

**THE RULES OF PROCEDURE  
OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF CROATIA  
(Editorially revised and consolidated text)**

The editorially revised and consolidated text of the Rules of Procedure of the Constitutional Court of the Republic of Croatia entails the following:

- **Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 22 November 2003 (*Narodne novine*, No. 181/03 of 14 November 2003)
- **Procedural Decision on Revisions and Amendments of the Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 21 February 2006 (*Narodne novine*, No. 16/06 of 13 February 2006)
- **Procedural Decision on Amendments to the Rules of Procedure of the Constitutional Court of the Republic of Croatia** which entered into force on 20 March 2008 (*Narodne novine*, No. 30/08 of 12 March 2008)
- **Procedural Decision on Revisions and Amendments of the Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 22 October 2009 (*Narodne novine*, No. 123/09 of 14 October 2009)
- **Procedural Decision on Revisions of the Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 1 June 2010 (*Narodne novine*, No. 63/10 of 24 May 2010)
- **Procedural Decision on Revisions and Amendments of the Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 19 October 2010 (*Narodne novine*, No. 121/10 of 28 October 2010)
- **Procedural Decision on Revisions and Amendments of the Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 26 February 2013 (*Narodne novine*, No. 19/13 of 18 February 2013)
- **Procedural Decision on Revisions and Amendments of the Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 1 April 2014 (*Narodne novine*, No. 37/14 of 24 March 2014).
- **Procedural Decision on Amendments to the Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 15 January 2015 (*Narodne novine*, No. 2/15 of 7 January 2015).

**THE RULES OF PROCEDURE**  
**OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF CROATIA**  
**(Consolidated text)**

**Title one**

**GENERAL PROVISIONS**

**INTRODUCTORY PROVISIONS**

**Article 1**

(1) These Rules of Procedure shall govern the internal organisation of the Constitutional Court of the Republic of Croatia (hereinafter: Constitutional Court), which encompasses:

- Constitutional Court bodies,
- administration of the Constitutional Court.

(2) These Rules shall also govern the fundamental standards of operation in connection with the filings whereby participants to proceedings before the Constitutional Court and other natural and legal persons address the Constitutional Court.

**THE SEAT OF THE CONSTITUTIONAL COURT**

**Article 2**

(1) The seat of the Constitutional Court shall be in Zagreb, Trg sv. Marka 4.

(2) The Constitutional Court shall sit in Zagreb, but, should it so decide, it may exceptionally sit in other places in the Republic of Croatia.

**THE SEAL AND SYMBOL OF THE CONSTITUTIONAL COURT**

**Article 3**

(1) The Constitutional Court shall have a seal with a circular form and a diameter of 37 millimetres, consisting of the coat of arms of the Republic of Croatia located in the centre, under which the words "Ustavni sud Republike Hrvatske" shall be written in a semi-circle, and it shall be affixed to all written documents of the Constitutional Court, sent from the Constitutional Court.

(2) The seal of the Constitutional Court used for the financial operations of the Constitutional Court, with a form and content identical to the one from paragraph (1) of this Article, shall have a diameter of 24 millimetres.

(3) The form, content and type of stamps used in the operations of the Constitutional Court shall be regulated by the Rules of Operation of the General Secretariat.

(4) The Constitutional Court may have a symbol whose form, content and the manner of use shall be determined by special rules adopted by the Session of the Constitutional Court.

## **PUBLIC ACCESS TO CONSTITUTIONAL COURT OPERATIONS**

### **Article 4**

(1) Public access to the operations of the Constitutional Court shall be provided:

1. through publication of Constitutional Court decisions, rulings and reports (hereinafter: decisions, rulings and reports) in Narodne novine, (Article 29 of the Constitutional Act on the Constitutional Court of the Republic of Croatia, Narodne novine, nos. 99/1999, 29/2002, 49/2002 - consolidated text; hereinafter: Constitutional Act);

2. through publication of collections of decisions, rulings and reports;

3. through the presence of representatives of the press and other public media at the Session of the Constitutional Court and at public and consultative deliberations in the Constitutional Court, except when there are reasons for excluding the public (Article 47, paragraph 3, in connection with Article 21 of the Constitutional Act);

4. through television and radio broadcasts from the Constitutional Court (Article 47, paragraph 4 of the Constitutional Act);

5. by release of official communications in the public media;

6. by holding press conferences;

7. through posting of Constitutional Court practice and all important data on the official Website of the Constitutional Court (<http://www.usud.hr>).

[NN 37/14, Art. 8., 1 April 2014]

(2) Only the accredited journalists from Article 61 of these Rules may attend the Session of the Constitutional Court and public and consultative deliberations at the Constitutional Court.

## **IMMUNITY OF CONSTITUTIONAL COURT JUDGES**

### **Article 5**

(1) Judges of the Constitutional Court (hereinafter: judges) shall enjoy the same immunity as Members of the Croatian Parliament (Article 4 of the Constitutional Act).

(2) Judges shall be issued immunity identification cards which include their photographs and identity data, and they shall be used to prove the immunity rights specified by Article 126, paragraph 2 of the Constitutional of the Republic of Croatia (hereinafter: Constitution).

(3) Judges shall also be issued other official documents and identification cards necessary to prove their constitutionally established status before official persons of the bodies of central government, local and regional self-governmental units and legal persons vested with public powers in the Republic of Croatia (hereinafter: state bodies).

## **LOSS OF IMMUNITY OF CONSTITUTIONAL COURT JUDGES**

### **Article 6**

(1) When grounds for the detention or institution of criminal proceedings against a judge exist, the competent state body shall be obliged to seek the approval of the Constitutional Court in advance (Article 4, paragraph 3 of the Constitutional Act).

(2) The request for approval from paragraph 1 of these Rules shall be submitted to the President of the Constitutional Court, who shall consider this request and present a report thereon at the first subsequent Session of the Constitutional Court.

(3) Pursuant to the report of the President of the Constitutional Court, the judges at the Session of the Constitutional Court shall render a decision to approve or a decision to reject the request for approval of detention or institution of criminal proceedings against a judge, which shall then be forwarded to the requesting party.

(4) When the Constitutional Court approves the detention or institution of criminal proceedings against a judge, the judge may be detained or criminal proceedings may be conducted against him or her solely for the criminal offence for which approval has been granted.

(5) Until the termination of detention or the criminal proceedings from paragraph 4 of this Article, the immunity card of the judge shall be stored in the Office of the President of the Constitutional Court (hereinafter: President's Office).

(6) At the proposal of the President of the Constitutional Court, judges at the Session of the Constitutional Court may decide that the judge against whom criminal proceedings have been instituted shall not perform his or her duties in the Constitutional Court for the duration of the said proceedings (Article 4 paragraph 5 of the Constitutional Act). The decision shall be made by a majority of the votes of all judges, with the exception of that judge against whom criminal proceedings have been initiated.

## **RULES OF STATE PROTOCOL**

### **Article 7**

When the Constitutional Court organises an international conference or acts as the host to bilateral or multilateral cooperation with international courts, other constitutional courts or supreme national courts with the status of constitutional courts in other countries, the rules of State Protocol shall be applied to the reception and sojourn of foreign participants in the Republic of Croatia.

### **Title two**

## **ORGANISATION OF CONSTITUTIONAL COURT BODIES**

### **BODIES OF THE CONSTITUTIONAL COURT**

### **Article 8**

(1) The bodies of the Constitutional Court are:

1. The Session of the Constitutional Court;
2. The Chambers Ruling on Requirements for Deciding on Constitutional Complaints (Article 68, paragraph 2 and Article 71 paragraph 3 of the Constitutional Act);  
[NN 123/09, Art. 1, 22 October 2009]
3. The Chambers for Deciding on Constitutional Complaints (Article 68 paragraph 1 of the Constitutional Act);
4. The Chambers for Electoral Disputes (Article 92 paragraph 2 of the Constitutional Act);

5. The Chambers for Deciding on Appeals against the Decisions on Dismissal from Judicial Office and Decisions on Disciplinary Responsibility of Judges (Article 97, paragraph 2 of the Constitutional Act).

(2) The functions of the Constitutional Court in the bodies from paragraph 1 of this Article shall be performed by judges the number of which is specified by the Constitutional Act.

## **THE FUNCTIONS OF THE CONSTITUTIONAL COURT**

### **Article 9**

(1) The functions of the Constitutional Court are:

1. The President of the Constitutional Court (hereinafter: President);
2. The Deputy President of the Constitutional Court (hereinafter: Deputy President);
3. Presidents of Chambers from Article 8, paragraph 1, items 1-5 of these Rules (hereinafter: Presidents of Chambers);
4. Judges-rapporteurs.

(2) For the duration of his or her term of office, the judge elected to the function of President of the Constitutional Court shall not perform any other function from paragraph 1 of these Rules.

### **Chapter One**

#### **The Session of the Constitutional Court, The President of the Constitutional Court and his or her Deputy**

## **THE SESSION OF THE CONSTITUTIONAL COURT**

### **Article 10**

At the Session of the Constitutional Court, the judges shall perform the following tasks from the scope of tasks of the Constitutional Court as specified by the Constitution:

1. adopt the Rules of Procedure of the Court and amendments thereto by a two-thirds majority vote of all judges;
2. elect the President of the Constitutional Court pursuant to Article 12 of these Rules;
3. at the proposal of the Government, render decision that the Speaker of the Croatian Parliament assumes the function of Interim President of the Republic (Article 96, paragraph 2 of the Constitution);
4. render decisions and rulings in proceedings for the review of the constitutionality of laws and the constitutionality and legality of other regulations (Article 47, paragraph 1 of the Constitutional Act);
5. adopt conclusions on the conduct of public deliberations in proceedings for the review of the constitutionality of laws and the constitutionality and legality of other regulations (Article 50 paragraph 1 of the Constitutional Act);
6. render decisions and rulings in proceedings for protection of human rights and fundamental freedoms upon constitutional complaints, and decisions and rulings in electoral

disputes in cases when unanimity among all judges, members of the Chambers in the competent Chambers is not achieved or in cases when the competent Chamber deems that a case considered has broader significance (Articles 68 paragraph 4, 71 paragraph 3 and 94 paragraph 2 of the Constitutional Act);

7. decide conflicts of jurisdiction disputes between legislative, executive and judicial authorities (Articles 81 and 82 of the Constitutional Act);

8. render decisions in proceedings for the impeachment of the President of the Republic (Article 84 of the Constitutional Act);

9. render decisions in proceedings for the control of the constitutionality of the platforms and activities of political parties (Article 85 of the Constitutional Act);

10. render decisions, issue communications and warnings and undertake appropriate measures in proceedings for the control of the constitutionality and legality of elections and national referenda, and establish whether the content of a referendum question complies with the Constitution and whether the constitutional requirements for calling a referendum have been met (Articles 89, 95 and 96 of the Constitutional Act);

11. establish reports on observed cases of unconstitutionality and illegality (Article 104, paragraph 2 of the Constitutional Act);

12. establish, based on the control powers, reports on enactment of laws and regulations for execution of the Constitution, laws and regulations and decide on their publication in Narodne novine (Article 105 of the Constitutional Act).

## **Article 11**

In addition to the tasks from Article 10 of these Rules, at the Session of the Constitutional Court judges shall:

1. appoint the Deputy President in accordance with Article 18 of these Rules;

2. appoint the members of the Chambers from Article 8, paragraph 1, items 2-5 of these Rules, in accordance with Article 23, paragraph 1 of these Rules (hereinafter: Chambers);

3. appoint the Presidents of the Chambers in accordance with Article 28 of these Rules;

4. appoint the judge-rapporteur in cases being processed by the Chamber in Article 24 of these Rules;

[NN 123/09, Art. 2, 22 October 2009]

5. appoint and dismiss the Secretary General of the Constitutional Court (hereinafter: Secretary General) in accordance with Articles 71a to 71d of these Rules;

[NN 16/06, Art. 1, 21 February 2006]

6. establish the annual budget;

7. adopt the financial plan;

8. set, at the proposal of the President of the Constitutional Court, the rates to cover the costs of proceedings if the party filing the constitutional complaint is at fault for incurrance of such costs (Article 80 of the Constitutional Act);

9. decide on the appointment of permanent scientific legal advisers to the Constitutional Court;

10. establish the annual plan and schedule of activities connected with international cooperation;

11. discuss and establish the fundamental principles for administration of the Constitutional Court when such discussion is proposed by the President of the Constitutional Court;

12. perform other tasks specified by the Constitutional Act, these Rules and other acts of the Constitutional Court.

## **THE PRESIDENT OF THE CONSTITUTIONAL COURT**

### **Article 12**

(1) The President of the Constitutional Court shall be elected at the Session of the Constitutional Court by a secret majority vote of all judges, for a term of four years (Article 15 of the Constitutional Act).

(2) All judges shall be eligible for candidacy for President of the Constitutional Court. A judge may be elected President of the Constitutional Court several times.

(3) If, during the vote, none of the candidates wins a majority of the votes of all judges, the vote is repeated, and only the two candidates who received the most votes in the first round of voting may run in the second round. If two or more candidates receive the most and an equal number of votes in the first round of voting, all of them shall have the right to run in the second round. Voting shall be repeated until only the two candidates receiving the most votes remain.

(4) If neither of the candidates with the most votes wins the necessary number of votes, the voting for these two candidates may be repeated no more than three times. If neither of them receives the necessary number of votes after all three rounds of voting, the elections shall be repeated in their entirety, which shall entail renewal of nominations proceedings for all judges.

### **Article 13**

(1) The President of the Constitutional Court shall act on behalf of and represent the Constitutional Court before the state bodies of the Republic of Croatia, and before other domestic and international bodies and institutions in the country and abroad.

(2) The President of the Constitutional Court shall take care of:

- safeguarding the independent status of the Constitutional Court in relation to all state bodies,

- safeguarding the independence in allocation of funds as established in the State Budget pursuant to the annual budget of the Constitutional Court and law with a view to realizing the constitutional objectives of the constitutional adjudication in the Republic of Croatia and the unhindered activity and operation of the Constitutional Court.

(3) With a view to accomplishing the objectives from paragraph 2 of these Rules, the President of the Constitutional Court may confer with the judges as needed.

### **Article 14**

The President of the Constitutional Court shall perform the following tasks under the constitutionally specified scope of tasks of the Constitutional Court:

1. prepare, convene and preside over the Sessions of the Constitutional Court, and grant permission for television and radio broadcasts from the Constitutional Court (Article 47 of the Constitutional Act);

2. schedule and conduct public hearing on the basis of conclusions rendered at the Session of the Constitutional Court (Articles 50, paragraph 2 and 51, paragraph 1 of the Constitutional Act);

3. forwards requests or proposals for instituting proceedings for the review of the constitutionality of laws and the constitutionality and legality of other regulations, and other filings from Article 17 of the Constitutional Act for the processing by judge-rapporteurs (Article 41 of the Constitutional Act);

4. designate new judge-rapporteurs in individual Constitutional Court cases under the conditions specified in Article 46, p4 of these Rules;

5. sign the decisions, rulings and reports rendered at the Session of the Constitutional Court;

6. sign the minutes of the Session of the Constitutional Court, and individual excerpts from the minutes on conclusions and on voting on each decision, judgement and report rendered;

7. convene and preside over expert meetings;

8. take care of the proper and efficient conduct of the proceedings before the Constitutional Court;

9. perform other tasks specified by the Constitutional Act, these Rules and other acts of the Constitutional Court.

### **Article 15**

The filings from Article 14, paragraph 3 of these Rules shall be forwarded to judge-rapporteurs and assigned to Constitutional Court legal advisers in alphabetical order based on the surnames of the judges and Constitutional Court legal advisers. By way of exception, the President of the Constitutional Court shall be authorised to forward a case to a judge or assign it to a Constitutional Court legal adviser outside of the established assignment schedule, with regard for their specific areas of expertise.

### **Article 16**

(1) The President of the Constitutional Court shall propose to the judges the institution of proceedings to determine the permanent loss of ability of a judge to perform his or her function (Article 12, paragraph 3 of the Constitutional Act) and decision-making on the suspension of judge (Article 13, paragraph 2 of the Constitutional Act) at the Session of the Constitutional Court.

(2) The President of the Constitutional Court shall inform the judges of notifications received on the detention of a judge caught in the commission of a criminal offence which carries a prison sentence of more than five years (Article 4, paragraph 4 of the Constitutional Act) at the Session of the Constitutional Court.

(3) The President of the Constitutional Court shall inform the Speaker of the Croatian Parliament of the emergence of the facts specified in Article 9 paragraph 2, Article 11, paragraph 2 and Article 12, paragraph 2 of the Constitutional Act.



## **Article 17**

(1) The President of the Constitutional Court is the head of the administration of the Constitutional Court, and the Secretary General and the Head of the President's Office shall be directly answerable to him or her for their work and management of organisational units.

(2) The President of the Constitutional Court shall:

1. issue the Rules of Operation of the President's Office and the Rules of Operation of the General Secretariat, the Decision on Job Titles and Employment Conditions in the Constitutional Court, and issue other general acts under his or her jurisdiction;

2. decide on the establishment and composition of commissions and other working bodies in the Constitutional Court in accordance with the relevant laws and general acts of the Constitutional Court;

3. render decisions, at the proposal of the Secretary General or Assistant Secretary General for Financial and Accounting, on the allocation of funds provided in the State Budget in compliance with the annual budget of the Constitutional Court and the law;

[NN 19/13, Art. 1, 26 February 2013]

4. render decision on admission to the civil service and assignment to the post of Head of the President's Office, and decisions on transfer to other posts in the Constitutional Court and termination of the civil service of the Head of President's Office;

[NN 16/06, Art. 2, 21 February 2006]

5. render rulings on objections against decisions of the Secretary General on admission to the civil service and assignment to individual posts and against decisions on transfer to other posts in the Constitutional Court and the termination of civil service of legal advisers and other civil servants and officials;

6. render decisions, at the proposal of the Secretary General, on the appointment of legal advisers to the posts specified in Article 75 of these Rules;

7. render decisions, at the proposal of the Secretary General, on the appointment of Constitutional Court legal advisers to the posts specified in Article 79, paragraphs 1 and 3 of these Rules;

8. render decisions, at the proposal of the Secretary General, on the status supplement to the base salaries of legal advisers appointed to the posts specified in Article 75 of these Rules, and on the permanent annual supplement on the base salaries of Constitutional Court legal advisers appointed to the posts specified in Article 79, paragraphs 1 and 3 of these Rules and superior officials and those employees with a higher degree of responsibility in the Constitutional Court pursuant to the authority of the Constitutional Court to independently allocate the funds remitted to it from the central State Budget within the framework of the annual budget of the Constitutional Court (Article 2, paragraph 2 of the Constitutional Act).

(3) The President of the Constitutional Court shall sign decisions and other acts governing the operations of the Constitutional Court made at the Session of the Constitutional Court and perform other tasks specified by law, these Rules and other acts of the Constitutional Court.

## **THE DEPUTY PRESIDENT OF THE CONSTITUTIONAL COURT**

### **Article 18**

(1) The Deputy President shall be appointed at the Session of the Constitutional Court at the proposal of the President of the Constitutional Court, with the prior consent of the nominee, by a public vote by a majority of all judges for a period of two years with the possibility of re-election to the same function.

(2) If the judge nominated for the post of Deputy President of the Constitutional Court does not win the majority vote of all judges, the President of the Constitutional Court shall be obliged to nominate another judge in his or her stead within thirty days.

### **Article 19**

(1) The Deputy President of the Constitutional Court shall substitute the President of the Constitutional Court in instances when the latter is absent or prevented from performing his or her duties, and perform other tasks entrusted to him or her by the President of the Constitutional Court.

(2) In instances when the President of the Constitutional Court and Deputy President of the Constitutional Court are both either absent or prevented from performing their duties, the tasks from the competence of the President of the Constitutional Court shall be conducted by the eldest judge.

## **EXPERT MEETINGS**

### **Article 20**

(1) Expert meetings are regular working meetings of judges wherein expert discussions are conducted in order to take stances on legal matters important for the decision-making of the Constitutional Court.

(2) Draft decisions, rulings and reports submitted by judge-rapporteurs to the President of the Constitutional Court shall be discussed at expert meetings in preparation for their submission to the Session of the Constitutional Court.

(3) In order to assess whether a specific draft decision, ruling or report, on which judges take differing standpoints during an expert meeting, is suitable for submission to the Session of the Constitutional Court, the President of the Constitutional Court may seek at the expert meeting the observations of the judges in the form of prior voting on the draft decision, ruling or report proposed, which shall be non-binding by its nature and ramifications.

(4) The Secretary General and Constitutional Court legal advisers shall attend expert meetings at the invitation of the President of the Constitutional Court and they may participate in deliberations.

### **Article 21**

In addition to the tasks cited in Article 20 of these Rules, expert meetings shall also entail:

1. prior deliberations on matters pertaining to the operations of the Constitutional Court which shall be subject to decision-making at the Session of the Constitutional Court;

2. providing information to the judges by the President of the Constitutional Court of the most important matters of the operations of the Constitutional Court under his or her competence;

3. deliberations on relations and cooperation between the Constitutional Court and domestic and international bodies and institutions in the country and abroad;

4. submission of oral reports on visits made and domestic and international meetings attended by one or more judges, or presentation to the judges of written reports submitted from official travel addressed to the President of the Constitutional Court;

5. discussion of other matters important for the operations and attainment of the constitutional status of the Constitutional Court.

## **Article 22**

(1) Minutes shall be taken at expert meetings.

(2) The minutes from paragraph 1 of this Article shall serve the internal needs of the Constitutional Court for the mutual co-ordination of the work of judges, legal advisers and staff services, and to improve the operations of the Constitutional Court as a whole.

(3) The data contained in the minutes cited in paragraph 1 of these Rules shall not be available to the public.

## **Chapter Two Chambers and Chamber Presidents, Judge- Rapporteurs**

### **GENERAL PROVISIONS ON CHAMBERS**

## **Article 23**

(1) The Chambers are standing bodies of the Constitutional Court whose members are appointed at the Session of the Constitutional Court at the proposal of the President of the Constitutional Court by public majority vote of all judges.

(2) The Chambers from Articles 24 to 26 of these Rules shall render decisions and rulings unanimously and with all members present (Article 68 paragraph 3 of the Constitutional Act), while the Chambers from Article 27 of these Rules shall render decisions and rulings by a majority vote of all Chamber members (Article 98, paragraph 2 of the Constitutional Act).

(3) If the nature of a given task necessitates a session of a Chamber, and it is certain that a specific judge who is a member of this Chamber will be absent or a judge who is a member of this Chamber announces that he or she will abstain from voting in the case on the agenda, the President of the Constitutional Court shall designate a judge who is to substitute the absent judge or the judge who has announced that he or she will abstain from voting in a specific case at the session of the Chamber.

(4) Sessions of Chambers shall be attended by the Secretary General and the Constitutional Court legal advisers at the invitation of the President of the Chamber, and they may participate in deliberations.

## **THE CHAMBERS RULING ON REQUIREMENTS FOR DECIDING ON CONSTITUTIONAL COMPLAINTS**

[NN 123/09, Art. 3, 22 October 2009]

### **Article 24**

[NN 123/09, Art. 3, 22 October 2009]

(1) Chambers ruling on requirements for deciding on constitutional complaints, composed of three judges each, shall render rulings on dismissing constitutional complaints and terminating proceedings in cases where there are no requisite conditions to decide on constitutional complaints (Article 19 paragraph 4, Article 32, Article 68 paragraph 2, Article 71 paragraph 2, Article 72, and Article 79 of the Constitutional Act).

(2) The decision on the number and composition of the Chambers referred to in paragraph 1 of this Article shall be made by the Session of the Constitutional Court on the proposal of the President.

## **CHAMBERS FOR DECIDING ON CONSTITUTIONAL COMPLAINTS**

### **Article 25**

Chambers shall be formed in the Constitutional Court to decide on constitutional complaints, consisting of six judges. These Chambers shall decide whether a constitutional right of the applicant stated in his or her timely and admissible constitutional complaint suitable for decision-making by the Constitutional Court has been violated by the challenged individual act from Articles 62, paragraph 1 and 63, paragraph 1 of the Constitutional Act.

[NN 63/10, Art. 1, 1 June 2010]

## **CHAMBERS FOR ELECTORATE DISPUTES**

### **Article 26**

(1) Four Chambers for electoral disputes shall be formed in the Constitutional Court, consisting of three judges each. These Chambers shall sit during regular and extraordinary elections for the President of the Republic, Members of the Croatian Parliament, and bodies of local and regional self-government units.

[NN 123/09, Art. 4, 22 October 2009]

(2) The Chambers from paragraph 1 of these Rules shall decide on appeals against decisions made by the competent electoral commission in the protection of electoral right (Articles 91 to 94 of the Constitutional Act).

(3) The Chambers from paragraph 1 of these Rules shall also sit during national referendums (Article 96 of the Constitutional Act).

## **CHAMBERS FOR DECIDING ON APPEALS AGAINST DECISIONS ON DISMISSAL FROM JUDICIAL OFFICE AND DECISIONS ON THE DISCIPLINARY RESPONSIBILITY OF JUDGES**

### **Article 27**

(1) Two Chambers shall be formed in the Constitutional Court to decide on appeals against decisions of the National Judicial Council on the dismissal of judges from office and decisions on the disciplinary responsibility of judges of regular courts, which shall consist of six judges each.

(2) If during the session of the Chambers cited in paragraph 1 of this Article the decision proposed by a judge rapporteur does not receive a majority of votes or if three judges vote in favour and three judges are opposed to the decision proposed, it shall be deemed that a decision has not been made. In this case, the President of the Chamber shall forward the case to the President of the Constitutional Court, who shall forward it to the Session of the Constitutional Court for decision-making.

## **PRESIDENTS OF CHAMBERS**

### **Article 28**

(1) The Presidents of Chambers shall be appointed at the Session of the Constitutional Court at the proposal of the President of the Constitutional Court by a public majority vote of all judges.

(2) The Presidents of Chambers shall be appointed for a period of two years from among the judges who are members of the Chambers, with the possibility of re-appointment to the same function.

### **Article 29**

The President of a Chamber shall:

1. prepare and propose the agendas of Chamber sessions;
2. convene and conduct Chamber sessions;
3. sign decisions and rulings rendered at Chamber sessions;
4. sign the minutes from Chamber sessions and individual excerpts from the minutes on conclusions and voting on each decision and ruling rendered;
5. present and explain, at expert meetings of judges, the unanimously adopted conclusions of Chambers which propose solutions to accelerate Constitutional Court proceedings and measures for more effective co-ordination of work between two or more Chambers with the same competences.

## **JUDGE-RAPPORTEURS**

### **Article 30**

(1) The proceedings of the Constitutional Court shall be conducted by the judges (Article 20 paragraph 1 of the Constitutional Act).

(2) A judge who conducts Constitutional Court proceedings shall perform the duty of a judge-rapporteur in these proceedings and shall be responsible for the legal processing of the case.

(3) The judge rapporteur or the judge substituting him or her shall co-sign the originals of decisions, rulings and reports.

(4) The judge who performs the function of Deputy President or President of Chamber may perform the function of a judge rapporteur to a lesser extent in accordance with a decision made at the Session of the Constitutional Court.

### **Article 31**

(1) In Constitutional Court proceedings in which a judge performs the duties of a judge-rapporteur, this judge shall be authorised to:

1. ascertain the reasons for excluding the public from proceedings and cite such reasons in the brief from paragraph 2 of these Rules (Article 21 of the Constitutional Act);

2. propose, at the Session of the Constitutional Court or at sessions of the competent Chamber, decision-making on the participant who will bear the costs of Constitutional Court proceedings (Article 23 of the Constitutional Act);

3. request documents and information necessary for the conduct of proceedings and, at the Session of the Constitutional Court or sessions of the competent Chamber, propose the issue of orders for seizure of documents in cases of non-fulfilment of repeated requests for their delivery (Article 25 of the Constitutional Act);

4. seek expert opinions on individual cases from scientific legal advisers of the Constitutional Court;

5. submit, after processing a case, a draft decision, ruling or report to the President of the Constitutional Court or the President of the competent Chamber in written form (Article 46 of the Constitutional Act);

6. orally explain, at the Session of the Constitutional Court or at sessions of the competent Chamber, draft decisions, judgements and reports and, as needed, provide supplemental explanations or authorise Constitutional Court legal advisers to do so (Article 48, paragraph 1 and 2 of the Constitutional Act);

7. propose, at the Session of the Constitutional Court or at sessions of the competent Chamber, the publication of decisions or rulings, the publication of which in Narodne novine is not mandatory (Article 29 paragraph 2 of the Constitutional Act);

8. propose, at the Session of the Constitutional Court or at sessions of the competent Chamber, if deemed necessary, a body to which the implementation or methods of implementation of decision or ruling should be entrusted (Article 31, paragraphs 4 and 5 of the Constitutional Act).

(2) In addition to the draft decisions, rulings or reports from paragraph 1, item 5 of this Article, the judge-rapporteur shall attach a written brief which shall contain the basic data on the case, previous Constitutional Court practice in the same or similar cases and an explanation of the contested legal issues tied to the case (hereinafter: brief).

### **Article 32**

In addition to the general authority specified in Article 31 of these Rules, the judge-rapporteur who conducts proceedings for the review of the constitutionality of laws and the constitutionality and legality of other regulations, shall be authorised to :

1. propose service of requests or proposals for a reply to the body which issued the contested law or regulation (Article 42, paragraph 1 of the Constitutional Act);

2. propose, at the Session of the Constitutional Court, the temporary suspension of execution of individual acts or actions undertaken pursuant to laws or other regulations whose constitutionality and/or legality are being reviewed (Article 45 of the Constitutional Act);

3. convene consultative deliberations and notify the President of the Constitutional Court of these Rules (Article 49, paragraph 2 of the Constitutional Act);

4. provide information, at public deliberations convened and led by the President of the Constitutional Court, on the on the matters of facts and law in the case for which the public deliberations were convened (Article 51 of the Constitutional Act).

### **Article 33**

(1) In addition to the general authority specified in Article 31 of these Rules, the judge-rapporteur who conducts proceedings to decide on the requirements to decide on constitutional complaint shall be authorised:

- to order the applicant filing an incomprehensible or incomplete constitutional complaint to supplement or correct said complaint within a fixed time limit (Article 69, item 1 of the Constitutional Act).

[NN 123/09, Art. 5, 22 October 2009]

(2) Exceptionally, the judge rapporteur from Article 82 of these Rules may authorize the Head of the Service for the Establishment of Procedural Requirements for Deciding on Constitutional Complaints, or the Director of the Records and Documentation Centre, to summon the applicant filing an incomprehensible or incomplete constitutional complaint to supplement or correct it within a fixed time limit.

[NN 123/09, Art. 5, 22 October 2009]

### **Article 34**

(1) In addition to the general authority specified in Article 31 of these Rules, the judge-rapporteur who conducts proceedings on decision-making for constitutional complaints shall be authorised to:

1. propose a postponement of enforcement at the proposal of the applicant filing constitutional complaint at the competent Chamber until the rendering of a decision on the constitutional complaint (Article 67, paragraph 2 of the Constitutional Act);

2. forward, as needed, copies of constitutional complaints to interested persons and call on them to provide their observations thereon (Article 69, item 2 of the Constitutional Act);

3. request, as needed, the delivery of files which pertain to the subject matter of a constitutional complaint, or the delivery of reports on violations of constitutional rights committed under by a contested act (Article 69, paragraph 3 of the Constitutional Act);

4. propose at the competent Chamber to order the applicant whose constitutional complaint was unsuccessful to compensate the costs of the proceedings based on the rates from Article 11, Paragraph 8 of these Rules, if incurred through the fault of the applicant (Article 80 of the Constitutional Act).

(2) By way of exception, the judge-rapporteur may authorise the Constitutional Court legal adviser who is working together with the said judge in the processing of a given case to request the delivery of documents or reports from paragraph 1, item 3 of these Rules.

### **Article 35**

In addition to the general authority specified in Article 31 of these Rules, the judge-rapporteur who conducts appellate constitutional Court proceedings from in Articles 97 and 98 of the Constitutional Act shall be obliged to:

1. secure service of the filings received from the opposing sides to the parties to the proceedings (National Judicial Council and the appellant) (Article 99, paragraph 2 of the Constitutional Act);

2. seek the written observations from persons whose observations are proposed by the appellant (Article 99, paragraph 3 of the Constitutional Act);

3. secure the right to a written reply to the observations from item 2 of these Rules to the party that rendered the contested decision (Article 99, paragraph 3 of the Constitutional Act).

### **Chapter Three Cessation of Constitutional Court Functions**

#### **REASONS FOR CESSATION OF CONSTITUTIONAL COURT FUNCTIONS**

##### **Article 36**

(1) The Constitutional Court functions from Article 9, paragraph 1, items, 1 to 3 of these Rules shall cease:

1. upon the end of the period for which the judge was elected or appointed to his or her office;

2. upon the resignation of the judge from the function to which he or she is elected or appointed;

3. upon cessation of the function of the judge.

(2) The function of judge-rapporteur of a given judge shall cease under the criteria prescribed in Article 46, paragraph 4 of these Rules.

#### **RESIGNATION FROM THE FUNCTION TO WHICH THE JUDGE IS ELECTED OR APPOINTED**

##### **Article 37**

(1) The Constitutional Court function of the President of the Constitutional Court, Deputy President of the Constitutional Court and the Presidents of Chambers shall cease at the close of the date on which the judge tenders a written resignation from this function.

(2) The President of the Constitutional Court shall tender a written resignation to the judges and submit it to the Session of the Constitutional Court, while the Deputy President of the Constitutional Court and the Chamber Presidents shall tender their written resignations to the President of the Constitutional Court, who shall forward them to the Session of the Constitutional Court.

#### **PROCEDURES UPON CESSATION OF FUNCTION TO A JUDGE PRIOR TO THE EXPIRATION OF TERM OF OFFICE**

##### **Article 38**

(1) If the function of a judge ceases prior to the end of his or her term of office due to the reasons cited in Article 36, paragraph 1, item 2 or 3 of these Rules, the election or appointment of another judge to this function shall be conducted within 30 days after cessation of the function of the preceding judge.

(2) During the period from paragraph 1 of these Rules, the function of the President of the Constitutional Court shall be performed by the Deputy President of the Constitutional



Court, the function of the Deputy President of the Constitutional Court shall be performed by the eldest judge, while the duties of a Chamber President shall be performed by the judge who is temporarily appointed to this function by the President of the Constitutional Court from among the Chamber members.

**Chapter Four**  
**Procedural Order at the Session of the Constitutional Court**

**SERVICE OF SUMMONS FOR THE SESSION OF  
THE CONSTITUTIONAL COURT**

**Article 39**

Summons, accompanied by the draft agenda, the accompanying Constitutional Court documentation and other working materials shall be served to the judges, the Secretary General and the Constitutional Court legal advisers who participated in the processing of the cases proposed for the agenda, not less than three days prior to the Session of the Constitutional Court.

**Maintaining Order at the Session of the Constitutional Court**

**Article 40**

(1) It shall be the duty of all attending who have been granted admittance to the Session of the Constitutional Court pursuant to Article 47 of the Constitutional Act to adhere to the procedural order during the Session.

(2) The President of the Constitutional Court may issue warnings and pronounce reprimands and, in the most extreme cases, order the removal of the Secretary General, a Constitutional Court legal adviser, representative of the media or any other person from the courtroom for the duration of deliberation on one item of the agenda or until the conclusion of the Session of the Constitutional Court, if such persons behave in a manner contrary to or disrupt the procedural order as delineated in Articles 41 through 46 of these Rules.

(3) The President of the Constitutional Court may issue warnings or pronounce reprimands to a judge if such judge behaves in a manner contrary to or disrupts the procedural order as delineated in Articles 41 through 46 of these Rules.

(4) The President of the Constitutional Court may temporarily or permanently adjourn the Session of the Constitutional Court if he or she assesses that the circumstances in the courtroom do not provide the orderly and unimpeded procedural orders required for such Session.

**ESTABLISHMENT OF THE AGENDA OF THE SESSION  
OF THE CONSTITUTIONAL COURT**

**Article 41**

(1) After the President of the Constitutional Court has announced that the Constitutional Court is in session and proposes the agenda, each judge may propose addenda or the deletion of individual cases from the agenda accompanied by an oral explanation of such proposal.

(2) If a judge who is also a judge-rapporteur proposes the deletion of a case from the agenda and provides an oral explanation, this proposal shall be neither deliberated nor voted upon, rather its deletion from the agenda shall be recorded in the minutes

(3) If a judge who is not a judge-rapporteur proposes the deletion of a case from the agenda and provides an oral explanation and a judge-rapporteur seconds this proposal, then the provision of paragraph 2 of these Rules shall be applied accordingly.

(4) If a judge who is not a judge-rapporteur in the case concerned proposes the deletion of a case from the agenda and provides an oral explanation and a judge rapporteur does not second this proposal, the decision on deletion of the said case from the agenda shall be made by a majority vote of all judges.

#### **Article 42**

(1) If a judge proposes and orally explains the addition of one or more items to the agenda, the decision on addenda to the agenda shall be made by the President of the Constitutional Court.

(2) If the President of the Constitutional Court accepts the proposal, the amended agenda shall be deemed the draft agenda of the President of the Constitutional Court.

(3) If the President of the Constitutional Court does not accept the proposal, the judges shall vote on the initial, unamended agenda of the President of the Constitutional Court.

### **THE COURSE OF THE SESSION OF THE CONSTITUTIONAL COURT**

#### **Article 43**

(1) The President of the Constitutional Court shall conduct the Session of the Constitutional Court in accordance with the accepted agenda pursuant to Article 48 of the Constitutional Act.

(2) The duration of the oral explanation of draft decisions, judgements, or reports presented at the Session of the Constitutional Court by a judge-rapporteur or a Constitutional Court legal adviser (Article 48, paragraphs 1 and 2 of the Constitutional Act), shall not be limited in time, but the President of the Constitutional Court may warn the judge-rapporteur or the Constitutional Court legal adviser of the length of their oral presentation if the President of the Constitutional Court assesses this presentation to be unreasonably lengthy.

(3) Prior to the opening of deliberations from Article 48, paragraph 3 of the Constitutional Act, the President of the Constitutional Court shall be authorised:

- to specify the duration of the entire deliberations on a given case,
- to determine the duration of deliberations when the floor is first granted,
- to determine the permitted number and duration of rebuttals during individual deliberations.

(4) When setting the duration of the actions from paragraph 3 of these Rules, the President of the Constitutional Court shall take into consideration the complexity of the case, the clarity, transparency and thoroughness of the explanation of draft decisions, rulings or reports and the introductory oral explanation of the judge rapporteur or Constitutional Court legal adviser.

#### **Article 44**

(1) If the President of the Constitutional Court assesses that a judge or Constitutional Court legal adviser have deviated considerably from the content of the case being deliberated, he or she cautions this judge or legal adviser accordingly.

(2) If the judge or legal adviser does not conclude his or her remarks within the designated time, the President of the Constitutional Court shall advise them that the time has expired and set an additional one minute for finalisation and summation. After the end of this time, the President of the Constitutional Court shall be authorised to close the remarks of the judge or the Constitutional Court legal adviser and grant the floor to the subsequent participant in the deliberations.

(3) If the judge or legal adviser does not conclude his or her rebuttal within the designated time, the President of the Constitutional Court shall be authorised, after the expiry of the time allotted for a rebuttal, to interrupt the rebuttal of the judge or legal adviser and grant the floor to the subsequent participant in the deliberations.

### **DECISION-MAKING AT THE SESSION OF THE CONSTITUTIONAL COURT**

#### **Article 45**

(1) Decisions, rulings and reports shall be rendered or adopted at the Session of the Constitutional Court by a majority vote of all judges (Article 27, Paragraph 1 of the Constitutional Act).

(2) After the conclusion of deliberations on a case, the President of the Constitutional Court shall summarise the proposals made during deliberations and call on the judge-rapporteur to present his or her stance thereon.

(3) The proposals accepted by the judges-rapporteur shall be deemed components of the draft decisions, rulings and reports of the judge-rapporteur.

(4) The proposals not accepted by the judge-rapporteur shall not be subject to renewed deliberations unless the President of the Constitutional Court decides otherwise.

(5) After the judge rapporteur has presented his or her stance, the President of the Constitutional Court shall put the draft decision, ruling or report of the judge-rapporteur to a vote.

#### **Article 46**

(1) If a draft decision, ruling or report proposed does not attain the necessary majority of the votes, this case shall be removed from the agenda of the Session of the Constitutional Court, and the President of the Constitutional Court shall put the other proposals presented during the deliberations and not accepted by the judge-rapporteur to a vote (Article 48, paragraph 4 of the Constitutional Act).

(2) Draft decisions, rulings or reports shall be amended or modified in compliance with the proposal or proposals from paragraph 1 of this Article which receive a majority of the votes of the judges.

(3) In the cases delineated in paragraph 2 of this Article, the judge-rapporteur may take into account the stance of the majority of judges, accept to process this other stance and develop new draft decisions, rulings or reports aligned with the stances of the majority of judges (Article 48, paragraph 5 of the Constitutional Act).

(4) If the judge-rapporteur does not accept the processing of the other stances and the development of a new draft decision, ruling or report aligned with the stance of the majority of judges as delineated in paragraph 2 of this Article, the President of the Constitutional Court shall entrust the processing of this case and development of a new draft decision, ruling or report to another judge in accordance with the stance of the majority of judges (Article 48, paragraph 5 of the Constitutional Act). This judge shall be deemed a new judge-rapporteur, while the preceding judge shall cease to perform the function of judge rapporteur in this case and this fact shall be recorded in the minutes.

## **APPROPRIATE APPLICATION OF PROCEDURAL ORDER PROVISIONS TO SESSIONS OF CHAMBERS AND EXPERT MEETINGS**

### **Article 47**

Articles 39 through 46 of these Rules shall be applied appropriately to the sessions of Chambers and expert meetings.

## **MINUTES**

### **Article 48**

(1) Minutes from the Session of the Constitutional Court, expert meetings and sessions of the Chambers from Article 8, paragraph 1, items 3 to 5 of these Rules shall be kept by the Head of the Constitutional Court Records and Documentation Centre (hereinafter: Centre) or an authorised Constitutional Court legal adviser employed in the Centre.

(2) Minutes from the sessions of Chambers from Article 8, paragraph 1, item 2 of these Rules shall be kept by the Head of the Service for the Establishment of Procedural Requirements for Deciding on Constitutional Complaint or an authorised Constitutional Court legal adviser employed in the Service.

(3) The minutes from paragraphs 1 and 2 of this Article and excerpts from these minutes shall be co-signed by the recording clerk and the President of the Constitutional Court or the President of the competent Chamber or judge presiding over a Session of the Constitutional Court, expert meeting or session of the competent Chamber.

## **HARMONISATION OF DECISIONS AND RULINGS WITH THE PRACTICE OF THE CONSTITUTIONAL COURT**

### **Article 49**

(1) If it is determined that a decision or ruling rendered by the Session of the Constitutional Court is not harmonised with the practice of the Constitutional Court, and such decision or ruling has not yet been sent to the participants in the proceedings, the President of the Constitutional Court or the President of the competent Chamber shall be authorised to halt its sending and return it to the judge-rapporteur in order to examine whether a need of further work on the case exists to ensure its harmonisation with the practice of the Constitutional Court. The minutes of the next subsequent Session of the Constitutional Court or session of the competent Chamber shall record that the sending of the decision or ruling has been halted and the case has been returned to the judge-rapporteur for re-examination.

(2) Upon the re-examination of the harmonisation of the decision or ruling from paragraph 1 of this Article with the practice of the Constitutional Court, the judge-rapporteur

shall submit the case for renewed decision-making at a Session of the Constitutional Court or session of the competent Chamber.

## **Chapter Five**

### **Dissenting Opinions, Written Explanation of Dissenting Votes and Abstentions**

#### **DISSENTING OPINION**

##### **Article 50**

(1) A judge shall have the right to a dissenting opinion if the majority of judges at a Session of the Constitutional Court accept a decision or ruling whose enacting terms and/or statement of reasons are opposed by the judge.

(2) A judge who assumes a dissenting opinion at a Session of the Constitutional Court with reference to the enacting terms and/or statement of reasons of a decision or ruling and provides an oral explanation thereof at the Session of the Constitutional Court shall be obliged to provide a written explanation (Article 27, paragraph 4 of the Constitutional Act).

(3) A dissenting opinion may be drafted by several judges jointly if they oppose the enacting terms and/or statement of reasons of a decision or ruling based on the same legal grounds, which they expressed orally at a Session of the Constitutional Court (joint dissenting opinion). The joint dissenting opinion shall be signed by all judges who dissented.

##### **Article 51**

(1) A judge shall be obliged to announce a dissenting opinion orally at a Session of the Constitutional Court after the President of the Constitutional Court, upon completion of the voting procedure, states that the decision or ruling whose enacting terms or statement of reasons are opposed by the judge has been rendered.

(2) In the case from paragraph 1 of this Article, the judge who has announced a dissenting opinion shall have the right to simultaneously request that the decision or ruling rendered be published together with the dissenting opinion in Narodne novine, even when the publication of the decision or ruling is not mandatory according to Article 29, paragraph 1 of the Constitutional Act.

(3) The judge shall be obliged to provide written statement of reasons for the dissenting opinion and forward it to the President of the Constitutional Court within a period of eight days after the date on which the decision or ruling is rendered at the Session of the Constitutional Court.

(4) Until the delivery of the dissenting opinion or until the expiry of the time limit from paragraph 3 of this Article, the decision or ruling shall not be sent for publication. If the dissenting opinion is not delivered to the President of the Constitutional Court prior to the expiry of the time limit from Paragraph 3 of this Article, the decision or ruling shall be sent to Narodne novine for publication, while the subsequently delivered dissenting opinion shall be bound in the Constitutional Court case file and become an integral component thereof.

(5) The certified transcript of the decision or ruling shall be sent to the participants in the proceedings prior to the expiry of the time limit from paragraph 3 of this Article.

(6) The provisions of paragraph 1 through 5 of this Article shall be applied appropriately to the joint dissenting opinion of several judges, and to dissenting opinions in

proceedings in which reports are declared at the Session of the Constitutional Court in compliance with Articles 104 and 105 of the Constitutional Act.

## **STATEMENT OF REASONS OF DISSENTING VOTES**

### **Article 52**

(1) A judge or several judges shall jointly have the right to provide a written statement of reasons and the publication of their opinion when they voted in opposition to the majority of judges on a decision, ruling or report, if they did not provide a specific oral statement of reasons at the Session of the Constitutional Court (Article 27, paragraph 5 of the Constitutional Act).

(2) Articles 51 and 52 of these Rules shall be applied appropriately to the written statement of reasons of dissenting votes from in paragraph (1) of this Article.

## **ABSTENTION**

### **Article 53**

(1) A judge may not abstain from voting, except in cases in when this judge participated in the enactment of a law, other regulation or decision or ruling which is the subject of decision-making (Article 27, paragraph 6 of the Constitutional Act).

(2) If the requirements for abstention from voting from paragraph 1 of this Article are met, the judge shall be obliged to notify the President of the Constitutional Court thereof prior to the holding of the Session of the Constitutional Court or session of the competent Chamber.

(3) If the rendering of the decision or ruling is under the jurisdiction of a Chamber in which decisions or rulings are rendered unanimously, and a judge who is a member of this Chamber announces his or her abstention from voting on an individual case on the agenda of the session of the Chamber, the President of the Constitutional Court shall act in accordance with Article 23, paragraph 3 of these Rules.

## **Chapter Six**

### **Constitutional Court Decisions, Rulings and Reports and other enactments**

[NN 37/14, Art. 1, 1 April 2014]

## **DESIGNATION OF CONSTITUTIONAL COURT CASES**

### **Article 54**

(1) The designations for Constitutional Court cases are:

U-I - proceedings for the review of the constitutionality of laws;

U-II - proceedings for the review of the constitutionality and legality of other regulations;

U-III - proceedings instituted by a constitutional complaint for the protection of human rights and fundamental freedoms guaranteed by the Constitution;

U-IIIA - proceedings upon a constitutional complaint prior to exhaustion of legal remedies due to the unreasonable length of proceedings before the Supreme Court of the Republic of Croatia;

[NN 30/08, Art. 1, 20 March 2008]

U-IIIB - proceedings based on a constitutional complaint prior to the exhaustion of legal remedies in cases when a contested individual act grossly violates constitutional rights and there is every indication that failure to institute proceedings before the Constitutional Court may have severe and irreversible consequences for the applicant filing the constitutional complaint;

U-IIIBi - proceedings based on a constitutional complaint prior to the exhaustion of legal remedies in cases where an investigation of criminal offences related to Article 2 (right to life) and Article 3 (prohibition of torture) of the Convention for the Protection of Human Rights and Fundamental Freedoms has not been carried out;

[NN 2/15, Art. 1, 15 January 2015]

U-IIIVs - proceedings based on a constitutional complaint against a ruling of the Supreme Court of the Republic of Croatia that decided on the appeal in the proceedings for the protection of the right to trial within a reasonable time.

[NN 30/08, Art. 1, 20 March 2008]

U-IV - proceedings to resolve conflicts of jurisdiction between the bodies of legislative, executive and judicial authority;

U-V - proceedings to decide on the impeachment of the President of the Republic;

U-VI - proceedings for the control of the constitutionality of political party platforms and activities;

U-VII - proceedings for the control over the constitutionality and legality of elections;

[NN 121/10, Art. 1, 19 October 2010]

U-VIIA - settlement of electoral disputes not under the jurisdiction of the courts;

U-VIIR- proceedings for the control over the constitutionality and legality of national referenda;

[NN 121/10, Art. 1, 19 October 2010]

U-VIII- proceedings to temporarily suspend the execution of individual acts or actions undertaken pursuant to laws or other regulations whose constitutionality or constitutionality and legality are being reviewed;

U-IX - proceedings upon appeals against decisions of the National Judicial Council on the dismissal from office of a judge;

U-IXA - proceedings upon appeals against decisions of the National Judicial Council on the disciplinary responsibility of a judge;

U-X - monitoring of the exercise of constitutionality and legality and reporting to the Speaker of the Croatian Parliament on the emergence of unconstitutionality or unlawfulness;

U-XA - oversight of the enactment of laws and regulations to implement the Constitution, laws or other regulations;

R - filings from citizens pertaining to matters on which the Constitutional Court does not hold proceedings (various petitions and complaints from citizens on the work of the Constitutional Court or other state bodies, requests for various forms of assistance, letters from citizens in which they express their views on various matters, copies of court and administrative case files with requests for expert assistance or legal advice, etc.).

(2) In the case of an extensive increase in the number of received filings initiating Constitutional Court proceedings within a group of cases bearing the same designation or in similar cases, when this is necessary to prevent a slowing down of the work of the Constitutional Court, by a decision of the Secretary General with the approval of the President

of the Constitutional Court, a special designation in addition to the basic designation may be added to cases of the same kind.

[NN 123/09, Art. 6, 22 October 2009]

(3) The Constitutional Court shall respond in writing to filings from citizens bearing the designation "R".

(4) Offensive filings and filings with the characteristics of criminal offences of slander or defamation punishable under the Criminal Code shall not bear the designation from paragraph 1 of this Article, nor shall the Constitutional Court respond to these filings. They shall be categorised under the designation "resolved" (a.a.).

(5) The Constitutional Court shall file criminal report against the signatories of the filings with the characteristics of criminal acts as specified in paragraph 3 of this Article.

[NN 123/09, Art. 6, 22 October 2009 - a new paragraph 2 was added; paragraphs 2, 3 and 4 became paragraphs 3, 4 and 5]

## **CONTENT OF DECISIONS, RULINGS AND REPORTS**

### **Article 55**

(1) Decisions and rulings of the Constitutional Court shall contain an introduction, the enacting terms and the statement of reasons (Article 28 of the Constitutional Act).

(2) Reports of the Constitutional Court from Articles 104 and 105 of the Constitutional Act shall contain an introduction, the title "Report" and a designation of the subject of the report. The other parts of the report shall be determined by the Constitutional Court depending on the case being reported to the Croatian Parliament or the Government of the Republic of Croatia.

(3) In the introduction of the decision, ruling or report, the name and surname of the President of the Constitutional Court or the President of the competent Chamber or the judge who presided over the session shall be stated first, followed by the names and surnames of the judges who participated in the rendering of the decision, ruling or report in alphabetical order based on the first letter of their surnames, without attribution of any academic or professional titles.

(4) The original of the decision, ruling or report shall be signed by the President of the Constitutional Court or the President of the competent Chamber or the judge who presided over the session, and the judge-rapporteur and Constitutional Court legal adviser who participated in the processing of the case.

(5) The original from paragraph 4 of these Rules shall be stored in a Constitutional Court case file, while its certified copy, not containing the personal names of the judge-rapporteur and the Constitutional Court legal adviser, shall be dispatched. The Assistant Secretary General of the Constitutional Court Operations shall be responsible for ensuring that the original text and transcript are identical, and the clerk shall sign the certified copy of the decision, ruling or report.

[NN 19/13, Art. 2, 26 February 2013]

## **PUBLICATION OF CONSTITUTIONAL COURT ACTS ON THE CONSTITUTIONAL COURT WEBSITE**

[NN 37/14, Art. 2, 1 April 2014]

### **Article 55a**

[NN 37/14, Art. 2, 1 April 2014]

(1) Constitutional Court acts published in the Official Gazette shall also be published on the Constitutional Court website.



(2) Constitutional Court acts that have not been published in the Official Gazette shall be published on the Constitutional Court website in conformity with a decision of the Constitutional Court rendered pursuant to Article 29 paragraph 2 of the Constitutional Act.

#### **Article 55b**

[NN 37/14, Art. 2, 1 April 2014]

(1) Decisions and rulings rendered on the basis of constitutional complaints shall be published on the Constitutional Court website after the Constitutional Court has received a delivery note confirming that the addressee has received the decision or ruling.

(2) In exceptional cases, if there is a need to inform state authorities and the public about the decision or ruling referred to in paragraph 1 of this Article immediately after its rendering, the Constitutional Court shall publish a special communication about the rendered decision or ruling, where it will only state the content of its operative part.

(3) As a rule, decisions, rulings, reports, communications, warnings and other Constitutional Court acts, with the exception of the acts referred to in paragraphs 1 and 2 of this Article, are published on the Constitutional Court website within five (5) days of their rendering.

(4) In exceptional cases, the acts referred to in paragraph 3 of this Article may be published on the Constitutional Court website immediately after their rendering, which is decided by the Session of the Constitutional Court, or the session of the competent chamber. In such cases, the published text is subject to subsequent proofreading and editing, which is noted in an appropriate place on the internet page where the act is published. If such a note is not placed below the act, it shall be deemed that this is the official final text of the published act.”

### **ANONYMISATION OF DECISIONS AND RULINGS RENDERED ON THE BASIS OF CONSTITUTIONAL COMPLAINTS FOR PUBLICATION IN THE OFFICIAL GAZETTE AND ON THE CONSTITUTIONAL COURT WEBSITE**

[NN 37/14, Art. 3, 1 April 2014]

#### **Article 56**

[NN 37/14, Art. 3, 1 April 2014]

(1) Personal names of natural persons, names of legal persons and names of places and foreign states cited in the original texts of decisions, rulings, reports, communications, warnings and other Constitutional Court acts shall be published without abbreviation.

(2) As a derogation from paragraph 1 of this Article, in published texts of decisions and rulings rendered on the basis of constitutional complaints, the personal names of addressees and/or other persons who are minors, or are fully or partially deprived of their disposing capacity, or who are victims of criminal offences, are always abbreviated in such a way that their personal names are indicated with one letter (e.g. ‘Z’) or two letters different from their initials (e.g. ‘X. Y.’). In these cases, all other data that could disclose their identity, including data on other persons mentioned in the decision or ruling, and who could be connected with them, are also abbreviated.

(3) The applicant of a constitutional complaint is entitled to file a petition in the constitutional complaint or in a special form published on the Constitutional Court website, which he or she has to enclose with the constitutional complaint, requesting the Constitutional Court to abbreviate his or her personal name or title in the published text of the decision or ruling, and to indicate it with initials (e.g. ‘M.J.’; ‘G. d.d.’). If the constitutional complaint is

filed by several applicants, one applicant's petition shall be deemed as the petition of all the applicants.

(4) Notwithstanding whether or not the applicant of the constitutional complaint requests this pursuant to paragraph 3 of this Article, the Session of the Constitutional Court or the session of the competent chamber has the authority to decide that in decisions and rulings rendered on the basis of constitutional complaints, which are not the constitutional complaints referred to in paragraph 2 of this Article, the personal names and titles of the addressees and, if necessary, other data on them and data on other persons mentioned in the decision or ruling, be also indicated by initials or by the first letter and/or that they be omitted for reasons that are necessary in a democratic society in the interest of morals, public order, state security, private life of the parties or for other justified reasons.

(5) If the cases referred to in paragraphs 2, 3 and 4 of this Article are discussed and decided upon at a session attended by accredited journalists, abbreviations shall be used to indicate the parties in these cases.

Title deleted

[NN 37/14, Art. 3, 1 April 2014]

## **AVAILABILITY OF UNPUBLISHED DECISIONS, RULINGS AND REPORTS**

### **Article 57**

(1) Copies of decisions, rulings and reports not published in Narodne novine nor posted on the official Website of the Constitutional Court, shall be available to all based on a written request to submitted to the Constitutional Court, which must contain:

- the personal name or title of the applicant,
- the permanent residence and home address or registered seat of a legal person,
- the number and place of issue of the identification card or registration number of the legal person,
- the operational number of the requested decision, ruling or report.

[NN 37/14, Art. 8, 1 April 2014]

(2) If the applicant does not know the operational number of the decision, ruling or report, the request should contain the most thorough possible description of the case decided upon in Constitutional Court proceedings and the year on which this decision was made.

### **Article 58**

(1) The applicant from Article 57 of these Rules shall have the right to receive one copy of each unpublished decision, ruling or report free of charge. By way of exception, should the applicant seek copies of over 10 decisions, judgement or reports, this applicant shall be obliged to cover the accompanying expenses according to the rates posted on the bulletin board of the Constitutional Court.

(2) Should the applicant seek the postal service of the copies of unpublished decisions, rulings or reports, the expenses of postage shall be borne by this applicant.

(3) The provisions of paragraphs 1 and 2 of these Rules shall not be applied in cases when copies of decisions, rulings and reports are sought by state bodies, accredited journalists and international organisations and institutions.

(4) If the addressee of the decision or ruling rendered on the basis of a constitutional complaint filed the petition referred in Article 56 paragraph 3 of these Rules with the

Constitutional Court, and the decision or ruling has not been published, prior to dispatching a copy of the decision or ruling, the secretary of the cabinet of the judge-rapporteur shall edit the decision or ruling in conformity with Article 56 paragraph 3 of these Rules.

[NN 37/14, Art. 5, 1 April 2014]

[NN 19/13, Art. 3, 26 February 2013 - changing the words in Article 4, NN 181/03]

(5) The Assistant Secretary General for Constitutional Court Operations shall be responsible for receiving the requests from Paragraph 1 of this Article and the orderly service of copies of unpublished decisions, judgement and reports.

[19/13, Art. 3, 26 February 2013]

## **COLLECTIONS OF DECISIONS, RULINGS AND REPORTS**

### **Article 59**

(1) The Constitutional Court may publish collections of decisions, rulings and reports based on the independent selection by judges.

(2) The funds to publish the collections from paragraph 1 of this Article shall be secured from the State Budget. If the collections are prepared within the framework of an expert project of the Constitutional Court, the funds for publication of these collections may be secured from the sources used to finance the overall project.

## **FORMAL ANNOUNCEMENTS OF THE CONSTITUTIONAL COURT**

### **Article 60**

(1) The President of the Constitutional Court shall decide on the need to release formal announcements by the Constitutional Court regarding individual decisions, rulings or reports or regarding the course of Constitutional Court proceedings not yet concluded or on specific events in the Constitutional Court or on matters pertaining to the position of the Constitutional Court or Constitutional Court judges of greater interest to the public.

(2) The formal announcement from paragraph 1 of this Article shall be signed by the President of the Constitutional Court, while announcements pertaining to specific Constitutional Court cases may be signed by judge-rapporteurs subject to the prior consent of the President of the Constitutional Court.

## **REPORTS BY ACCREDITED JOURNALISTS FROM THE SESSION OF THE CONSTITUTIONAL COURT**

### **Article 61**

[NN 37/14, Art. 6, 1 April 2014]

(1) The Session of the Constitutional Court may be attended by accredited journalists who shall sign a statement to maintain the confidentiality of the personal data of natural persons and corresponding data of legal persons and other parties subject to deliberation, or who have been cited in the draft decisions and rulings based on constitutional complaints, which were on the agenda of the Session of the Constitutional Court, and on which the Rules on Anonymisation referred to in Article 56 paragraphs 2 to 5 of these Rules have not been applied.

(2) The obligation to maintain the confidentiality of data in cases referred to in paragraph 1 of this Article shall remain in effect until the publication on the Constitutional Court website of the decision, i.e. the ruling, based on the constitutional complaint, and for at least 30 days from rendering of the decision or of the ruling based on the constitutional

complaint, and for at least 30 days from its rendering if it has not been published until the expiration of this deadline.

**Chapter seven**  
**Constitutional Court Case Files and Constitutional Court Documentation**

[NN 37/14, Art. 7, 1 April 2014]

**CONSTITUTIONAL COURT CASE FILES**

**Article 62**

(1) A Constitutional Court case file shall include the initial filings whereby a Constitutional Court case was instituted or which proposed the institution of Constitutional Court proceedings, briefs, memorandums, expert works and separate opinions of Constitutional Court legal advisers who cooperated in processing the case, written opinions by scientific legal advisers of the Constitutional Court, written observations from state bodies received during the carrying out of the Constitutional Court proceedings, dissenting opinions by judges and the written statement of reasons regarding the vote of dissent, and the original text and certified transcripts of the decision, judgement and report.

(2) The documentation contained in the Constitutional Court case file shall serve the needs of the judges and Constitutional Court legal advisers in proceedings for identical or similar Constitutional Court cases.

(3) Portions of the documentation contained in the Constitutional Court case file from paragraph 1 of this Article may be reviewed by authorised persons prior to the conclusion of the proceedings pursuant to Article 94 of these Rules.

(4) The documentation contained in the Constitutional Court case file, with the exception of written observations from state bodies received during the course of the proceedings and certified transcripts of decisions, rulings and reports, shall not be available to courts and other state bodies. Judges shall decide at the Session of the Constitutional Court whether to allow as an exception an official person, pursuant to a written and explained request of a court or other state body, to review the entire Constitutional Court case file based on especially justifiable reasons of the State.

**CONFIDENTIAL CONSTITUTIONAL COURT DOCUMENTATION, FILES OF  
COURTS AND OTHER STATE BODIES**

**Article 63**

(1) Confidential Constitutional Court documentation shall include the results of voting and minutes on voting, draft decisions, rulings and reports, proposed revisions and amendments to the operative part and statements of reasons of draft decisions and rulings, proposed amendments to phrases in draft decisions, rulings and reports, hand written or signed notations by judge-rapporteurs and Constitutional Court legal advisers who participated in the processing of a given case, and data based on documentation from courts and other State bodies classified as state, military, official or business secrets which have not yet been declassified.

(2) Confidential Constitutional Court documentation shall not be deemed a component of the Constitutional Court case file, and shall be stored in the appropriate manner together with the Constitutional Court case file. Access to such documentation shall not be permitted to anyone apart from the judges and Constitutional Court legal advisers.

(3) Files from courts that pertain to the subject of constitutional complaints, case files and documentation from other state bodies requested by a judge-rapporteur during the course of Constitutional Court proceedings (Article 69, item 3 of the Constitutional Act), and documents and notifications obtained during the course of Constitutional Court proceedings (Article 25 of the Constitutional Act) shall not be deemed a part of the Constitutional Court case file.

(4) Copies of the files received from courts and other state bodies from paragraph 3 of this Article shall be stored in the appropriate manner with the corresponding Constitutional Court case file. Access to such files shall not be permitted to anybody outside of the judges and Constitutional Court legal advisers.

## **REVIEW OF CONSTITUTIONAL COURT CASE FILES AFTER THE CONCLUSION OF PROCEEDINGS**

### **Article 64**

(1) The President of the Constitutional Court or the President of the competent Chamber shall approve the review of the Constitutional Court case file from Article 62, paragraph 1 of these Rules to a participant in the proceedings even after the conclusion of the Constitutional Court proceedings and the case has been designated as "a.a." if the participant notifies the Constitutional Court in writing that he or she is preparing an application for the protection of rights before the European Court of Human Rights in Strasbourg, and states the reasons why a review of the case files is deemed necessary.

(2) The President of the Constitutional Court may approve the review of the Constitutional Court case file from Article 62, paragraph 1 of these Rules to a natural person who has not been a participant in the proceedings after the Constitutional Court proceedings have been concluded and the case has been designated as "a.a." if the person unequivocally proves that there are justified professional, scholarly, research or similar interests, and submits a written and signed guarantee that no personal names, names of legal persons and names of places and foreign states contained in the case files bearing the designations U-III, U-IIIA and U-IIIB, shall be disclosed.

(3) Approvals or formal notations on denial of the approval from paragraphs 1 and 2 of this Article shall be provided in written form and deemed components of the Constitutional Court case file.

## **THE TREATMENT OF CONSTITUTIONAL COURT DOCUMENTATION AFTER THE PASSAGE OF CERTAIN TIME**

### **Article 65**

(1) The Constitutional Court may decide to destroy Constitutional Court case files after the end of a period not less than 30 years after the date on which the decision, ruling or report was made. The accompanying confidential Constitutional Court documentation and copies of the files from courts and other state bodies (hereinafter: accompanying documentation), with the exception of the original texts of decisions, rulings and reports, shall be destroyed together with the Constitutional Court case file.

(2) The decisions from paragraph 1 of this Article shall be made at the Session of the Constitutional Court by a majority vote of all judges.

(3) Constitutional Court case files and the accompanying documentation shall not be destroyed if they have value in terms of legal history. The decision on case files which have

value in terms of legal history shall be made at the Session of the Constitutional Court by a majority vote of all judge based on lists provided by the Centre.

## **STORAGE OF CONSTITUTIONAL COURT DOCUMENTATION IN THE CROATIAN NATIONAL ARCHIVES**

### **Article 66**

(1) Constitutional Court case files and the accompanying documentation may be stored in the Croatian National Archives after the end of not less than ten years from the conclusion of Constitutional Court proceedings in compliance with the laws governing archival materials and archives.

(2) Constitutional Court case files and the accompanying documentation stored in the Croatian National Archives may not be used for research prior to the end of the periods prescribed by the laws governing archival materials and archives, with the exception of the original texts and certified transcripts of decisions, rulings and reports.

(3) Paragraph 2 of this Article shall not be applied in cases when the use of Constitutional Court case files and the accompanying documentation stored in the Croatian National Archives are sought by the Constitutional Court or a judge of the Constitutional Court.

### **Title three**

## **ORGANISATION OF CONSTITUTIONAL COURT ADMINISTRATION**

### **ORGANISATIONAL UNITS**

#### **Article 67**

The organisational units of the Constitutional Court are:

- the Office of the President of the Constitutional Court, and
- the General Secretariat of the Constitutional Court.

#### **Chapter One**

### **The Office of the President of the Constitutional Court**

## **THE SCOPE OF TASKS OF THE OFFICE OF THE PRESIDENT OF THE CONSTITUTIONAL COURT**

#### **Article 68**

(1) The Office of the President of the Constitutional Court shall carry out professional and administrative tasks related to the scope of tasks of the President of the Constitutional Court, with the exception of those which, in accordance with the provisions of these Rules, are performed by other Constitutional Court bodies and services, and matters of protocol and international cooperation, tasks pertaining to the public relations of the Constitutional Court and the official and other operational needs of judges which ensue from their status as established by the Constitution.

(2) The operation of the Office of the President of the Constitutional Court shall be regulated by the Rules of Operation of the Office of the President of the Constitutional Court in accordance with these Rules.

## **THE HEAD OF THE OFFICE OF THE PRESIDENT OF THE CONSTITUTIONAL COURT**

### **Article 69**

(1) The Office of the President of the Constitutional Court shall be run and administered by the Head of the Office of the President of the Constitutional Court, who is admitted to the civil service and assigned to the post of the Head of the Office pursuant to Article 17, paragraph 2, item 4 of these Rules and the Decision on Job Titles and Employment Conditions in the Constitutional Court.

(2) The Secretary of the Cabinet of the President of the Constitutional Court shall conduct office tasks for the needs of the President of the Constitutional Court.

## **The Judge's Chambers**

### **Article 70**

(1) The following tasks shall be conducted in the Judge's Chambers: preparation of Constitutional Court documents for judges necessary for the Session of the Constitutional Court, expert meetings and Chamber sessions; the tasks of tracking and recording of Constitutional Court case files from their receiving in the Judge's Chambers to the conclusion of proceedings; final processing of original texts of decisions, rulings and reports, or their transcriptions and other office tasks pertaining to Constitutional Court cases handled by judge-rapporteurs.

(2) The Judge's Chamber shall be run by the Secretary of the Chamber.

## **Chapter Two General Secretariat of the Constitutional Court**

### **THE GENERAL SECRETARIAT OF THE CONSTITUTIONAL COURT**

#### **Article 71**

(1) The following are established within the General Secretariat:

- Services of Constitutional Court Legal advisers,
- General Administration of the Constitutional Court.

(2) The General Secretariat shall be run and administered by the Secretary General.

[NN 16/06, Art. 3, 21 February 2006]

(3) The work of the General Secretariat shall be governed by the Rules of Operation of the General Secretariat in accordance with these Rules.

(4) Office operations shall be governed by the Rules of Office Operations of the Constitutional Court, which shall be adopted by the Secretary General in compliance with these Rules, the Rules of Operation of the Office of the President and the Rules of Operation of the General Secretariat.

(5) The titles of workplaces in the Constitutional Court, the tasks conducted in these workplaces, the necessary qualifications for assignment to workplaces and the number of required legal advisers and other civil servants and employees shall be determined by the Decision on Job Titles and Employment Conditions in the Constitutional Court in compliance with these Rules, the Rules of Operation of the Office of the President and the Rules of Operation of the General Secretariat.

Sub-chapter deleted.

[NN 16/06, Art. 4, 21 February 2006]

## **REQUIREMENTS FOR AND PROCEDURE OF APPOINTING SECRETARY GENERAL**

[NN 16/06, Art. 4, 21 February 2006]

### **Article 71a**

[NN 16/06, Art. 4, 21 February 2006]

(1) The person appointed as Secretary General shall be a citizen of the Republic of Croatia and shall, besides other statutory conditions, also comply with the following conditions:

- university qualification, a graduate lawyer who has passed the bar exam and has at least ten (10) years of experience working on legal tasks, or

- university qualification, a graduate lawyer with a doctor's degree in legal science and at least ten (10) years of experience working on legal tasks, or

- university qualification, a graduate lawyer who has passed the state professional exam and has at least ten (10) years of experience working on jobs that entail special powers and responsibilities in the state administration.

(2) Besides the conditions in paragraph 1 of this article, the person must also comply with the following special conditions:

- active knowledge of the English language (spoken and written)

- good knowledge of the practice of the Constitutional Court and the European Court of Human Rights in Strasbourg,

- good knowledge of general administrative procedure and regulations on civil servants and employees,

- proficiency in computer use,

- organisational abilities and communication skills.

### **Article 71b**

[NN 16/06, Art. 4, 21 February 2006]

(1) The President of the Constitutional Court shall initiate the procedure of appointing the Secretary General by announcing a public invitation for candidates to submit substantiated applications for appointment to the duty of Secretary General of the Constitutional Court of the Republic of Croatia. Applications shall be submitted within a term of fifteen (15) days from the day of the publication of the public invitation in *Narodne novine*.

(2) The application in paragraph 1 of this article shall include proof that the candidate complies with the conditions, the candidate's CV, list of research and professional papers and their photocopies, recommendations of the relevant institutions and/or persons, and other



documents indicating that the candidate is capable of performing the duty of Secretary General.

(3) A special commission appointed by the President of the Constitutional Court (hereinafter: Competent Commission) shall examine all the applications received. Applications that do not contain all the documents, or the documents show that the person does not comply with the necessary conditions, shall not be taken into account.

(4) The Competent Commission shall invite the candidates who comply with the required conditions for an assessment of the special professional knowledge and skills. The assessment shall cover the knowledge, skills and abilities mentioned in Article 71a paragraph 2 of these Rules.

(5) The Competent Commission shall submit a report about the assessment procedure to the Session of the Constitutional Court, in which it shall enclose a substantiated proposal for the appointment of the Secretary General.

### **Article 71c**

[NN 16/06, Art. 4, 21 February 2006]

(1) The Session of the Constitutional Court shall appoint the Secretary General by open ballot, by a majority of votes of the total number of judges.

(2) The decision on appointing the Secretary General shall be published in *Narodne novine*.

## **TERM OF OFFICE AND DISMISSIAL OF THE SECRETARY GENERAL**

[NN 16/06, Art. 4, 21 February 2006]

### **Article 71d**

[NN 16/06, Art. 4, 21 February 2006]

(1) The Secretary General shall be appointed for a term of four years and may be re-appointed.

(2) No later than 30 days before the expiry of his/her term of office the Secretary General shall submit to the President of the Constitutional Court a written report on his/her work and the work of the General Secretariat in the past term of office (hereinafter: term of office report), for the examination and acceptance of the Session of the Constitutional Court.

(3) The Session of the Constitutional Court shall accept the term of office report by open ballot, by a majority of votes of the total number of judges.

(4) If it accepts the term of office report, the Session of the Constitutional Court shall pass a decision re-appointing the Secretary General for the next term of office. The decision shall be published in *Narodne novine*.

(5) If it does not accept the term of office report, the Session of the Constitutional Court shall dismiss the Secretary General on the day when his/her term of office ends. The decision dismissing the Secretary General shall be published in *Narodne novine*.

(6) In the case in paragraph 5 of this article, the President of the Constitutional Court shall institute proceedings to appoint a Secretary General in accordance with Article 71b of these Rules.

## **RIGHTS OF THE SECRETARY GENERAL AFTER BEING DISMISSED**

[NN 16/06, Art. 4, 21 February 2006]

### **Article 71c**

[NN 16/06, Art. 4, 21 February 2006]

(1) The person dismissed from the office of Secretary General in accordance with Article 71d paragraph 5 of these Rules, who was a civil servant at the Constitutional Court before being appointed to the office of Secretary General, has the right to be assigned to a post within the Constitutional Court without a competition, provided that there is a vacancy to the office whose professional conditions he/she fulfils. The person shall submit the request for assignment to the President of the Constitutional Court no later than 30 days from the day when he/she was dismissed from office.

(2) The person dismissed from the office of Secretary General in accordance with Article 71d paragraph 5 of these Rules, who was not a civil servant at the Constitutional Court before being appointed to the office of Secretary General, and the person in paragraph 1 of this Article who does not submit a request for assignment to a post at the Constitutional Court, or who does not submit this request in time, has rights in accordance with the law that regulates the rights and obligations of state officials.

## **TASKS OF THE SECRETARY GENERAL \***

[NN 16/06, Art. 5, 21 February 2006, \* Art. 71e was in the text by a slip marked as "Art 71d"]

### **Article 72**

(1) The Secretary General shall attend the Session of the Constitutional Court and may participate in deliberations, unless the judges at the Session decide otherwise (Article 47, paragraph 2 of the Constitutional Act).

(2) The Secretary General shall convene and preside over staff meetings of Constitutional Court legal advisers and be responsible for the legal, orderly, efficient and cost-effective operation of the Services of Constitutional Court Legal advisers from Articles 74 through 85 of these Rules.

### **Article 73**

(1) The Secretary General shall be responsible for the legal, orderly, efficient and cost-effective operation of the staff services in the General Administration of the Constitutional Court from Articles 87 through 90 of these Rules.

(2) The Secretary General:

1. is the general manager of the material and financial operations of the Constitutional Court, with the exception of tasks reserved for the President of the Constitutional Court or, based on a decision of the President of the Constitutional Court, transferred to the Assistant Secretary General for Finances and Accounting, administration and property management;

[NN 19/13, Art. 4, 26 February 2013]

2. issues decisions on admittance to the civil service and assignment to workplaces, and decisions on transferral to other workplaces in the Constitutional Court and termination from civil service, and decisions pertaining to other employment-related rights and obligations of legal advisers and other officials and civil servants pursuant to legislation which governs the general status, rights, and responsibilities of civil servants and employees;

3. conducts procedures which ensue from minor violations of official duties and renders decisions on the liability of legal advisers and other civil servants and employees for

committing minor violations of official duties pursuant to legislation which governs the general status, rights, duties and responsibilities of civil servants and employees;

4. establishes the rates of the Constitutional Court for the costs of copying the unpublished decisions, rulings and reports from Article 58, paragraph 1 of these Rules and the rates for the costs of copying comprehensive Constitutional Court documentation or portions thereof from Article 94, paragraph 4 of these Rules;

5. processes and answers the filings from citizens in the files under designation R in accordance with Article 53 paragraph 3 of these Rules;

[NN 19/13, Art. 4, 26 February 2013]

6. performs other tasks as determined by these Rules and the Decision on the Operations of the General Secretariat and other operations at the order of the President of the Constitutional Court.

[NN 19/13, Art. 4, 26 February 2013 - a new item 5 was added; item 5 became item 6]

## **ANNUAL REPORT ON THE WORK OF THE SECRETARY GENERAL**

[NN 16/06, Art. 6, 21 February 2006]

### **Article 73a**

[NN 16/06, Art. 6, 21 February 2006]

(1) The Secretary General shall make an annual written report about discharging the tasks in Article 72 paragraph 2 and Article 73 of these Rules in the past year, and shall deliver it to the President of the Constitutional Court on no later than 31 January of the current year.

(2) The President of the Constitutional Court shall deliver the report in paragraph 1 of this Article to all the judges for their information.

## **Sub-Chapter One Services of Constitutional Court Legal advisers**

### **THE ORGANIZATION OF THE SERVICES OF CONSTITUTIONAL COURT LEGAL ADVISERS**

#### **Article 74**

[NN 19/13, Art. 5, 26 February 2013]

The Services of Constitutional Court Legal advisers are the following:

- the Legal advisers' Service;
- Service for the Establishment of Procedural Requirements for Deciding on Constitutional Complaints
- Service for Preliminary Examination Procedure;
- Constitutional Court Records and Documentation Centre.

### **THE LEGAL ADVISERS' SERVICE**

#### **Article 75**

(1) Legal advisers' Service shall be performed by legal advisers appointed to the posts of:

- senior Constitutional Court legal adviser,
- Constitutional Court legal adviser,
- junior Constitutional Court legal adviser.

(2) Upon admittance to the civil service and assignment to the post of an legal adviser, the legal adviser may be appointed to one of the posts from paragraph 1 of this Article by decision of the President of the Constitutional Court, made at the proposal of the Secretary General.

(3) Upon appointment to the post from paragraph 1 of this Article, the legal adviser shall become a Constitutional Court legal adviser with the authority to engage directly in non-judicial tasks within the scope of tasks of the Constitutional Court as prescribed by the Constitution, which encompasses participation in the conduct of Constitutional Court proceedings and the processing of Constitutional Court cases pursuant to the Constitutional Act, these Rules and the Rules of Operation of the General Secretariat.

## **THE SCOPE OF TASKS OF CONSTITUTIONAL COURT LEGAL ADVISERS**

### **Article 76**

Constitutional Court legal advisers shall:

1. prepare and process the Constitutional Court cases assigned to them;
2. draft letters to be sent to the participants in Constitutional Court proceedings, state bodies and the scientific legal advisers of the Constitutional Court;
3. compile draft decisions, rulings and reports and compile the briefs from Article 31, paragraph 2 of these Rules;
4. attend the Sessions of the Constitutional Court, expert meetings and sessions of Chambers, unless the judges decide otherwise (Article 47, paragraph 2 of the Constitutional Act), and, at the invitation of judge-rapporteurs, make introductory presentation of cases or orally explain draft decisions, rulings and reports and, as needed, provide supplementary statements of reason (Article 48, paragraphs 1 and 2 of the Constitutional Act), and participate in deliberations and may provide opinions and proposals on the matters being deliberated;
5. co-sign the original texts of decisions, rulings and reports when they participate in their preparation and drafting (Article 78, paragraph 1 of the Constitutional Act);
6. keep and co-sign minutes on the course of public deliberations when they participate, together with a judge-rapporteur, in the processing of the case for which public deliberations are convened (Article 51, paragraphs 2 and 3 of the Constitutional Act);
7. perform other non-judicial tasks from within the scope of tasks of the Constitutional Court as prescribed by the Constitution entrusted to them by the judges at the Session of the Constitutional Court or by the President of the Constitutional Court.

## **THE SPECIAL RIGHTS AND RESPONSIBILITIES OF CONSTITUTIONAL COURT LEGAL ADVISERS**

### **Article 77**

(1) Constitutional Court legal advisers shall be responsible for the legal and technical preparation and processing of the Constitutional Court cases assigned to them.

(2) During the processing of the cases from paragraph 1 of this Article, Constitutional Court legal advisers shall be obliged to adhere to the practices and legal standpoints of the Constitutional Court in cases identical or similar to the case being processed.

(3) Constitutional Court legal advisers shall personally sign the completed draft decisions, rulings and reports when they participate in their preparation and processing, and they shall be held accountable for their content and orderliness.

(4) If a Constitutional Court legal adviser does not agree with the draft decision, ruling or report prepared according to the instructions of a judge rapporteur, he or she shall have the right to write a separate opinion which is submitted to the President of the Constitutional Court or the President of the competent Chamber together with the draft decision, ruling or report.

## **LEGAL ADVISERS**

### **Article 78**

Legal advisers admitted to the civil service in the Constitutional Court and assigned to the post of an legal adviser, but not appointed to one of the posts cited in Article 75 of these Rules, shall perform the preparatory expert tasks necessary for the institution of Constitutional Court proceedings and for the legal processing of cases from within the scope of tasks of the Constitutional Court as prescribed by the Constitution and other professional tasks at the order of the Secretary General or a superior Constitutional Court legal adviser.

## **PLACEMENTS WITHIN THE SERVICE**

[NN 19/13, Art. 6, 26 February 2013]

### **Article 79**

(1) By a decision of the President of the Constitutional Court delivered on the proposal of the Secretary General, a senior Constitutional Court legal adviser may be appointed to the post of:

- Head of the Legal Advisers' Service;
- Head of the Service for Preliminary Examination Procedures;
- Head of the Service for the Establishment of Procedural Requirements for Deciding on Constitutional Complaints;
- Head of the Records and Documentation Centre or Head or Authorised Advisor in its organisational units.

(2) The Secretary General shall appoint civil servants in the services referred to in paragraph 1 of this Article in conformity with the Decision on the titles and conditions for positions at the Constitutional Court.

(3) The Secretary General decides on the remit of work on Constitutional Court cases carried out by a Constitutional Court legal advisor within the period in which he or she was appointed to the post referred to in paragraph 1 of this Article.

## **SERVICES FOR THE ESTABLISHMENT OF REQUIREMENTS FOR DECIDING ON CONSTITUTIONAL COMPLAINTS**

[NN 19/13, Art. 7, 26 February 2013]

### **Article 80**

[NN 19/13, Art. 7, 26 February 2013]

(1) The Service for the Establishment of Procedural Requirements for Deciding on Constitutional Complaints shall process and compile draft rulings in cases under the jurisdiction of the Chamber from Article 24 of these Rules in cases where there are no procedural requirements for deciding on constitutional complaints (Article 19 paragraph 4, Article 32, Article 68 paragraph 2, Article 72 and Article 79 of the Constitutional Act).

*[NN 123/09, Art. 7, 22 October 2009 - replacing and adding words in Art 1, NN 181/03]*

(2) The Service referred to in paragraph 1 of this Article procures, if necessary, files from other state bodies, which are connected to the proceedings that preceded the rendering of the decision against which the constitutional complaint was filed.

(3) The Service for Preliminary Examination Procedure carries out the processing and draws up drafts of rulings in cases under the competence of the Chamber referred to in Article 24 of these Rules, in cases where there are no other requirements for deciding on constitutional complaints (Article 71 paragraph 2 of the Constitutional Act).

### **Article 81**

In case of a significant increase in the number of constitutional complaints received during the year, and in order to eliminate the possibility of delays in the work of the Constitutional Court, the Secretary General may make a decision on temporary transferral and assign a larger number of legal advisers to the Service with the exception of those who are appointed to the post of senior Constitutional Court legal adviser, and a larger number of other employees, whose number may exceed that foreseen by the Decision on Job Titles and Employment Conditions in the Constitutional Court.

## **THE JUDGE-RAPPORTEUR IN THE CHAMBER RULING ON REQUIREMENTS FOR DECIDING ON CONSTITUTIONAL COMPLAINTS**

[NN 19/13, Art. 8, 26 February 2013]

*[NN 123/09, Art. 8, 22 October 2009 - replacing words and deleting words in the title, NN 181/03]*

### **Article 82**

[NN 19/13, Art. 8, 26 February 2013]

*[NN 123/09, Art. 9, 22 October 2009 - revision of Art 82, NN 181/03]*

(1) The judge-rapporteur in the cases referred to the Chamber referred to in Article 24 of these Rules is appointed at the Session of the Constitutional Court on the proposal of the President of the Constitutional Court by a public majority vote of all judges for a period of two years, with the possibility of being reappointed to the same function.

(2) The judge-rapporteur submits draft rulings to the president of the Chamber referred to in Article 24 of these Rules for them to be referred to the session and for rulings to be rendered, and performs other tasks laid out in Articles 33 and 35 of these Rules.

(3) The judge-rapporteur coordinates the work of the appropriate expert service as part of the procedure of preparing cases referred for a ruling to the Chamber referred to in Article 24 of these Rules.

(4) The President of the Constitutional Court shall decide to what reduced extent the judge-rapporteur referred to in paragraph 1 of this Article shall perform duties pertaining to Constitutional Court proceedings in which constitutional complaints are decided upon.

## **THE RECORDS AND DOCUMENTATION CENTRE**

### **Article 83**

(1) The Centre shall perform the following expert tasks:

1. assign the designations of cases for each filing received pursuant to Article 54 of these Rules;

2. maintain records of decisions, rulings and reports;

3. prepare Sessions of the Constitutional Court and expert meetings at the order of the President of the Constitutional Court;

4. prepare the sessions of the Chamber, with the exception of the session of the Chamber which is prepared by the Service for the Establishment of Procedural Requirements for Deciding on Constitutional Complaints pursuant to Article 80 paragraph 1 of these Rules;

[NN 123/09, Art. 10, 22 October 2009]

5. examine the proposed draft Decisions and rulings to align them with Constitutional Court practice;

6. compare the content of decisions, rulings and reports published in Narodne novine with the original texts and, in case any errors are observed in Narodne novine, forward the official texts for corrections;

7. perform other expert tasks specified by these Rules and other acts of the Constitutional Court.

(2) The following shall be established within the Centre:

- the Constitutional Court Practice Automated Data Processing Service,

- the Constitutional Court Library.

(3) The Director of the Centre shall attend the Session of the Constitutional Court and may participate in deliberations, unless the judges in the Session decide otherwise (Article 47, paragraph 2 of the Constitutional Act).

## **CONSTITUTIONAL COURT PRACTICE AUTOMATED DATA PROCESSING SERVICE**

### **Article 84**

(1) The Constitutional Court Practice Automated Data Processing Service is established for the purpose of creating an electronic database of decisions, rulings and reports and facilitate searches thereof on the official Web-site of the Constitutional Court in the Croatian and English languages.

[NN 37/14, Art. 8, 1 April 2014]

(2) Decisions and rulings bearing the designations U-III, U-IIIA and U-IIIB posted on the official Website of the Constitutional Court must be previously edited in compliance with Article 56, paragraph 2 of these Rules.

[NN 37/14, Art. 8, 1 April 2014]

## **THE CONSTITUTIONAL COURT LIBRARY**

### **Article 85**

(1) The Library shall engage in library activities through the appropriate application of the relevant legislation governing library activities and libraries.

(2) The Library shall have a special section for books, monographs, journals and periodicals and other publications on the rule of law and human rights and protection thereof.

(3) The Library shall engage in cooperation and inter-library exchanges with the libraries of the corresponding international bodies and institutions and the competent foundations in the country and abroad for the needs of the section in paragraph 2 of this Article.

### **Sub-Chapter Two**

#### **General Administration of the Constitutional Court**

#### **PRINCIPLES OF OPERATION OF THE GENERAL ADMINISTRATION OF THE CONSTITUTIONAL COURT**

### **Article 86**

(1) The tasks performed by the General Administration of the Constitutional Court shall be separate from the scope of tasks of the Constitutional Court prescribed by the Constitution, that is the conduct of Constitutional Court proceedings and the rendering of decisions, rulings and reports.

(2) Legal advisers and other civil servants and employees shall be admitted to the civil service in the Constitutional Court, assigned to workplaces, transferred to other workplaces, and their civil service in the Constitutional Court shall end according to procedures and methods prescribed by legislation governing the general status, rights, obligations and responsibilities of civil servants and employees.

(3) Upon admittance to the civil service in the Constitutional Court, civil servants and employees shall acquire the status of Constitutional Court civil servants and employees.

#### **ORGANISATION OF THE CONSTITUTIONAL COURT GENERAL ADMINISTRATION**

### **Article 87**

[NN 19/13, Art. 9, 26 February 2013]

In the interest of performing general administrative tasks in the Constitutional Court, the following units shall be formed within the General Secretariat:

- Secretary General's Office;
- Service for Constitutional Court Operations;
- Service for Finance and Accounting;
- Service for Property Management;
- Service for IT.



## **THE SECRETARY GENERAL'S OFFICE**

[NN 19/13, Art. 10, 26 February 2013]

### **Article 88**

(1) The Secretary General's Office shall directly perform general legal, administrative and personnel tasks, and human resource management and organisation tasks, as well as tasks related to conducting public procurement procedures.

(2) The Office referred to in paragraph 1 of this Article shall be managed by the Head of the Secretary General's Office with the status of Constitutional Court civil servant with special authorities and responsibilities, and is directly accountable to the Secretary General for his or her work and the legal, orderly, efficient and cost-effective work of the Office

(3) Within the framework of the authority delegated to him or her, the Head of the Office referred to in paragraph 2 of this Article shall perform tasks determined by the Secretary General of the Constitutional Court.

## **SERVICE FOR CONSTITUTIONAL COURT OPERATIONS**

[NN 19/13, Art. 11, 26 February 2013]

### **Article 89**

[NN 19/13, Art. 11, 26 February 2013]

(1) The Service for Constitutional Court Operations shall directly conduct the office operations of the Constitutional Court, in particular the reception of parties and the receiving of filings, data entry, out-take tasks dispatch and delivery tasks, technical preparations of materials for sessions, and the archiving of files.

(2) The Service referred to in paragraph 1 of this Article shall be administered by the Assistant Secretary General for Constitutional Court Operations with the status of superior Constitutional Court civil servant with special authorities and responsibilities, who is directly accountable to the Secretary General for his or her work and for the legal, orderly, efficient and cost-effective work of the Service.

(3) Within the framework of the authority delegated to him or her, the assistant to the Secretary General referred to in paragraph 2 of this Article shall perform tasks determined by the Secretary General of the Constitutional Court.

## **SERVICE FOR FINANCE AND ACCOUNTING**

[NN 19/13, Art. 12, 26 February 2013]

### **Article 90**

[NN 19/13, Art. 12, 26 February 2013]

(1) The Service for Finance and Accounting shall directly perform administrative, expert and administrative-technical tasks to establish a strategic, programming and budgetary system of planning, programming, development and execution of the budget of the Constitutional Court with reference to the State Treasury system, the drafting of the public procurement plan, and normative, planning/analytical and financial accounting operations.

(2) The Service referred to in paragraph 1 of this Article shall be administered by the Assistant Secretary General for Financial Accounting operations with the status of superior Constitutional Court civil servant with special authorities and responsibilities, who is directly

accountable to the Secretary General for his or her work and for the legal, orderly, efficient and cost-effective work of the Service.

(3) Within the framework of the authority delegated to him or her, the assistant to the Secretary General referred to in paragraph 2 of this Article shall perform tasks determined by the Secretary General of the Constitutional Court.

## **SERVICE FOR PROPERTY MANAGEMENT**

[NN 19/13, Art. 13, 26 February 2013]

### **Article 90a**

[NN 19/13, Art. 13, 26 February 2013]

(1) The Service for Property Management shall directly perform tasks related to the procurement, maintenance, administration and management of property used by the Constitutional Court, and organise and oversee the performance of expert-technical, auxiliary-technical and service operations necessary for the orderly and seamless operations of the Constitutional Court.

(2) The Service referred to in paragraph 1 of this Article shall be administered by the Assistant Secretary General for Property Management with the status of superior Constitutional Court civil servant with special authorities and responsibilities, who shall be directly accountable to the Secretary General for his or her work and for the legal, orderly, efficient and cost-effective work of the Service.

(3) Within the framework of the authority delegated to him or her by the Secretary General of the Constitutional Court, the assistant to the Secretary General referred to in paragraph 2 of this Article shall perform tasks determined by the Secretary General of the Constitutional Court.

## **SERVICE FOR IT**

[NN 19/13, Art. 13, 26 February 2013]

### **Article 90b**

[NN 19/13, Art. 13, 26 February 2013]

(1) The Service for IT shall directly perform tasks related to the informatisation and internetisation of the Constitutional Court, the planning, building and maintenance of the IT infrastructure, the upgrading of the IT system in conformity with legal amendments and users' needs, the management and coordination of projects with an IT component, and the provision of direct assistance to users and of IT training to Constitutional Court civil servants and employees.

(2) The Service referred to in paragraph 1 of this Article shall be administered by the Head of the Service with the status of superior Constitutional Court civil servant with special authorities and responsibilities, who shall be directly accountable to the Secretary General for his or her work, and for the legal, orderly, efficient and cost-effective work of the Service.

(3) Within the framework of his/her authorities, the Head of the Service referred to in paragraph 2 of this Article shall perform the tasks delegated to him or her by the Secretary General of the Constitutional Court.

## **Title four**

## **CONSTITUTIONAL COURT AND PARTICIPANTS IN CONSTITUTIONAL COURT PROCEEDINGS**

## **FILINGS TO THE CONSTITUTIONAL COURT**

### **Article 91**

(1) The Constitutional Court shall not provide legal assistance nor shall it be competent to provide interpretations and explanations of the application of decisions, rulings and reports.

(2) Filings shall be submitted to the Constitutional Court in compliance with Article 17 of the Constitutional Act and may not be submitted orally directly for the record of the Constitutional Court.

(3) Filings shall be forwarded to the Constitutional Court in triplicate, and all attachments thereto shall be forwarded in duplicate.

### **Article 92**

(1) Electronic mail, written messages sent by facsimile (fax) to the Constitutional Court and telegrams sent to the Constitutional Court shall not be deemed filings whereby Constitutional Court proceedings are instituted, or whereby the institution of Constitutional Court proceedings is proposed.

(2) By way of exception, due to the urgency of settlement of electoral disputes, an appeal against the decision of the competent electoral commission sent by that commission to the official fax machine of the Constitutional Court shall be deemed legally valid for the institution of proceedings if:

- in addition to the appeal of the party and other accompanying documentation the competent electoral commission sends a separate official statement to the Constitutional Court which confirms the authenticity of the appeal,

- the President of the competent electoral commission confirms the delivery of the filing to the Constitutional Court by the official fax machine of the electoral commission in an oral telephone conversation with the Assistant Secretary General for Constitutional Court Operations.

[NN 19/13, Art. 14, 26 February 2013]

## **INFORMATION ON THE COURSE OF CONSTITUTIONAL COURT PROCEEDINGS**

### **Article 93**

(1) Participants in Constitutional Court proceedings and their agents may seek information on the course thereof up until the conclusion of these proceedings.

(2) The information from paragraph 1 of this Article shall be provided by the Assistant Secretary General for Constitutional Court Operations based on data from the Register and Constitutional Court case files.

[NN 19/13, Art. 15, 26 February 2013]

## **REVIEW OF CONSTITUTIONAL COURT CASE FILES FOR THE DURATION OF PROCEEDINGS**

### **Article 94**

(1) Participants to Constitutional Court proceedings, their agents and other persons vested with legal interest may request to review the following documentation from the corresponding Constitutional Court case file until the conclusion of the proceedings:

1. filings whereby the Constitutional Court proceedings were proposed or instituted;
2. written observations of the opposing parties (if sought and submitted);
3. written opinions of scientific legal advisers of the Constitutional Court (if sought and submitted);
4. written observations of state bodies that emerged or were received during the processing of the case (if sought and submitted).

(2) The request to review the documentation from paragraph 1 of this Article shall be submitted in writing to the Assistant Secretary General for Constitutional Court Operations.

[NN 19/16, Art. 16, 26 February 2013]

(3) The review shall be conducted in the Reception Office of the Service\* for the Constitutional Court Operations at a time determined by the Assistant Secretary General for Constitutional Court Operations.

[NN 19/13, Art. 16, 26 February 2013; \* word "Secretariat" was by a slip not replaced by a word "Service".]

(4) The review of Constitutional Court documentation shall imply the right to transcripts of the entire documentation from paragraph 1 of this Article or portions thereof or the right to copies of the documentation at the expense of the authorised party who requests the review based on the rates posted on the bulletin board of the Constitutional Court.

## **OFFICE HOURS**

### **Article 95**

(1) Participants in Constitutional Court proceedings, their agents and other citizens (hereinafter: parties) shall be received in the Reception Office of the Service for the Constitutional Court Operations during the office hours posted on the bulletin board of the Constitutional Court.

[NN 19/13, Art. 17, 26 February 2013]

(2) The reception of parties in the Office of the President of the Constitutional Court and the Secretary General's Office shall be regulated by the Head of the Office of the President or the Secretary General, of which parties shall be notified by means of notifications posted on the bulletin board of the Constitutional Court.

(3) The Director of the Centre may, based on prior authority granted by the Secretary General, provide information on Constitutional Court practice on specific legal issues.

## **PARTIES AND CONSTITUTIONAL COURT CASES**

### **Article 96**

(1) No person shall be entitled to seek data on judge-rapporteurs and Constitutional Court legal advisers to whom cases are assigned, nor data pertaining to decision-making on a specific case.

(2) No person shall be entitled to seek information on the content of decisions and rulings adopted bearing the designations U-III, U-IIIA and U-IIIB prior to their service to the participants in Constitutional Court proceedings or publication in Narodne novine.

## **PARTIES IN THE CONSTITUTIONAL COURT**

### **Article 97**

The Code of Conduct for parties in the Constitutional Court shall be posted on the bulletin board of the Constitutional Court.

## **TRANSITIONAL AND CONCLUDING PROVISIONS OF THE RULES OF PROCEDURE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF CROATIA AND ITS REVISIONS AND AMENDMENTS**

**Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 22 November 2003 (*Narodne novine*, No. 181/03 of 14 November 2003):

### **"Title five**

## **TRANSITIONAL AND CONCLUDING PROVISIONS**

### **Article 98**

(1) The appointment of the Deputy President of the Constitutional Court and the appointment of members of the Chambers from Article 8, paragraph 1, items 2 to 5 of these Rules and their Presidents shall be completed not later than 31 December 2003 in compliance with the provisions of these Rules.

(2) Judges who are performing the functions of Deputy President of the Constitutional Court and members and Presidents of Chambers shall continue performing these functions until the appointment of a Deputy President and members and Presidents of the Chambers in compliance with paragraph 1 of this Article.

### **Article 99**

(1) The internal general acts shall be adopted within six months after the entry into force of these Rules, and until then the general acts adopted pursuant to the Rules of Procedure of the Constitutional Court of the Republic of Croatia (*Narodne novine*, no. 29/1994) shall remain in force.

(2) Until the Decision on Job Titles and Employment Conditions in the Constitutional Court is made, the Operative Decision on Employment Conditions for Legal advisers and Expert Associates in the Constitutional Court of the Republic of Croatia (*Narodne novine*, no. 68/2003) shall remain effective.

### **Article 100**

(1) The provisions of Article 75 of these Rules shall be applied as of the date of entry into force of the Decision on Job Titles and Employment Conditions in the Constitutional Court, made in compliance with the provisions of these Rules.

(2) Legal advisers admitted to the civil service in the Constitutional Court prior to the date of entry into force of these Rules shall retain the post of junior Constitutional Court legal advisers, Constitutional Court legal advisers and senior Constitutional Court legal advisers to which they were assigned on the date of entry into force.

(3) Individual decisions on the assignment of Constitutional Court legal advisers from paragraph 2 of this Article to the posts from Article 79, paragraphs 1 and 3 of these Rules shall be made within a period of 90 days after the date of entry into force of these Rules.

(4) Constitutional Court civil servants and employees admitted to the civil service in the Constitutional Court prior to the entry into force of these Rules shall retain the posts to which they were assigned on the date of entry into force. Individual decisions whereby the titles of employment positions in the Office of the President

and the Constitutional Court General Administration, organised in the General Secretariat, are aligned with the titles specified in these Rules and the Decision on Job Titles and Employment Conditions in the Constitutional Court shall be made within a period not to exceed 60 days after the date of entry into force of the Decision on Job Titles and Employment Conditions in the Constitutional Court, made in compliance with the provisions of these Rules.

#### **Article 101**

Until the internal organisation of the Constitutional Court is completed in compliance with the provisions of these Rules, the President of the Constitutional Court shall be authorised to organise the operations of Constitutional Court bodies and administration in a manner that shall facilitate operations under the jurisdiction of the Constitutional Court as prescribed by the Constitution and the unimpeded activity and operation of the Constitutional Court.

#### **Article 102**

On the date of entry into force of these Rules, the Rules of Procedure of the Constitutional Court of the Republic of Croatia shall no longer be valid (Narodne novine, no. 29/1994).

#### **Article 103**

These Rules shall enter into force on the eighth day after their publication in Narodne novine."

**Procedural Decision on Revisions and Amendments of the Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 21 February 2006 (*Narodne novine*, No. 16/06 of 13 February 2006)

#### "Article 7

This Procedural Decision shall enter into force on the eighth day after its publication in Narodne novine."

**Procedural Decision on Amendments to the Rules of Procedure of the Constitutional Court of the Republic of Croatia** which entered into force on 20 March 2008 (*Narodne novine*, No. 30/08 of 12 March 2008)

#### "Article 2

This Procedural Decision shall enter into force on the eighth day after its publication in Narodne novine."

**Procedural Decision on Revisions and Amendments of the Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 22 October 2009 (*Narodne novine*, No. 123/09 of 14 October 2009)

#### "Article 11

This Procedural Decision shall enter into force on the eighth day after its publication in Narodne novine."

**Procedural Decision on Revisions of the Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 1 June 2010 (*Narodne novine*, No. 63/10 of 24 May 2010)

#### "Article 2

This Procedural Decision shall enter into force on the eighth day after its publication in Narodne novine."

**Procedural Decision on Revisions and Amendments of the Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 19 October 2010 (*Narodne novine*, No. 121/10 of 28 October 2010.)

"Article 2

This Procedural Decision shall enter into force on the day of its adoption."

**Procedural Decision on Revisions and Amendments of the Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 26 February 2013 (*Narodne novine*, No. 19/13 of 18 February 2013)

"Article 18

General enactments of the Constitutional Court of the Republic of Croatia shall be harmonised with this Procedural Decision within 6 months after its entering in force.

Article 19

This Procedural Decision shall enter into force on the eighth day after its publication in *Narodne novine*."

**Procedural Decision on Revisions and Amendments of the Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 1 April 2014 (*Narodne novine*, No. 37/14 of 24 March 2014).

"Article 19

Applicants who submitted their constitutional complaints before this Procedural Decision entered into force, and if on the day of its entering into force their case was still pending before the Constitutional Court, shall have the right to require, within 30 days after entering into force of this Procedural Decision, that the Constitutional Court mark their names only with the initials in the respective ruling or decision (Article 3 of this Procedural Rules in the part relating to the new Article 56 paragraph 3 of the Rules of Procedure) .

The request in paragraph 1 of this Article shall be submitted on the separate form published on the web Internet site of the Constitutional Court, and shall be delivered to the Constitutional Court at the E-mail address: [anonimizacija@usud.hr](mailto:anonimizacija@usud.hr) or by registered mail.

Article 10

This Procedural Decision shall enter into force on the eighth day after its publication in *Narodne novine*, except Article 3 in the part relating to the new Article 56 paragraph 1 of the Rules of Procedure which shall enter into force on 15 May 2014."

**Procedural Decision on Amendments to the Rules of Procedure of the Constitutional Court of the Republic of Croatia**, which entered into force on 15 January 2015 (*Narodne novine*, No. 2/15 of 7 January 2015).

"Article 2

This Procedural Decision shall enter into force on the eighth day after its publication in *Narodne novine*."

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## Abbreviations

NN - *Narodne novine* - Official Gazette of the Republic of Croatia, **Art.** = Article.

**Text in square brackets written in regular font:** revisions of or amendments to the Rules that are in force.

**Text in square brackets written in italic font:** previous revisions of or amendments to the Rules that are no longer in force.

**Meaning of the notes in square brackets by their order:** [Number of the Official Gazette in which revisions or amendments were published, Article holding the revisions or amendments, date on which the revisions or amendments entered into force - note on the content of the revisions or amendments, number of the Official Gazette in which the text of the relevant revisions or amendments was published].

**Text marked with "\*" -** editorial explanations

**The marks and the symbol are not part of the text of the Rules of Procedure and may not be quoted along the citation of the Rules of Procedure.**