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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**AMENDMENTS
TO THE CONSTITUTION
OF THE REPUBLIC OF CROATIA**

Adopted on 9 November 2000

HOUSE OF REPRESENTATIVES OF THE CROATIAN
STATE PARLIAMENT

2224 Pursuant to Article 139 of the Constitution of the Republic of Croatia, the House of Representatives of the Croatian State Parliament at its session held on 9 November 2000, passed the

DECISION

ON THE PROCLAMATION OF AMENDMENTS TO THE CONSTITUTION
OF THE REPUBLIC OF CROATIA

Amendments to the Constitution of the Republic of Croatia, adopted by the House of Representatives of the Croatian State Parliament at its session held on 9 November 2000 are hereby proclaimed.

Class: 012-02/00-01/02
Zagreb, 9 November 2000

HOUSE OF REPRESENTATIVES
OF THE CROATIAN STATE PARLIAMENT

Speaker
of the House of Representatives
of the Croatian State Parliament
Zlatko Tomcic, signed

AMENDMENTS

TO THE CONSTITUTION OF THE REPUBLIC OF CROATIA

Article 1

In the Constitution of the Republic of Croatia ("Official Gazette", No. 56/90, 135/97 and 8/98 -cleared text), under Chapter II Basic Provisions, in Article 2, Paragraph 4, the wording: "Croatian State Parliament and the people" are replaced with the wording: "Croatian Parliament or the people".

Article 2

In Article 3, after the word "equality" the wording: "and gender equality" is added, the full stop at the end of the sentence is erased and the wording "and the basis for the interpretation of the Constitution" is added.

Article 3

In Article 4, Paragraph 1, at the end of the sentence, the full stop is erased and the wording: "and it shall be limited by the constitutionally guaranteed right to local and regional self-government" is added.

After Paragraph 1, Paragraph 2 is added, which reads:

"The principle of division of authority shall include the forms of mutual cooperation and mutual verification of holders of authority, stipulated by the Constitution and law."

Article 4

Article 6 is amended and reads:

"The establishment of political parties shall be free.

The internal organisation of political parties shall be in conformity with the fundamental constitutional democratic principles.

The political parties shall publicly declare the origin of their resources and property.

The political parties which by their programme or violent activity are inclined towards the disruption of the free democratic system or which are endangering the existence of the Republic of Croatia, shall be unconstitutional. The Constitutional Court of the Republic of Croatia shall decide on the unconstitutionality.

The position and financing of political parties shall be regulated by law."

Article 5

Article 7 is amended and reads:

"The armed forces of the Republic of Croatia shall protect its sovereignty and independence and defend its territorial integrity.

The armed forces of the Republic of Croatia may cross its borders or act across its borders only on the basis of the prior decision of the House of Representatives of the Croatian Parliament.

The armed forces may cross the borders of the Republic of Croatia as a part of exercises within the framework of international defense organisations, which the Republic of Croatia has joined or is joining on the basis of international treaties as well as in order to provide humanitarian aid, even without a prior decision of the House of Representatives of the Croatian Parliament.

In cases foreseen in Articles 17 and 101 of the Constitution, the armed forces may, should the nature of the danger require, be used for assistance to the police and other state bodies.

The defense system, commanding, administration and democratic supervision over the armed forces of the Republic of Croatia shall be regulated by the Constitution and law."

Article 6

Paragraph 2 of Article 13 is amended and reads:

"The law shall stipulate the position, competence and organisation of **the capital city** of Zagreb."

Article 7

In Article 15, after Paragraph 1, new Paragraphs 2 and 3 are added, which read:

"Equality and protection of the rights of national minorities shall be regulated by the Constitutional Law, which shall be adopted pursuant to the procedure of passing organic laws.

Beside the universal franchise, the law may ensure a special right to members of national minorities to elect their representatives into the Croatian Parliament."

In the former Paragraph 2, which has become Paragraph 4, the word: "ethnic" is replaced with the word: "national".

Article 8

In Article 16, after Paragraph 1, Paragraph 2 is added, which reads:

"Every limitation of freedom or right shall be proportional to the nature of the need for limitation in each particular case."

Article 9

In Article 17, Paragraph 1, the wording: "Croatian State Parliament" is replaced with the wording: "Croatian Parliament", and after the wording: "if the Parliament is unable to meet", the wording: "at the proposal of the Government and with the countersignature of the Prime Minister", is added.

Article 10

Article 29 is amended and reads:

"Everyone shall be entitled to a fair decision, within a reasonable period of time, on his rights and obligations, or on a suspicion or charges for a criminal act, by a legally established, independent and impartial court.

In case of a suspicion or charges for a criminal act, a suspect, charged or accused person shall have the right to:

- be informed, within the shortest possible time, in detail and in the language he

understands, on the nature and reasons for the charges preferred against him and on the evidence incriminating him,

- have adequate time and possibility to prepare the defense,

- a defence counsel and unhindered establishment of communication with the

defense counsel, and to be informed about this right,

- defend himself alone or with the assistance of the defense counsel chosen by him, and if he is lacking the sufficient funds to pay for a defense counsel, he shall be entitled to a free defense counsel under the conditions stipulated by law,

- be tried in his presence if he, is accessible to the court,

- examine or have the prosecution witnesses examined and to request that the

presence and examination of the defense witnesses is provided under the same conditions as for the prosecution witnesses,

- free assistance of an interpreter, if he does not understand or does not speak the

language used at the court.

A suspect, charged and accused person shall not be forced to admit his guilt.

Illegally obtained evidence shall not be admitted in court proceedings.

Criminal proceedings may only be initiated before a court, upon request of the

authorised prosecutor."

Article 11

In Article 3 1, Paragraphs 2 and 3 are amended and read:

"No one may be tried again nor punished in criminal proceedings for a criminal act of which he was already acquitted or sentenced for by a final court decision in accordance with the law.

Cases and reasons for the renewal of proceedings referred to in Paragraph 2 of this Article may only be stipulated by law, in accordance with the Constitution and an international agreement."

Article 12

In Article 38, Paragraph 4, the wording: "and law" is added after the wording: "by the Constitution".

Article 13

Article 42 is amended and reads:

"All citizens shall be recognised the right of public assembly and peaceful protest."

Article 14

In Article 43, Paragraph 1, after the wording. "freely establish", the wording: "political parties" is erased.

Article 15

Article 53 is amended and reads:

"Hrvatska narodna banka is the central bank of the Republic of Croatia.

The position, rights and duties of the Hrvatska narodna banka shall be regulated by law.

Hrvatska narodna banka shall be independent in its work and responsible to the House of Representatives of the Croatian Parliament."

Article 16

Article 66 is amended and reads:

"Under the conditions stipulated by law, private schools and teaching establishments may be founded."

Article 17

Paragraph 2 of Article 71 is amended and reads:

"The House of Counties shall have no more than 65 representatives, elected in accordance with the law, by direct secret ballot in the counties and towns with the county status."

Paragraphs 3 and 4 are erased.

Article 18

In Article-73, the wording: "Croatian. State Parliament": is replaced with the wording: "Croatian Parliament" in the appropriate grammatical case and after Paragraph 2, Paragraph 3 is added, which reads:

"Each House of Parliament shall be constituted with the election of the Speaker, at the first session attended by the majority of representatives of that House."

Article 19

In Article 76, the wording: "Croatian State Parliament' is replaced with the wording: "Croatian Parliament", and at the end of the sentence, the full stop is erased and the wording: "or in the cases as per Articles 17 and 10 1 of the Constitution" is added.

Article 20

Article 77 is amended and reads:

"The House of Representatives and the House of Counties may be dissolved for the reason of calling early elections, if so decided by the majority of all representatives of each House.

The President of the Republic may, in conformity with the provisions of Article 104 of the Constitution, dissolve the House of Representatives."

Article 21

In Article 78, Paragraph 1, the wording: "30 June" is replaced with the wording:

15 July", and the wording: "Croatian State Parliament" in Paragraphs 1 and 2 is replaced with the wording: "Croatian Parliament".

Paragraph 3 is added after Paragraph 2, which reads:

"The Speaker of a House may convene the House for an extraordinary session, with, a previously obtained opinion of clubs of representatives of parliamentary parties."

Article 22 Article 79 is amended and reads: "The House of Representatives and the House of Counties shall have a Speaker and one or more Deputy Speakers. The Speaker of the House of Representatives shall be the Speaker of the Croatian Parliament. The internal organization and mode of work of each House of Parliament shall be regulated by the rules of procedure of the House in accordance with the Constitution. The rules of procedure shall be adopted by a majority vote of all representatives of the House."

Article 23 In Article 80, Paragraph 1, after Sub-paragraph 4, new Sub-paragraphs 5, 6 and 7 are added, which read: shall adopt acts by which it shall express the policy of the Parliament, shall adopt the Strategy of National Security and the Strategy of Defense of the Republic of Croatia, shall exercise civic supervision over the armed forces and security services of the Republic of Croatia." Former Sub-paragraphs 5, 6, 7, 8, 9 and 10 have become Sub-paragraphs 8, 9, 10, 11, 12 and 13.

Article 24 Article 8 1, is amended and reads: "The House of Counties shall: propose laws and the calling of a referendum to the House of Representatives, discuss and may give opinion on questions falling within the competence of the House of Representatives, give to the House of Representatives a prior opinion in the procedure of enactment and amending of the Constitution, give to the House of Representatives a prior opinion in the cases as per Article 7, Paragraph 2 of the Constitution, conduct other affairs as specified by the Constitution. In the adoption procedure of the laws which elaborate constitutionally determined freedoms and rights of man and citizen, the electoral system, the organization, competence and mode of work of state bodies, organisation and competence of state administration as well as the organisation, competence and financing of local and regional self-government units, the House of Counties shall be passing decisions on an equal footing with the House of Representatives. The law on which the House of Counties and House of Representatives are passing a decision on an equal footing shall be considered adopted when both Houses have passed it in the identical text. In the case when the House of Counties has not decided on a law which was passed by the House of Representatives or when Houses of the Parliament have not passed a law in an identical text or the consent on the text of a law is not reached within 15 days from the day of adoption, the law in the text adopted by the House of Representatives shall be adopted. The House of Counties may, with a substantiated opinion, return a law for repeated decision-making to the House of Representatives within 8 days from the date of the adoption of the law in the House of Representatives, should it deem that the

law adopted by the House of Representatives violated the rights of local and regional self-government units, except for the laws on which the House of Representatives and the House of Counties decide on equal footing. In that case, the House of Representatives shall decide on the adoption of the law by a simple majority of all representatives, except when the House of Representatives adopts laws by a two-thirds majority vote."

Article 25

Article 83 is amended and reads:

"Laws (organic laws) regulating the rights of national minorities shall be passed by the House of Representatives by a two-thirds majority vote of all representatives.

Laws (organic laws) which elaborate the constitutionally defined freedoms and rights of man and citizen, the electoral system, the organization, competence and mode of work of state bodies and the organization and competence of local and regional self-government shall be passed by the House of Representatives by a majority vote of all representatives.

The House of Representatives shall pass the decision as per Article 7, Paragraph 2 and Article 8 of the Constitution by a two-thirds majority vote of all representatives.

When equally deciding on a law with the House of Representatives, the House of Counties shall be deciding pursuant to the procedure stipulated for the House of Representatives. The House of Counties shall decide on returning a law for repeated decision-making~ to the House of Representatives by a majority vote of all representatives, and in the cases as per Paragraphs 1 and 2 of this Article, by a two-thirds majority vote."

Article 26

Article 85 is amended and reads:

"Every Representative in the House of Representatives, Clubs of Representatives in the House of Representatives, working bodies of the House of Representatives, House of Counties and the Government of the Republic of Croatia shall have the right to propose laws."

Article 27

Article 86 is amended and reads:

"Representatives in the Croatian Parliament shall have the right to pose representatives' questions to the Government of the Republic of Croatia and to individual ministers.

At least one tenth of the representatives of the House of Representatives may submit an interpolation regarding the work of the Government of the Republic of Croatia or its individual member.

Posing of representatives' questions and submitting of interpolations shall be more specifically regulated by the rules of procedure."

Article 28

In Article 87, a new Paragraph 3 is added after Paragraph 2, which reads:

"The House of Representatives shall call a referendum on the questions referred to in Paragraphs 1 and 2 of this Article, in accordance with the law, if so demanded by ten percent of the total number of voters in the Republic of Croatia."

The former Articles 3, 4 and 5 have become Articles 4, 5 and 6.

Article 29

Article 89 is amended and reads:

"The President of the Republic shall promulgate laws within eight days from the day when they were passed in the Croatian Parliament.

Should the President of the Republic consider that a promulgated law is not in conformity with the Constitution, he may initiate proceedings for assessment of the constitutionality of the law before the Constitutional Court of the Republic of Croatia."

Article 30

Article 90 is amended and reads:

"Before coming into force, laws and other regulations of state bodies shall be published in "Narodne novine", the Republic of Croatia's official gazette.

Before coming into force, regulations of the bodies having public duties shall be published in an accessible manner, in accordance with the law.

A law shall come into force at the earliest on the eighth day after its publication, unless otherwise specified by law for especially justified reasons.

Laws and other regulations of state bodies and bodies with public powers may not have a retroactive effect.

Only individual provisions of a law, for especially justified reasons, may have a retroactive effect."

Article 31

In Article 92, Paragraph 1, the wording: "Croatian State Parliament" is replaced with the wording: "Croatian Parliament", and after Paragraph 2, Paragraph 3 is added, which reads:

"The chairman of the inquiry commission shall be elected by the majority of representatives of the House from the ranks of the opposition representatives."

Article 32

In Article 93, Paragraph 1, the wording: "Croatian State Parliament" is replaced with the wording: "Croatian Parliament" and after Paragraph 3, Paragraph 4 is added, which reads:

"The protection of constitutional and legal rights of citizens in the proceedings conducted in the Ministry of Defence, armed forces and security services, the protection of the rights of citizens before the bodies of local and regional self-government, as well as the protection of the right to local and regional self-government before the bodies of state authority shall be provided within the institution of Ombudsman."

Article 33

Article 94 is amended and reads:

"The President of the Republic of Croatia shall represent and act on behalf of the Republic of Croatia at home and abroad.

The President of the Republic shall be concerned with the regular and co-ordinated functioning and stability of the state authorities.

The President of the Republic shall be responsible for the defence of the independence and territorial unity of the Republic of Croatia."

Article 34

In Article 95, Paragraph 2 is amended and reads:

"No one shall be elected President of the Republic more than twice."

Paragraph 6 is amended and reads:

"Before assuming duty, the President of the Republic shall take a solemn oath before the president of the Constitutional Court of the Republic of Croatia, swearing loyalty to the Constitution."

In Paragraph 7, a coma is placed after the word: "Republic" and the wording: "oath and its taking" is added.

Article 35

Article 96 is amended and reads:

"The President of the Republic shall not perform any other public or professional duty.

After the election, the President of the Republic shall submit a resignation to the membership in a political party, on which he shall inform the House of Representatives of the Croatian Parliament."

Article 36

Article 97 is amended and reads:

"In the event of being prevented from performing his duties for a short period of time, in the event of absence, illness, or annual leave, the President of the Republic may delegate the

Speaker of the Croatian Parliament as his replacement. The President of the Republic shall decide about the resumption of his duties.

In the event of being prevented from performing his duties for a long period of time, due to an illness or incapability, and especially if the President of the Republic is not in the condition to decide on entrusting the duties on a temporary deputy, the Speaker of the Croatian Parliament shall take over the duty of a temporary President of the Republic on the basis of the decision of the Constitutional Court. The Constitutional Court shall decide on this matter at the proposal of the Government.

In the event of death, resignation which shall be submitted to the President of the Constitutional Court of the Republic of Croatia, on which the Speaker of the Croatian Parliament shall be informed, or when the Constitutional Court establishes the reasons for termination of the mandate of the President of the Republic, the duty of the temporary President of the Republic shall, pursuant to the Constitution, be assumed by the Speaker of the Croatian Parliament.

When the Speaker of the Croatian Parliament as the temporary president of the Republic is adopting an act on the proclamation of a law, the act shall be counter-signed by the Prime Minister of the Republic of Croatia.

The election of a new President of the Republic shall be called within 60 days from the day of take-over of the duty of the temporary President of the Republic, in conformity with Paragraph 3 of this Article."

Article 37

In Article 98, Paragraph 2, Sub-paragraph 1, the wording: "Croatian State Parliament" is replaced with the wording: "Croatian Parliament."

Sub-paragraphs 3 and 4 are replaced with Sub-paragraph 3, which reads:

give the mandate for the composition of the Government to the person who, on the basis of the distribution of representative seats in the House of Representatives and conducted consultations, enjoys the confidence of the majority of all representatives in the House of Representatives;"

The former Sub-paragraphs 5, 6 and 7 have become Sub-paragraphs 4, 5 and 6.

Article 38

Article 99 is amended and reads:

"The President of the Republic and the Government of the Republic of Croatia shall co-operate in the creation and implementation of the foreign policy.

The President of the Republic shall, at the Government's proposal and with the counter-signature of the Prime Minister, decide on the establishment of diplomatic missions and consular offices of the Republic of Croatia abroad.

The President of the Republic shall pass decisions on the appointment and recall of heads of diplomatic missions of the Republic of Croatia abroad, at the proposal of the Government and with the opinion obtained from the competent committee of the House of Representatives of the Croatian Parliament, with the previous counter-signature of the Prime Minister of the Republic of Croatia.

The President of the Republic shall receive letters of credence and letters of recall from heads of foreign diplomatic missions."

Article 39

In Article 100, Paragraph 2, the word: "officials" is replaced with the word: "commanders."

Paragraph 3 is erased.

In the previous Paragraph 4, which has become Paragraph 3, the wording: "Croatian State Parliament" is replaced with the wording: "Croatian Parliament."

After Paragraph 3, a new Paragraph 4 is added, which reads:

"In case of immediate danger to the independence, unity and existence of the state, the President of the Republic may, with the counter-signature of the Prime Minister, order the use of armed forces although a state of war has not been proclaimed."

Article 40

Article 10 1 is amended and reads:

"During a state of war, the President of the Republic may pass decrees with the force of law on the basis and within the framework of the powers vested upon him by the House of Representatives of the Croatian Parliament. If the House of Representatives is not in session, the President of the Republic has the authority to regulate all issues as required by the state of war by decrees with the force of law.

In case of immediate danger to the independence, unity and existence of the state, or when the bodies of state authorities are prevented from regular performance of their constitutional duties, the President of the Republic may, at the proposal of the Prime Minister and with his counter-signature, pass decrees with the force of law.

The President of the Republic shall submit the decrees with the force of law for approval to the House of Representatives of the Croatian Parliament as soon as the House is in a position to meet.

Should the President of the Republic not submit a decree to the House of Representatives for confirmation, in accordance with Paragraph 3 of this Article or the House of Representatives should not confirm the stated decree, the decree with the force of law shall cease to be valid.

In the case referred to by Paragraphs 1 and 2 of this Article, the President of the Republic may convene a Government session and preside over the Government session convened in this manner. "

Article 41

Article 102 is amended and reads:

"The President of the Republic may propose to the Government to convene a session and consider certain issues.

The President of the Republic may be present at the session of the Government and participate in the discussion."

Article 42

Article 103 is amended and reads:

"The President of the Republic and the Government of the Republic of Croatia shall, in accordance with the Constitution and law, co-operate in directing the work of security services.

The President of the Republic and the Prime Minister of the Republic of Croatia shall counter-sign the appointment of the heads of security services, with the previously obtained opinion of the competent committee of the House of Representatives of the Croatian Parliament'

Article 43

Article 104 is amended and reads:

"The President of the Republic may, at the proposal of the Government and with the counter-signature of the Prime Minister, after consultations with representatives of the clubs of representatives of the parliamentary parties, dissolve the House of Representatives of the Croatian Parliament, should the House pass a vote of no confidence to the Government upon the Government's proposal for passing a vote of confidence, or should it fail to adopt the state budget within 120 days from the day of proposal.

The President of the Republic may not, at the proposal of the Government, dissolve the House of Representatives as long as the proceedings for determination of his responsibility for the violation of the Constitution."

Article 44

In Article 105, after Paragraph 3, a new Paragraph 4 is added, which reads:

"The Constitutional Court shall adopt a decision~ on the impeachment of the President of the Republic for violation of the Constitution within 30 days from the day of receipt of the proposal initiating the impeachment of the President of the Republic for violation of the Constitution."

The previous Paragraph 4 has become Paragraph 5.

Article 45

Article 105a is added after Article 105, which reads:

"Article 105a

The President of the Republic shall have the immunity of inviolability.

The President of the Republic may not be detained, nor may criminal proceedings be initiated against him without the consent of the Constitutional Court.

The President of the Republic may be detained without the consent of the Constitutional Court only if he was caught performing a criminal act for which a prison sentence for a period longer than five years has been stipulated. In such a case, the state body which detained the President of the Republic is obliged to immediately inform the President of the Constitutional Court about it.*

Article 46

Article 106 is amended and reads:

"In the performance of his duties the President of the Republic shall be assisted by advisory bodies. Members of those bodies shall be appointed and recalled by the President of the Republic. No appointments contrary to the principle of division of powers shall be allowed.

Advisory, expert and other tasks shall be performed in the Office of the President of the Republic. The organization and competence of the Office shall be regulated by law and a rule book."

Article 47

Article 108 is amended and reads:

"The Government of the Republic of Croatia shall consist of a Prime Minister, one or more Deputy Prime Ministers and ministers.

The Prime Minister and members of the Government may not perform any other public or professional duty without the approval of the Government."

Article 48

Article 109 is amended and reads:

"Members of the Government shall be proposed by a person who was given the mandate to compose the Government by the President of the Republic.

The Prime Minister Designate is obliged to present the programme of the Government and the Government to the House of Representatives of the Croatian Parliament and request the vote of confidence immediately after the composition of the Government, or at the latest within 30 days from the day of the acceptance of the mandate,

The Government shall take up its duties when the majority of all representatives in the House of Representatives give the vote of confidence.

The Prime Minister and members of the Government shall take the solemn oath in front of the House of Representatives. The text of the oath shall be stipulated by law.

On the basis of the decision of the Croatian Parliament on giving the vote of confidence to the Government of the Republic of Croatia, the President of the Republic shall adopt the decision of the appointment of the Prime Minister, with the countersignature of the Speaker of the Croatian Parliament, and the Prime Minister shall adopt the decision on the appointment of the Government members, with the counter-signature of the Speaker of the Croatian Parliament."

Article 49

Articles 109a and 109b are added after Article 109, which read:

"Article 109a

Should the Prime Minister Designate fail to compose the Government within 30 days from the day of accepting the mandate, the President of the Republic may extend the deadline for not more than 30 days.

Should the Prime Minister Designate fail to compose the Government in that period as well, or should the proposed Government not receive the vote of confidence by the House of Representatives, the President of the Republic shall give the mandate to compose the Government to another person.

Article 109b

Should the Government not be composed in accordance with Articles 109 and 109a of the Constitution, the President of the Republic shall appoint temporary non-party Government and at the same time call early elections for the House of Representatives."

Article 50

Article 110 is amended and reads:

"The Government of the Republic of Croatia shall:

- propose laws and other acts to the Croatian Parliament,
- propose the state budget and the annual financial report,
- enforce laws and other decisions enacted by the Parliament,

adopt decrees for the implementation of laws,

lead foreign and domestic policy,

direct and supervise the work of the state administration,

take care about the economic development of the country,

direct the work and development of public services,

perform other tasks regulated by the Constitution and law."

Article 51

Article 111 is amended and reads:

"The organization, mode of work, decision-making and the types of acts passed by the Government shall be stipulated by law and rules of procedure.

Article 52

Article 112 is amended and reads:

The Government shall be accountable to the House of Representatives of the Croatian Parliament.

The Prime Minister and members of the Government shall be jointly responsible for the decisions made by the Government and personally responsible for their respective competencies."

Article 53

Article 113 is amended and reads:

At the proposal of at least one fifth of the representatives in the House of Representatives of the Croatian Parliament, a vote of confidence in the Prime Minister, individual Government member, or the Government as a whole, may be initiated.

A vote of confidence in the Government may also be requested by the Prime Minister.

No discussion or vote of confidence shall take place before the expiration of seven days from the day of service of the proposal to the House of Representatives.

Discussion and the vote of confidence shall be carried out at the latest within 30 days from the day of delivery of the proposal to the House of Representatives.

Should the House of Representatives reject the proposal for a vote of no confidence, the representatives who proposed it may not submit the same proposal again before the expiration of six months.

If a vote of no confidence in the Prime Minister or the Government as a whole is passed, the Prime Minister and the Government shall submit a resignation. If no vote of confidence is passed to the new Prime Minister Designate and members he is proposition for the composition of the Government within 30 days, the Speaker of the House of Representatives of the Croatian Parliament: shall inform the President of the Republic of Croatia about it. Upon receiving the notification of the Speaker of the House of Representatives of the Croatian Parliament, the President of the Republic shall immediately adopt a decision on the dissolution of the House of Representatives and at the same time call new elections for that House.

If a vote of no confidence in an individual member of the Government is passed, the Prime Minister may propose another member instead of him to the House of Representatives to give a vote of confidence to, or the Prime Minister and the Government may submit resignation.

In all the cases when the Prime Minister or the Government have submitted resignation, the procedure shall be conducted in accordance with Paragraph 7 of this Article.

Article 54

Article 114 is amended and reads:

"The structure and the tasks of the state administration and the manner of their performance shall be regulated by law.

Certain tasks of the state administration may be given by law to the bodies of local and regional self-government and legal persons vested with public authorities.

The law and other regulations shall stipulate the status of state officials and the working-legal status of employees."

Article 55

Article 116 is amended and reads:

"The Supreme Court of the Republic of Croatia, as the highest court, shall ensure uniform application of laws and equality of citizens.

President of the Supreme Court of the Republic of Croatia shall be elected and relieved of his duty by the House of Representatives of the Croatian Parliament, upon proposal by the President of the Republic, with prior opinion of the General Assembly of the Supreme Court of the Republic of Croatia and the competent committee of the House of Representatives of the Croatian Parliament. The President of the Supreme Court shall be elected for a period of four years.

The establishment, competence, composition and organization of courts as well as the proceedings before the courts shall be regulated by law."

Article 56

In Article 117, Paragraph 2 is amended and reads:

"The public may be barred from the entire trial or part thereof due to reasons necessary in a democratic society in the interest of morality, public order or state security, especially if minors are being tried, or to protect the private lives of the parties, or in marital disputes and proceedings in connection with guardianship and adoption, or for the purpose of protection of military, official or business secret, and for the protection of security and defense of the Republic of Croatia, but only in the scope which is, in the opinion of the court, unconditionally necessary in special circumstances in which the public could be harmful to the interests of justice."

Article 57

Article 119 is amended and reads:

"Judges shall have the immunity in compliance with the law.

Judges and side judges participating in a trial may not be held responsible for expressed opinion or voting while passing the judicial verdict, unless the law has been violated by the judge.

A judge may not be detained in the proceedings initiated because of a criminal act committed while performing judge's duty without the approval of the State Judicial Council."

Article 58

Article 120 is amended and reads:

"Judicial duty shall be permanent.

Exceptionally to the provision of Paragraph 1 of this Article, on the occasion of assuming the judicial duty for the first time, judges shall be appointed for a period of five years. Following the repeated appointment, a judge shall perform his duty permanently.

A judge shall be relieved of his judicial duty:

- at his own request,
- if he has become permanently incapacitated to perform his duty,
- if he has been sentenced for a criminal act which makes him unworthy to perform judicial duty,
- if it is so decided by the State Judicial Council, in conformity with law, owing to the commission of an act of serious infringement of discipline,
- when he fulfils seventy years of age.

A judge shall have the right to, within 15 days from the day of delivery of the decision, submit to the Constitutional Court of the Republic of Croatia an appeal against the decision to relieve him of judicial duty, about which the Constitutional Court shall decide in the manner and composition stipulated by the Constitutional Law on the Constitutional Court of the Republic of Croatia.

The judge shall have the right to appeal against the decision of the State Judicial Council on his disciplinary responsibility to the Constitutional Court within 15 days from the day of delivery of the decision. The Constitutional Court shall decide about the appeal in the manner and according to the procedure stipulated by the Constitutional Law on the Constitutional Court of the Republic of Croatia.

In cases as per Paragraphs 4 and 5 of this Article, the Constitutional Court shall be obliged to pass on a decision within thirty days since the receipt of the appeal. The decision of the Constitutional Court shall exclude the right to a constitutional suit.

A judge shall not be transferred against his will, except in cases of the abrogation of the court or re-organisation thereof in compliance with the law.

A judge shall not perform duty or work defined by law as being incompatible with the judicial duty."

Article 59

Article 121 is amended and reads:

"Judges shall, in conformity with the Constitution and law, be appointed and relieved of duty by the State Judicial Council, which shall also decide on their disciplinary responsibility.

In the process of appointing and relieving of duty of judges, the State Judicial Council shall be obliged to obtain the opinion of the competent Committee of the House of Representatives of the Croatian Parliament.

The State Judicial Council shall consist of eleven members, elected by the House of Representatives from among notable judges, lawyers and University professors of law, in the manner and procedure stipulated by law -. Most members of the State Judicial Council shall come from the judges' profession.

Presidents of courts may not be elected as members of the State Judicial Council.

Members of the State Judicial Council shall be elected for a term of four years, with a stipulation that no person may be elected member of the State Judicial Council for more than two times in a row.

President of the State Judicial Council shall be elected by secret ballot by the majority of the members of the State Judicial Council for a period of two years.

The competence and mode of work of the State Judicial Council shall be regulated by law."

Article 60

A subtitle: "5. Public Prosecutor's Office" and Article 121 a are added after Article 121 and read:

"Article 121a

The Public Prosecutor's Office is an independent and impartial judicial body authorised and obliged to act against the perpetrators of criminal and other acts liable to punishment, undertake legal actions in order to protect the property of the Republic of Croatia as well as to submit legal means to, protect the Constitution and law.

The Chief Public Prosecutor of the Republic of Croatia shall be appointed by the House of Representatives of the Croatian Parliament for a period of four years, upon the proposal of the

Government of the Republic of Croatia, with prior opinion of the competent Committee of the House of Representatives.

On the occasion of assuming the Public Prosecutor's duty for the first time, Deputy Public Prosecutors shall be appointed for a period of five years. Following the repeated appointment, a Deputy Public Prosecutor shall perform his duty permanently. Deputy Public Prosecutors shall be appointed, relieved of duty and decided upon their disciplinary responsibility by the Public Prosecutor's Council, in compliance with the Constitution and law. The Public Prosecutor's Council shall be elected by the House of Representatives of the Parliament in the manner and procedure determined by the law. The majority of the total number of members of the Public Prosecutor's Council shall come from the Deputy Public Prosecutor's profession.

Heads of Public Prosecutor's Offices may not be elected members of the Public Prosecutor's Council.

The founding, organisation, competence and scope of activities of the Public Prosecutor's Office shall be regulated by law."

Article 61

In Article 122 Paragraph 1, the word "eleven" is replaced by the word "thirteen" and the wording "upon proposal by the House of Counties" is erased.

A new Paragraph 2 is added after Paragraph 1, which reads:

"The procedure of nomination of judges for the Constitutional Court of the Republic of Croatia and the proposal for election to the House of Representatives shall be implemented by the Committee of the House of Representatives, competent for the issue of the Constitution.

Former Paragraph 2 has become Paragraph 3.

Article 62

In Article 125, Paragraph 1, Sub-paragraph 3 is replaced by three new Subparagraphs, which read:

may evaluate the constitutionality of laws and constitutionality and legality of other regulations whose validity has ceased, if not more than a year has passed between that cessation and submitting of the request-or proposal to-initiate proceedings;

- shall decide upon constitutional suits against individual decisions by state bodies, bodies of local and regional self-government units and legal persons with public authorities when those decisions have violated basic freedoms and rights of man and citizen, as well as the right to a local and regional self-government, guaranteed by the Constitution of the Republic of Croatia.

- shall monitor the exercise of constitutionality and legality and report to the House of Representatives of the Croatian State Parliament about noted occurrences of non-constitutionality and unlawfulness;"

Former Sub-paragraphs 4, 5, 6, 7 and 8 have become Sub-paragraphs 6, 7, 8, 9 and 10.

Article 63

New Article 125a is added after Article 125, which reads:

"Article 125a

Should the Constitutional Court determine that the competent body has not adopted a regulation for the implementation of Constitutional provisions, law and other regulations, and it was obliged to adopt such a regulation, it shall inform the Government about it, and it shall inform the House of Representatives about the regulations the Government was obliged to adopt."

Article 64

In Article 126, after Paragraph 2, Paragraph 3 is added, which reads:

"In cases as per Article 125. Paragraph 1. Sub-Paragraph 3 of the Constitution, should 14 the Constitutional Court of the Republic of Croatia determine that a law was not in conformity with the Constitution, or that an other regulation was not in conformity with the Constitution and law, it will adopt a decision on the establishment of non-constitutionality or unlawfulness."

Article 65

In Article 127, Paragraph 1 at the beginning of the sentence, the word "Conditions" is replaced by the wording: "Procedure and conditions".

Article 66

The title of the Chapter VI is amended and reads:

"SELF-GOVERNMENT ON THE SETTLEMENT, LOCAL AND REGIONAL LEVEL

Article 67

Article 128 is amended and reads:

"Citizens shall be guaranteed the right to local and regional self-government.

The right to self-government shall be exercised through local or regional representational bodies, composed of members elected at free and secret elections on the basis of direct, equal and universal suffrage.

Citizens may directly participate in the management of local affairs through public meetings, referenda and other forms of direct decision-making in accordance with the law and statute."

Article 68

Article 129 is amended and reads:

"Units of local self-government shall be municipalities and towns and their area shall be determined in the manner stipulated by law. Other units of local self-government may also be established by law.

Units of regional self-government shall be counties. The area of a county shall be determined in the manner stipulated by law.

The law may determine the county status to The City of Zagreb. Bigger towns in the Republic of Croatia may also be granted the county authorities by law.

Forms of local self-government may be established in a settlement or part thereof, in accordance with the law."

Article 69

Articles 129a and 129b are added after Article 129, which read:

"Article 129a

Local self-government units shall perform affairs from the local competence, by which the needs of citizens will be directly realised, in particular affairs related to putting in order of settlements and dwelling, zoning and town planning, utility services, children's care, social care, primary health protection, upbringing and primary school education, culture, physical exercise and sports, protection of consumers, protection and promotion of natural environment, fire-prevention and civil protection.

Regional self-government units shall perform affairs with the regional significance, in particular affairs related to school system, health system, zoning and town planning, economic development, traffic and traffic infrastructure, as well as planning and development of the network of educational, health, social and cultural institutions.

Affairs of the local and regional competence shall be regulated by law. On the occasion of assigning those affairs, the priority shall be given to bodies which are closest to the citizens.

On the occasion of determining of the competence of local and regional self-government units, the width and nature of the affairs shall be taken into account, as well as demands of efficiency and-economy.

Article 129b

Local and regional self-government units shall have the right to, within the framework of the law, independently determine by their statutes their internal organization and the competence of their bodies and to adjust them to local needs and possibilities."

Article 70

Article 130 is amended and reads:

"While performing the tasks from their competence, bodies of local and regional self-government units shall be independent and liable only to supervision of the constitutionality and legality by authorized state bodies."

Article 71

Article 131 is amended and reads:

"Local and regional self-government units shall have the right to their own revenues which they shall freely dispose of while performing activities from their competence.

The revenues of local and regional self-government units shall be proportional to their authorities, as foreseen by the Constitution and law.

The state shall be obliged to financially assist weak local self-government units, in compliance with the law"

Article 72

Article 132 is amended and reads:

"The conclusion of international contracts shall be, depending on the nature and content of the international contract, within the competence of the House of Representatives of the Croatian Parliament, President of the Republic and the Government of the Republic of Croatia, in accordance with the Constitution, law and rules from the international law."

Article 73

In Article 133 Paragraph 1, the wording 'Croatian State Parliament' is replaced by the wording "Croatian Parliament".

After Paragraph 2, Paragraphs 3 and 4 are added, which read:

"President of the Republic shall sign documents on ratification, access, approval or acceptance of international contracts, confirmed by the House of Representatives of the Croatian Parliament on the basis of Paragraphs 1 and 2 of this Article.

International contracts which are not subject to confirmation by the House of Representatives of the Croatian Parliament shall be concluded by the President of the Republic upon the proposal of the Government or by the Government of the Republic of Croatia."

Article 74

In the title above Article 135, the word "secession" shall be replaced by the word "disassociation".

Article 75

In the entire text of the Constitution of the Republic of Croatia, the wording 'Croatian State Parliament' in the appropriate case shall be replaced with the wording "Croatian Parliament" in the appropriate case.

Article 76

The amendments to the Constitution shall become effective on the day of promulgation.

HOUSE OF REPRESENTATIVES
OF THE CROATIAN STATE PARLIAMENT

Class: 012-02/00-01/02
Zagreb, 9 November 2000

SPEAKER OF
THE HOUSE OF REPRESENTATIVES
OF THE CROATIAN STATE PARLIAMENT

Zlatko Tomeic, signed