shall be inserted the following Article 115a:

»Article 115a

- (1) State attorney offices shall assign individual cases to officials by means of automatic random distribution generated by the use of an appropriate algorithm.
- (2) If a particular state attorney office does not use the automatic case assignment system, the officials shall be assigned individual cases manually, in the order of receipt of cases and the alphabetical order by official's surname.
- (3) In assigning individual cases in the manner set out in paragraphs 1 and 2 of this Article account shall be taken of the uniform distribution of cases throughout the year, types of cases handled by officials and legal complexity of cases.
- (4) By way of exception to the provisions of paragraphs 1 and 2 of this Article, the state attorney may assign an especially complex case to a particular deputy state attorney, whereof he shall make a reasoned note.
- (5) A case in which the first-instance-decision has been quashed shall be reassigned to the same official.
- (6) The procedure for the assignment of individual cases to officials shall be regulated by the Rules of Procedure of the State Attorney's Office.«

Article 12

In Article 116, paragraph 1, the words: »115, paragraph 5,« shall be replaced by the word »115a«.

Article 13

Article 126 shall be amended to read as follows:

- »(1) If a state attorney or deputy state attorney is appointed minister in charge of the judiciary, deputy minister or assistant minister at the ministry in charge of the judiciary, or a judge of the Constitutional Court of the Republic of Croatia, his term of office as state attorney shall be suspended for as long as he holds the office to which he was appointed.
- (2) The state attorney or deputy state attorney may be assigned, with his consent, to another post at the ministry in charge of the judiciary, the Judicial Academy, or the State Attorney Council for a period of up to four years. For the period of a state attorney's or a deputy state attorney's assignment to the ministry in charge of the judiciary, the Judicial Academy, or the State Attorney Council, his term in state attorney office shall be suspended. The order for the assignment of a state attorney or deputy state attorney to another post at the ministry in charge

of the judiciary, the Judicial Academy, or the State Attorney Council shall be issued by the minister in charge of the judiciary with the consent of the State Attorney General.

(3) In the cases referred to in paragraphs 1 and 2 of this Article, a state attorney or deputy state attorney shall be entitled to whichever salary is more beneficial.

(4) Where, on the proposal of the Government of the Republic of Croatia, a state attorney or a deputy state attorney is appointed to an international judicial body, an international mission or an international organisation, the rights and duties arising from the holding of the state attorney office in the Republic of Croatia shall be suspended.

(5) Where a state attorney or a deputy state attorney is appointed or elected to an European Union institution, agency, body, office, mission or project or to another international organisation, institution, body, mission or project, the rights and duties arising from the holding of the state attorney office shall be suspended for the duration of the period for which he was appointed or elected. The decision on the suspension of the rights and duties of the state attorney shall be taken by the immediately higher-ranked state attorney and for the deputy state attorney by the state attorney at the state attorney office at which the deputy in question performs the duties of the state attorney office, with the prior consent of the minister in charge of the judiciary and the State Attorney General.

(6) Where a state attorney or a deputy state attorney participates in exchange programmes or is seconded to a European Union institution, agency, body or office or to any other international organisation, institution, body, mission or project for the duration of the exchange or secondment, his term in state attorney office shall also be suspended. The decision on the suspension of the term of state attorney office of the state attorney shall be taken by the immediately higher-ranked state attorney and for the deputy state attorney by the state attorney at the state attorney office at which the deputy in question performs the duties of the state attorney office, with the prior consent of the State Attorney General. For the duration of the exchange or secondment the state attorney or deputy state attorney shall exercise the right to a salary set for the state attorney or deputy state attorney at the state attorney office of his appointment.

(7) The period of time which the state attorney or deputy state attorney spends holding the posts referred to in paragraphs 1, 2, 4, 5 and 6 of this Article shall be counted as time spent in performing the duties of the state attorney office.

(8) The minister in charge of the judiciary shall adopt an ordinance laying down the procedure for the exchange and secondment of state attorneys and deputy state attorneys to the institutions, agencies, bodies and offices of the European Union or to other international organisations, institutions, bodies, missions and projects.«

Transitional and Final Provisions

Article 14

The Ordinance laying down the manner for ensuring the safety of persons, assets and buildings of the state attorney offices shall be adopted by the minister in charge of the judiciary within three months from the entry into force of this Act.

The Ordinance laying down the procedure for the exchange and secondment of state attorneys and deputy state attorneys to the institutions, agencies, bodies or offices of the European Union or to other international organisations, institutions, bodies, missions and projects shall be adopted by the minister in charge of the judiciary within six months from the entry into force of this Act.

The Rules of Procedure of the State Attorney's Office shall be aligned with this Act within three months from the entry into force of this Act.

Article 15

This Act shall be published in the Official Gazette and shall enter into force on 1 April 2015.

Class: 022-03/14-01/165

Zagreb, 13 March 2015

THE CROATIAN PARLIAMENT

The President of
the Croatian
Parliament

Josip Leko, m. p.