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-----English-----

Constitution of the Republic of Croatia**Constitution of the Republic of Croatia**

The Constitution of the Republic of Croatia of 22 December 1990 (hereinafter referred to as the 'Constitution of 1990'), by adopting the new constitutional order of 1990, defined the composition of the Constitutional Court of the Republic of Croatia (hereinafter 'Constitutional Court') and the nature and limits of its powers.

Under the 1990 Constitution:

The Constitutional Court comprises 11 judges elected by the House of Representatives, on the basis of a proposal from the House of Counties of the Parliament of the Republic of Croatia, for a term of eight years from among outstanding legal experts, especially judges, public prosecutors, barristers/solicitors and university professors of law;

The Constitutional Court elects a president of the Court for a term of four years; Judges of the Constitutional Court may not perform any other public or professional duty;

Judges of the Constitutional Court enjoy the same immunity as members of the Croatian Parliament;

A judge of the Constitutional Court may be relieved of office before the expiry of the term for which he/she was elected if he/she so requests, if he/she is sentenced to a term of imprisonment, or if the Constitutional Court itself finds that he/she is permanently incapacitated for performing his/her duty.

Under the Constitution of 1990, the basic powers of the Constitutional Court were as follows:

to decide on the conformity of laws with the Constitution and to strike them down if it finds them to be unconstitutional;

to decide on the conformity of other legislation with the Constitution and the law and to strike down or annul any other legislation that it finds to be unconstitutional or illegal;

to protect the constitutional human and citizens' freedoms and rights in proceedings instituted by a constitutional complaint;

to rule on jurisdictional disputes between legislative, executive and judicial bodies;

to supervise the constitutionality of the programmes and activities of political parties and possibly to ban their work if their programme or activities threaten violence against the democratic constitutional order, independence, unity or territorial integrity of the Republic of Croatia;

to supervise the constitutionality and legality of elections and republican referendums and to resolve electoral disputes which do not fall within the jurisdiction of the courts;

at the proposal of the Government of the Republic of Croatia, to establish that the President of the Republic is permanently unable to perform his/her duties, in which case the duties of the President of the Republic are temporarily assumed by the President of the Croatian Parliament;

in proceedings instituted by a two-thirds majority vote of all representatives of the House of Representatives of the Croatian Parliament, to decide by a two-thirds majority vote of all the judges on the impeachment of the President of the Republic. If the Constitutional Court upholds the impeachment, the duty of the President of the Republic ceases by force of the Constitution.

The Constitution of 1990 also provided that a constitutional act was to regulate the conditions for the election of judges of the Constitutional Court and the termination of their term of office, the conditions and time-limits for instituting proceedings for the review of constitutionality and legality, the procedure and legal effects of its decisions, the protection of constitutional freedoms and human and citizens' rights, and other issues of importance for the performance of the duties and work of the Constitutional Court, and that this constitutional act was to be passed by the procedure laid down for amending the Constitution. Since 1990 no law in the constitutional order of the Republic of Croatia, apart from the Constitutional Act on the Constitutional Court of the Republic of Croatia, has had to be passed by the procedure established for the Constitution itself, i.e. to which the Constitution grants constitutional force. This is a clear expression of the importance and role of constitutional review in the legal order of the Republic of Croatia.

In accordance with the Constitution of 1990, in March 1991 the Croatian Parliament passed the first Constitutional Act on the Constitutional Court of the Republic of Croatia (hereinafter 'Constitutional Act of 1991'), which further develops the powers of the Constitutional Court specified by the Constitution of 1990.

The first change of the Constitution of 1990 took place at the end of 1997, when the Constitutional Act amending and supplementing the Constitution of the Republic of Croatia was passed. None of the provisions of the Constitution of 1990 regulating the powers of the Constitutional Court were changed or supplemented by these amendments and additions. In September 1999 Parliament passed a new Constitutional Act on the Constitutional Court of the Republic of Croatia (hereinafter 'Constitutional Act of 1999').

The second change of the Constitution took place at the end of 2000 when the Change of the Constitution of the Republic of Croatia was passed. In these changes to the Constitution the powers of the Constitutional Court were considerably expanded, and the number of judges was increased from the original 11 to a total of 13. In addition to the powers already established in the Constitution of 1990, the Constitutional Court was given the following new powers: to review the constitutionality of a law, and the constitutionality and legality of other regulations which are no longer in force, provided that no more than one year has elapsed between the date when they ceased to be in force and the date when the request or proposal to initiate proceedings was lodged;

to monitor the implementation of constitutionality and legality and to report to the House of Representatives of the Croatian Parliament about any kind of unconstitutionality and illegality it has observed;

if it finds that a competent body has not issued a regulation for executing provisions of the Constitution, laws and other regulations when it was obliged to do so, the Constitutional Court must inform the Government of the Republic of Croatia thereof and, in the case of regulations that should have been issued by the Government, it must inform the House of Representatives of the Croatian Parliament thereof;

to adopt, at the proposal of the Government of the Republic of Croatia, a decision whereby the President of the Croatian Parliament assumes the duties of temporary President of the Republic should the President of the Republic be prevented from performing his/her duties for a significant period of time because of illness or incapacity, and particularly if he/she is unable to decide on delegating his/her duties to a temporary substitute;

to give prior consent for the detention or institution of criminal proceedings against the President of the Republic;

to decide on an appeal against a decision of the National Judicial Council on relieving a judge of judicial office, and to decide on an appeal against a decision of the National Judicial Council on the disciplinary responsibility of a judge, both within 30 days of the submission of the appeal (the decision excludes the right to a constitutional complaint).

The third change of the Constitution of 1990 took place at the beginning of 2001. These changes did not amend or supplement the constitutional provisions of 2000, which had substantially extended the powers of the Constitutional Court in comparison to its powers under the Constitution of 1990. They merely brought the existing terminology in the part of the Constitution relevant to the Constitutional Court into line with the terminology in the Convention for the Protection of Human Rights and Fundamental Freedoms. Moreover, in the existing provisions of the Constitution relevant to the Constitutional Court, all references to the House of Representatives and the House of Counties of the Croatian Parliament were removed because the changes to the Constitution in 2001 reorganised the national parliament into one sole chamber (the House of Counties was abolished, and the provisions referring to the House of Representatives were replaced by provisions referring to the Croatian Parliament).

In March 2002 the Constitutional Act Amending and Supplementing the Constitutional Act on the Constitutional Court of the Republic of Croatia was passed, bringing the text of the Constitutional Act of 1999 into line with the extended powers of the Constitutional Court established by the Change of the Constitution of 2000. This is still in force.

Constitutional review was introduced in the Republic of Croatia in 1963, and the Constitutional Court began operating in 1964.

Constitutional review in the Republic of Croatia can be divided up into two historical periods:

constitutional review in the former Socialist Republic of Croatia from 1963 to 1990 – the period in which Croatia was one of the six federal entities (republics) which constituted the former Socialist Federal Republic of Yugoslavia (hereinafter "former SFRY");

constitutional review in the Republic of Croatia from 1990 to the present day – the period after the Republic of Croatia became autonomous and independent.

Most important criminal law legislation

Criminal law:

Criminal Code

Criminal Procedure Act

Misdemeanours Act

Juvenile Courts Act

Protection of People with Mental Disorders Act

Act on No Statute of Limitations for Wartime Profiteering, Economic Transition and Privatisation Crimes

Financial Compensation for Victims of Criminal Offences Act

Liability of Legal Persons for Criminal Offences Act

Amnesty Act

Procedure for Confiscation of Proceeds of Criminal Acts and Misdemeanours Act

Legal Consequences of Sentences, Criminal Records and Rehabilitation Act

Probation Act

Most important civil, commercial and administrative law legislation

Civil law:

Enforcement Act

Arbitration Act

Free Legal Aid Act

Validation Act

Conciliation Act

Succession Act

Civil Obligations Act

Civil Procedure Act

Ownership and Other Real Rights Act

Lease and Purchase of Business Premises Act

Land Register Act

Act on Liability of Republic of Croatia for Damage caused in Former Socialist Federal Republic of Yugoslavia (SFRY) for which Former SFRY was Responsible

Act on Liability of Republic of Croatia for Damage caused by Members of Croatian Armed Forces and Law and Order Forces during Croatian Independence War

Act on Liability for Damage caused by Terrorist Acts and Public Demonstrations

Act on Prohibition of Transfer of Right of Disposal and Use of Certain Publicly Owned Immovable Property to Other Users or into Ownership of Natural and Legal Persons

Act denying Certain Legal Persons the Right to Dispose and Take Possession of Assets in the Republic of Croatia

Act on the Resolution of Conflicts of Laws with the Regulations of Other Countries in Specific Relations

Commercial law:

Bankruptcy Act

Corporations Act

Court Register Act

Introduction of European Company (SE) and European Economic Interest Grouping (EEIG) Act

Administrative law:

Expropriation Act

Expropriation and Award of Compensation Act

Administrative Disputes Act

Compensation for Assets Seized during Yugoslav Communist Rule Act

Rules and international treaties relating to application of the Compensation for Assets Seized during Yugoslav Communist Rule Act

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