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*Please note that this translation is a final text version published in the Official Gazette no. 92/2005 (courtesy of the British Council).*

## **CIVIL SERVANTS ACT**

### **PART 1**

#### **INTRODUCTORY PROVISIONS**

##### **Section 1**

##### **Content and Application**

##### **Article 1**

##### **Subject**

(1) This Act shall govern labour relations between civil servants and the State as the employer, the uniform rules that regulate admission to the civil service, the classification of the posts of civil servants, professional training and qualification of civil servants, advancement in the service and other matters of importance to the exercise of the rights and duties of civil servants and specific matters of importance concerning regulation of the rights, duties and accountability of governmental employees.

##### **Article 2**

##### **Application**

The provisions hereof shall be applied to civil servants in State bodies, the courts, penal institutions, the administrative staff of the Croatian Parliament, the administrative staffs and offices of the Government of the Republic of Croatia, the administrative staff of the Constitutional Court of the Republic of Croatia, the administrative staff of the ombudsman, the administrative staff for the children's ombudsman, the administrative staff of the gender equality ombudsman, the State Audit Bureau, the Office of the President of the Republic of Croatia, and other bodies established to render civil service (hereinafter: State bodies).

##### **Article 3**

##### **Civil Servants and Governmental Employees**

(1) Functions in State bodies shall be performed by civil servants and governmental employees.

(2) Civil servants shall be persons who perform tasks as their regular vocation in State bodies under the jurisdiction of said bodies as specified in the Constitution, laws, or other regulations enacted pursuant to the Constitution and laws.

(3) Civil servants shall additionally be persons who perform information technology tasks, general and administrative tasks, planning, material/financial and accounting tasks and similar tasks in State bodies.

(4) Governmental employees shall be persons in State bodies who perform supplementary and technical work and other tasks required for the timely and quality performance of tasks under the jurisdiction of said bodies.

#### Article 4

##### Rights, duties and accountability of Civil Servants and Governmental Employees

(1) The rights, duties and accountability of civil servants shall be governed by law and regulations enacted pursuant thereto.

(2) General labour regulations shall be applied to any and all matters not governed hereby, other laws, directives of the Government of the Republic of Croatia (hereinafter: Government), other regulations enacted pursuant to the Constitution and laws or collective agreements concluded in accordance therewith.

#### Section 2

##### Principles

#### Article 5

##### Legality and Legal Certainty

(1) In performing civil service, civil servants shall act pursuant to laws and other regulations enacted pursuant thereto.

#### Article 6

##### Prohibition of Discrimination and Favouritism

(1) In their work, civil servants shall neither discriminate nor favour citizens based on age, nationality, ethnic or territorial affiliation, linguistic and racial origin, political or religious beliefs or affinities, disability, education, social status, sex, marital or familial status, sexual orientation, or some other grounds contrary to the Constitution or legally-established rights and freedoms.

#### Article 7

##### Hierarchical Subordination

(1) Civil servants shall be obliged to execute the orders of the chief executives of bodies and civil servants who are their immediate superiors, unless specified otherwise by this or other legislation.

(2) Authority and accountability in civil service shall correspond to the stipulated hierarchy, wherein each level in the hierarchy shall be entitled to a specific degree of authority and accountability.

#### Article 8

##### Accountability for Performance

(1) Civil servants shall be obliged to achieve set objectives and they shall be answerable for their actions and work performance.

PART 2  
RIGHTS AND DUTIES OF CIVIL SERVANTS

Chapter I

Fundamental Rights

Article 9

Work in Suitable Conditions

- (1) Civil servants shall be provided with the necessary organisational and technical conditions in which they may perform their tasks in compliance with the principles and standards demanded by the civil service.
- (2) Healthy work conditions free of exposure to circumstances which could threaten their health or safety shall be secured for civil servants.
- (3) Civil servants shall be entitled to protection of their physical and moral integrity during performance of their official activities.

Article 10

Salaries and Other Benefits

- (1) Civil servants shall be entitled to salaries for their work.
- (2) The right to equal pay for equal work or work of equal value shall be accorded to civil servants regardless of whether they are employed in the civil service permanently or for a fixed term or if they are undergoing a trial period.
- (3) Salaries and other benefits of civil servants shall be regulated by a separate law.
- (4) Collective agreements may regulate the benefits and other rights of civil servants.

Article 11

Equal Treatment and Equal Opportunity

- (1) The chief executives of State bodies and superior civil servants shall be obliged to treat civil servants justly and equally, regardless of their race, political beliefs, sex, marital or familial status, sexual orientation, personal conditions, age, or ethnic origin, and provide them with equal opportunities for advancement, rewards and legal protection.
- (2) The chief executives of State bodies and superior civil servants shall be obliged to respect the dignity of civil servants.
- (3) Civil servants shall be entitled to advancement and professional training through education and other forms of additional training.

Article 12

Protection from Unjustified Transfer or Workplace Removal

- (1) Civil servants shall be protected from any and all unjustified or unnecessary transfer or removal from the workplace.
- (2) In case of use of special leaves as specified by this or other laws or a collective agreement, the civil servant shall be entitled to return to the same or similar tasks he or she previously performed.

## Article 13

### Candidacy in Elections

- (1) Civil servants may run as candidates in national and local elections.
- (2) Election and political opinions expressed during election campaigns may not influence status and advancement in the civil service after elections.

## Article 14

### Petitions

- (1) Civil servants shall be entitled to submit proposals pertaining to exercise of rights in the civil service, submit petitions and complaints, and receive a response thereto.

## Chapter II

### Duties of Civil Servants

#### Section 1

### Conduct of Civil Servants

## Article 15

### Performance of Duties and Obligation to Adhere to Laws

- (1) Civil servants shall be obliged to perform their duties as foreseen in their post description correctly, duly, conscientiously and professionally, not exploiting them for personal gain, in compliance with the principle of public accessibility, adhering to the constitutional and legal order of the Republic of Croatia.

## Article 16

### Abuse of Authority

- (1) In performance of their duties, civil servants shall be obliged to act in compliance with the principles of legality and protection of the public interest, and they are prohibited from abusing their authority to achieve personal interests or the interests of some other natural or legal person.

## Article 17

### Refusal of Proffered Gifts

- (1) Civil servants shall be prohibited from seeking or receiving gifts for their personal gain, or for the gain of their family or an organisation, or for favourable settlement of an administrative or other proceeding.

## Article 18

### Unwarranted Rewarding of Other Civil Servants

- (1) Civil servants may neither offer nor give gifts or other benefits to other civil servants, their relatives or spouses or common-law partners for personal gain.

## Article 19

### Providing Information and Explanations on Administrative Affairs

- (1) Civil servants shall be obliged to provide the public with the necessary information on performed tasks pursuant to regulations governing access to information.

(2) Civil servants shall be obliged to secure explanations for all procedures conducted and decisions made during performance of their duties.

#### Article 20

##### Timely and Cost Efficient Performance of Duties

(1) Civil servants shall be obliged to perform their duties in a cost effective and timely manner, and pursuant to law they shall render legal assistance, avoiding unjustifiably complex or scarcely foreseeable procedures and preventing situations that may lead to conduct damaging to preservation of the legal interests of the State or their clients.

#### Article 21

##### Non-disclosure of Official Secrets and Respect for Privacy

(1) Civil servants shall be obliged to maintain as secrets all data to which they gain knowledge during procedures concerning clients and their rights and obligations and legal interests pursuant to law.

(2) Civil servants shall be obliged to maintain official or other secrets as specified by law or other regulations. The obligation to maintain official or other secrets shall continue for a period of five years after departure from the civil service, unless specified otherwise by separate legislation.

(3) The chief executive of a State body may exempt civil servants from the obligation to maintain official or other secrets in judicial or administrative proceedings if this involves data essential to ascertain the facts and decision-making in a given case.

#### Article 22

##### Professional Conduct

(1) Civil servants shall be obliged to ensure a high quality of professionalism in their work, improving their professional skills and participating in additional professional training for personal advancement and enhancement of the efficiency of the civil service.

(2) The State body shall be responsible for the ongoing professional refinement of civil servants through organisation of workshops, exercises, seminars, courses, etc.

#### Article 23

##### Presence at the Workplace

(1) Civil servants shall be obliged to observe the designated work hours of the body in which they are employed and use such time to perform their duties, and they shall be present at their workplace pursuant to the conditions of the service.

(2) During work hours, civil servants may not leave the workplace without approval from the superior civil servant, except for use of daily rest breaks, while in cases of emergencies they must excuse their absence immediately upon returning.

(3) Civil servants shall be obliged to notify their immediate superiors of inability to come to the workplace, and of the reasons therefore within a period of 24 hours after their emergence, unless unable to do so due to objective reasons or force majeure, in which case they shall be obliged to notify their immediate superiors immediately after the reasons for their inability to effect notification cease. Civil servants shall not be entitled to salaries for the duration of their unexcused absence from work.

(4) The Government shall issue a directive to regulate the possibility of work at separate sites (“remote work”) and part-time work.

#### Article 24

##### Use of Property

(1) Civil servants shall be obliged to use the property entrusted to them for the purposes of performing their duties with due care and they may not use said property for personal gain or other, illegal activity.

#### Article 25

##### Personal Conduct

(1) Civil servants shall behave in a manner that neither diminishes their own reputation nor the reputation of the civil service, and does not compromise their impartiality in performance of their duties.

(2) The codes of conduct for civil servants shall be governed by the code of ethics of the Government of the Republic of Croatia.

#### Section 2

##### Orders

#### Article 26

##### Duty to Execute Orders

(1) Civil servants shall be obliged to perform the tasks entrusted to them in compliance with law, other regulations and the rules of the profession and execute the orders of the chief executives of State bodies and superior civil servants that pertain to civil service, and to perform the tasks of their post with no specific orders to do so.

#### Article 27

##### Duty to Refuse Orders

(1) Civil servants shall be obliged to refuse execution of orders that are illegal or whose execution would run contrary to the rules of the profession or code of ethics, or whose execution could cause severe damages or whose execution may constitute a crime, and to notify the superior civil servant or chief executive of a State body thereof.

(2) Civil servants given orders with the characteristics specified in paragraph (1) shall proceed as follows:

a) apprise the officer issuing said order of its illegality, that execution thereof violates the rules of the profession and code of ethics, that execution of said order could cause severe damages or that execution may constitute a crime;

b) in case of reiteration of said order, demand from the officer issuing said order to provide written confirmation of its reiteration with precise specification of the order and his/her signature;

c) if said order is confirmed, notify the person immediately superior to the officer issuing said order, and if execution of said order does not constitute a crime, execute said order. If said order is signed by a governmental minister or other chief executive of a central administrative body, the civil servant shall notify the Government of the Republic of Croatia thereof in writing.

(3) A civil servant shall not be held accountable for damages which are incurred by execution of an order, provided that he/she proceeded in compliance with paragraph (2).

(4) Civil servants may not be held accountable if they proceed pursuant to paragraph (2).

(5) A civil servant may not execute an order if doing so constitutes a criminal act, even if the order is reiterated and confirmed pursuant to paragraph (2), or otherwise he/she shall be accountable together with his/her immediate superior or the chief executive of the body issuing the order.

#### Article 28

##### Possibility of Refusing Orders

(1) A civil servant may refuse to execute an order or implement a decision that may:

- a) entail damage to his/her legitimate interests and rights,
- b) represent a threat to his/her health,
- c) require a higher degree of expertise than that which such civil servant may possess.

(2) Refusal to execute a task which may constitute a threat to health shall not be permitted in those operations which imply exposure to health hazards and which are subject to special labour conditions as specified by law.

#### Article 29

##### Performance of Tasks Not Encompassed in the Post Description of a Civil Servant

(1) Under exceptional or urgent circumstances, a civil servant may be asked to temporarily perform tasks corresponding to his/her abilities and skills that are not encompassed by the description of the post to which he/she is assigned, but only for a period not to exceed 30 consecutive days.

#### Article 30

##### Duty to Substitute for Absent Civil Servants

(1) A civil servant shall, at the order of his/her superior, pursuant to his/her abilities and in the interest of the civil service, act as a substitute for a temporarily absent civil servant.

#### Article 31

##### Prohibition from Exceeding Authority

(1) A civil servant may not perform tasks which exceed the authority granted to him/her pursuant to the post to which he/she is assigned.

(2) When necessary, a civil servant may be temporarily authorised to act outside of the limits of his/her regular authority, but solely with the express approval of the superior civil servant who oversees his/her work.

#### Section 3

##### Conflict of Interest

#### Article 32

##### Ban on Establishment of Sole Trade or Legal Person

(1) A civil servant shall not be allowed to open a sole trade or establish a company or other legal person to operate in the field of activity at which he/she is employed as a civil servant,

or in a field associated with the activities under the jurisdiction of the body in which he/she is employed.

### Article 33

#### Possibility of Engaging in Other Work

(1) A civil servant may, outside of his/her regular working hours and with prior approval from the chief executive of the State body, perform tasks or render services to a legal or natural person, only if the State body in which he/she performs tasks does not oversee such activities or the operations of the legal or natural person, or if such work is not prohibited by separate legislation and does not constitute a conflict of interest or an obstacle to orderly performance of regular tasks and does not impinge upon the reputation of the civil service.

(2) The approval specified in paragraph (1) shall not be required for publication of scholarly articles and other published copyrighted works or performance of tasks as a temporary lecturer at seminars and consultations.

3) The chief executive of the State body shall decide by resolution on rejection of the request of the civil servant for approval as specified in paragraph (1).

### Article 34

#### Duty to Report Potential Conflicts of Interest

(1) A civil servant shall be obliged to submit a written report to his/her superior on any financial or other interest in which he/she, his/her spouse or common-law partner, child or parent may have in the decisions of the State body in which he/she is employed.

(2) A civil servant shall be obliged submit written notification to his/her immediate superior of financial or other interest of natural or legal persons with whom he/she has had business dealings within a period of two years prior to his/her admission to the civil service and with which the State body in which he/she is employed is performing administrative operations.

(3) A civil servant shall be obliged to submit written notification to his/her immediate superior of ownership of shares and bonds or financial and other interest in companies with which the State body in which he/she is employed is performing administrative operations, and which may constitute a conflict of interest.

(4) Prior to assuming his/her post, a civil servant shall be obliged to report whether his/her spouse or common-law partner, child or parent hold high-level posts in political parties, vocational associations or companies or other legal persons engaged in operational relations with the State body in which the civil servant is assuming a post, or over which said body is performing administrative or inspectoral oversight.

(5) The superior civil servant shall examine the circumstances cited in the written reports specified in paragraphs (1) through (4) and notify the chief executive of the State body thereof. If these circumstances lead to a conflict of interest, the chief executive of the State body shall recuse such civil servant from work in these operations.

(6) Data on potential conflicts of interest and the decision of the chief executive of the State body on recusal of the civil servant from work in specific operations due to potential conflict of interest shall be recorded in the civil servant's personal file.



## Article 35

## Participation in Operations of Companies or Other Legal Persons

- (1) A civil servant may not be a member of executive or supervisory bodies of companies or other legal persons if the latter are subject to oversight by the State body in which he/she is employed.
- (2) In the performance of official duties, a civil servant may not conduct administrative oversight of companies or other legal persons in whose operation he/she participates.

## Article 36

## Prohibition of Recruitment to Associations

- (1) During work hours, a civil servant may not encourage other civil servants to join in the work of political parties, associations or other non-profit legal persons of which he/she is a member.

## Article 37

## Disallowable Decisions

- (1) A civil servant shall not make decisions nor participate in decision-making which effects the financial or other interests of:
- a) his/her spouse or common-law partner, child or parent;
  - b) individuals or legal persons with whom he/she has had formal or business contacts within the past two years;
  - c) individuals or legal persons who have financed his/her election campaign within the past five years;
  - d) companies, institutions or other legal persons in which the civil servant intends to seek employment;
  - e) associations or legal persons in which he/she holds the post of administrator or membership in the board of directors;
  - f) an individual or legal person for which the civil servant is an official representative, legal representative or bankruptcy trustee;
  - g) or an individual or legal person with whom the civil servant, his/her spouse, child, or parent is involved in lawsuits or to whom they are indebted.

## PART 3

## MANAGEMENT IN CIVIL SERVICE

## Article 38

## Central State Authority Responsible for Civil Service Affairs

- (1) The central State authority responsible for civil service affairs shall be responsible for enforcement hereof, and monitor the status and propose measures for development of the civil service and oversee the enforcement hereof.

## Article 39

## Organisational Units Responsible for Personnel Development and Management

(1) State bodies in which fifty or more civil servants and governmental employees are employed shall establish internal organisational units responsible for personnel development and management (hereinafter: personnel units).

(2) Personnel units shall:

- a) see to management of personnel and their development;
- b) issue opinions on matters pertaining to the civil service;
- c) prepare plans for employment, aligning the assignment of civil servants with the plans of the central State authority responsible for civil service affairs;
- d) participate in development of the educational strategy, programs and plans for the state bodies in which they operate;
- e) maintain personal files on employees and regularly submit new data to the Central Register of Civil Servants;
- f) conduct employment procedures in cooperation with the central State authority responsible for civil service affairs.

(3) State bodies with less than fifty employees shall entrust the tasks specified in paragraph (2) to the central State authority responsible for civil service affairs unless performance of these tasks is specified otherwise by separate legislation.

#### PART 4

### ADMISSION TO CIVIL SERVICE AND ASSIGNMENT TO POSTS

#### Section 1

#### Prerequisites for Admission to Civil Service

#### Article 40

(1) Posts may be filled only in compliance with the internal organisational rules and according to the adopted civil service recruitment plan.

(2) Internal organisational rules shall specify the posts in a State body, the required number of civil servants at each post and the conditions for assignment and other matters of importance to the organisation and operating methods in said State body in compliance with law.

(3) State administrative organisations and administrative staffs and offices of the Government shall be obliged to submit draft internal organisational rules for prior approval to the central State authority responsible for civil service affairs, while the courts shall submit said draft to central State authority responsible for judicial affairs.

(4) The administrative staffs of the Croatian Parliament, the Constitutional Court of the Republic of Croatia, the ombudsman, the children's ombudsman, the gender equality ombudsman, the State Audit Bureau, the Office of the President of the Republic of Croatia and the of other bodies established to perform civil service shall be obliged to submit their internal organisational rules to the central State authority responsible for civil service affairs.

#### Article 41

#### Planning Obligation

(1) The civil service admission procedure may only be conducted in compliance with the civil service admission plan established pursuant to the provisions hereof, except in case of need for admission to the civil service for a fixed term.

## Section 2

## Civil Service Admission Plans

## Article 42

## Admission Plan

(1) The civil service admission plan shall ascertain the actual status of filled or vacant posts in the civil service, the number of civil servants needed for non-fixed terms for which the plan is drafted, the number of interns and admission to the civil service for a fixed term due to increase volume of work.

## Article 43

## Preparation and Ratification of Plans

(1) Personnel units shall prepare draft civil service admission plans at the time of preparation of the draft central budget for the subsequent calendar year such that said plans are aligned therewith.

(2) Pursuant to the collected draft plans specified in paragraph (1) and with the prior consent of the Finance Ministry, and with due consideration for the needs of State bodies and available funding, civil service admission plans shall be established by:

a) the central State authority responsible for civil service affairs for State administrative organisations and the administrative staff and offices of the Government,

b) the central State authority responsible for judicial affairs for the courts,

c) the chief executives of other State bodies for said bodies.

(3) The civil service admission plans specified in paragraph (2) shall be established within a period not to exceed 30 days after entry into force of the central budget for the calendar year to which the plans pertain.

(4) Besides adoption of civil service admission plans for a single calendar year (short-term plans), medium-term plans (two-year periods) and long-term plans (four-year periods) may also be adopted.

## Article 44

## Publication of Civil Service Admission Plans

(1) Civil service admission plans shall be published in *Narodne novine* (the official journal of the Republic of Croatia), in not less than one daily periodical sold throughout the territory of the Republic of Croatia, and posted on the Web-site of the central State authority responsible for civil service affairs.

## Section 3

## Methods to Fill Posts

## Article 45

## Filling Vacant Posts

(1) Vacant posts in the civil service may be filled by means of public vacancy competitions.

(2) Prior to release of a public vacancy announcement for admission, a vacant post may be filled from among the ranks of civil servants by an internal vacancy announcement or transfer.

(3) A candidate who is entitled to preferred status in civil service admissions pursuant to special legislation shall be obliged to call upon such right in his/her application, and such candidate shall be accorded preferential treatment in relation to the remaining candidates only under equal conditions.

(3) Selection from among the candidates to fill vacant posts pursuant to paragraphs (1) and (2) shall be conducted on the basis of their expertise, skills, work experience acquired in the profession, performance in previous work and their results obtained by means of testing.

(4) The civil service admission procedure shall be halted inasmuch as an insufficient number of candidates applies within the deadline set in the vacancy competition or the applicants do not fulfil the formal conditions for admission to the civil service or their results in testing are unsatisfactory.

(5) The procedures and methods for implementation of public and internal vacancy competitions shall be regulated by a directive issued by the Government of the Republic of Croatia.

#### Article 46

##### Assignment of Civil Servants Selected by Public Vacancy Competition or Internal Vacancy Announcement

(1) In case of a candidate selected by means of public or internal vacancy competition who is a civil servant in the State body that announces the competition, a resolution on appointment to the post shall be issued.

(2) If a candidate from another State body is selected by public or internal vacancy competition, the chief executive of the State body in which such civil servant works shall be notified thereof and his/her written opinion on transfer of said civil servant shall be sought. If the chief executive of the State body in which the civil servant works does not respond within a period of eight days, it shall be deemed that such chief executive has granted consent for transfer of the civil servant to the other State body.

(3) Upon receiving consent for transfer as specified in paragraph (2), the chief executive of the State body that conducted the public or internal vacancy competition shall issue a resolution on assignment to a post.

(4) If the post is filled with a candidate who applies by means of public vacancy competition and who is not in the civil service, a resolution shall be issued on admission to the civil service. Upon finality of said resolution, a resolution on assignment to a post shall be issued.

#### Section 4

##### Civil Service Admission Procedures

#### Article 47

##### Standard and Extraordinary Admission Procedures

(1) Procedures for admission to the civil service may be standard or extraordinary.

(2) Standard admission procedures shall be applied periodically for admission of persons to the civil service who have completed their education for a specific vocation and profession, but who have no practical work experience (interns).

(3) Extraordinary procedures shall be applied when there is a need in the civil service for admission of qualified persons with work experience at the post as specified by the rules governing internal organisation.

(4) Admission to the civil service only if funds are secured from the central budget.

#### Article 48

##### Conditions for Admission to the Civil Service

(1) A person admitted to the civil service shall possess:

- a) the necessary level of education,
- b) knowledge and expertise acquired by work experience in his/her function, except in the case of admission of interns,
- c) suitable health to perform the tasks of the post to which he/she is assigned,
- d) Croatian citizenship.

(2) The admission of persons who are foreign citizens or persons without Croatian citizenship to the civil service shall require, over and above the conditions stipulated by separate legislation, the prior approval of the central State authority responsible for civil service affairs.

(3) Besides the conditions specified in paragraph (1), a separate law, directive or internal decree on the internal order of a State body may stipulate special and other conditions for admission to the civil service.

#### Article 49

##### Bars to Admission

(1) Admission to the civil service shall be barred for persons:

- a) who are subject to criminal prosecution or who have been convicted of a crime for which a prison sentence of not less than two years is mandated by domestic or international laws for crimes against human lives and health, humanity, morality, public or private property, public administration and public interest or due to public sector fraud, unless subject to rehabilitation pursuant to separate laws,
- b) who were expelled from the civil service due to severe violations of official duties, for a period of four years after expulsion from civil service,
- c) who were expelled from the civil service due to unsatisfactory performance during the trial period for a period of four years since departure from the civil service,
- d) who have worked or still work as State officials in foreign service within a period of five years prior to the vacancy announcement.

#### Article 50

##### Bars to Assignment of State Officials to Civil Service Posts

(1) State officials may not be assigned to posts in the civil service without undergoing the civil service admission procedure by means of a vacancy competition, and they may not be accorded privileged status during such competition procedure, unless specified otherwise by this or other legislation.

#### Article 51

##### Verification of the List of Candidates and Testing

(1) The list of candidates who apply for a public vacancy competition and who meet the formal criteria stipulated in the vacancy competition documentation shall be verified by the vacancy commission appointed by the chief executive of a given body. One member of said

commission must be a representative of the central State authority responsible for civil service affairs.

(2) Candidates on the list specified in paragraph (1) shall be directed to testing by the commission to verify their professional ability, expertise and work experience acquired in their vocation. The selection of candidates from the list specified in paragraph (1) shall be based on proven test results.

(3) In cases when no candidates successfully pass the testing procedure for admission to the civil service, the admission procedure shall be halted, and prior to initiation of a new admission procedure for the same post, the content of the tests shall be re-examined and a new vacancy commission shall be appointed.

## Article 52

### Admission to the Civil Service and Assignment to Posts

(1) Selected candidates shall be admitted to the civil service by means of a resolution issued by the chief executive of a given State body.

(2) The resolution specified in paragraph (1) shall be an administrative ordinance.

(3) An appeal may be filed against the resolution from (1) hereof to the Civil Service Board within a period of 15 upon its receipt. Appeals shall defer implementation of the resolution.

(4) A resolution on assignment to a post shall be issued for persons admitted to the civil service upon finality of the resolution specified in paragraph (1).

(5) A person admitted to the civil service shall become a civil servant as of date on which he/she begins working. The date of commencement of work specified in the resolution on assignment to the post may be deferred for a certain period for justifiable reasons, which shall be subject to a special resolution.

(6) If the person admitted to the civil service does not commence work on the specified date, the chief executive of the State body shall void the resolution on admission to the civil service and the resolution on assignment of that person. In such case, the vacancy procedure for that post may be re-opened.

## Section 5

### Trial Period

## Article 53

### Mandatory Trial Work

(1) Persons shall as a rule be admitted to the civil service for a non-fixed term, with mandatory performance of trial work.

(2) The trial period for persons admitted to the civil service in standard procedures (interns) shall have a duration of 12 months.

(3) The trial period for persons admitted to the civil service in extraordinary procedures shall have a duration of 6 months.

(4) The provisions of paragraphs (1) and (2) on trial work shall not be applied if the post is filled by means of promotion or transfer of a civil servant.

## Article 54

## Performance of Trial Work

- (1) A civil servant admitted in standard procedures (intern) shall be trained for independent work during the trial period, wherein said civil servant shall participate in a special training programme for performance of tasks of a specific post, and he/she may be assigned to work in various organisational units of the same or other State body for the needs of training.
- (2) If the civil servant specified in paragraph (1) is assigned to work in another State body, the rights ensuing from civil service shall be exercised in the State body in which he/she is admitted to the service.
- (3) The chief executive of the State body shall appoint a commission to monitor and evaluate the work of the civil servants specified in paragraph (1).
- (4) A civil servant admitted in extraordinary procedures shall perform trial work at the post to which he/she is assigned. His/her work shall be monitored and evaluated by his/her immediate superior.

## Article 55

## Evaluation of Civil Servants in Trial Periods

- (1) Upon conclusion of the trial period, civil servants shall be rated as follows:
  - a) “satisfactory”, when their work and demonstrated knowledge and efficiency indicates that successful performance of tasks can be expected of them;
  - b) “unsatisfactory”, when their work and demonstrated knowledge and efficiency indicates that successful performance of tasks cannot be expected of them.
- (2) A civil servant who does not secure satisfactory results in trial work shall be expelled from the civil service and a resolution thereon shall be issued within a period not to exceed eight days after conclusion of the trial period.
- (3) If the resolution on expulsion from the civil service is not issued within the period specified in paragraph (2), the civil servant shall be deemed to have performed satisfactorily.

## Section 6

## Civil Service Examination

## Article 56

## Obligation to Take

- (1) A civil servant who receives a satisfactory evaluation in trial work shall be obliged to take the civil service examination within a period not to exceed six months after expiry of the trial period.
- (2) A civil servant who has passed the bar examination shall not be required to take the civil service examination.

## Article 57

## General and Special Sections of the Civil Service Examination

- (1) The civil service examination shall consist of the general and special sections.
- (2) The procedures, manner and content for taking the civil service examination shall be regulated by the Government by directive.

## Article 58

## Civil Service Examination Commission

- (1) The civil service examination shall be taken before the civil service examination commission formed under the aegis of the central State authority responsible for civil service affairs.
- (2) The members of the civil service examination commission who conduct the general section of the civil service examination shall be appointed by the chief executive of the central State authority responsible for civil service affairs, while members of the commission who conduct the special section shall be appointed by the chief executive of the central State administrative organisation or other State body responsible for a specific administrative field.

## Article 59

## Costs of Testing

- (1) The costs of the first civil service examination shall be charged to the State body which directs the civil servant to take the examination.

## Article 60

## Failure to Take the Civil Service Examination within the Specified Period

- (1) The civil service of the civil servant who fails to take the civil service examination within the period specified in Article 56 hereof shall cease upon expiry of the last day of the period determined for taking said examination.
- (2) If the application for taking the civil service examination is submitted in due time, and the civil servant is not summoned to take the examination within the period specified in paragraph (1), this period may be extended until the date when the civil servant is summoned to take the examination, but said extension may not exceed three months.
- (3) In case of temporary inability to work due to illness or maternity leave or other justifiable reasons, the period specified in paragraphs (1) and (2) may be extended for the duration of the temporary inability to work or other justified reasons, but said extension may not exceed six months.
- (4) A special resolution shall be issued on the extension of the period for taking the civil service examination specified in paragraphs (2) and (3).

## Section 7

## Fixed-term Civil Service and Tasks Performed Under Temporary Service Contracts

## Article 61

## Fixed-term Civil Service

- (1) Persons may be admitted to the civil service for a fixed period to perform temporary tasks or tasks whose volume has temporarily increased but which are not of a long-term character, and to substitute for a civil servant absent for an extended period for the duration of the temporary tasks or the return of the absent civil servant.
- (2) Prior approval of the Ministry of Finance shall be required for admission to the civil service for a fixed period.
- (3) In case of foreseeable duration of fixed-term service of not less than six months, persons shall be admitted for a mandatory trial period of two months.
- (4) Fixed-term civil service to perform temporary tasks shall have a duration of six months



and may be extended, but not more than an additional six months.

(5) Persons shall be admitted to fixed-term civil service by means of notifications posted by means of the competent employment bureau. The deadline for filing applications based on such notifications shall be eight days.

(6) Notification need not be posted for an available post for a fixed term if there is a civil servant admitted to the State body for a fixed term who meets the criteria for said post.

(6) Fixed-term civil service may not become permanent admission to civil service.

#### Article 62

##### Entrustment of Tasks

(1) Individual tasks performed in a State body, with the exception of the tasks performed by civil servants as specified in Article 3(2) hereof, may be entrusted to providers of professional services outside of the civil service on the basis of a temporary service contract. The relationship between the service provider and the State body as the employer shall be governed by contractual regulations.

(2) Prior approval from the Ministry of Finance shall be required for temporary service contract specified in paragraph (1).

(3) Professional service providers engaged on the basis of a service contract may not become civil servants without undergoing the civil service admission procedure, either standard or extraordinary.

#### Section 8

##### Decision-making on the Rights, Obligations and Accountability of Civil Servants

#### Article 63

##### Resolutions

(1) Resolutions on assignment to posts and other rights and duties of civil servants and termination of civil service shall be made by the chief executive of the body or the person so authorised in written by said chief executive.

(2) Authority to make the resolution specified in paragraph (1) may pertain to all or only specific resolutions.

(3) The resolutions specified in paragraph (1) shall be administrative ordinances.

(4) Final resolutions on admission to the civil service, assignment to posts, transfer, mobility and termination of civil service shall be submitted to the central State authority responsible for civil service affairs.

#### Article 64

##### Appeals

(1) Appeals against the resolutions specified in Article 63(1) hereof may be filed with the Civil Service Board.

Section 9  
Decision-making on Appeals

Article 65

Civil Service Board

- (1) The Civil Service Board shall be established as an independent body to settle appeals pursuant to the provisions of this Act.
- (2) The seat of the Board shall be at the central State authority responsible for civil service affairs.
- (3) In the performance of its tasks, the Civil Service Board shall utilise a seal bearing the coat of arms of the Republic of Croatia.
- (4) The content of the titles to ordinances issued by the Civil Service Board shall be subject to application of regulations governing the content of titles to ordinances issued by State administrative organisations.
- (5) Office and other administrative tasks for the Civil Service Board shall be performed by the central State authority responsible for civil service affairs.

Article 66

Appointment of Members to the Civil Service Board

- (1) The Civil Service Board shall have a chairman and not less than ten members appointed by the Government of the Republic of Croatia based on an internal announcement for a term of five years with the possibility of reappointment. All members of the Board shall hold degrees in law, and the chairman of the Board shall have passed the bar examination.
- (2) The civil service trade union shall be notified of the internal announcement specified in paragraph (1). Said union shall also be entitled to review applications filed pursuant to said announcement and all other necessary documentation, and it may additionally propose members for the Board.
- (3) The chairman and members of the Civil Service Board shall be independent and they shall perform their duties impartially in compliance with law.
- (4) The chairman and members of the Civil Service Board may be dismissed by the Government of the Republic of Croatia prior to expiry of the term of appointment at their own request or due to their illegal, unconscientious or negligent work.
- (5) The chairman and members of the Board shall perform no other duties during their term in office, and they shall be entitled to remuneration for their work in the Board pursuant to a decision made by the Government.
- (6) The chairman and members of the Civil Service Board shall have the status of civil servants, and they shall exercise their civil service rights and duties in central State authority responsible for civil service affairs.
- (7) For the duration of their term in office, the rights and duties of the chairman and members of the Board in the State body in which they served prior to appointment shall be suspended, and upon expiry of their term of office they shall be entitled to resume corresponding duties in the same State body. The request to return shall be submitted within a period not to exceed 30 days after expiry of the term of office.

(8) The Government of the Republic of Croatia shall issue a directive that thoroughly regulates the structure and operating methods of the Civil Service Board.

#### Article 67

##### Decision-making on Appeals

(1) The Civil Service Board shall decide on the appeals against resolutions on admission to the civil service and resolutions specifying the rights and duties of civil servants.

(2) The Civil Service Board shall be obliged to decide on appeals within a period not to exceed 30 days after receiving said appeals.

(3) Chief executives of state bodies and civil servants shall be entitled to file administrative suits against resolutions of the Civil Service Board within a period not to exceed 30 days after receiving said resolutions.

#### Section 10

##### Civil Service Mediation

#### Article 68

##### Mediation

(1) Mediation is the resolution of disputes that emerge between civil servants by means of a mediator in the civil service.

(2) Mediation shall deal with the following areas of dispute:

- a) disputes between superior and subordinate civil servants pertaining to operating plans, assignment of tasks and workload;
- b) contestation of work and efficiency evaluations made by superior civil servants;
- c) complaints in cases of personal harassment, discrimination, abuse of post by superiors and poor or irregular execution of oversight functions;
- d) complaints of superiors over the work and conduct of subordinate civil servants prior to filing of a report to the chief executive of the State body on minor violations of official duties;
- e) and other disputes as may arise between civil servants.

#### Article 69

##### Election of Mediators

(1) In each State body, civil servants shall elect one or more civil service mediators (hereinafter: mediators) for each fifty civil servants employed therein.

(2) Civil servants who perform tasks involving planning and human resources management and similar tasks may be elected mediators.

(3) A civil servant who receives the most votes shall be appointed mediator for a period not to exceed three years.

(4) If a mediator is not elected, the chief executive of a State body shall designate a person to temporarily perform the duties of mediator.

## Article 70

## Performance of Tasks

- (1) Upon accepting his/her duties, a mediator shall perform the tasks entrusted to him/her in the State body in which he/she is employed and elected as mediator.
- (2) The mediator shall perform the tasks of mediation over and above the regular tasks and duties to which he/she is assigned.

## Article 71

## Remuneration for Work

- (1) The mediator shall be entitled to special remuneration. The rate of remuneration shall be determined by the chief executive of the central State authority responsible for civil service affairs.

## Article 72

## Dismissal from Duties

- (1) A mediator may be relieved of his/her duties at his/her own written request submitted the chief executive of the State body in which he/she is employed.
- (2) The chief executive of the State body may relieve the mediator even prior to the expiry of the term for which he/she is elected, if he/she fails to perform his/her duties duly and conscientiously.

## Article 73

## Initiation and Conclusion of Mediation

- (1) Procedures before the mediator are initiated at the request or upon an appeal filed by a civil servant who has an interest in settlement of a dispute.
- (2) Mediation shall conclude with a written report of the mediator on amicable settlement of the dispute, or a written report containing a proposal for settlement of the dispute that is forwarded to the chief executive of the body and civil servants involved in said dispute.
- (3) Mediators shall be obliged to conclude procedures within a period not to exceed 30 days after the mediation request or appeal specified in paragraph (1) is filed.

## PART 5

## CLASSIFICATION OF POSTS IN THE CIVIL SERVICE

## Article 74

## Classification of Posts

- (1) Posts shall be classified in compliance with the standards for all State bodies, and these are: necessary expertise, complexity of tasks, independence in work, degree of cooperation with other State bodies and communication with clients, degree of accountability and influence on decision-making.
- (2) Classification of posts shall constitute the basis for determination of the salary system in the civil service.
- (3) The system of classification of posts ensures the execution of administrative and executive tasks by means of the following categories:
  - a) posts of managerial civil servants;

- b) posts of senior civil servants;
- c) posts of junior civil servants.

(4) Posts within in each category shall be determined pursuant to the standards from paragraph (1).

(5) Civil servants shall be appointed on the basis of a public vacancy competition for the category of posts encompassing ministry secretaries, directors in ministries, deputy secretary of the Croatian Parliament, deputy secretary of the Government, chief of staff of the Government, deputy State secretaries of central State offices, deputy and assistant directors of State administrative organisations and chiefs of staff of State administrative offices in regional self government units.

(6) A detailed breakdown of posts within each category shall be determined by a directive of the Government of the Republic of Croatia.

#### Article 75

##### Titles and Descriptions of Posts

(1) Uniform standards and measures for determination of the titles and descriptions of posts in the civil service shall be established by rules adopted by the chief executive of the central State authority responsible for civil service affairs.

(2) Unless specified otherwise by this Act, the titles and descriptions of posts in State bodies shall be determined by internal organisational rules adopted by the chief executive with the prior consent of the central State authority responsible for civil service affairs.

#### PART 6

#### TRANSFERS

#### Article 76

##### Transfer of Civil Servants

(1) A civil servant may, as required by the service, be transferred to another post in the same or different State body, at the same or different location, but only to posts within the same category and involving the same or similar complexity of tasks.

(2) By way of derogation from the provision of paragraph (1), a civil servant, with his/her consent, may be transferred to a post entailing tasks of a lesser complexity for which he/she meets the stipulated criteria.

(3) Civil servants may not be transferred from one to another post without his/her consent if he/she has over 20 years of seniority or if such transfer could lead to a severe decline in his/her familial circumstances.

#### Article 77

##### Accommodation in Case of Transfer

(1) A civil servant transferred to another post that is over 100 kilometres from his/her place of residence shall have suitable accommodations secured for him/her and his/her family unless specified otherwise by separate legislation. Accommodation costs shall be charged to the State body.

(2) Until accommodations are secured for a civil servant and his/her family, such civil servant shall be entitled to compensation for increased costs due to familial separation, and compensation of costs of travel to and from his/her place of residence during weekly rest

days, national holidays and non-working days, pursuant to a directive of the Government of the Republic of Croatia or the provisions of collective agreements. Civil servants shall be entitled to compensation of actual moving costs.

#### Article 78

##### Transfer to Another State Body

(1) If a civil servant is transferred, as required by the service, from one to another State body, a prior written agreement shall be required between the chief executive of the State body from which the civil servant is being transferred and the chief executive of the State body to which the civil servant is being transferred.

#### Article 79

##### Transfer at Civil Servant's Request

- (1) A civil servant may be transferred to another post at his/her request provided that assignment to such post is foreseen by plan.
- (2) If assignment to a post is not foreseen by plan, the civil servant may be transferred due to:
  - a) health reasons, based on physician's recommendation on change of workplace,
  - b) familial reasons.

#### Article 80

##### Permanent and Temporary Transfer

- (1) As required by the services, civil servants shall be transferred for an indefinite period (permanent transfer).
- (2) A civil servant may, as required by the service, be temporarily transferred for a duration not to exceed 6 months, or until the return of the absent civil servant.
- (3) The civil servant shall be entitled to the salary that is more beneficial to him/her with reference to the transfer specified in paragraph (2).
- (4) A civil servant temporarily transferred to another State body shall exercise all civil service rights as in the State body from which he/she is transferred.

#### Article 81

##### Assignment to Work Outside of the Civil Service

- (1) In the interests of performing temporary tasks that require special skills and expertise, a civil servant may be directed to work outside of the civil service, to local and regional self-government units, international organisations, and legal persons vested with public authority in the Republic of Croatia.
- (2) During such performance of temporary tasks as specified in paragraph (1), the rights and duties of the civil service shall be suspended, although the time so spent by the civil servant shall be taken into consideration as experience acquired in his/her profession.
- (3) The conditions for assignment to work outside of the civil service shall be regulated by a directive of the Government of the Republic of Croatia.

## PART 7

## EVALUATION OF PERFORMANCE AND EFFICIENCY OF CIVIL SERVANTS

## Article 82

## Performance and Efficiency Evaluation

- (1) Evaluation of the performance and efficiency of civil servants shall be conducted annually for the preceding calendar year.
- (2) Civil servants who worked less than six months in the preceding year, regardless of the reasons, shall not undergo evaluation.

## Article 83

## Purpose of Evaluation

- (1) The purpose of performance and efficiency evaluation shall be:
  - a) to encourage civil servants to perform their tasks efficiently;
  - b) to ascertain objective and measurable standards for the contributions of civil servants in performance of their tasks and criteria for awards and advancement in the civil service.

## Article 84

## Evaluation Stages

- (1) The procedure for evaluation of the performance and efficiency of civil servants shall be conducted in three principal stages:
  - a) planning of tasks to be performed by a civil servant, wherein the civil servant and his/her immediate superior mutually ascertain the operating plan, setting the objectives he/she is expected to achieve,
  - b) supervision of performance and efficiency, wherein the civil servant and his/her superior shall review previous achievements and adjust the operating plan as needed,
  - c) evaluation of performance and efficiency, wherein the overall work of the civil servant shall be evaluated by his/her superior based on results achieved.
- (2) In the various stages of the evaluation procedure, the civil servant shall use the special report on performance and efficiency evaluation whose content shall be determined in rules adopted by the chief executive of the State authority responsible for civil service administration.

## Article 85

## Impact of Performance and Efficiency Evaluations

- (1) Performance and efficiency evaluations shall be taken into consideration when determining:
  - a) need for education of individual civil servants or groups of civil servants;
  - b) fulfilment of conditions for promotion;
  - c) existence of conditions for continuation of work by civil servant in the trial period or dismissal from service;
  - d) existence of conditions for assignment of a civil servant to work outside of the civil service;

- e) existence of conditions for use of paid study sabbatical;
- (2) Performance and efficiency evaluations shall be taken into consideration for breaches of official duties.

#### Article 86

##### Evaluation Procedure

- (1) The performance and efficiency of civil servants shall be evaluated by their immediate superiors, wherein their efficiency shall be ascertained by comparison between the results of completed tasks and results as established in the description of their posts and operating plans.
- (2) If a civil servant is not satisfied with a proposed evaluation, he/she shall be entitled to submit a formal complaint to his/her superior, who shall be obliged to examination such complaint together with the civil servant.
- (3) The rectitude of the proposed evaluation shall be verified by the immediate superior of the civil servant who proposed said evaluation, and it shall be submitted together with the opinion of the immediate superior to the chief executive of the body.
- (4) The chief executive of the State body shall issue a report on the evaluation.

#### Article 87

##### Performance and Efficiency Rating

- (1) The performance and efficiency of the civil servant shall be rated as:
- a) “exceptional” – if performance and efficiency are of the highest quality and ensure the best and uniform execution of service,
  - b) “excellent” – if performance and efficiency are particularly good and ensure first-rate execution of service,
  - c) “good” - if performance and efficiency are of average quality, ensuring reliable execution of service,
  - d) “satisfactory” - if performance and efficiency ensure the minimum possible measure of acceptable standards of quality and precision in execution of service,
  - e) “unsatisfactory” - if performance and efficiency are below minimum standards of quality and do not ensure reliable and acceptable execution of service.

#### Article 88

##### Negative Performance and Efficiency Rating

- (1) A civil servant who is rated as “unsatisfactory” shall be sent for additional training or assigned to another post.
- (2) A civil servant who is rated as “unsatisfactory” twice consecutively shall be dismissed by force of law, as of the day of his/her evaluation report.

#### Article 89

##### Entry of Performance and Efficiency Evaluations in Personal Files

- (1) Performance and efficiency evaluations shall be entered in the civil servant’s personal file.



PART 8  
ADVANCEMENT IN THE CIVIL SERVICE

Article 90

Advancement

- (1) Advancement in the civil service shall be achieved by promotion of a civil servant to a higher category of post either within the same category of post at a higher function or by transfer to a higher category.
- (2) A civil servant may be promoted if:
- a) his/her work is evaluated as “outstanding” or “excellent” at least twice consecutively,
  - b) an internal vacancy announcement is released for appointment to a post to which said civil servant would be assigned after promotion,
  - b) he/she applies to be assigned to an available post and meets all formal criteria for assignment,
  - c) he/she successfully undergoes testing at which he/she demonstrates professional expertise, skill and knowledge.
- (3) Advancement in the absence of an available post as stipulated by the international organisational rules to which a civil servant may be assigned after promotion shall not be permitted.
- (4) The Government shall issue a directive to govern the methods and criteria for advancement.

PART 9  
EDUCATION OF CIVIL SERVANTS

Article 92

Education of Civil Servants

- (1) All civil servants shall be obliged to refine their expertise and skills in organised education and training programmes.
- (2) Civil servants shall be permitted to participate in specialised educational programmes outside of the civil service if in doing so they refine abilities vital to the performance of their tasks in the civil service.

Article 93

Education Programmes

- (1) Education programmes in the civil service shall encompass:
- a) annual programmes of professional training and refinement of civil servants in individual State bodies or organisational units;
  - b) personal training programmes for civil servants;
  - c) training programmes in strategic management, intended for civil servants in the category of chief executives or civil servants who wish to advance from senior civil servants to the managerial category;
  - d) specialised education meant for individual groups of civil servants.

(2) General training programmes shall be organised and conducted by special organisational units in the central State authority responsible for civil service affairs, while separate specialised programmes shall be conducted by the relevant central State body.

(3) The forms, methods and conditions for civil servant training shall be governed by a directive of the Government.

#### Article 94

##### Participation in Education Programmes and Financing

(1) Participation in education and training programmes shall be deemed an obligation of civil servants, and superior civil servants shall be obliged to facilitate attendance of education for their subordinates.

(2) Costs of education in the civil service shall be covered from the central budget.

(3) In exceptional cases, civil servants may receive full or partial compensation of costs for participation in education programmes not intended for the civil service.

#### Article 95

##### Study Sabbatical for Qualification or Training

(1) After completing trial work and not less than four years in the civil service, a civil servant shall be entitled to apply for a paid or unpaid sabbatical for qualification or training for a duration not to exceed one academic year.

(2) The sabbatical programme shall be approved by the central State authority responsible for civil service affairs.

(3) The education programme shall correspond to the type of work rendered, and the purpose of the programme shall be to improve the expertise of the civil servant.

(4) During a paid sabbatical, a civil servant shall be entitled to salary compensation at the level of basic salary without supplements. Costs of education shall be covered from the central budget.

(5) After expiry of the sabbatical for qualification or training, the civil servant shall be entitled to return to the same or other corresponding post in the civil service.

(6) Upon completion of professional training, a civil servant shall be obliged to remain in the service not less than twice the duration of the professional training to which he/she was assigned. If during this period the civil servant is assigned to new training or education, the period of said training or education shall not be counted in the time the civil servant must remain in the service.

(7) If the civil servant, upon completion of professional training, does not remain in the service for the duration specified in (6) hereof, he/she shall be obliged to reimburse the entire amount of funds expended for his/her training.

(8) A civil servant who does not complete a professional training programme to which he/she is assigned shall be obliged to reimburse the funds expended for his/her professional training.

PART 10  
ACCOUNTABILITY FOR BREACHES OF OFFICIAL DUTIES

Section 1

Accountability for Breaches of Official Duties

Article 96

Accountability for Breaches

- (1) Civil servants shall be held accountable for breaches of official duties if they do not perform the tasks entrusted to them conscientiously, professionally and within stipulated deadlines, if they fail to uphold the Constitution, laws and other regulations or codes of conduct during their service or pertaining to their service.
- (2) Criminal liability shall not exclude accountability for breaches of official duties, if the cause for criminal charges also constitutes a breach of official duties.
- (3) Release from criminal liability shall not imply exemption from accountability for breaches of official duties if the act committed constitutes a breach of official duties.

Article 97

Types of Breaches

- (1) Breaches of official duties may be minor or severe.
- (2) Severe breaches of official duties shall be stipulated by law, while minor breaches shall be stipulated by law, directives of the Government and internal organisational rules.

Article 98

Minor Breaches of Official Duties

- (1) Minor breaches of official duties are:
  - a) frequent tardiness to work or earlier departures from the workplace,
  - b) departure from work premises during work hours without approval or justified cause,
  - c) disorderly maintenance of files, data or other entrusted documentation,
  - d) unexcused absence from work for one day,
  - e) failure to notify superiors of inability to arrive at work in a 24-hour period without just cause,
  - f) other minor breaches of official duties specified by law, directives of the Government or rules issued by chief executives of State bodies.

Article 99

Severe Breaches of Official Duties

- (1) Severe violations of official duties are:
  - a) failure to execute or unconscientious, untimely or lax execution of official duties,
  - b) illegal work or failure to undertake measures or action for which a civil servant has authorisation in order to prevent illegalities,
  - c) providing inaccurate data which influences decision-making in State bodies or leads to other detrimental consequences,

- d) abuse of position or exceeding of authority in the civil service,
- e) refusal to perform tasks if there is no just cause for doing so,
- f) unauthorised use of materials entrusted for execution of tasks,
- g) disclosure of official or other secrets pertaining to performance of civil service,
- h) performance of activities contrary to the tasks of a post or without prior approval from the chief executive of a State body,
- i) prevention of citizens or legal persons from exercising their rights to submit requests, appeals, complaints and petitions or other legal rights,
- j) use of inauthentic documents to secure privileges in the service,
- k) unbecoming conduct damaging to the reputation of the civil service,
- l) unexcused absence from work for two to four days consecutively,
- m) unbecoming conduct for which sanctions for minor violations of official duties are imposed three times,
- n) other breaches of official duties specified as severe by separate legislation.

## Section 2

### Bodies to Conduct Procedures for Breaches of Official Duties

#### Article 100

##### Bodies to Conduct Procedures

- (1) The chief executives of State bodies shall decide on minor breaches of official duties, unless specified otherwise by separate laws for civil servants in individual State bodies.
- (2) The civil service tribunal shall decide on severe violations of official duties in the first instance, while the superior tribunal shall decide in the second instance, unless specified otherwise by separate laws for civil servants in individual state bodies.
- (3) Civil service tribunals and superior tribunals shall be organised by the Government. Civil service tribunals shall be organised for one or more State bodies.

#### Article 101

##### Composition of Civil Service Tribunals

- (1) Civil service tribunals shall each have a president and not less than ten members, of which the president and not less than one member shall be judges.
- (2) The superior civil service tribunal shall have a president and not less than ten members, of which the president and not less than one member shall be judges.
- (3) The Government of the Republic of Croatia shall appoint the presidents and members of civil service tribunals and the superior civil service tribunal.
- (4) Civil service tribunals and the superior civil service tribunal shall decide in councils of three members appointed by their presidents for each individual case. Councils shall always be chaired by a member who is a judge.
- (5) The decision establishing a civil service tribunal shall stipulate the State body that shall conduct administrative and other tasks for the tribunal. Administrative and other tasks for the superior civil service tribunal shall be conducted by the central State authority responsible for civil service affairs.

## Section 3

## Procedures for Breaches of Official Duties

## Article 102

## Application of Law Governing General Administrative Procedures

(1) In procedures for breaches of official duties the provisions of the law governing general administrative procedures Act shall be applied accordingly, unless specified otherwise by this or other legislation.

(2) Procedures for breaches of official duties shall be speedy.

(3) No fee shall be paid in procedures for breaches of official duties.

## Article 103

## Public Access and Right to Defence

(1) Procedures for breaches of official duties shall be public. The body conducting the procedure may decide to deny public access, if so required to maintain official or other legally-specified secrets or other justifiable reasons.

(2) A civil servant shall be entitled to defence counsel in procedures for breaches of official duties, and such counsel shall have be granted power of attorney.

(3) The body conducting procedures for breaches of official duties shall be obliged, at the request of the civil servant against whom procedures have been initiated, to allow participation of the trade union to which he/she belongs, which in such cases shall have status equal to that of defence counsel.

## Article 104

## Initiation of Procedures

(1) Procedures for minor breaches of official duties shall be initiated by a conclusion issued by the chief executive of the State body at his/her own discretion or upon the written request of a superior civil servant.

(2) Procedures for severe breaches of official duties shall be initiated by the chief executive of the State body or the person such chief executive authorises to do so as at the date of submission of request for procedures to the relevant civil service tribunal.

## Article 105

## Petition to Initiate Procedures for Severe Breaches of Official Duties

(1) The petition to initiate procedures for severe breaches of official duties shall contain:

- the name of the civil service tribunal with jurisdiction,
- data on the petitioner (name and seat of the State body, and name, surname and duty of the person authorised to file the petition),
- data on the civil servant against whom procedures are initiated (personal data on the civil servant, name and seat of the State body and organisational unit in which the civil servant is employed, the title of the post to which the civil servant is assigned),
- the facts pertaining to the breach of official duties (manner, time and location of the breach committed, and other circumstances ensuing from the legal aspects of the severe breach of official duties),

- the legal designation of the severe breach of official duties and provisions hereof stipulating said breach,
- evidence for which presentation is sought,
- signature of the petitioner and seal of the State body.

#### Article 106

##### Response to Petition for Initiation of Procedures

(1) The petition for initiation of procedures for severe breach of official duties shall be delivered to the civil servant, who may submit a response within a period of three days upon its receipt.

(2) In the response to the request for initiation of procedures, the civil servant, his/her defence counsel or the trade union to which he/she belongs, inasmuch as authorised by the civil servant for representation, shall be entitled to propose submission of evidence vital to decision-making.

#### Article 107

##### Special Provisions on Procedures for Severe Breaches of Official Duties

(1) An oral hearing shall be held in procedures for severe breaches of official duties, and the civil servant against whom procedures are initiated shall testify.

(2) By way of derogation, hearings in procedures for breaches of official duties may be held without the presence of the civil servant against whom procedures have been initiated if there are vital reasons for doing so, and the civil servant is duly summoned and has entered a plea.

(3) Hearings in procedures for breaches of official duties may be held without the presence of the civil servant against whom procedures have been initiated, even if such civil servant has not entered a plea, if he/she has been summoned three times consecutively but has not responded and the council of the civil service tribunal deems that the civil servant is obviously avoiding attendance of the primary hearings and intentionally delaying procedures.

(4) If, based on the oral hearing held pursuant to paragraphs (1) through (3), all facts essential to decision-making are ascertained, the civil service tribunal shall decide on the petition.

#### Article 108

##### Decisions in Procedures for Breaches of Official Duties

(1) Accountability of civil servants in procedures for breaches of official duties shall be determined by resolutions, while matters pertaining to the procedure itself shall be determined by conclusion.

(2) In a procedure for minor breaches of official duties, an appeal may be filed against the decision of the chief executive of a State body with the relevant civil service tribunal within a period of eight days after receipt of said decision.

(3) In a procedure for severe breaches of official duties, an appeal may be filed against the decision of a civil service tribunal with the superior civil service tribunal within a period of eight days after receipt of said decision.

(4) The decision pursuant to the appeals specified in paragraphs (2) and (3) shall be deemed final and executable.

(5) An administrative suit may be filed against second instance decisions in procedures for breaches of official duties.

## Article 109

## Statute of Limitations on Initiation and Conduct of Procedures

(1) The statute of limitations on the right to initiate procedures for minor breaches of official duties shall be three months after the date on which the breach and its perpetrator are ascertained, not more than six months after the date on which the breach is committed. If a final decision is not made within six months after initiation of the procedure, such procedure shall be halted due to the statute of limitations on procedures.

(2) The statute of limitations on the right to initiate procedures for severe breaches of official duties shall be one year after the date on which the breach and its perpetrator are ascertained, not more than two years after the date on which the breach is committed. If a final decision is not made within two years after initiation of the procedure, such procedure shall be halted due to the statute of limitations on procedures.

## Section 4

## Sanctions for Breaches of Official Duties

## Article 110

## Types of Sanctions

- (1) The following sanctions may be imposed for minor breaches of official duties:
- a) verbal reprimand,
  - b) written reprimand,
  - c) written reprimand with entry in the civil servant's personal file,
  - d) pecuniary fine in an amount not to exceed 10% of the salary of the civil servant paid in the month in which said sanction is imposed.
- (2) The following sanctions may be imposed for severe breaches of official duties:
- a) pecuniary fines for a period not to exceed six months, provided that such fines do not exceed 20% of the total salary of the civil servant paid in the month in which said sanction is imposed,
  - b) suspension of advancement for a duration of two to four years,
  - c) prohibition of promotion for a duration of two to four years,
  - d) conditional dismissal from the civil service,
  - e) dismissal from the civil service.
- (3) A conditional sanction of dismissal from the civil service as specified in paragraph (3)e) shall be pronounced as dismissal from civil service with a trial period of one year, wherein the sanction will not be executed provided that the civil servant does not commit another severe breach of official duties within said period.
- (5) The sum of sanctions pronounced in one month for minor and severe breaches may not exceed 30% of the total salary for that month.
- (6) The sanction of transfer to another post of a lower rank may only be pronounced if there is an available post in the state body.
- (7) Sanctions in procedures due to breaches of official duties shall be implemented by the chief executive of the State body or the person so authorised in writing by the chief executive of the State body.

## Article 111

### Establishment and Execution of Sanctions

- (1) When determining the types of sanctions, due consideration shall be given to the severity of the breach and its consequences, the extent of authority of the civil servant, the circumstances whereunder the breach was committed, and extenuating or aggravating circumstances for the civil servant.
- (2) The statute of limitations on execution of sanctions for minor breaches of official duties shall be one year and, for severe breaches of official duties, two years after finality of the resolution whereby said sanctions are pronounced.
- (3) A pronounced sanction shall be deleted two years after said sanction for minor breaches of official duties becomes final, provided that the civil servant does not commit another breach of official duties within that time.
- (4) A pronounced sanction shall be deleted four years after said sanction for severe breaches of official duties becomes final, provided that the civil servant does not commit another breach of official duties within that time.

## Section 5

### Suspension from Civil Service

## Article 112

### Cases of Suspension

- (1) A civil servant may be suspended from civil service by a resolution of the chief executive of the State body if criminal proceedings or procedures for severe breaches of official duties are initiated against said civil servant, and the breach is of such nature that his/her continued presence in the civil service for the duration of said procedures may harm the interests of he service.
- (2) A civil servant against whom an investigation is launched and who is placed in detention shall be deemed suspended, on which a resolution shall be issued.
- (3) The duration of suspension from civil service shall continue until conclusion of the criminal proceedings or procedures for severe breach of official duties or, in the case specified in paragraph (2), until the expiry of detention.

## Article 113

### Appeals Against Suspension Resolutions

- (1) A civil servant may file an appeal against the resolution on suspension from civil service to the relevant civil service tribunal within a period of eight days after receipt of said resolution.
- (2) An appeal shall not postpone execution of the resolution.
- (3) The civil service tribunal shall be obliged to decide on the appeal within a period not to exceed 15 days after receipt of said appeal.
- (4) The decision of the civil service tribunal on the appeal shall be final and no administrative suits may be filed against it.



## Article 114

## Salary Compensation

- (1) For the duration of suspension from civil service, the civil servant shall be entitled to salary compensation in an amount of 60%, or 80% if he/she supports a family, of the salary remitted in the month prior to suspension from civil service.
- (2) Upon his/her return to the civil service, the civil servant shall be entitled to his/her full salary.
- (3) The portion of the civil servant's salary withheld from the first day of suspension shall be reimbursed in the following cases:
  - a) if the civil service tribunal accepts his/her appeal against the resolution on suspension from civil service,
  - b) if a final resolution halts the criminal proceedings or procedures for severe breaches of official duties, except in cases of expiry of the statute of limitations on procedures,
  - c) if the civil servant is acquitted by a final judgement in a criminal proceedings or procedures for severe breaches of official duties.

## Article 115

## Suspension of Civil Service Rights for the Duration of Prison Sentence

- (1) The civil service rights of a civil servant who is sentenced to not more than 6 months in prison shall be suspended for the duration of said prison sentence.
- (2) A resolution on the suspension of civil service rights as specified in paragraph (1) shall be issued within a period of 15 days after commencement of the circumstances that constitute grounds for suspension of rights.

## PART 11

## LIABILITY FOR DAMAGES

## Article 116

## Duty to Compensate Damages

- (1) A civil servant shall be obliged to compensate any damages he/she causes in the service or pertaining to the service or inflicts upon the State body wilfully or due to extreme negligence.
- (2) Damages incurred by the State body in providing compensation to citizens and legal persons for damage caused wilfully or due to extreme negligence by a civil servant shall also be deemed damages in the sense of paragraph (1).
- (3) Regulations governing individual services may specify individual cases of liability for damages caused in the service or pertaining thereto, provided that liability is based on wilful intent or extreme negligence.

## Article 117

## Establishment of Circumstances Wherein Damages Emerge

- (1) The emergence of damages, their level and the circumstances wherein they emerged shall be established by the chief executive of the State body, or a person duly authorised thereby, in a resolution that is not an administrative ordinance.
- (2) Prior to decision-making, the chief executive of the State body shall conduct a hearing with the civil servant.

## Article 118

## Appeals

(1) A civil servant may file suit against a resolution to compensate damages with a court with general jurisdiction within a period of 15 days after receiving the resolution.

## Article 119

## Written Agreement

(1) The chief executive and the civil servant may conclude a written agreement on the level of and method for compensation of damages.

(2) A written agreement shall constitute an executable writ.

(3) If assessment of the level of damages may cause disproportionate costs, compensation of damages may be determined in a lump sum.

## Article 120

## Deadline for Compensation of Damages

(1) The deadline for compensation of damages may not expire prior to the date on which salaries are paid for the settlement period in which the resolution is issued. Based on the level of damages, and at the civil servant's request, payment in instalments may be permitted.

## Article 121

## Restoration of Prior Condition

(1) Restoration of the prior condition may be permitted for compensation of damages to property at the civil servant's request at his/her expense within an appropriate period. A written agreement thereon shall be concluded.

(2) If the civil servant fails to restore the prior condition at his/her own expense within the period designated to do so, a resolution shall be issued on compensation of damages pursuant to the provisions hereof.

## Article 122

## Compensation of Damages Incurred by State Body due to Breach of Official Duties

(1) During procedures for breaches of official duties, decisions may also be made on compensation of damages incurred by the State body due to such breaches.

(2) If the level of damages cannot be established prior to the close of procedures, only a decision on breaches of official duties shall be made, while a decision on compensation of damages shall be made in procedures held for this purpose pursuant to the provisions hereof.

(3) A distraint order may be sought before the court with jurisdiction pursuant to a final resolution on compensation of damages.

## Article 123

## Exemption from Liability for Damages

(1) If damages are incurred due to action at the order of a superior civil servant, and if the civil servant noted in writing in advance that execution of the order would or could lead to damages, such civil servant shall be wholly exempt from liability for damages.

PART 12  
MOBILITY  
Article 124

Dissolution of State Body and Assumption of its Tasks by Other State Body

- (1) When a State body is dissolved, the civil servants in such State body shall be assumed by that State body which assumes the tasks of the dissolved State body, unless specified otherwise by separate legislation.
- (2) Until adoption of international organisational rules and assignment to posts pursuant to these rules, the civil servants assumed as specified in paragraph (1) shall continue to perform the tasks they performed in the dissolved State body or other tasks at the order of the chief executive of the body, and they shall exercise their right to salaries and other benefits pursuant to previous resolutions.
- (3) Assumed civil servants who cannot be assigned pursuant to internal organisational rules as there are no posts available for which they meet professional and other criteria shall be placed on mobility at the disposal of the Government.
- (4) Resolutions on assignment to posts or resolutions on placement on mobility at the disposal of the Government shall be made within a period not to exceed two months after assumption of the civil servants.

Article 125

Dissolution of State Body and All Tasks Performed Thereby

- (1) When a state body is dissolved but its tasks are not assumed by another State body, the civil servants of the dissolved State body shall be assumed by the central State authority responsible for civil service affairs, unless specified otherwise by separate legislation.
- (2) The civil servants assumed as specified in paragraph (1) shall be placed on mobility at the disposal of the Government by the chief executive of the body that assumes them.
- (3) Resolutions on mobility shall be issued within a period not to exceed one month after the date of assumption.

Article 126

Change in Jurisdiction of State Body

- (1) If a portion of the tasks of a State body are transferred to the jurisdiction of another State body, the latter shall assume the civil servants who perform said tasks.
- (2) The provisions hereof pertaining to dissolution of State bodies whose tasks are assumed by another State body shall be applied accordingly to the civil servants assumed as specified in paragraph (1).

Article 127

Adoption of Internal Organisational Rules

- (1) When internal organisational rules are adopted, civil servants shall be assigned to posts pursuant thereto, with due consideration for the tasks said civil servants performed previously.
- (2) When, pursuant to a directive on internal organisational rules, individual organisational units of a State body or individual posts therein are discontinued, or the number of staff required at individual posts is reduced, the civil servants who were until then assigned to those posts or in the discontinued organisational units shall be assigned to other posts for

which they are qualified. Preference in assignment shall be accorded to those civil servants who have received better evaluations for their previous work and efficiency.

(3) If there are no suitable posts to which civil servants can be assigned, a resolution shall be made to place them on mobility.

(4) A resolution on assignment to a post or a resolution on placement on mobility at the disposal of the Government, pursuant to the provisions of paragraphs (1) through (3), shall be issued within a period not to exceed two months after entry into force of the new internal organisational rules.

(5) Until issuance of the resolution specified in (5) hereof, civil servants shall perform the tasks they performed at the posts to which they had been assigned, or other tasks at the order of the chief executive of the State body, and they shall exercise their rights to salaries and benefits pursuant to previous resolutions.

#### Article 128

##### Duration of Mobility

(1) The duration of mobility at the disposal of the Government as specified in Articles 124-127 hereof shall be set as the duration of the termination notice period pursuant to general labour regulations.

(2) Uninterrupted work service in the State bodies of the Republic of Croatia shall be computed to determine duration of mobility.

#### Article 129

##### Right to Salary Compensation

(1) For the duration of mobility, civil servants shall be entitled to salary compensation at the level of the salary paid in the month prior to their placement on mobility.

(2) Civil servants placed on mobility shall be entitled to salary compensation and other benefits from the civil service in the State body in which the resolution on their mobility was made.

#### Article 130

##### Transfer during Mobility

(1) For the duration of mobility, civil servants may be permanently transferred to a post within the framework of their qualifications in any State body not physically more distant than 50 kilometres from their place of residence.

(2) If a civil servant refuse transfer as specified in paragraph (1), this shall be deemed resignation as at the date on which he/she would have commenced working at the new post.

#### Article 131

##### Dismissal and Right to Severance

(1) Upon expiry of mobility, civil servants shall be deemed dismissed by force of law.

(2) The civil servants specified in (1) hereof shall be entitled to severance at a level specified by general labour regulations.

(3) Uninterrupted work service in the State bodies of the Republic of Croatia shall be computed to determine the level of severance pay.

PART 13  
TERMINATION OF CIVIL SERVICE

Article 132

Termination of Civil Service

(1) Civil service shall be terminated:

- a) by agreement,
- b) expiry of a deadline,
- c) dismissal,
- d) by force of law, and
- e) in another manner specified by law.

(2) General regulations prohibiting cessation of work for individual categories of employees shall not be applied to civil servants whose service ends due to their unsatisfactory trial work or whose civil service ends by force of law.

Article 133

Resolutions on Termination of Civil Service

(1) A resolution shall be issued on termination of civil service.

(2) The resolution specified in paragraph (1) shall be issued within a period of eight days after circumstances arise which are the cause for termination of service.

Article 134

Termination of Fixed-term Civil Service

(1) Fixed-term civil service shall cease upon expiry of the specified period, provided that it does not cease earlier in some other legally-stipulated manner.

Article 135

Consensual Termination of Civil Service

(1) Civil service may be terminated pursuant to a written agreement between the civil servant and the chief executive of the State body whereby the date of termination is determined.

Article 136

Dismissal from Civil Service

(1) A civil servant shall be dismissed from the civil service if he/she does not perform satisfactorily in trial work, and service shall formally cease as of the date on which the resolution on termination of service becomes final.

(2) Civil service may be terminated on the basis of a written resignation tendered to the State body by the civil servant.

Article 137

Termination of Civil Service by Force of Law

(1) Civil service for a civil servant shall terminate by force of law:

- a) in case of death,

- b) by establishment of right to pension due to general inability to work – on the date of legal entry into force of the relevant resolution,
- c) when he/she reaches the age of 65 and has not less than 20 years of work service for pension eligibility – as of the last day in the year in which such conditions arise,
- d) when he/she is unconditionally sentenced to imprisonment for a period exceeding six months – as at the date on which the conviction becomes final,
- e) when he/she is convicted for a crime as specified in Article 45 hereof – as at the date on which the conviction becomes final,
- f) when he/she is absent from work for five consecutive days without excuse – as of the date of departure from the service or the first day of absence from work,
- g) if he/she does not take the civil service examination within the stipulated period – upon expiry of the deadline within which he/she was obliged to take the civil service examination,
- h) if it is ascertained that upon admission to the civil service he/she did not meet admission criteria as specified herein – as of the date of such ascertainment,
- i) when it is ascertained that at the time of admission to the civil service there were bars to such admission as stipulated herein – as of the date of such ascertainment,
- j) when the sanction of dismissal from the civil service is imposed due to severe breaches of official duties – as of the date on which the decision of the civil service tribunal becomes final,
- k) if upon transfer he/she does not report for duty within the legally-stipulated period without just cause – as of the date on which he/she is required to report for duty,
- l) if he/she receives an evaluation of “unsatisfactory” twice consecutively – as of the date on which the final resolution on evaluation becomes effective,
- m) in other cases specified by law.

#### PART 14

### GOVERNMENTAL EMPLOYEES

#### Article 138

#### Regulations

(1) General labour regulations and the collective agreements concluded pursuant thereto shall be applied accordingly to the rights, duties and accountability of governmental employees, unless specified otherwise by the provisions of this Act.

#### Article 139

#### Classification of Posts and Salaries of Governmental Employees

(1) The classification of posts and salaries of governmental employees shall be governed by a directive issued by the Government of the Republic of Croatia.

PART 15  
PERSONAL FILES AND THE CENTRAL REGISTER OF CIVIL SERVANTS AND  
GOVERNMENTAL EMPLOYEES

Article 140

Personal Files and Central Register

- (1) Each State body shall maintain personal files of the civil servants and governmental employees employed therein.
- (2) The central State authority responsible for civil service affairs shall maintain a central register of civil servants and governmental employees for the needs of State bodies.
- (3) The decision to release data from the personal files and central register of civil servants and governmental employees shall be made by the chief executives of the State bodies wherein such records are maintained.

Article 141

Data from Personal Files

- (1) Data from personal files and the central register of civil servants and governmental employees constitute official secrets. Civil servants and governmental employees shall be entitled to view the data in the personal files and data from the central register pertaining to them.
- (2) The content and methods for maintaining personal files and the central register of civil servants and governmental employees shall be stipulated by a directive of the Government.

PART 16

OVERSIGHT

Article 142

Administrative and Inspectoral Oversight

- (1) Administrative oversight of application hereof and regulations made pursuant hereto shall be conducted by the central State authority responsible for civil service affairs.
- (2) Inspectoral oversight of the application hereof and other laws and regulations applied to civil servants and governmental employees and their civil service rights shall be conducted by the administrative inspectorate of the central State authority responsible for civil service affairs.
- (3) When conducting inspectoral oversight, inspectors shall be authorised to:
  - a) examine internal structure ordinances, internal organisational rules, personal files of civil servants and the central register of civil servants and governmental employees, and other documentation pertaining to the labour rights status of civil servants,
  - b) seek data pertaining to the labour rights status of civil servants from other legal and natural persons,
  - c) review civil service admission procedures,
  - d) review the legality of resolutions on assignment to posts, transfers, placement on mobility, termination of civil service and other civil service rights and duties.

## Article 143

## Petition to Rescind or Void an Illegal Administrative Ordinance

- (1) Inasmuch as during an inspection the administrative inspector ascertains illegalities or irregularities in a resolution on admission to the civil service and a resolution on the rights and duties of civil servants, he/she shall compile a report ordering the elimination of said illegalities and irregularities. The report shall be delivered to the chief executive of the State body within a period not to exceed 30 days after the date of the inspection.
- (2) If the chief executive of the State body fails to eliminate the illegalities and irregularities ascertained as per paragraph (1) within the deadline specified in the report, the administrative inspector shall propose the rescission of the illegal administrative ordinance to the Civil Service Board if an obvious violation of this Act was committed during adoption of such ordinance, or its annulment if said inspector deems that grounds for such administrative measure exist.
- (3) The Civil Service Board may rescind or annul the administrative ordinance specified in paragraph (2) within a period of five years after the date such resolution becomes final.

## PART 17

## TRANSITIONAL AND FINAL PROVISIONS

## Article 144

## Rescission of Prior Legislation

- (1) Upon commencement of application hereof,
  - a) with reference to civil servants, the Civil Servants and Governmental Employees Act (*Narodne novine*, no. 27/01) and the enabling legislation enacted pursuant thereto shall no longer be valid, except those provisions governing the salaries of civil servants, which remain in force until enactment of separate legislation that will regulate the salaries and other benefits of civil servants,
  - b) with reference to governmental employees, the Civil Servants and Governmental Employees Act (*Narodne novine*, no. 27/01) and the enabling legislation enacted pursuant thereto shall no longer be valid, except those provisions governing the salaries of governmental employees, which remain in force until commencement of application of regulations governing the classification of posts and salaries of governmental employees.
- (2) Until entry into force of separate legislation governing the salaries and other benefits of civil servants and directives governing the classification and salaries of governmental employees, the provisions of Articles 108-112 of the Civil Servants and Governmental Employees Act shall remain effective, as shall this enabling legislation:
  - a) Directive on Titles of Posts and Complexity Coefficients of Civil Service Tasks (*Narodne novine*, no. 37/01, 38/01 - correction, 71/01, 89/01, 112/01, 7/02 - correction, 17/03, 197/03, 21/04 and 25/04 – correction);
  - b) Directive on Tasks with Special Operating Conditions (*Narodne novine*, no. 74/02).
- (3) With reference to civil servants and governmental employees in the administrative departments and agencies of local and regional self-government units, the Civil Servants and Governmental Employees Act (*Narodne novine*, no. 27/01) shall remain effective until entry into force of separate legislation governing their rights, duties and accountability.



## Article 145

## Directives and Code of Ethics

(1) The Government of the Republic of Croatia shall issue within a period not to exceed 6 months after entry into force hereof:

1. the directive specified in Article 23(4) governing the possibility of work at remote locations and part-time work,
2. the codes of ethics specified in Article 25(2) hereof governing the rules of conduct for civil servants in the service,
3. the directive specified in Article 45(5) governing admission to the civil service, and release and implementation of public vacancy competitions and internal announcements,
4. the directive specified in Article 57(2) governing the procedure, manner and content of the civil service examination,
5. the directive specified in Article 66(8) regulating in detail the structure and operating methods of the Civil Service Board,
6. the directive specified in Article 74(6) regulating in detail the posts within each category,
7. the directive specified in Article 81(3) hereof regulating assignment of civil servants to work outside of the civil service,
8. the directive specified in Article 90(4) governing the conditions and methods for advancement,
9. the directive specified in Article 93(3) hereof regulating the forms, methods and conditions for training of civil servants,
10. the directive specified in Article 139 governing classification of posts and salaries of governmental employees,
8. the directive specified in Article 141(2) hereof regulating the content and methods for maintenance of personal files and central register of civil servants and governmental employees.

## Article 146

## Rules issued by the Chief Executive of the Central State Authority

## Responsible for Civil Service Administration

(1) Not less than 6 months after entry into force hereof, the chief executive of the central State authority responsible for civil service affairs shall issue the rules specified in Article 75(1) hereof governing the uniform standards and measures for determination of the titles and descriptions of posts in the civil service.

(2) Prior to entry into force hereof, the chief executive of the central State authority responsible for civil service affairs shall issue the rules specified in Article 84(2) regulating the content of special reports on performance and efficiency evaluations of civil servants.

## Article 147

## Directives on Internal Structure of State Bodies

(1) Not later than 6 months after entry into force hereof, the Government of the Republic of Croatia shall ensure that directives on the internal structure of State bodies comply with the provisions hereof.

(2) Not less than 60 days after entry into force of the directives specified in paragraph (1), the chief executives of State bodies shall be obliged to ensure compliance of their internal organisational rules.

## Article 148

## Organisation and Appointments

(1) Not later than 3 months after entry into force hereof, the Government of the Republic of Croatia shall:

1. appoint the chairperson and members of the Civil Service Board (Article 66(1)),
2. organise the civil service tribunals and the Superior Civil Service Tribunal (Article 100(2)),
3. appoint the members of the civil service tribunals and the Superior Civil Service Tribunal (101(3)).

## Article 149

## Collective Bargaining

(1) Not less than six months after entry into force hereof, the Government of the Republic of Croatia shall summon the representatives of the civil service trade union for negotiations on ensuring compliance of the current Civil Service Collective Agreement with the provisions hereof.

## Article 150

## Entitlements Based on Prior Legislation

(1) Those civil servants and governmental employees in the civil service as at the entry into force hereof shall continue to work at their current posts and maintain all previous salaries and other benefits until issuance of a resolution on assignment to posts in compliance with the regulations on internal organisation aligned with the provisions hereof.

## Article 151

## Change in Status of Individual Civil Servants

(1) Upon formal assumption of office of the Government after the first parliamentary elections, the posts of ministry secretary, director in a ministry, deputy secretary of the Croatian Parliament, deputy secretary of the Government, chief of staff of a Government office, deputy State secretary of a central State administrative office and deputy and assistant director of State administrative organisations shall be accorded the status of civil servants, while the current post of assistant minister shall be abolished.

(2) Persons at the posts specified in paragraph (1) shall continue to perform their tasks and shall be entitled to salaries based on previous resolutions until assignment to said posts on the basis of a competition pursuant to the provisions of this Act and thereafter, if they are not reappointed, the Government of the Republic of Croatia shall decide on their dismissal from their duties.

(3) The competition for assignment to the posts specified in paragraph (1) shall be announced not later than 60 days after formal assumption of office by the Government after the first parliamentary elections held after commencement of application of this Act.

(4) The dismissed official as specified in paragraph (2) who prior to appointment to such office was a civil servant shall be entitled to assignment, without undergoing competition procedures, to the State body in which he/she was in the civil service prior to appointment to office or to another State body, if there is an available post for which he/she is qualified. The request for assignment shall be submitted by the dismissed official not later than 30 days after the date of his/her dismissal to the chief executive of the body in which he/she served prior to appointment.

(5) The dismissed official as specified in paragraph (2) who was not a civil servant prior to appointment, and the dismissed official as specified in paragraph (4) who does not submit a request for assignment to the State body in which he/she served prior to appointment, shall exercise the right to compensation pursuant to the law governing the obligations and rights of State officials.

#### Article 152

##### Procedures Initiated Prior to Commencement of Application

(1) Procedures to decide on matters pertaining to civil service and labour relations not completed by the entry into force hereof shall be continued and concluded pursuant to the regulations valid prior to application hereof.

#### Article 153

##### Entry into Force and Application

(1) This Act shall enter into force on the eighth day after its publication in *Narodne novine*, and it shall become applicable as of 1 January 2006, with the exception of the provisions of Articles 23(4), 25(2), 45(5), 57(2), 66(8), 74(6), 75(1), 81(3), 84(2), 90(4), 93(3), 139, 141(2) and 144-153, which shall be applied as of the date of applicability of this Act.

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