

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 THE PROCEDURE FOR THE CONFISCATION OF PROCEEDS OF A CRIMINAL OFFENCE AND MISDEMEANOUR

I hereby promulgate the Act on the Procedure for the Confiscation of Proceeds of a Criminal Offence and Misdemeanour, passed by the Croatian Parliament at its session on 15 December 2010.

Class: 011-01/10-01/155

Reg. No: 71-05-03/1-10-2

Zagreb, 17 December 2010

The President of the Republic of Croatia

Ivo Josipović, m. p.

ACT

ON THE PROCEDURE FOR THE CONFISCATION OF PROCEEDS OF A CRIMINAL OFFENCE AND MISDEMEANOUR

I INTRODUCTORY PROVISIONS

Article 1

(1) This Act regulates:

- a) the procedure for identifying the proceeds of a criminal offence;
- b) the procedure for ensuring that the proceeds of a criminal offence are confiscated;
- c) the procedure for enforcing a decision on the confiscation of the proceeds of a criminal offence;
- d) dealings with confiscated property and property in respect to which a temporary confiscation measure has been imposed;

- e) the exercise of the rights of the party injured by a criminal offence; and
- f) the protection of the rights of third persons.

(2) The provisions of other laws governing the identification and confiscation, and execution of decisions on the confiscation, of proceeds of criminal offences and misdemeanours shall only apply if not otherwise provided for in this Act.

(3) The court and authorities taking actions in accordance with this Act shall take into consideration whether the injured party has lodged a civil action claim. If the injured party has lodged a civil action claim which, with respect to its basis, excludes the confiscation of proceeds, actions to be taken pursuant to this Act shall only encompass the part of the proceeds of the criminal offence not included in the civil action claim.

(4) Actions pursuant to this Act shall be taken based on the proposal of the prosecutor.

(5) If the determination of the value of the proceeds of a criminal offence entails disproportionate difficulties or significant delays in proceedings, the court may determine the value of the proceeds at its own discretion.

(6) The provisions of this Act shall apply by analogy to misdemeanour proceedings, unless otherwise provided for in this Act.

(7) *Ex officio* decisions in proceedings pursuant to this Act shall be immediately delivered to the State Attorney.

Article 2

(1) Proceedings pursuant to this Act may be conducted before, during or following the conclusion of criminal proceedings. Unless otherwise prescribed by this Act, the court shall take actions in accordance with criminal proceedings rules.

(2) If criminal proceedings cannot be initiated for a criminal offence, because the defendant has died or other circumstances exist which exclude the possibility of criminal prosecution, the court shall, upon a motion of the State Attorney, a private prosecutor or the injured party acting as a subsidiary prosecutor, take actions in accordance with Article 6 of this Act, if it is probable that the value of the proceeds of a criminal offence, in respect of which the actions are taken, is at least HRK 5,000.00.

(3) The decision to initiate proceedings in accordance with paragraph 2 of this Article shall be made by way of an order by a single judge of the court which would have jurisdiction over the trial in criminal proceeding. An appeal may be filed against this order within three days from the date the order was served to the counterparty. A single judge of a higher-instance court shall decide on the appeal.

(4) In the statement of reasons for the order referred to in paragraph 3 of this Article, the court shall state in particular the reasons for which no criminal proceedings may be conducted against the defendant.

(5) In proceedings pursuant to this Act, the defendant and their related party shall have the status of a party.

(6) The provisions of paragraphs 2 to 4 of this Article shall not apply in misdemeanour proceedings.

II DEFINITIONS

Article 3

(1) In this Act the following terms shall have the following meanings:

1. „proceeds of a criminal offence“, pursuant to this Act and other laws, means any increase or prevention of decrease in the property resulting from a criminal offence;
2. „property“ means objects and rights acquired by the perpetrator of a criminal offence and misdemeanour or their related party, and it covers all objects and rights which can be the object of enforcement, especially real estate and movables, claims, stocks, shares, money, precious metals and precious stones in the ownership or possession or under the control of the perpetrator of a criminal offence or the related party;
3. „criminal offence“ means an act provided for in the Criminal Code;
4. „defendant“ means a natural and legal person as defined in the Criminal Procedure Act and the Act on the Liability of Legal Persons for Criminal Offences;
5. „injured party“ means a natural and legal person as defined in the Criminal Procedure Act;
6. „related party“ means:
 - a) aider and abettor in a criminal offence;
 - b) a legal successor of the perpetrator and participant in a criminal offence; and
 - c) another natural or legal person whom the court determined, in the manner prescribed by this Act, to have been transferred objects or rights representing proceeds and who has not acquired such objects or rights in good faith;
7. „prosecutor“ means the State Attorney and other authorised prosecutor, unless otherwise provided for in this Act;
8. „counterparty“ means the defendant and their related party;
9. „respondent to a freezing measure and enforcement debtor“ shall be the defendant and their related party;
10. „party proposing a freezing measure and enforcement creditor“ shall be the prosecutor;

11. „third person“ means a person who, in respect of the property which is the subject of proceedings under this Act, claims to have rights preventing its application and requests that freezing or enforcement be pronounced illicit;

12. „The Office“ means the Central State Office for State Property Management or another body appointed by law for the management of state property.

(2) The terms referred to in paragraph 1 of this Article shall apply *mutatis mutandis* to misdemeanour proceedings.

III COURT PROCEEDINGS

Article 4

(1) The proceeds of a criminal offence shall be determined in a judgement by the court. The operative part of the judgement, in the part concerning the establishment and confiscation of the proceeds of a criminal offence, shall be explained.

(2) The prosecutor and the counterparty shall have the right to appeal against the judgement referred to in paragraph 1 of this Article. The appeal shall be decided by a higher-instance court.

Article 5

(1) In addition to the contents prescribed by law, in a judgement finding the defendant guilty of a criminal offence, the court shall:

a) determine which objects or rights are the proceeds of the criminal offence and shall determine their monetary equivalent;

b) determine that the objects or rights have passed into the ownership or have become the property of the Republic of Croatia;

c) order the counterparty to deliver specific property or transfer specific rights to the Republic of Croatia, unless they have already been transferred to the Republic of Croatia pursuant to the provision of item b) of this Article, or to pay their monetary equivalent within 15 days from the date the judgement becomes final;

d) order that the rights be entered in favour of the Republic of Croatia in the public registers managed by courts and other bodies.

(2) Unless otherwise prescribed by law, in a judgement acquitting the defendant of the charge of a criminal offence or refusing the charge except in the case referred to in Article 6 of this Act, the motion for the confiscation of the proceeds of the criminal offence shall be rejected. The court shall also proceed in the above described manner if the defendant has not been acquitted of the charge of a criminal offence, but the proceeds of the criminal offence are completely covered by the awarded civil action claim.

(3) The court conducting criminal proceedings shall have sole territorial jurisdiction to render the judgement referred to in paragraph 1 of this Article.

Article 6

(1) After its decision to initiate proceedings as referred to in Article 2, paragraph 3 of this Act becomes final, the court shall hold a hearing at which the counterparty shall be questioned and other evidence presented. If the court establishes that the defendant has committed a criminal offence and has acquired proceeds from it, the court shall deliver a judgement:

- a) determining that the defendant has committed a criminal offence;
- b) determining that the criminal offence referred to in item a) has resulted in proceeds as defined in Article 3, paragraph 1, item 1 of this Act, and specifying the objects or rights that represent the proceeds from this offence and their monetary equivalent;
- c) determining that these objects or rights have passed into the ownership or have become the property of the Republic of Croatia;
- d) ordering the counterparty to deliver specific property or transfer specific rights to the Republic of Croatia, unless they have already been transferred to the Republic of Croatia pursuant to the provision from item c) of this Article, or to pay their monetary equivalent within 15 days from the date the judgement becomes final;
- e) ordering that the rights be entered in favour of the Republic of Croatia in the public registers managed by courts and other bodies.

(2) The motion referred to in Article 2, paragraph 2 of this Act may be filed until the end of the limitation period for initiating criminal proceedings, as provided for in the Criminal Code, for an offence referred to in paragraph 1 item a) of this Article. The statute of limitations for filing a motion and conducting proceedings in accordance with this Act may not expire sooner than five years after the date of commission of the criminal offence.

(3) By filing the motion referred to in Article 2, paragraph 2 of this Act, the running of the statute of limitations shall be interrupted.

(4) If the court does not determine that the defendant has committed a criminal offence and acquired proceeds from it, or if the proceeds are fully covered by the awarded material claim, the court shall proceed in accordance with the provision of Article 5, paragraph 2 of this Act.

(5) If the court establishes that as a result of a criminal offence objects have been obtained which have to be confiscated in accordance with the law, the court shall issue an order on the confiscation of these respective objects. Unless otherwise prescribed by law, the order shall be issued by the court before which proceedings were conducted at the time when the proceedings were concluded or discontinued. An appeal may be filed against this order. A panel of judges of a higher-instance court shall decide on the appeal.

(6) Proceedings pursuant to paragraph 1 of this Article shall be conducted in accordance with criminal proceedings rules. A single judge of the court that would have jurisdiction to conduct criminal proceedings shall be exclusively competent for delivering the judgement and issuing the order referred to in paragraphs 1 and 5 of this Article.

Article 7

If proceedings are discontinued before the indictment is confirmed or during criminal proceedings, and where it is probable that proceeds have been acquired through a criminal offence, proceedings pursuant to this Act shall be continued upon a motion of the prosecutor.

Article 8

(1) If the legal consequences of initiating bankruptcy proceedings have taken effect, this shall not affect the provisions of this Act concerning jurisdiction.

(2) The Republic of Croatia shall be:

a) a creditor with the right to separate satisfaction, in respect of monetary claims from decisions made in accordance with the provisions of this Act, which have been secured in accordance with Articles 11 to 16 of this Act, if such security has been determined with respect to assets or rights entered in a public register,

b) a creditor with the right of separation, in respect of objects that are its property pursuant to the provisions of Article 5, paragraph 1 and Article 6, paragraph 1 of this Act.

Article 9

(1) Unless otherwise prescribed by law, state authorities, banks and other legal and natural persons shall, upon order of the court, provide information related to the establishment of facts necessary for making decisions pursuant to this Act.

(2) When necessary, the court shall order the state authorities and persons referred to in paragraph 1 of this Article to file a report related to the establishment of facts necessary for making decisions pursuant to this Act.

(3) In the order referred to in paragraphs 1 and 2 of this Article, the court shall specify the time limit for providing information or filing reports.

(4) The court may issue an order imposing a fine of up to HRK 500,000.00 on a legal person, or a fine of up to HRK 50,000.00 on a natural person or the responsible person of a legal person or a state authority who fails to comply with the order within the specified time or who only partially complies with the order, and if, after this, the person still fails to comply with the order, such person may be committed to prison until the order is complied with, but not for a term exceeding one month.

(5) An appeal against the order referred to in paragraph 4 of this Article shall not stay its execution.

(6) The defendant and their related party cannot be punished for failure to comply with the order referred to in paragraph 1 of this Article.

Article 10

The funds invested in the preparation, perpetration, participation in or covering up of a criminal offence may not be calculated as expenses of the proceeds of the criminal offence.

IV SECURING THE CONFISCATION OF THE PROCEEDS OF A CRIMINAL OFFENCE

Article 11

(1) In order to secure the confiscation of the proceeds of a criminal offence, the party proposing a freezing measure shall be authorised to propose, before and after initiation of criminal proceedings or proceedings referred to in Article 6 of this Act, that the property be frozen by any provisional measure achieving this purpose, in particular by:

a) prohibiting the disposal and encumbrance of immovable property or rights *in rem* in immovable property and recording this prohibition in the land registry, and confiscating the immovable property and entrusting the Office with its keeping and management;

b) prohibiting the respondent to a freezing measure to dispose of or encumber movable property, and confiscating this property and entrusting the Office with its keeping;

c) seizing and depositing cash and securities and handing them over to the Office;

d) prohibiting the debtor of the respondent to a freezing measure to voluntarily fulfil his obligation towards the respondent to a freezing measure and prohibiting the respondent to a freezing measure to receive the fulfilment of the obligation or to dispose of its claims;

e) ordering the bank to withhold payment from the bank account to the respondent to a freezing measure or a third person, on the order of the respondent to a freezing measure, for the amount covered by the provisional measure;

f) prohibiting the disposal and encumbrance of shares, stocks or business interests and recording this prohibition in the book of shares, stocks or business interests and, where necessary, in the public register, prohibiting to exercise or dispose of the rights attached to such shares, stocks or business interests, entrusting the Office with the management of the shares, stocks or business interests, appointing a temporary management board of the company;

g) prohibiting the debtor of the respondent to a freezing measure to hand over objects, transfer a right or make other non-monetary transaction to the respondent to a freezing measure.

(2) The court referred to in Article 5, paragraph 3 and Article 6, paragraph 6 of this Act shall decide on the proposal for a freezing measure referred to in paragraph 1 of this Article. The decision shall state the period for which the temporary measure has been imposed.

(3) Before the presentation of the indictment, the proposal referred to in paragraph 1 of this Article shall be decided by the investigating judge, and after the presentation of the indictment and before its confirmation, it shall be decided by the indictment panel, and after the confirmation of the indictment or the scheduling of a hearing on the basis of a private action, it shall be decided by the court before which the hearing is to be held.

(4) Until proceedings under Article 6 of this Act are initiated, the proposal referred to in paragraph 1 of this Article shall be decided by the investigating judge, and after the

proceedings have been initiated, it shall be decided by the court before which the hearing is to be held.

(5) The decision referred to in paragraph 2 of this Article may be appealed within three days from the date of its delivery. An appeal shall not stay the enforcement of the decision. The appeal shall be decided by a single judge of a higher-instance court.

(6) The court or another body designated by a special law shall be responsible for enforcing the decision referred to in paragraph 2 of this Article.

(7) The decision referred to in paragraph 2 of this Article shall be submitted to the court or another body responsible for its execution immediately, and no later than the first working day following the day the decision was rendered.

(8) The procedure for the execution of the decision referred to in paragraph 2 of this Article shall be urgent.

Article 12

(1) When freezing is carried out using a provisional measure as provided for in this Act, it shall be presumed that there is a risk that the claim of the Republic of Croatia related to the confiscation of the proceeds of a criminal offence will not be satisfied or that its satisfaction may be hampered if the provisional measure is not imposed.

(2) A freezing measure may be imposed even before the respondent to the freezing measure is given the opportunity to respond to the proposal of the party proposing the freezing measure.

Article 13

(1) If a provisional measure needs to be entered in a public register (land registry, ship register, aircraft register, court and public notary register of secured claims etc.), the court decision shall also contain the order to enter the provisional measure in a public register.

(2) The party proposing a freezing measure shall be the party to the procedure for entering the provisional measure in the public register referred to in paragraph 1 of this Article.

(3) No fees shall be paid in the procedure referred to in paragraph 1 of this Article.

Article 14

The legal transaction by which the respondent to a freezing measure disposes of the property or right covered by the freezing measure after the provisional measure is entered in the public register shall have no legal effect.

Article 15

(1) If the proposal referred to in Article 11, paragraph 1 of this Act is filed before proceedings have been initiated, a temporary freezing measure shall be revoked if within a period of two years from the date the measure was imposed the indictment is not confirmed, the hearing on

the basis of a private action is not scheduled or the proposal referred to in Article 2, paragraph 2 of this Act is not filed.

(2) A provisional measure may be revoked or replaced by another measure before the expiry of the period for which it was imposed or before the expiry of the period specified in paragraph 1 of this Article, provided that the court, on the proposal of the party proposing a freezing measure, determines that the measure is not necessary or that freezing may be achieved by another provisional measure, and also provided that the respondent to a freezing measure or a third person lodges a security. Such security shall always be given in cash, and only exceptionally in the form of objects or rights which, as assessed by the court, can be converted into money within a short period.

(3) If a provisional measure is imposed for a period shorter than that specified in paragraph 1 of this Article or that specified in Article 16 paragraph 1 of this Act, the party proposing a freezing measure may propose that the duration of the provisional measure be extended.

(4) The provisions of Article 11, paragraphs 2 to 8 of this Act shall apply *mutatis mutandis* to the procedure for the revocation, extension, replacement or imposition of an additional provisional measure.

Article 16

(1) Freezing by means of a provisional measure may last for a maximum period of 60 days after the date the court notifies the party proposing the freezing measure that the judgement referred to in Article 5, paragraph 1 and Article 6, paragraph 1 of this Act has become final.

(2) If the judgement referred to in Article 5, paragraph 3 and Article 6, paragraph 1 of this Act was contested by an appeal, the period specified in paragraph 1 of this Article shall start running from the day when the second-instance court's decision confirming the judgement is delivered to the party proposing a freezing measure.

Article 17

(1) The Republic of Croatia shall be liable for damages arising from a provisional measure imposed for the purpose of securing the confiscation of the proceeds of a criminal offence.

(2) By way of derogation from paragraph 1 of this Article, if the proposal to impose a provisional measure has been filed by a private prosecutor or the injured party acting as a subsidiary prosecutor, the injured party or private prosecutor shall be liable for damages arising from the provisional measure.

(3) The respondent to a freezing measure may file a lawsuit for the compensation of damages before the competent court, within one year from the date the judgement acquitting the defendant or refusing the charges or rejecting the motion to pass the judgement referred to in Article 6 of this Act has become final. In the case referred to in paragraph 1 of this Article, the respondent to a freezing measure may file a lawsuit within 30 days from the day of being notified that the state attorney had refused his request for a peaceful settlement of the dispute or from the day of expiry of the period in which the state attorney was to deliver a decision on this request.

V PROTECTION OF THE RIGHTS OF THIRD PERSONS

Article 18

- (1) The person referred to in Article 3, paragraph 1, item 11 of this Act has the right to file a complaint until the writ of execution is issued and to request that a provisional measure be revoked.
- (2) The court issuing the order on a provisional freezing measure shall decide on the complaint referred to in paragraph 1 of this Article. The decision may be appealed within three days from the date of its delivery. An appeal shall not stay the execution of the freezing measure imposed pursuant to this Act. The appeal shall be decided by a single judge of a higher-instance court.
- (3) If a third person proves his right by means of a public document or if the existence of this right can be established based on the rules on legal presumptions, the appeal shall stay the execution of the order on a provisional freezing measure.

VI ENFORCEMENT

Article 19

- (1) Unless otherwise prescribed by this Act, enforcement for the purpose of confiscating the proceeds of a criminal offence shall, upon the motion of the prosecutor, be established and carried out in accordance with a special law.
- (2) The municipal court having territorial jurisdiction at the seat of the court that passed the judgement referred to in Article 5, paragraph 1 and Article 6, paragraph 1 of this Act shall have exclusive jurisdiction to issue a writ of enforcement on the basis of the judgement confiscating the proceeds of a criminal offence and misdemeanour and to issue other writs in this procedure.
- (3) The court or body designated by a special law shall have jurisdiction to carry out enforcement proceedings based on the writ referred to in paragraph 2.
- (4) If the court referred to in paragraph 2 of this Article has no jurisdiction to carry out enforcement, the writ referred to in paragraph 2 of this Article shall be submitted to a court or body having jurisdiction to carry out enforcement immediately, and no later than the first working day following the day the writ was issued.

VII DEALING WITH SEIZED AND CONFISCATED PROPERTY

Article 20

- (1) The seized funds, delivered objects and transferred rights shall be managed by the Office.
- (2) The Office shall keep records of the seized funds, delivered objects and transferred rights.

(3) The minister responsible for justice shall, with the prior approval of the minister responsible for finance, issue an ordinance on keeping the records referred to in paragraph 2 of this Article.

Article 21

(1) The Office may, without previously issuing a public tender call, decide to sell the seized movables:

a) if their keeping is dangerous, or

b) if there is an imminent risk of their deterioration or a significant loss in value.

(2) The Office may decide to rent or lease seized objects in accordance with their purpose.

(3) The Republic of Croatia shall be liable for damage to the objects referred to in paragraph 2 of this Article caused by rent or lease, in accordance with the general rules on liability for damage.

(4) The Office shall submit to the respondent to a freezing measure the funds generated by the sale, rent or lease referred to in paragraphs 1 and 2 of this Article within 15 days from the date the judgement rejecting the request of the prosecutor as referred to in Articles 5 and 6 becomes final.

(5) The counterparty may file a complaint against the decision of the Office referred to in paragraphs 1 and 2 of this Article within 48 hours from its delivery. The court referred to in Article 5, paragraph 3 and Article 6, paragraph 6 of this Act shall decide on the complaint. No appeal shall be allowed against the decision of the court.

Article 22

(1) The Office shall manage and dispose of the property confiscated pursuant to this Act in accordance with a special regulation.

(2) The money confiscated in accordance with provisions of this Act and the funds generated through the sale of the property confiscated in accordance with this Act shall be paid to the state budget account.

VIII RIGHTS OF INJURED PARTIES

Article 23

(1) If a civil action complaint for damages has been lodged during criminal proceedings and the court has fully or partly awarded it, or if there is an enforcement decision rendered by the court in civil proceedings by which the request of the injured party related to the criminal offence has been completely or partly accepted, enforcement according to this Act may be established only to the extent that this will not make it impossible to completely satisfy the injured party.

(2) If enforcement has been established contrary to the provision of paragraph 1 of this Article, the injured party shall have, in the enforcement procedure for the satisfaction of claims of the Republic of Croatia in accordance with provisions of this Act, the status of a third party demanding that the enforcement be pronounced completely or partially illicit.

Article 24

(1) The Republic of Croatia shall satisfy the injured party's claim on the basis of a civil action complaint, but only up to the amount of the proceeds confiscated in the proceedings pursuant to this Act.

(2) If the injured party has been instructed to bring a civil action or if a civil action brought by the injured party who has not lodged a civil action complaint is underway, the injured party may, within three months from the day of becoming aware that enforcement has been carried out, propose a provisional measure for the purpose of securing his claim, with the Republic of Croatia being the party opposing a freezing measure.

(3) The court referred to in Article 19, paragraph 2 of this Act shall have sole territorial jurisdiction to render a decision on the injured party's request referred to in paragraph 2 of this Article in proceedings in which the provisions of Articles 11 to 17 of this Act shall apply accordingly.

(4) The decision referred to in paragraph 3 of this Article shall be submitted to the Office and to the parties, who have the right to appeal in accordance with Article 11, paragraph 5 of this Act.

Article 25

Upon a proposal from the injured party, the court shall modify or revoke a provisional measure imposed for the purpose of securing the confiscation of the proceeds of a criminal offence, if this is necessary in order to secure a civil action claim.

IX RECOGNITION AND ENFORCEMENT OF FOREIGN DECISIONS

Article 26

(1) Decisions of foreign authorities imposing provisional or similar measures, whatever they may be called, that are related to securing the confiscation of the proceeds of a criminal offence shall be recognised and enforced in the territory of the Republic of Croatia in accordance with an international treaty.

(2) If no international treaty has been concluded with the country concerned, a decision issued by a foreign authority shall be recognised:

- if it is not contradictory to the public order of the Republic of Croatia;
- if the respondent to a freezing measure has not been prevented, in particular by a failure of service, from participating in the proceedings leading to the decision;
- if reciprocity exists.

Article 27

(1) Decisions of foreign authorities confiscating the proceeds of a criminal offence from a defendant or related parties shall be recognised and enforced in the territory of the Republic of Croatia in accordance with an international treaty.

(2) If no international treaty has been concluded with the country concerned, a decision issued by a foreign authority shall be recognised:

- if it is not contradictory to the public order of the Republic of Croatia;
- if the person to whom the confiscation decision applies has not been prevented, in particular by a failure of service, from participating in the proceedings leading to the decision,
- if reciprocity exists.

X SPECIAL CASES OF CONFISCATION

Article 28

(1) Unless otherwise prescribed by law or ordered by the state attorney, objects used in, intended to be used in, or derived from a criminal offence shall be seized by the police and delivered to the Office. The state attorney shall be immediately informed thereof, unless these actions are being conducted based on his/her order.

(2) If seizure has been performed pursuant to the provision of paragraph 1 of this Article, a complaint by a third party shall be decided by the court which would have jurisdiction to render a decision on a provisional freezing measure in accordance with the provision of Article 11, paragraph 4 of this Act.

(3) In cases referred to in paragraphs 1 and 2 of this Article, the provisions of Article 18 of this Act shall apply to third parties.

XI POWERS

Article 29

(1) The powers exercised by the state attorney under this Act shall also be exercised by a private prosecutor or the injured party acting as a subsidiary prosecutor, with the exception of the rights and duties exercised by the state attorney as a judicial body.

(2) The powers exercised by the state attorney under this Act shall also be exercised by authorised prosecutors under the Misdemeanour Act, with the exception of the rights and duties exercised by the state attorney as a judicial body.

(3) In misdemeanour proceedings, decisions shall be rendered by the body conducting the misdemeanour proceedings.

(4) The High Misdemeanour Court of the Republic of Croatia shall decide on an appeal against a decision by the body conducting misdemeanour proceedings rendered in accordance with this Act.

XII TRANSITIONAL AND FINAL PROVISIONS

Article 30

From the day of accession of the Republic of Croatia to the European Union, the provisions of Articles 26 and 27 of this Act shall not apply to the Member States of the European Union.

Article 31

(1) Proceedings in cases concerning the securing of confiscation and the rendering of decisions on the confiscation of the proceeds of a criminal offence, in which a first-instance decision has been rendered prior to the entry into force of this Act, shall continue in accordance with the provisions of the regulations which were in force at the time when these proceedings were initiated.

(2) If on the day of the entry into force of this Act no decision on securing confiscation or on the confiscation of the proceeds of a criminal offence has been rendered, or if the first-instance decision referred to in paragraph 1 of this Article has been revoked and the case returned to the first-instance court for a retrial, the provisions of this Act shall apply.

Article 32

The enforcement of final decisions on the confiscation of the proceeds of a criminal offence, rendered in accordance with regulations which were in force prior to the entry into force of this Act, shall be carried out in accordance with the regulations which were valid prior to its entry into force.

Article 33

The competent minister shall issue the ordinance referred to in Article 20, paragraph 3 of this Act within three months from the day of entry into force of this Act.

Article 34

(1) This Act shall apply to criminal proceedings for criminal offences referred to in Article 21 of the Act on the Office for the Suppression of Corruption and Organised Crime (Official Gazette 76/09 and 116/10), unless otherwise prescribed by the latter Act.

(2) On the day of entry into force of this Act, the provisions of Article 50, paragraph 3, Article 51, item 3 and items 5 to 7, Article 52, paragraph 1, paragraph 3 second sentence, and paragraph 4, Article 53, paragraphs 3 and 4, Article 54, paragraph 2, Article 55, paragraph 1, item 4 and paragraphs 2 to 5, Article 56, paragraph 1, item 5 and paragraph 5, Article 57, paragraphs 6 and 7, Article 58 and Article 60, paragraph 1 of the Act on the Office for the Suppression of Corruption and Organised Crime (Official Gazette 76/09 and 116/10) shall cease to have effect.

Article 35

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

Class: 730-01/10-01/02

Zagreb, 15 December 2010

THE CROATIAN PARLIAMENT

The President of the Croatian Parliament

Luka Bebić, m. p.

PROVISIONAL TRANSLATION