

# 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 ACT ON THE LIABILITY OF LEGAL PERSONS FOR CRIMINAL OFFENCES

I hereby promulgate the Act on Amendments to the Act on the Liability of Legal Persons for Criminal Offences passed by the Croatian Parliament at its session on 7 December 2012.

Class: 011-01/12-01/167

Reg. No: 71-05-03/1-12-2

Zagreb, 12 December 2012

The President of  
the Republic of  
Croatia

**Ivo Josipović, m.**  
p.

## ACT

### ON AMENDMENTS TO THE ACT ON THE LIABILITY OF LEGAL PERSONS FOR CRIMINAL OFFENCES

#### Article 1

In the Act on the Liability of Legal Persons for Criminal Offences (Official Gazette 151/03, 110/07 and 45/11), in Article 1, paragraph 1 is amended to read:

„(1) This Act regulates the preconditions of punishability, sanctions, security measures, confiscation of material gain, confiscation of objects, publication of judgements, the statute of limitations and criminal proceedings for criminal offences committed by legal persons.”

#### Article 2

After Article 1, Article 1a is added which reads:

„Article 1a

This Act contains the provisions which are aligned with the following acts of the European Union:

– Council Framework Decision 2005/667/JHA of 12 July 2005 to strengthen the criminal-law framework for the enforcement of the law against ship-source pollution (OJ L 255, 30. 9. 2005);

– Second Protocol of 19 June 1997 drawn up on the basis of Article K.3 of the Treaty on European Union to the Convention on the protection of the European Communities' financial interests (OJ C 221, 19. 7. 1997, p. 12).”

#### Article 3

In Article 7, paragraphs 1 and 2, after the word „judgement”, the word „and” is deleted and a comma is inserted, and after the word „gain”, the words „and confiscation of objects” are added.

#### Article 4

The heading of Title III is amended to read „III SANCTIONS”

The heading preceding Article 8 is amended to read „Types of sanctions”.

Article 8 is amended to read:

„Sanctions shall include fines and winding-up of a legal person.

#### Article 5

Article 9 is deleted.

#### Article 6

Article 10 is amended to read:

„(1) If a fine or imprisonment with a special maximum of one year is prescribed for a criminal offence, the legal person may be punished by a fine of HRK 5 000.00 to HRK 8 000 000.00.

(2) If imprisonment with a special maximum of five years is prescribed for a criminal offence, the legal person may be punished by a fine of HRK 15 000.00 to HRK 10 000 000.00.

(3) If imprisonment with a special maximum of ten years is prescribed for a criminal offence, the legal person may be punished by a fine of HRK 30 000.00 to HRK 12 000 000.00.

(4) If imprisonment with a special maximum of 15 years, or a more severe punishment, is prescribed for a criminal offence, the legal person may be punished by a fine of HRK 50 000.00 to HRK 15 000 000.00.”

#### Article 7

After Article 10, a heading and Article 10a are added which read:

*„Execution of fines*

Article 10a

If a legal person fails to pay a fine within the set time limit, the fine shall be forcibly collected.”

Article 8

After Article 12, a heading and Article 12a are added which read:

*„Exemption from punishment*

Article 12a

A legal person that reports a criminal offence committed by the responsible person before the offence is discovered or before it finds out that the offence has been discovered may be exempted from punishment.”

Article 9

Article 13 is amended to read:

„(1) The court may impose a suspended sentence on a legal person determining that the fine will not be executed if the legal person does not commit another criminal offence within the time period determined by the court, which may not be shorter than one year or longer than three years.

(2) A suspended sentence may be imposed for criminal offences for which the court has punished the legal person by a fine not exceeding HRK 50 000.00.

(3) A partially suspended sentence may not be imposed on a legal person”.

Article 10

Article 14 and the heading preceding it are deleted.

Article 11

After Article 14, a heading to Title IIIa is added which reads „IIIa SECURITY MEASURES”.

Article 12

After Article 18, a heading to Title IIIb is added which reads „IIIb CONFISCATION OF MATERIAL GAIN, CONFISCATION OF OBJECTS AND PUBLICATION OF JUDGEMENTS”.

The heading preceding Article 19 is amended to read „Confiscation of material gain and confiscation of objects”.

Article 19 is amended to read:

„The provisions of the Criminal Code and special regulations shall apply to the confiscation of material gain and the confiscation of objects.”

Article 13

Article 20 is deleted.

Article 14

After Article 21, a heading to Title IIIc is added which reads „IIIc STATUTE OF LIMITATIONS AND INFORMATION ABOUT THE JUDGEMENT OF CONVICTION”, and Article 21a and a heading preceding it are added which read:

„*Statute of limitations*

Article 21a

- (1) The statute of limitations for criminal prosecution against a legal person shall be calculated depending on the punishment prescribed for the criminal offence committed.
- (2) A fine may not be executed after the expiration of six years from its imposition or from the revocation of the suspended sentence by which it was imposed.
- (3) The execution of the punishment involving the winding-up of a legal person is not subject to the statute of limitations.”

Article 15

The heading preceding Article 22 is amended to read „Information about judgements”.

Article 22 is amended to read:

„(1) After a judgement convicting a legal person is passed, the court shall *ex officio* and without delay notify the contents of the judgement to the court register or other register in which the legal person concerned is registered.

(2) The notification sent to the court or other register shall contain the following information: the name of the court, the number of the judgement and the date on which it was pronounced, the name of the legal person, the seat and registration number of the legal person, personal identification number, the criminal offence, the punishment and security measures if imposed.

(3) The court shall *ex officio* notify the contents of the final judgement to the ministry responsible for justice. The notification is sent to ministry responsible for justice for the purpose of entering data in criminal records in accordance with the provisions of a special law

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governing the keeping, availability, provision and deletion of data contained in criminal records.

(4) The court referred to in paragraph 1 of this Article shall inform the court register or other register about the date on which the judgement becomes final. The court shall also do so in the case when the judgement referred to in paragraph 1 of this Article is quashed or amended.”

#### Article 16

This Act shall be published in the Official Gazette and shall enter into force on 1 January 2013.

Class: 740-02/12-01/01

Zagreb, 7 December 2012

THE CROATIAN PARLIAMENT

The President of  
the Croatian  
Parliament

**Josip Leko, m. p**

PROVISIONAL TRANSLATION