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*Please note that this translation is a purified text version including all amendments and decisions on the Act finishing with and including Amendments to the Act from the Official Gazette no. 32/2004.*

*This translation is missing the amendments from the Official Gazette no. 9/2006.*

## **MINISTRY OF JUSTICE**

In accordance with the Article 43, paragraph 1 of the Law on Courts (Official gazette, no. 3/94 and 100/96, the Minister of Justice declares the following

# **RULES OF PROCEDURE FOR THE COURT**

## **PART ONE**

### **GENERAL PROVISIONS REGARDING INTERNAL STRUCTURE AND PROCEDURE**

#### **Chapter one**

#### **INTRODUCTORY PROVISIONS**

##### **Article 1**

Rules of procedure regulate the basis of the organization and the procedures in courts. Rules of procedure apply as well for the Supreme Court of the Republic of Croatia; unless particular issues are settled otherwise by special precepts or by Rules of procedure of the Supreme Court of the Republic of Croatia.

The aforesaid procedure enables orderly and timely functioning of the court administration, office operations and all other activities relevant for the procedures of the courts.

##### **Article 2**

Internal procedures of the court are separate from the legal proceedings.

##### **Article 3**

The correct implementation of the Rules of procedure lies in the domain of judicial bodies and the bodies of court administration, as well as upon those courts that are affected by the said provisions of Rules of procedure.

Obligatory instructions and interpretations of the said procedures are laid down by the Ministry of Justice.

Explanations and cautioning regarding the application of particular provisions of the said procedures are given directly by the senior body of the court administration. Regarding the given explanations and cautioning, notice shall be forwarded to the Ministry of Justice and the Supreme court of the Republic of Croatia, which are empowered to modify either/or abolish them.

President of the court gives instructions regarding the application of particular provisions of the said procedures regarding each individual case.

## **Chapter two**

### **COURT ADMINISTRATION**

#### ***1. Tasks of the Court administration***

##### **Article 4**

Tasks of the court administration include ensuring conditions for regular operation and proceedings of the court.

Tasks of the court administration specifically include the following:

- structuring of internal proceedings in court,
- care about timely and regular performance of the court tasks,
- tasks regarding the enforcement of penal sanctions and procedures regarding detainees
- tasks of convening and assigning lay judges
- tasks of appointing a trustee in bankruptcy and determining the list of the said trustees
- tasks related to permanent expert witnesses, interpreters and appraisers,
- tasks of the certification of the documents for use abroad,
- tasks relating to international appeals,
- specific tasks related to rights, obligations and responsibilities of civil servants and other employees and judges of the court
- tasks related to the appointing and dismissing of judges, professional betterment of the judges, the court counselors, the trainees and other employees of the court,
- tasks related to statistics,
- tasks related to the evaluation of the work of the judges
- tasks related to the managing of the court building and other real estate allocated for court use,
- tasks of financial and material transactions regarding court procedures,
- tasks related to fee collection,
- tasks related to court deposits,
- and other tasks as stipulated by the Law on Courts and these Rules of procedure.

## **2. *The rights and duties of the president of the court***

### **Article 5**

President of the court manages the court.

President of the court may entrust the heads of departments, judges, court secretary and other court officials with certain tasks relating to court administration.

Deputy president of the court is assigned with the task of helping the president of the court regarding court administration; as those tasks are entrusted upon him/her, and in the case of the president's incapacity or absence substitutes the president of the court.

### **Article 6**

In performing the tasks of the court administration, the president of the court makes administrative decisions, issues orders and gives instructions within the scope of his rights.

### **Article 7**

President of the court oversees proper relations and procedures of judges and other court employees relating to clients, public authorities and other legal persons as well as proper relations between court employees.

The obligation of the president of the court is to immediately notify the superior body of court administration and the Ministry of Justice regarding developments in court which to greater extent disturb human relations in court, interfere with exercising citizens' rights, abuse or overstep official position or authority or damage court's reputation in any other way.

### **Article 8**

President of the court surveys regular and timely performance of all the tasks of the court. The surveying is carried out by inspection into proceedings of the tribunal, judges, investigating judges and other court employees by inspection of files, decisions, as well as the decisions of higher courts pertaining to appeals, review of the docket, auxiliary books and lists and by other appropriate manners, as well as by supervision of registry office, office of public records and other organisational units.

### **Article 9**

The president of the court coordinates operations of court departments and other organisational units of the court. When the president of the court notices unbalanced procedures or procedures contradicting the existing regulations or deviation from the established court practice of higher court in the work of departments, councils, judges and investigating judges, he/she shall state his findings to be considered at the session of the full bench.

President of the court is obliged to inform the higher court, i.e. superior body of court administration regarding all issues important for the court proceedings.

### **3. Vocational training of court clerks and other employees**

#### Article 10

President of the court oversees and supervises the work of court clerks and other employees undergoing vocational training in court in accordance with specific regulations.

The tasks as referred to in § 1 of the present Article apply as well to the provisions of Article 5 of Rules of procedures.

### **4. Sessions and meetings**

#### Article 11

The president of the court convenes sessions and meetings of judges and other court employees. Meetings of judges and other employees of the court are convened to bring better performance of the tasks within court's scope of work, to obtain ideas regarding agenda, to balance activities among various departments, councils and services, to promote methods of work, vocational training and other issues important for court operation.

Full bench sessions deal in particular with: organisation of internal court proceedings and the agenda; carrying out the program of the court and activity report; debatable issues; coordinating court practice; promoting methods of work; vocational training of judges, court councilors, court clerks and other court employees, as well as other issues relevant for the court proceedings.

In courts which have departments dealing with issues pertaining to § 3 of the present Article; such issues are dealt with on sessions of the said court departments, except as otherwise provided for by the law that their consideration be done on the session of the full bench.

Department sessions are convened by the president of the court or the president of the department, as circumstances require, at least once a month.

#### Article 12

The Minister of Justice, the President of the Supreme Court of the Republic of Croatia, the President of the County Court in regards to the municipal courts and the President of the High Commercial Court of the Republic of Croatia in regards to commercial courts may demand that at the convened meetings of the judges or meetings of the court employees, certain issues regarding particular questions of the court and judicial administration important for the operation of judicial bodies be dealt with and inform them about the acceptable practice.

#### Article 13

Transcripts regarding the sessions of judges and meetings of employees have to be taken and should contain the basic information on the course taken and the conclusions made at the session or the meeting.

Regarding the questions discussed and conclusions made which are of wider importance for the workings of the court, the president of the court shall directly notify the immediate superior court and the Ministry of Justice.

#### Article 14

The president of the court may authorise a judge, court councilor and other employee of the court with the processing of particular issues related to the application of regulations, court practice or the draft regulation made by legislative or executive authority with the purpose of their consideration on the session of the full bench or, if need be, at the meeting of all court employees.

### **5. Authorities of President of higher court**

#### Article 15.

President of High Commercial court of the Republic of Croatia and the president of County court (hereinafter called – “higher court”) are second-instance bodies in dealings of court administration within the authority of the president of Commercial court and the president of the Municipal court (hereinafter called – “inferior court”), except as otherwise provided for by specific regulations or Rules of procedure for the court.

#### Article 16

Higher court in dealings of court administration oversees proceedings of inferior courts from its territory. In performing supervision, higher court obtains reports and other information regarding the proceedings of inferior courts. Higher court may organise joint meetings and conferences of presidents of inferior courts and judges of higher courts and judges, court councilors and other employees of inferior courts for consideration of general issues important for the operation of inferior courts. Higher court shall notify the Ministry of Justice and the Supreme Court of the Republic of Croatia about the said meetings and conferences.

#### Article 17

President of the higher court, according to working program, shall each year personally or via appointed judges and other experts perform review of overall operation or specified parts of operation of inferior courts from its territory.

President of higher court, as required, inspects the inferior courts as well, with regard to solving specific issues.

On performed inspection and findings and measures taken, report is submitted to the Ministry of Justice and delivered also to the court on which the inspection of operation was carried out.

### **6. Relation to higher bodies of court administration**

#### Article 18

In tasks of court administration, municipal, county and commercial courts address directly the Ministry of Justice, Supreme Court of the Republic of Croatia and High Commercial court of the Republic of Croatia, respectively.

Municipal court shall submit a copy of the decision addressed to the Ministry of Justice or higher court also to the president of the county court and commercial court shall deliver it to the president of the High commercial court of the Republic of Croatia.

### **CHAPTER III**

#### **ORGANIZATIONAL UNITS**

##### **1. Court departments and councils**

###### Article 19

Court departments are instituted in courts which have more tribunals, i.e. individual judges who decide on issues related to one or more congenial legal areas. Under the conditions as referred to in § 1 of the present Article, courts institute departments according to the legal branch (civil and criminal). If within one particular legal branch conditions for instituting several departments are met, departments are instituted separately for deciding in first-instance or second-instance procedure and, within this, according to types of cases or types of legal matters.

Special investigating department, a department for cases against members of the military, military officials and personnel employed in the armed forces and the department for labor disputes shall be instituted provided at least three judges are engaged on the said tasks. Conversely, these tasks shall be carried out in the corresponding department, as referred to in § 2 of the present Article.

If conditions for instituting special department for criminal cases against members of the military, military officials and personnel employed in the armed forces and department for labor disputes, courts are obliged, within corresponding sections, as referred to in § 2 of the present Article, to institute a special council or to authorize relevant judges with these cases.

###### Article 20

Court department is managed by the head of the department. Head of the department has a deputy. Heads of departments and all judges provide for regular and timely performance of tasks in departments, councils and divisions.

##### ***2. Monitoring and research of court practice***

###### Article 21

Monitoring and research of court practice are ensured in courts. When so required by the scope of tasks, these courts may institute special service except as otherwise provided for by the law. Monitoring and research of court practice encompasses in particular the following: monitoring of court practice of first-instance and second-instance courts; monitoring of general legal conceptions and general viewpoints with the purpose of ensuring unique application of laws and equality of citizens and equality of everybody before the law; preparation of drafts of legal conceptions and other materials necessary for sessions of court departments; and performing other tasks determined by the Law on courts and the agenda.

### **3. Court registry office**

#### Article 22

Court registry office performs office tasks in court.

In courts with the extended scope of work, court registry office may have more organisational units (reception, penal, investigating, litigation, extrajudiciary, probate cases, distraint, etc.)

Office tasks related to preliminary proceedings are conducted in penal registry office unless a specific registry office has been instituted for the said cases.

#### Article 23

Tasks of court registry office are managed by the head of court registry office, who provides for timely and regular performing of office tasks.

Head of the court registry office provides for regular and timely performing of typing tasks and performs distribution of typists and typists-recording secretaries.

In case of court registry office being divided into several organisational units, tasks in particular units are managed by its head supervised by the head of the court registry office.

### **4. Office of the president of the court**

#### Article 24

Tasks of court administration are performed in the office of the president of the court.

One or more officials or employees, as required, shall be appointed for performing office tasks of the court administration and they shall perform tasks in cases of court administration according to instructions of the president of the court.

In courts with the extended scope of work, the office of the president of the court may have more organisational units such as secretariat, registry office of the office of the president of the court, departments or sections for financial operations, court statistics and other organisational units which perform specific tasks related to court administration.

#### Article 25

The office of the president of the court carries out, in particular, the following tasks:

- keeping registers for cases of court administration and for keeping reference archive,
- registering and copying court administration decisions,
- employment of officials and employees,
- keeping a list of all court employees,
- keeping a list of lay judges,
- appointing trustees in bankruptcy and determining their list,
- calling to hearings and distribution of lay judges,
- keeping lists of permanent expert witnesses, interpreters and appraisers,

- keeping travel log and lists of distances of particular locations from the court headquarters (distance meter),
- defense and protection,
- keeping lists of clerks,
- keeping court statistics,
- keeping a record regarding the work of the judges,
- registering and keeping general power of attorney,
- other tasks appointed by the president of the court or the Ministry of Justice.

#### Article 26

Financial operations are, as a rule, carried out in separate department or section directly supervised by the president of the court.

In the courts with narrower scope of tasks, employees working on tasks related to financial operations, also perform other tasks determined by the agenda.

#### Article 27

If several judicial bodies are located in the court building, tasks related to financial operations may be carried out within joint financial service, which is instituted through agreement of judicial bodies.

Agreement, as referred to in § 1 of the present Article shall determine which judicial body shall function as headquarters for joint financial service. In that case, each judicial body shall have its separate bookkeeping.

### **5. Public records**

#### Article 28

Land registers, register of companies and other public records are kept according to special regulations and are directly supervised by the president of the court or judge determined by annual agenda for work on these cases.

Service of public records is managed by the head of land-register service or the head of the register of companies.

## **Chapter four**

### **AGENDA**

#### Article 29

Tribunals, investigating judges and judges and the distribution of the judges, court advisors and other officials and employees for particular tasks and their authorities and scope of tasks are determined by the agenda.

## **1. Annual agenda**

### Article 30

Annual agenda is determined at the end of calendar year for the following year. Prior to determining agenda for the judges, president of the court obtains judgements from the full-bench session or from general session of the Supreme Court of the Republic of Croatia and for other employees – judgement of organisational units.

On assigning judges and other employees for particular tasks, requirements of the court, professional abilities and affinities of the judges, court advisors and other employees for particular tasks shall be of primary concern.

### Article 31

By annual agenda, the following positions are assigned: deputy of the president of the court, department presidents and their deputies, members of second-instance councils, president and deputy president and members of extrajudiciary councils, presidents of trial chambers, councils for minors, judges and investigating judges, and court advisors and other court employees. Tribunals, judges and investigating judges are labeled by Roman numerals.

### Article 32

During one calendar year, judges shall, as a rule, be appointed for work on tasks of the same kind. On smaller courts, where the scope of tasks and the number of judges do not require (impose) organisation of work according to types of tasks, simultaneous performance of tasks on different types of cases shall, if possible, be minimised.

### Article 33

At determining annual agenda, manner of case distribution shall also be determined. Cases assigned to judges are distributed by the president of the court in courts without instituted court departments and in courts with instituted court departments it shall be done by the president of the department.

Prior to the assignment of cases to judges, cases are classified chronologically starting with the receipt of the first brief which initialises procedure. In case there are several simultaneous briefs which initialise procedure, the cases are classified in alphabetical order of clients against which the procedure is initialised (indictee, accused, counterparties, distrainees etc.).

Cases classified in such a manner are distributed by alphabetical order of the court judges or court department, taking into account evenness of distribution throughout the year, as well as type and complexity of cases. Second-instance cases are distributed by alphabetical order of council presidents, and council presidents distribute cases to council members by alphabetical order of judges – members of the council. If, due to significant work arrears or higher work load of judges, cases are not distributed to the judges promptly, the president of the court or the president of the department is obliged to appoint judges without delay, who shall deal with cases according to their work schedule, in accordance with criteria as referred to in § 2 and 3 of the present Article.

Cases of particular type (labor disputes, housing disputes, press disputes) shall be distributed to judges appointed for such cases by annual agenda in courts where it is required by the character of work and with the purpose of simplifying the work and achieving higher quality and efficiency.

The case in which the decree was revoked shall go before the same judge i.e. the same council which passed the decree.

If new procedure has to be conducted and decree passed with a different judge or council, president of the court shall appoint the case in a manner as referred to in § 2 to 5 of the present Article.

#### Article 34

As an exception to the Article 33 of the Rules of procedure for the court, according to which the case had to be appointed to one judge, due to the objective incapacity of that judge, the case shall be appointed to the next judge according to the alphabetical list of judges in court or department.

The same procedure as referred to in § 1 of the present Article shall also be applied to the docket of those judges who are prevented from carrying on the procedure due to being exempt from the case, being absent from work, obvious and expressed overburden of the docket or due to other justifiable reasons when it is necessary for the legal and effective work of court and the protection of the right of a client(s) to a trial without justifiable delay.

#### Article 35

Organisational units in the court registry office and individual services and the scope and range of their work shall be determined by annual agenda.

Deployment of officials and employees shall be carried out in accordance with task systematisation and the province of the manager of court registry office and services, head of individual organisational units, their deputies and other employees shall be determined. Relating to the aforementioned, it shall be provided for that the tasks are evenly distributed in accordance with the conditions in court (scope of tasks, number of employees, etc.).

Personnel for delivery and other tasks, as well as the manner of performing these tasks, if there is such a need, shall be determined by the agenda.

#### Article 36

Copying service shall be instituted within court registry office by annual agenda and manner of its work shall be determined in detail.

### ***2. Objection to annual agenda***

#### Article 37

The judges and the court councilors have to sign the receipt of annual agenda and the rest of the employees of the court are given oral notification regarding the agenda and they have to sign it as well. Each judge may state an objection within a period of three days to

the president of the court related to annual agenda. Other employees may make an objection on the agenda within the same period.

President of the court submits annual agenda together with objections and comments to a superior body of court administration no later than December 15 of the current year.

Superior body of the court administration may, ex officio or for reasons of received objections and comments, amend and change annual agenda after consultations with the president of the court.

If the superior body of the court administration does not modify the agenda within a period of 15 days, starting with the day of submitting the objection, the agenda shall be applied after the expiry date, i.e. starting with January 1 of the following year.

#### Article 38

If no need for the modification of annual agenda exists, earlier agenda may be extended to the following year. In this case, the manner of procedure is provided for by Article 37 of the Rules of procedure for the court.

### ***3. Modifications of the agenda***

#### Article 39

Determined annual agenda may during the year be modified due to extended number of cases of particular type, requirements for priority in dealing with particular types of cases or legal matters, longer absence of the judge or other employee and other justifiable reasons. In modifying the agenda, tasks shall be distributed according to the provisions of the previous Articles.

## **Chapter five**

### **WORKING HOURS, BREAKS AND LEAVES**

#### **1. Working hours**

#### Article 40

Daily schedule of working hours is determined by the president of the court in accordance with the law. Urgent matters which can not be postponed, as well as already commenced sessions and hearings, the postponement of which would cause increase of expenses or stalling of the procedure, shall be finished regardless of regular working hours.

#### Article 41

Working hours in courts, 40 hours per week, are distributed to five working days.

Working hours begin at 9 am and end at 4 p.m.

In a period from June 1 to August 31, working hours are from 7 am to 3 p.m.

Depending on local conditions, president of the court may determine the beginning of working hours between 7 am and 9 am, of which he/she is obliged to notify the president of the immediate superior court and the Ministry of Justice.

## 2. *Duty service*

### Article 42

Out of regular working hours, during weekends, non-working days and public holidays, only activities which may not be postponed, as a rule, shall be performed. Carrying out tasks related to preliminary criminal procedure(s) in county courts shall be ensured in one of the following manners:

- continually in the court building and on weekdays from 4 p.m. to 8 p.m. of the following weekday,
- in the court building from 8 am to 8 p.m. – in weekdays from 4 p.m. to 8 p.m. and after 8 p.m., presence at the location of the court headquarters is obligatory,
- presence at the location of the court headquarters is obligatory on weekdays after 4 p.m. to 8 am the following weekday; on non-working days and public holidays non-stop.

Performing tasks related to preliminary criminal procedure on weekends, non-working days and public holidays is provided for in the court building in those county courts with non-stop duty service; on weekdays from 4 p.m. to 8 am the following day or from 8 am to 8 p.m.

During the time when in the building of the county court performing of tasks related to preliminary criminal procedures is not provided for, these tasks are performed by the judges and other employees obliged to be at the location of the court headquarters by their schedule.

Obligatory presence in the court headquarters may be introduced also in municipal courts outside the headquarters of the county court.

The court shall notify the competent state attorney's office and police department about the duty schedule of judges and the court recorder and about their location out of regular working hours.

## 3. *Annual leaves*

### Article 43

Judges and other employees shall, as a rule, use annual leave during July and August of the current year.

Annual leave plan is determined by the president of the court on consultations with the organisational units according to requirements regarding the work and employees' needs.

On obtaining propositions of all judges and other employees of the court, the president of the court makes the annual leave schedule regarding the judges and other employees and makes the corresponding decree relating to the aforementioned. At determining the said schedule, it shall be provided for that the sufficient number of judges and other employees remain in court for processing urgent cases.

Annual leave schedule regarding the President and Deputy president of the court regarding each calendar year shall be delivered to the President of the immediate superior court and the Ministry of Justice.

## **Chapter 6**

### **LAY JUDGES**

#### ***1. Calling to sessions***

##### **Article 44**

The president of the court or appointed person convenes lay judges to sessions and assigns them into councils at least eight days prior to the main session.

The President of the council is obliged to provide notice in writing to the president of the court about the need for summoning lay judges. Providing certain lay judges are required regarding the type of cases presented on sessions, the president of the council is obliged to specify these particular circumstances (minor on trial, commercial dispute etc.)

The Presidents of the councils acting as judges shall anticipate cases in council competence, within one session day, as a rule.

##### **Article 45**

Lay judges shall be summoned according to set schedule or according to their abilities and other attributes relevant for the proper case procedures.

#### ***2. The list of lay judges***

##### **Article 46**

The List (records) of lay judges is made in the office of the president of the court (Form no. 1).

Apart from general data on each lay judge, the list contains data on summoning and response, as well as other necessary data on participation in the court proceedings.

Courts with numerous councils shall, as required, make a special list in regard to summoning of the lay judges in the form of a Diary (Form no. 2).

The president of the court shall notify the assembly which appointed the lay judges on their unjustifiable absence.

## **Chapter seven**

### **THE COURT BUILDING AND OFFICES**

#### ***1. The court building***

##### **Article 47**

The court building is managed by the court.

If several courts are located within the same building, the court building is managed by a superior court and if there is no superior court, the building is managed by the municipal court.

If several judicial bodies are located in the same building, the building is managed by the court.

In case of objection on the part of the head of the judicial body on the decision regarding the manner of the management of the building containing several judicial bodies, final

decision is made by the Minister of Justice proposed by the President of the Supreme court of the Republic of Croatia.

Neither the court building, nor its part may be given for use, relinquished or rented without authorisation of the Ministry of Justice.

#### Article 48

Each building in which the court is located must note the name of the court.

The name of the court is printed on a special rectangular glass board, 45x25 cm large. Depending on the size and outward appearance of the building, the sign board may be made in different size and of some other material provided special reasons for the aforementioned exist, and with a prior consent from the Ministry of Justice.

The signboard contains the national coat of arms and the name The Republic of Croatia and the name and location of the court. The text must be written in capital letters in gold, silver or yellow colour on black (blue) background. The signboard is fixed on the right side of the building next to the main entry at the height of half the size of the main entry. If the court building contains several courts, signboards are fixed on the same side of the building in such a way that the signboard of the superior court is fixed first followed by the signboards of other courts.

If the court building contains several judicial bodies, signboards of other judicial bodies are fixed onto the left side of the building next to the main entry, on the same level of sign boards of the courts of identical instance.

## 2. *House rules*

#### Article 49

House rules are regulated by the president of the court. If several courts use the same building, house rules are regulated by the President of the superior court. If the building contains courts of the same instance, presidents of the courts sign the house rules by consent. If the building contains several judicial bodies, house rules shall be composed in agreement with the heads of the bodies, unless the offices of the court are completely separate. If the house rules are not made by agreement, they shall be regulated by the Ministry of Justice. The house rules determine the manner of use of offices and other rooms in the court building, time of stay in the building, measures for maintaining order and hygiene, measures relating to safety requirements and other measures necessary for ensuring instruments of labor and other objects in court. House rules determine duties of the superintendent of the building, officials entrusted with security issues, as well as other persons who use the rooms of the court or stay in them temporarily.

All judges and other employees in court shall be notified about house rules, and the extract of house rules relating to the citizens shall be placed on a conspicuous location in the court.

### 3. *Lay-out of offices*

#### Article 50

Offices, halls, waiting rooms for clients and legal councils have to be tidy, clean and equipped with all the necessary hygienic facilities and fire-prevention devices and instruments.

#### Article 51

The president of the court shall determine the lay-out of offices in the court building. The said lay-out defines offices for sessions (session halls) and hearings, for the reception of clients and their stay in the building (waiting-rooms), as well as the offices for the president of the court, court departments and councils, registry office and other services in court.

#### Article 52

Lay-out of offices shall be adapted in such a manner that all the offices intended for processing on identical types of cases (second-instance councils, criminal councils, trial councils, investigating judges, etc.) are connected and that corresponding court registry offices are in their vicinity. The requirement for having hearings and sessions in bigger rooms accessible to clients and connected to the waiting rooms shall be taken into account on determining the lay-out of offices. Second-instance and extrajudiciary councils shall, as a rule, be located in offices secluded from other rooms in court. At determining offices for court registry office, land register and other public records etc., account shall be taken about facilitating clients' requirements and most appropriate connections among particular organisational units and services. Offices in the immediate vicinity of the main entry into the court building shall be allocated, as a rule, for the receipts of briefs and consignments.

#### Article 53

Lay-out of offices shall be located on a conspicuous place at the entry into the court building. A well laid-out location of the office of the president of the court, court departments, councils, registry office, land registry and other public records, etc. with short descriptions of task performed in each office and working hours for work with clients and the ordinal numbers of the office and floors shall be presented on the lay-out of offices.

The office where duty service is performed has to be visible from the lay-out of offices.

Orientation signs with instructions on the location of offices in a certain part of the court building (e.g., the office of the president of the court, rooms 3-5, session hall II, room no. 8, etc.) have to be put in halls, stairways and waiting rooms.

#### Article 54

Signs with the name of the council or judge according to the type of task mainly performed in that office, and the full name of the judge (e.g., criminal tribunal – judge Marko Marković, or just Judge – Ivo Nikolic etc.) shall be put on office doors where the judges work. The office of the president of the court shall be labeled with a special sign. Other offices shall be labeled with a sign of the registry office, etc. (e.g. certification of

documents, etc.), according to predominant tasks performed in them. The door to one office shall, as a rule, be labeled with only one sign and with more signs only if necessary for better orientation of the clients. Full name of the head of the registry office or the head of the service (e.g., Registry office – head Petar Petrović) shall be put next to the sign. The names of other employees are not written on the sign.

#### **4. Notice-board**

##### **Article 55**

The function of the notice board, which is put on a visible place in court (court notice board), is the announcement of court decisions and communications via public announcement carried out according to provisions regarding certain court procedures.

Apart from the court notice board as referred to in § 1 of the present Article, commercial courts have a special bankruptcy notice board where all decisions relating to bankruptcies are announced.

The head of the registry office provides for timely and regular putting announcements onto the notice board and their taking off after the expiry date. Announcement that was taken off has to have a note on the date of putting onto the notice board and putting off the notice board which has to be confirmed by the head of the registry office by a seal and signature. Following the said procedure, announcement shall be filed into corresponding file.

### **Chapter eight**

## **WORK WITH CLIENTS AND OTHER PERSONS**

### **1. Office hours open to the public**

##### **Article 56**

Clients, their attorneys and other persons coming to the court unannounced for the purpose of seeking information, surveying and copying documents, obtaining official certificates etc., are received in the time determined by the annual agenda.

Time determined for the reception of the clients shall be announced on a visible place at the entry to the court building, in the lay-out of offices and in any other appropriate manner.

##### **Article 57**

Clients are received in the registry office, land registry service and register of companies during working hours unless the president of the court determines shorter working hours for the reception of the clients. Office hours open to the public in the office of the president of the court shall be determined by the president of the court, as required. Judges and court councilors receive, as a rule, only summoned clients.

As an exception to the provision of § 3 of the present Article, the judge and the court councilor may, for the purpose of giving information, receive also the client who was not summoned in regard to the assigned task, if he/she considers that it shall contribute to faster and more efficient dealing with the case, observing in doing so not to jeopardise his impartiality.

## Article 58

Clients to whom, due to distance between the court and their residence or some other reason, coming back to the court would present difficulties shall be received out of office hours open to the public. The same procedure shall be applied in urgent and other justifiable cases.

### ***2. Notifying clients on the status of their case***

## Article 59

Clients, their attorneys and other authorised persons shall be notified on the status of their case by the official of the court registry office on the basis of data from the register and the file.

Information shall be limited to data on the stage of the procedure.

In the process of giving information, it is forbidden to issue statements on the regularity of certain legal activities and orders, as well as on the probable outcome of the procedure.

Other persons may be notified on the status of the case only under the judge's permit.

Information may be given by phone and in writing, at the cost, as a rule, of the client or other person seeking such information.

Second-instance court may not give information on the identity of the judge working on the case and on decisions which were not forwarded to the first-instance court.

## Article 60

Persons referred to in Article 59 of the Rules of the procedure for the court are authorised to survey and require transcript or copy of the file or its parts.

Surveying and copying of the file is performed in the court registry office on a specified place under the supervision of the official of the court registry office.

Drafts of decisions which are not forwarded and potential judge's notes shall prior to surveying and copying of the files be removed from the file.

By way of exception, file may, at the request of the client, be forwarded to another court for surveying unless the said procedure stalls the proceedings or if the procedure is already finished. Decision regarding the aforementioned is made by the President of the council or the judge appointed to the case.

Costs of submitting the file to another court and returning it are, as a rule, paid by the client who requested the file.

The file is submitted to another court, as a rule, for a short period and the elapsed time is recorded into the List of sent and enclosed files to be returned (Form no. 3).

## Article 61

At the request of the clients or third parties who according to the evaluation of the president of the court or the President of the council, investigating judge or judge make their legal interest plausible, the official receipt on certain facts from the file shall be issued.

The head of the court registry office issues receipts regarding facts which are contained in the List run by the court registry office (receipt on filed charges, appeals, legal validity etc.).

Receipt on the content of court decisions, transcripts and other documents in the files shall not be issued, but copies and extracts instead.

### **3. *Work with other bodies***

#### Article 62

Correspondence with other bodies is carried out via the president of the court.

The President of the council or the judge approach directly other courts and bodies for appeals and obtaining other data and information relevant for the ongoing procedure.

#### Article 63

The president of the court makes decisions on the submission of the files to other bodies in relation to closed cases.

Files are submitted directly upon request to the State attorney's office, the Public attorney's office, bodies of the police authorities in relation to cases under their competence and pursuant to the existing regulations only if they are validly final. Files are submitted directly to other bodies and legal persons if this is explicitly determined by specific regulations.

Access to the file shall be denied to the State body and other legal person who are parties in the procedure, as well as to their representative or attorney. Access to the file shall be granted in accordance with the existing regulations.

#### Article 64

Courts issue statements to our missions and consular agencies abroad, foreign mission in the country, foreign legal persons, and all delivery abroad is carried out through the Ministry of Justice, except as otherwise provided for by international contracts or the instructions of the Ministry of Justice.

### **4. *Court days***

#### Article 65

Decision on holding the court days is made in accordance with the Law on courts. During court days, sessions and hearings may be held if the clients and other persons to be summoned reside within a territory for which the court days are held or outside that territory if it is more convenient for them regarding the traffic and the costs.

#### Article 66

Files relevant for the cases related to the clients summoned to the court day, as well as all other required court files taken out of the court, shall be registered into a special List of tasks performed during the court day (Form no. 4). The List and the files shall be taken to the location where the court day is held.

All briefs and transcripts containing briefs which are made during the court day shall be registered into the List according to the chronology of receipt.

Date of the brief receipt on the court day is considered as the date of the receipt on court and shall, therefore, be registered into the corresponding register or the list of documents.

Provisions of the previous paragraph do not apply to land registry cases; to which special regulations apply and of which the clients shall be noted.

#### Article 67

Files, briefs and transcripts received and composed during the court day shall be submitted to the official appointed for the reception of briefs (reception registry office) along with the list, immediately upon return to the court and no later than the following official day.

Official appointed for the reception of briefs shall confirm the receipt of briefs and transcripts composed on the court day in such a manner that he/she shall label each brief or transcripts from the list with the corresponding reference number of the registry book, the place where the record is registered or shall put the reference number of the file into which it is filed.

Official of the reception registry office shall put a note relating to the reception of the brief on the court day on the received brief, except for the transcripts containing the brief composed during the court day (Court seal no. 29).

The list of files as referred to in Article 66 of the Rules of procedure for the court shall be handed over to the president of the court, registered into the registry book of the court administration and kept in the files of the court administration.

### **5. Use of the telephones, fax-machines and telegraphs**

#### Article 68

The telephone shall be used when in issuing statements written form is not regulated and when official matters need to be dealt with urgently or when such a manner of communicating may enhance and make official work more economical. This manner of communication shall particularly be used in urgent matters for obtaining information from the State attorney's office, other bodies, commercial companies and legal persons; for informing the duty investigating judge and other officials; summoning clients, their representatives and attorneys, witnesses and expert witnesses, lay judges, rushing deliveries of required files, cases, reports and other documents from other courts and state bodies.

The telephone may be used for summoning to hearings in urgent cases processed on commercial courts, obtaining necessary data and information during a session or a hearing, the absence of which may otherwise cause the continuance of a session or a hearing.

#### Article 69

An official note regarding the telephone conversations and, particularly, the summoning or deposited statement etc., and more significant cases, shall be made in the file, containing a brief summary of the conversation, person or body with whom the conversation was conducted and the date and the signature of the official who conducted the conversation.

## Article 70

Telegram and fax shall be sent only in most urgent cases.

Use of the telegram and fax-machines is determined by the investigating judge, the president of the council or the judge engaged on the case and in other cases the president of the court or the president of the department.

## Chapter nine

### PERFORMING DUTIES OUTSIDE THE COURT BUILDING

#### *1. Duties performed outside the court building*

##### Article 71

Only those official activities which are, on the basis of legal regulations, required for successful solving of particular cases may be conducted outside the court. The council or the judge working on the case may decide on the necessity for leaving the building with the purpose of carrying out on-the-spot investigation or hearing, expertise or performing some other court activity. Other officials carry out certain activities outside the court building according to a special schedule set up by the president of the court.

The president of the court shall be notified about each operation outside the court building.

##### Article 72

In the case that the court has to perform outside the courtroom, it is preferable that the court performs more than one official duty; should it be upon the request and at the expense of the client(s), the court shall try to perform the duties which would normally burden the budget of the court bearing in mind that such expenses of the client(s) be not unreasonably enlarged.

The president of the court and judges performing official duties outside the court building shall attempt to organise operations where expert witnesses participate in such a manner that the said expert witness, on leaving at the same or approximately the same time, same place or same direction, performs several expert evaluations or other official activities.

#### *2. Use of official vehicles*

##### Article 73

The vehicles of the court are used exclusively for carrying out official activities based on travel warrant issued by the president of the court or the judge appointed by the said President.

#### *3. Cost refund for duties performed outside the court building*

##### Article 74

Cost refund for official duties performed outside the court building is provided for according to special regulations.

Duties performed outside the court building and carried out upon request and at the cost of the client may be carried out, as a rule, after the client makes a deposit of a certain amount of money (advance) for the purpose in question in the court.

### Article 75

The court is obliged to obtain data on the distance between certain locations and the court building. On the basis of these data, a survey of distances between locations (distance meter) shall be worked out for the purpose of balancing the mileage accounts.

Provisions as referred to in § 1 of this Article shall be applied also to cost refund for the duties performed outside the court building during the court days.

Duties performed outside the court building are registered in the Diary of official trips (Form no. 5).

## Chapter ten

### FORM OF THE COURT DECISIONS AND FILES, MANNER OF WRITING AND SIGNING

#### 1. *Court transcripts*

### Article 76

The transcript is made for each court proceeding according to the regulations for the procedure.

The exact time of commencing and completion of a certain court proceeding shall be noted in each transcript. Transcripts of the main sessions, preliminary and other hearings, as well as transcripts made in relation to other court operations (hearings carried out in the investigating procedure, etc.) are typed on a typewriter on regulated typed forms or on personal computers according to specified typed forms with sufficient space left on both pages (2 cm wide, each), without spacing, with separated paragraphs, on both sides of the page. Personal data relating to the accused person, witness, witness expert and other persons who give statements for the court record are written indented for approximately 4 cm from the left side of the page and separated from the text of their statements. Full name is written with capital letters.

Decisions made during the session and which relate to the conduct of the procedure or decisions made on the main matter and which are announced on the session are written separately from the remaining text in the transcript and labeled with a name in a separate line, with small, separated letters (“verdict”, “decree”). Text of the reached decision is written in a separate paragraph, indented for approximately 4 cm from the left side of the page. Time of the completion of the procedure (with hours and minutes) shall be noted in the final part of the transcript and below that, in the left corner of the transcript, directly below its text, a note shall be made on the determined court fee (e.g., the fee according to the fee table ...the client is called upon to pay the aforementioned fee within three days, etc.).

### Article 77

The transcript is signed by the judge or official conducting a certain procedure, in the central part below the text of the transcript. Court recorder puts his signature below the judge’s signature or official who conducts a certain procedure.

Right side of the transcript, below the text, shall be left for the clients’ signatures if so provided for by the procedure regulations.

Signatures in the transcript have to be legible. If a person who has to sign the transcript is illiterate or is unable to write, he/she shall put a fingerprint of his/her right index finger above his/her typed name.

If required, full names of other signatories shall be typed.

#### Article 78

Transcript pertaining to the performance of court operations outside the court building, except for those made on court days, may exceptionally be written with a ballpoint pen etc., in case the typewriter or personal computer are unavailable. In such a case, the transcript has to be typed with a typewriter or personal computer immediately on the arrival to the court.

If the course of the court proceedings or their particular parts are recorded in shorthand, the transcript is written with a copying pencil. Shorthand notes shall be transliterated to the regular script within 48 hours, surveyed and typed by a typewriter or personal computer and enclosed to the original of the transcript. Copy of the transcript made according to the provisions of the previous paragraphs are certified by the President of the council or the judge or some other official who conducted a certain court activity by their signature or court seal. Hand-written transcript shall be kept in the file with the enclosed copy.

Transcripts relating to the performed distraint activities (dstraint, auctions) shall be copied with a typewriter or personal computer only in exceptional cases (if appeal was filed or a claim put forward in order to separate property under distraint, etc.).

#### Article 79

When the existing regulations do not require writing transcripts, the transcript may be replaced with an official note which shall contain data on performed official activity and its date and place.

Official note is signed by the judge or the official who drafted it.

If the official note contains the client's statement or communication given to the present client, the note shall be signed by the client as well. The note is signed in the manner referred to in Article 77 of the Rules of procedure for the court.

#### Article 80

If the course of the main session, hearing and other court activity is tape-recorded, recorded by the dictaphone etc., it does not relieve the court of the obligation to draft a regulated transcript. Recordings may not substitute the transcript.

Tapes with recordings shall be kept as long as their canceling is ordered.

#### Article 81

If the court activity is recorded photostereometrically by a closed TV system, camera and cine-camera etc., the transcript relating to the above mentioned shall be drafted and it shall contain the name of the body which ordered such recording, place of recording, summary of the recording and the place where the recording is kept.

## **2. Drafting of decisions and other documents**

### Article 82

Text of the court decisions and other documents has to be clear, concise and legible.

Use of legal expressions is obligatory in decisions and other documents.

Laws and other regulations cited in the decision or document have to, as a rule, be written with their full name and with the note on the official organ where they are published. Only common and easy-to-understand abbreviations may be used.

Use of foreign words and expressions not commonly accepted in the regular court procedures shall be minimised. Manner of expounding must be clear and articulate. Common terms shall be used for certain legal concepts.

Duration of the sentence, amount of the fine, as well as the sum pertaining to the principal part of the claim in litigation cases, etc. shall be defined in the verdict by numbers and letters in brackets alongside with the numbers.

Months in dates shall be noted with a name of the particular month. Should there be more than two clients or if in the same case opposing claims (claim and counterclaim) is dealt with, the clients shall be referred to in the verdict by their respective full names and not by the list of enumeration (as the first accused, second accused, etc.)

### Article 83

Decisions and other documents of the court administrations, as well as their dispatches and copies are signed by the president of the court or the substitute judge.

Decisions and other documents relating to cases in which the court exercises its prerogatives are signed by the judge appointed to the case. If the decision is drafted on the basis of written order or instruction of the President of the council or the judge, dispatches and other copies are signed by the head of the court registry office or other authorised official.

### Article 84

In case of prolonged absence of the judge or other exceptional circumstances (death, sudden hard illness, etc.), due to which the presiding judge is incapacitated to draft or sign a verdict which he/she has passed, the verdict shall be drafted and signed by another judge on the order of the president of the court.

Unmade verdict shall be drafted according to the content of the proclaimed decision and according to the facts of the case.

### Article 85

Court decisions and other documents are written on a typewriter or personal computer on a standard size paper (A4).

Verdicts, significant decrees and second-instance decisions are always written on the whole sheet of paper with enough space left on both sides of the page (2 cm on each side) without spacing and with individual parts of the decision (introduction and the verdict) visibly separated.

First copy of the decision is written on one page only. If the decision contains several sheets of paper, all sheets shall be fastened by stitching or gluing.

Decisions and decrees which conclude the procedure shall in the upper, central part of the sheet have the coat of arms of the Republic of Croatia and below it, in capital letters with expanded spacing the words "IN THE NAME OF THE REPUBLIC OF CROATIA". The type of decision, "VERDICT" and/or "DECREE", shall be placed below this and above the introduction.

For other court decisions, there shall be the coat of arms of the Republic of Croatia in its original colours in the upper left corner, below it the name "Republic of Croatia" and the name and location of the court.

The reference number of the file with its subnumber (official reference number) in which the decision was made shall be put in the upper right corner. If the decision is written on several sheets of paper, the reference number of the file with its subnumber shall be put on each sheet of paper in its upper right corner.

The introduction of the decision made by the council shall contain the names of the council members, starting with the President of the council and the oldest and highest ranking member. If the president of the court or the President of the tribunal is the council member, his/her name immediately follows the name of the president of the council. The type of the decision made by the court ("the verdict is", "ruled" etc.) shall be written below the introduction and above the text of the verdict in a separate line, with small letters and expanded spacing. The title "Reasons for the judgement" shall be written with an initial capital letter, without spacing below the verdict and at the beginning of the text. Place and date of the announcement or making of the decision are written below the text relating to the reasons for the judgement in the middle of the page and the signature of the President of the council or the judge (full name) on the right half of the page, while the signature of the court recorder is placed on the left half of the page if so determined by the provisions of the procedure.

Court seal is placed left of the signature of the President of the council or the judge.

#### Article 86

Official name of the court and its headquarters is typed, branded or written in block letters in the typed form in the upper left corner on court official letters, requests, receipts, as well as on summons or decrees which have no special introduction. The reference number of the file and case is put in the upper right corner and the date of making the decision, drafting the official letter etc. is put in the middle, below the text.

#### Article 87

The coat of arms and the name "Republic of Croatia" and the court name and its headquarters shall be put on the court administration documents in the left upper corner and the name "Office of the President" ("The president of the court") below that. Reference number of the case and the date of the document completion shall be stated below the aforementioned. Summary of the file ("case") is placed on the left side, below the recipient's address.

### ***3. Originals and copies of court decisions and documents***

### Article 88

The term “original” refers to the court decision, settlement, order, receipt, document etc., drafted in the regulated typed form and signed by the President of the council, investigating judge, judge or other authorised official, except as otherwise provided for by the law.

Originals of decisions, settlements and other documents are kept in the corresponding file and the clients get them in the typed form of a certified copy (dispatch) or certified translation provided the claim for issuing a decision in a language of a national community or minority is based on the law or international contract.

Clients are given original receipts and documents drafted in the court and the copy of the original is kept for the court file.

### Article 89

Dispatch is a transcript of the original made ex officio for the purpose of delivering it to the clients and other interested parties.

Full name of the signatory of the original, typed or written on a personal computer, as well as the abbreviation which denotes that the original was signed are stated on all dispatches in the place where the original was signed by the president of the court, judge or other authorised official. The receipt made by the seal relating to the certification and authorisation of the dispatch, the text of which reads “For the authorisation of the dispatch of the verdict – authorised official”, is stated below.

The receipt on the certification of the authorisation of the dispatch is signed by the head of the court registry office or other authorised official and branded with an official court seal. The full name of the official who certifies the authorisation of the dispatch shall be written in block letters (or by a seal). Court seal is placed left of the signature of the official who certifies the dispatch.

### Article 90

Originals and dispatches of the decisions have to be typed or written on a personal computer. Copying machine may be used if many copies need to be made. All dispatches need to be clear and legible and the content needs to correspond fully to the original. If the use of blanks or other regulated typed forms is allowed for certain types of decisions, the dispatches may be done by filling in corresponding blanks, by the use of seal, typed or written on a personal computer.

### Article 91

Decision drafts, compositions and notes used for the elaboration of the original must, after composing and signing of the original, be removed from the file in case they were made on separate sheets of paper.

If the original of the decision was made according to the draft or note written on the brief itself or other official letter that remains in the file, the decision draft shall be crossed out with a slant line by a coloured pencil and it shall be defined that the original had been made. The said statement is signed by the President of the council or the judge.

#### Article 92

Below the text of the original and above the seal of authentication of the dispatch and the original, appeal instructions shall be stated on all originals and dispatches of the decisions against which the filing of regular appeal is permissible.

Appeal instructions contain specifications on the type of permissible appeal, due date and the person to whom the appeal may be filed, as well as the number of required copies.

#### Article 93

The original of the order relating to the manner of procedure may have a lesser number of words or accepted abbreviations which in a sufficiently clear manner determine the content of the order and activities to be performed (e.g. main session on Oct. 15, 1996, summon: 1. plaintiff, 2. defendant – blue, 3. witnesses under 4,5,6, of the case, etc.)

The original made on the basis of abridged decree on the acceptance of the proposal is made for the decision by which the client's proposition is accepted on the basis of the content of the brief, without the hearing of the counterparty, when this is provided for by the law. This decree is enclosed to the copy of the brief for the court by the seal or typed in the abridged form (e.g. seal – "Decree. Proposition accepted. Cost in kunas ..., date and signature).

In the said case, the original of the decision is made on the blank or regulated typed form on the basis of order as referred to in § 2 of the present Article. Original copy made in such a manner, signed by the judge, is kept in the file.

#### Article 94

Decree on accepting the proposition may be made by putting a seal on the copy of the brief for the court when the brief, by which issuing of the distress decree, payment order etc. is required, is made in such a manner that the content of the propositions completely matches the text of the decree to be made. The decree contains the text of accepting such a proposition (Article 93, § 2 of the Rules of procedure for the court).

The said seal shall also be put on the brief copies to be delivered to clients and other persons.

The court should encourage the clients to make briefs in a manner as referred to in § 1 of the present Article, in cases where it is possible, and to deliver the number of copies required for the court and the clients.

### ***4. Use of typed forms***

#### Article 95

The judges and court officials provide for maximum simplification of the court proceedings and for economising with the time and avoidance of the excessive use of office materials due to unnecessary extensiveness and redundant writing.

The courts are obliged to provide typed forms regulated by the Rules of procedure for the court, as well as those regulated by the Ministry of Justice for certain frequent activities or tasks.

## Article 96

Except for the typed forms which are a constituting part of the Rules of procedure for the court and those regulated by the Ministry of Justice, the court may use the typed forms made and copied in the court for, e.g. standard official letters, receipts, reports etc., as well as for official letters meant for requiring certain data or some other procedure from other bodies.

## 5. *Use of seals*

### Article 97

The court registry office puts a round court seal with a black, dark blue and violet colour imprint on dispatches of decisions and official letters delivered to the clients, government bodies, companies or other legal persons, as well as on receipts.

Court seals of identical content and shape shall be labeled with Arabic numerals starting from number 1 forward.

Smaller seals with a red imprint shall be used for financial operations.

Seal made of metal shall be used for sealing with a seal wax.

### Article 98

Seals are made, ordered and destroyed according to special regulations.

Committee for destroying seals withdrawn from use or damaged and used-up is appointed by the president of the court.

### Article 99

Seals may also be used for certain frequent short notes, signatures, signs, orders and instructions for work in the court registry office.

Except for the seals regulated by the Rules of procedure for the court and those subsequently regulated by the Ministry of Justice, the courts may use other seals which they stipulate, provided their use simplifies the procedures.

### Article 100

The courts shall use the following seals:

1. Urgent,
2. Minor,
3. Incarceration,
4. Support
5. Trespassing,
6. Ensuring evidence,
7. Copyright dispute,
8. Status dispute,
9. Labor dispute,
10. Insurance

11. Temporary measure,
12. Preliminary measure,
13. To note that an appeal has not been filed against a verdict or decree,
14. To note that the verdict has been sent (typewriter's seal),
15. For the notice that a fee has been paid,
16. For the notice that a fee has not been paid,
17. For the notice that the clients have been exempt from paying the court fees,
18. For the distraint decree,
19. For giving the suggested payment order,
20. To confirm the authorisation of the dispatch of the verdict,
21. To note that the verdict has become final,
22. For the notice that the decree has become executive,
23. File should be kept in the archives until ...,
24. Statute of limitations begins on ...,
25. Settlement of advance payment,
26. That the appeal has been delivered for a response,
27. That the claim for the protection of legality has been delivered for a response,
28. The calculation of the advance
29. Notice that the brief has been accepted

#### Article 101

Seals are used by the officials authorised by the president of the court.

Seals have to be kept under lock and key.

Seals used in the court registry office are kept by the head of the court registry office or appointed official.

Investigating judges, presidents of the councils or the judges shall be entrusted with safekeeping of the seals used in the court departments.

A List of seals (Form no. 6) is kept in which their data regarding who they are with are kept.

The judges and officials entrusted with safekeeping of the seals shall acknowledge their receipt with their signature.

### **6. Reconstruction of the files**

#### Article 102

If certain files or their parts are lost, damaged or destroyed, a procedure shall be initialised, as necessary, for the reconstruction of the files or certain briefs (restoring).

The procedure for the reconstruction of the files or certain briefs relating to ongoing cases shall be initialised by the decree of the president of the court ex officio.

The procedure for the reconstruction of the files in which the procedure is completed shall be initialised provided there is justifiable need. The decree for the said procedure is made by the president of the court ex officio or at the proposal of the client or the state attorney or public attorney.

The decree denying the proposal for the reconstruction of the file shall be delivered to the proposer who may file a complaint against the decree to an immediate superior body of the court administration.

The proposal for the reconstruction of the file or the order for the reconstruction of the file, as well as all activities included in the reconstruction procedure, shall be recorded in the register of the court administration, unless there is an ongoing procedure related to the said file.

The procedure for the reconstruction of the file shall not be carried out after the expiry date set for keeping files determined by the provisions of the Rules of procedures for the court in relation to the proposal for the reconstruction of the file.

#### Article 103

The procedure for the reconstruction of the file is carried out by the court in which the file is deposited or by the court to which it belonged. The file is reconstructed on the basis of the decree which authorises the initiation of the reconstruction procedure. The said decree initialises the procedure on the basis of which and after the completed reconstruction procedure, the missing, damaged or destroyed file is replaced by a new file or brief. The new file has the identical reference number as the file or brief being reconstructed.

The reconstruction of the files in ongoing cases is carried out by the judge to whom the said file is allocated according to the agenda.

The reconstruction of the files in completed cases is carried out by the judge appointed by the president of the court through the decree on the initiation of the procedure for the reconstruction of the file.

#### Article 104

On file reconstruction, only those parts or individual briefs relevant to the reasons for granting the procedure for the reconstruction of the file shall be reconstructed.

The file is reconstructed on the basis of the copies of missing, damaged or destroyed briefs at the clients' or court's disposal, data from the register and auxiliary books, and, as required, also on the basis of corresponding statements of the clients and their attorneys, witnesses, expert witnesses and other persons who participated in the procedure. Only those activities for which the data are missing or for which the corresponding statements of the said persons are unavailable shall be repeated.

Expenses made due to the reconstruction of the file or brief shall be paid from the budget of the court.

## Chapter eleven

### COURT FEES AND EXPENCES

#### 1. *Collection and cancellation of fees*

##### Article 105

The official appointed for the receipt of briefs is obliged to follow the procedure determined by the provisions on fees in collecting and canceling the fee charges.

Tax stamps on briefs are put on the first page of the brief in the right upper corner, as a rule, on the copy for the court and, if this is impossible, below the text or on the back of the copy for the court.

Tax stamps for issuing certificates from the land registers are put in the registry of issued certificates in the section for remarks (notes).

Tax stamps on a court transcript, in cases where fee charge is envisaged, are put on a left side at the end of the text of the transcript, below the official note on determined fee charge obligation (tariff rate according to which the fee was calculated, amount of the fee and the due date of fee payment).

In case of putting the tax stamps on some other, subsequent brief or some other place in the file, in the transcript or brief for which the fee had to be paid, a note on fee charge obligation shall be put at the end designed for putting tax stamps. The note contains data on the amount of the paid fee and the brief on which it was put and cancelled.

It is forbidden to put tax stamps on submitted original supplements.

##### Article 106

If the money, instead of the tax stamps is delivered to the court in relation to the brief or some other document, the court registry office shall purchase tax stamps for the said money and put and cancel them on the brief.

Possible surplus of the money designated for fee payment, as well as the amount of cash money the purpose of which is unidentifiable, shall be transferred to the court accountancy through a special report.

The employee of the accountancy shall acknowledge the receipt of the money on the brief for the court and write the number of accounting item under which the received money was entered and after that transfer the brief for processing to the corresponding organisational unit. The same procedure shall be applied in relation to other cash money, securities, valuable objects and other items handed over or delivered together with the brief which is not exclusively relevant for the accountancy. If the fee is paid in cash on behalf of a certain account number, the receipt on paid fee shall be put in the place designated for the tax stamp.

##### Article 107

Tax stamp is cancelled according to the existing regulations.

On the occasion of canceling of the tax stamp, the text of the brief should not be damaged. A note (by the use of the seal), stating that the tax stamp was put in a certain

amount and cancelled, is put below the tax stamps, along with the signature of the official who put the tax stamp.

#### Article 108

Tax stamps designated for certificates, transcripts or copies from the land registry and the collection of documents from the court register or for drafting other court transcripts or for fee payment taken on record are transferred uncanceled to the court registry office or other corresponding organisational unit or directly to the President of the council or the clerk who performed the said official operation.

Surplus and unused tax stamps enclosed to the brief shall not be cancelled but their amount shall be stated on the first copy of the brief or official letter and they shall undamaged, be enclosed to the official letter in a special cover.

#### Article 109

Official or employee who receives briefs shall not cancel tax stamps which contain traces of being previously used or other signs which arise suspicion related to their authenticity (forgery, considerable damage, etc.). In the said case, the receipt of the amount of previously described tax stamps shall be stated on the first copy of the brief and the brief with the tax stamps shall immediately be transferred to the head of the court registry office, who shall make a record of the findings and deliver the case to the president of the court with an aim of taking further measures determined by special regulations.

#### Article 110

The court registry office shall provide for proper putting and canceling of all tax stamps in the files. Prior to filing the file to the archive, the court registry office shall check whether the judge's orders concerning fee payment were followed and shall do necessary measures to refund the deficit related to the tax stamps.

The file may not be filed in the archive until the head of the court registry office or appointed official confirms by his/her signature that all the fees in the corresponding case are paid and properly cancelled or that forced collection is requested.

In the front page of the file cover to be filed in the archive, a note (by the use of the seal) shall be stated, in the upper right corner and below the reference number of the file: "Fee paid" or "Notification delivered".

### ***2. Exemption from fee payment***

#### Article 111

Exemption from fee payment and other procedure expenses shall be stated on the file cover in the left corner, and on briefs, transcripts and other documents in the place designated for putting tax stamps by a note: "Exempt from fee payment" or "Exempt from payment of procedure expenses".

#### Article 112

The amount of the fee not paid due to acknowledged exemption from payment is subsequently recorded in the List of fees (Form no. 7). The client who according to the decision and special regulations is obliged to pay the fee shall be called to pay the unpaid

fee after the completed procedure. If the obliged client despite the cautioning does not pay the fee within a determined period, forced collection shall be applied in accordance with regulations on fees.

### ***3. Depositing of advance payment for the procedure expenses***

#### Article 113

When in the procedure one or both parties need to deposit the advance payment for the expenses which shall arise due to presenting evidence, the President of the council shall request that the clients deposit the said advance to the court cashier's office or on behalf of the account number of the court.

The name or the full name and the address of the summoned person, the amount of the advance payment to be deposited, the closing date for the depositing of the advance payment and the consequences of failing to deposit the advance payment shall be stated in the decision ordering the depositing of the advance payment.

#### Article 114

If the decision relating to scheduling the hearing for the presentation of the evidence is made, due to which the depositing of the advance payment is required, simultaneously with the decision on depositing the advance payment, the court registry office shall deliver hearing summons only when it receives notification from the accountancy that the payment is deposited.

On the occasion of determining the date for the hearing related to the presentation of the evidence, it shall be taken into account that enough time from the date set for the depositing of the advance payment to serving the summons to the clients, witnesses and expert witnesses is provided.

#### Article 115

If a summoned person fails to deposit the advance payment within a scheduled period, the court registry office shall put a note relating to the aforementioned in the file below the delivery order and deliver the file to the president of the court.

#### Article 116

When the court registry office receives notification from the accountancy that the summoned client deposited the advance payment, a note on the deposited advance payment shall be put on the file cover. Accounting list for the depositor (Form no. 8) shall be enclosed to the file and a deposited amount shall be registered.

All other activities which were suspended due to the delay in depositing the advance payment shall ensue and the file shall immediately be delivered to the President of the council.

### ***4. Exemption from payment of procedure expenses***

#### Article 117

When the client is exempt from depositing the advance payment for the witness, expert witness, on-the-spot investigation and court announcement expenses through the court

decision, the court registry office shall enclose the List of expenses (Form no. 9) advanced from the earmarked funds into a litigation file.

#### Article 118

Procedure expenses already defrayed from the budget and not collected from the client due to acknowledged exemption from paying the procedure expenses shall be subsequently registered in the list of expenses.

After the completion of the procedure, the court registry office shall register all the necessary data into the expense list relating to civil cases (II: TOP) and call the obliged client to pay the said expenses. If the client fails to pay the expenses within a scheduled period, the expenses shall be paid for through forced payment according to the regulations for the forced payment of claims.

### **5. Remuneration refund for the lost gain**

#### Article 119

When the company or other legal person, according to special regulations, has a right to the return (refund) of the amount paid to the employee as a refund for the lost pay or gain which occurred due to the response to the court summons, the court shall issue a receipt for the realisation of the refund for the lost pay or gain after the completion of the procedure (Form no. 10).

#### Article 120

The facts relating to the period that the summoned employee spent in court and in connection with which case, as well as the scheduled period in which the remuneration refund may be required shall be stated on the receipt. In case that the payment is to be done from the deposited advance payment, it shall be stated, inter alia, that the advance payment be returned to the depositor unless within a scheduled period the refund is demanded.

#### Article 121

The court registry office is responsible for the List of issued receipts (Form no. 11) relating to the remuneration refunds paid by the legal persons; in the said List, the copies of all receipts issued by the court are registered at the end of each day. For this purpose, each organisational unit is obliged to deliver to the court registry office the copies of receipts issued during the working day immediately upon the completion of the hearing and session.

The president of the court has the authority to order that the said list with the copies be managed by the employee of the accountancy.

#### Article 122

The file may not be filed into the archive as long as data on remuneration paid by the court and data on each receipt issued to the employee of the company or other legal person are recorded. If the company or other legal person fails to request the refund of the paid remuneration within a scheduled period, the file shall be filed into the archive after the expiry date of the scheduled period and the note relating to the aforementioned shall be made in the file.

### Article 123

If the court already made a decision on the procedure expenses in the decision which completes the procedure, the decision on the expenses paid to the legal person after the decision previously made by the court shall subsequently be made.

If in the course of the main session a decree is made on paying a certain amount of the expenses remuneration to a certain person, which is not registered in the list of expenses, the paid amount of expenses shall be noted in the transcript with a red pencil on the left side of the text of the said decree.

## Chapter twelve

### COURT STATISTICS AND REPORTS

#### 1. *Statistics service*

##### Article 124

The courts gather, process and deliver statistical data relating to their work on regulated blanks and typed forms (statistical sheets, reports, etc.). Statistical reports are filled in according to special regulations on the basis of data from individual registry books, court decisions and in other appropriate manner.

Filled in statistical sheets and regular statistical reports are delivered to competent bodies within scheduled periods.

##### Article 125

For the purpose of ensuring timely submitting of statistical reports and delivering statistical sheets and other data relevant for the court statistics, the court keeps the list of scheduled periods for statistical reporting, along with data on to whom, when and on the basis of which instructions are the statistical sheets and reports to be delivered. The list of scheduled periods serves as a reminder for the president of the court, the head of the court registry office or official who performs tasks in the statistical service.

##### Article 126

All tasks related to the statistical service in the court are performed, under immediate management and supervision of the president of the court, as a rule, by the head of the registry office of the office of the president of the court or the clerk who helps the president of the court in managing administrative tasks of the court administration; in courts with the extended scope of tasks, the said tasks are performed by the official appointed for the gathering and processing of statistical data.

The appointed official shall successively be assisted in task relating to the court statistics by other, more experienced officials, particularly by the heads of certain registers. The head of the court registry office shall also provide for the other officials to be completely capable of independent performing tasks related to making statistical reports.

#### 2. *A list of solved cases*

##### Article 127

The court registry office keeps a record list of all settled cases for a certain period of statistical reporting, attached to each register.

Record list is used for making regular statistical reports on all the cases completed in certain report period with a note on the manner of settlement (e.g. verdict, settlement, withdrawal, change of venue, suspension).

The record list contains reference numbers of all settled cases according to the type and manner of settlement in a chronological order.

### ***3. A list of ongoing cases***

#### **Article 128**

Each council or the judge or the court councilor is responsible for the list of all cases assigned to him/her – the Docket for the judges (Form no. 12). The docket is made for a period of one calendar year on the first pages of the Business diary (docket diary) for each type of cases separately.

The reference numbers of unsettled cases from the previous period are registered first, chronologically in the list and then, according to the receipt dates, the reference numbers of new cases assigned to the councils, judges or the court councilor. Reference numbers of individual cases are recorded only once when received for the first time. The list may be kept also by a personal computer using a special software approved by the Ministry of Justice.

The reference number of the settled case shall be crossed out in the list with a slant line after the decision on the principal matter in the case has been reached and made.

### ***4. Activity reviews***

#### **Article 129**

The official appointed for managing the court statistics drafts the review of the activities of the judges or the court departments periodically, at least once in three months, on the basis of data from the registers and other lists relating to the activities.

The review of activities has to present the total scope of activities of each department or particular council and each judge or court councilor, the number of cases assigned at the beginning of the report period, the number of newly received cases, the number of held, postponed and unheld sessions or hearings in the period, the number of settled cases and the manner of settlement, as well as the number of cases which remained unsettled at the end of the report period.

The president of the court may, as required, order that other data be recorded in the review of activities.

### ***7. Activity reports***

#### **Article 130**

The president of the court drafts an annual activity report on the work of the court at the end of each calendar year according to the instructions of the Ministry of Justice relating to the elaboration of the said reports.

The bodies of judicial and court administration or high court may, as required, demand that the courts submit special reports relating to certain issues.

**PART TWO**  
**THE COURSE OF COURT ACTIVITIES**  
**Chapter thirteen**  
**PROCEDURES RELATED TO BRIEFS DIRECTED TO THE COURT**

*The receipt of briefs in the court registry office*

Article 131

The briefs and other official letters are received in the court registry office during regular working hours. The receipt of the briefs and official letters relating to financial transactions and the receipt of money, securities, valuable objects and other objects, as well as the receipt of briefs and official letters relating to land registers or court registers and other public records may be limited to a certain, shortened part of the working hours.

The briefs are received outside of the working hours, as well as during non-working days by a duty official if such a duty service is instituted in the court.

Article 132

Briefs, files, telegrams etc., are received in the court registry office.

In courts with the extended scope of work, the briefs are received in a special reception registry office. If several courts use the same building, the Presidents of the said courts may determine that a joint reception registry office be instituted or that one office is used for the reception of the briefs for all courts.

The President of the county court may determine that all or certain types of briefs be delivered exclusively to the reception registry office.

Article 133

The official of the court registry office assigned by the annual agenda receives, as a rule, all briefs and official letters (hereinafter called briefs) handed over directly by the clients or mailed to the court.

Briefs relating to financial transactions, money, securities, valuable objects and other objects are received, as a rule, by the employee of the accountancy determined by the annual agenda.

Briefs relating to the land register tasks and the cases of the company register are received by the official of the land register service or the official of the company register.

If along with other briefs, the briefs relating to financial transactions, land register service or the company register or vice versa are received, the said briefs shall, without delay, be transferred to the corresponding official.

Urgent deliveries and telegrams which arrive to the court out of the regular working hours are received and opened by the president of the court, duty judge or other official performing the duty service.

#### Article 134

If the court is not competent for the receipt of the briefs, the official who receives the brief directly shall caution the submitter on the aforementioned and direct him/her to a competent body. If the submitter continues to insist that his/her brief be received, the official shall receive such a brief and below the seal on the receipt put a note on the issued cautioning.

Such a brief is registered in the corresponding register for miscellaneous objects (Form no 31) and after that delivered to the competent body.

#### Article 135

The official who receives the brief is obliged to refer the person wishing to give a statement on record to an appointed judge, court councilor or other official of the court, if, according to the regulations of the procedure such a statement may be given on record in the court.

If the court is not competent to accept oral communication which the client wishes to give on record, the official shall caution the client of the aforementioned and direct him/her to the competent body.

#### Article 136

On the occasion of the direct receipt of the brief, the official shall caution the submitter about the irregularities related to the brief (insufficient number of copies, enclosures and certificates for the court and the clients, missing addresses of the clients and other persons, insufficient amount of the paid fee etc.) and require that the irregularities be promptly removed.

Should the case be, the court official may ask instructions from the head of the registry office. If the submitter fails to remove the observed irregularities, such irregular or incomplete brief shall be received and a note on the aforementioned shall be made on the brief below the note on the receipt with a coloured pencil, along with a note on the character of the irregularity (e.g. “insufficient number of copies”, “incomplete address”, insufficient amount of the paid fee” etc.) and a note on issued cautioning.

#### ***Collecting consignments from the post office***

#### Article 137

Postal consignments are collected for the court by the official of the court determined by the annual agenda, according to special regulations.

If the envelope of the consignment is damaged, the official designated to accept the postal consignment is not allowed to collect the registered parcel, as well as those which have value stated. In that case, it shall be required that the competent postal service body determine on the commission level the condition and the content of the consignment, after which he/she shall accept the consignment with the minutes of the findings.

### **3. Opening of consignments**

#### Article 138

Regular consignments received in closed envelopes are opened by an assigned official of the court registry office. If the official who collects the consignments is not authorised to open them, he/she is obliged to transfer all consignments immediately upon collecting them to the official determined for the opening of the consignments.

The official who opens the consignments shall not open confidential and strictly confidential consignments and consignments addressed to the president of the court personally or addressed to other judges of the court. Such consignments are delivered unopened to the president of the court or the judge. The consignment which, according to the external note on the envelope, contains the last will and testament or is related to the preliminary procedure in criminal cases is opened by a competent judge.

Money orders and other value consignments are to be opened by an authorised official according to the existing regulations.

#### Article 139

The official assigned for the reception of briefs shall put a note on the receipt on the envelope of the consignment which he/she is not allowed to open. Such envelopes shall be delivered unopened to the president of the court or to the judge assigned by the agenda for the procedure. When the president of the court or appointed judge opens such a consignment, a note on the receipt of the envelope shall be transferred onto the brief with the corresponding notes.

#### Article 140

The envelope is opened in such a manner that the postal seals are not damaged. Each brief shall be accompanied with the envelope it was delivered in.

On the occasion of opening the envelope, it should be provided for that the briefs do not get damaged, that the enclosures of various letters do not get mixed, that a brief or order do not remain in the envelope etc. It should specially be checked whether the reference numbers from the envelope match the reference numbers of the received briefs. If a certain brief noted on the envelope is missing or if only the enclosures without a corresponding official letter is received or if the name of the sender is not visible etc., the said facts shall be noted and the envelope shall be enclosed. In all the aforementioned cases, where possible, the court registry office shall notify the sender on that. If several briefs arrived in one envelope, the envelope shall be enclosed to one of the briefs. Other briefs shall have a note on the location of the envelope (e.g. "envelope at P-137/96"), which shall be written below the note on the receipt.

If the date on the imprint of the postal stamp is illegible and the date of the delivery of the consignment to the post office may not be determined with certainty, a note on the aforementioned shall be made on the brief. If there is doubt about missing the deadline, a report from the post-office shall be requested.

If the envelopes of registered consignments, packages or other consignments arrived damaged, and the doubt about unauthorised or ill-intentioned opening exists, prior to opening them and with two other officials present, a short notice relating to the

mentioned shall be made and the type and scope of damage shall be registered (if the contents of the consignment were not determined beforehand, while being accepted at the post-office in accordance with the Article 137, § 2 of The Rules of Procedure for the court.

### *Note on receipt*

#### Article 141

A note on receipt (seal no. 26) is put on the copy of the brief designated for the court, on the first page, as a rule, in the middle of the upper part of the sheet. A note on receipt contains the name and the location of the court, day, month and year of the receipt and the data on the manner of the reception (e.g. “in person”, “mailed” or “registered consignment” etc.), the number of copies and enclosures, whether and how the fee related to the brief is paid, if it arrived by mail open or with damaged envelope, possible objects and cash money delivered with the consignment etc..

Exact time of receipt shall be noted in letters on the brief relating to the investigating procedure in a criminal case which is bound by a scheduled period expressed in hours or if the court is obliged to perform a certain activity in such a scheduled period, as well as in other cases when the president of the court makes such a decision. On the brief relating to land register cases, with the time of the receipt thereto, potential simultaneous delivery shall be noted on all briefs relating to the same land register body. The date and the month of the postal seal relating to registered consignment shall be noted legibly in letters on the first copy of the brief relating to the appeal against payment order or severance notice as was made the day it was delivered at the post-office. If the date of the delivery of the consignment to the post-office may not be determined on the postal seal due to unintelligibility, the aforementioned shall be noted on the brief.

If on the occasion of opening the consignment it should be determined that money or some other valuable item is enclosed to the brief, a short note relating to the amount or value should be stated below the receipt note. The said amount or value shall, after registering the brief into corresponding register, be handed over to the employee of the accountancy who shall make a note on the reference number of the accountancy list under which the received value was registered below the receipt note and shall sign it.

An abridged receipt note containing only the name and location of the court and the date, month and year of the receipt (seal no. 28) shall be put on other copies of the brief.

Receipt note is signed by the official who received the brief.

#### Article 142

Briefs delivered through military units, penal institutions and similar institutions shall be processed in the manner referred to in Article 141 of the Rules of procedure for the court; with the time of the receipt thereto shall be registered as the day, month and year when the brief was handed over to the said bodies. The official who receives the consignments is not obliged to check whether the location where the consignment handed over to the military unit has or does not have a post office. The aforementioned is checked in the organisational unit which processes the case related to the brief. In such a case, with the receipt note thereto, a note relating to whether the said post office exists or not shall be put subsequently.

### Article 143

Imperfections and irregularities determined upon opening the consignment shall be stated by a short note next to the imprint of the acceptance seal (e.g. if the enclosures are missing in the brief, a note which reads “received without enclosure” shall be put, if only certain enclosures are missing, their names should be stated etc.).

If a brief addressed to some other court, body or legal person is found in the envelope, a corresponding note below the receipt note shall be put (e.g. “delivered by mistake”) and the brief shall be forwarded to the right address. Such a brief is not registered in the register.

### Article 144

Courts with extended scope of work may, as required, use a mechanical dial for labeling the brief receipts. In the said case, the reference numbers are printed on the brief chronologically above the receipt notes. The reference number imprinted by the use of the mechanical dial is not a part of the business number.

In addition to the mechanical dial, a list of the reference numbers used for labeling individual briefs may be used.

### Article 145

Receipt note shall be put by the use of the seal on all consignments and delivery notes sent back due to unaccomplished delivery of the consignment to the consignee.

### Article 146

Receipt notes are not put on briefs received on record in the court. Such briefs are delivered directly to the head of a corresponding register.

Land register briefs accepted on record in the court are delivered to the official of the land register service assigned for the brief receipt immediately on record keeping.

### Article 147

The official who received the brief or other official letter is obliged, upon the request of the submitter, to issue a receipt note by an imprint of the acceptance of the seal in the section corresponding the brief or by signing it, alongside the court seal in the delivery log, if it precisely specifies the delivered briefs, the potential number of subsequent copies, sections, etc., or by issuing receipt on received brief (Form no. 13).

If the delivery note is enclosed to the brief, the receipt of the brief shall be confirmed on the delivery note by putting the date, signature and court seal and such a delivery note shall immediately be forwarded to the sender.

## **8. Fee calculation**

### Article 148

The official who receives briefs calculates the fee and cancels tax stamps put on the brief, enclosures and other official letters (court cautioning etc.) according to the regulations on court fees and the provisions of the Rules of procedure for the court.

## **6. Transfer of received brief to the court registry office for processing**

### **Article 149**

Received briefs and other official letters are classified according to the type of register to be registered into, related file reference numbers and, classified in such a manner, transferred to the head of the registry office or directly to the manager of the register.

Briefs due by or those containing important documents are classified and transferred separately.

Registry office shall also put labels as referred to in Article 100 of the Rules of procedure for the court relating to the urgency of procedure (e.g. “urgent”, “incarceration”, “trespassing”, “minor” etc.) on briefs as referred to in § 2 and 3 of the present Article.

If the submitter of the land register brief failed to label the brief in the said manner, the official appointed for the receipt of briefs shall put a note “ZK” with red pencil on the top of the brief.

The brief is transferred for processing, as required, by a transfer book or receipt note according to the reference number in the dial list, if such exists (e.g. “received from 2951 to 3014”) and in other appropriate manners.

### **Article 150**

If money, securities, valuable object or other objects are enclosed to the brief, a note relating to the aforementioned shall be made in the upper part of the brief with a coloured pencil or a seal in addition to putting a note “bound” or “deposit” and proceed according to the provision of Article 133, § 2 of the Rules of procedure for the court.

## **Chapter fourteen**

### **PROCESSING RECEIVED BRIEFS IN THE COURT REGISTRY OFFICE**

#### **1. File initialising**

##### **Article 151**

The head of the register is obliged to register in the corresponding register and directory (card file) all received briefs which initialise the establishment of a new file on the same day and no later than 48 hours after their reception. By way of an exception from the provision of § 1 of this Article, the files received on Friday, up to the end of the working day, have to be registered within a period of 72 hours.

##### **Article 152**

The brief which initialises a new file is put into the cover made of hard paper (Form no. 14) and registered into the list of the briefs printed on the inside page of the file cover.

When the file contains several briefs or becomes extensive, a special list for the List of the briefs (Form no. 15) shall be enclosed and registering of the briefs shall be continued in the said list after filling the list of briefs on the file cover.

File cover with a list of the briefs made of thin paper shall be used for less extensive files and for short procedures.

### Article 153

The name of the court on the file cover is put by the use of the seal in the upper left corner. File reference number is written in the upper right and bottom left corner and data on the case and the clients in the middle.

Short marks regulated in Article 100 and Article 150 of the Rules of procedure for the court are put above the printed text "File cover". Data on scheduled periods, set hearings or sessions are put at the bottom part of the cover in the appropriate section.

### **2. File reference number**

#### Article 154

A file reference number composed of the abbreviation of the register name in which the file is registered is put on each file (K; P; O, etc.) written with capital letters, reference number of the entry and last two digits of the year of register entry (reference number K-13/96).

On the file cover below the docket number, an ordinal number of the tribunal (Roman letters), i.e. the judge to whom the file has been awarded to is put (e.g. II P-35/96).

#### Article 155

Particular briefs in the file are marked in the upper right corner by a business number which contains the file reference number and the subnumber, i.e. reference number which marks the individual brief or decision according to the chronology of registering them into the list of briefs (Business number K-115/96-6)

The dial reference number used for labeling the brief on reception is not a part of the business number.

#### Article 156

The head of the register shall write a business number with the subnumber 1 on the first brief pertaining to the file initialising and register it immediately in the list of the briefs.

Other briefs in the list of the briefs are registered and subnumbers marked according to the chronology, by the court officials entrusted with briefs received in the registry office and typist-recording secretaries until the file is in the registry in such a manner that the subnumber matches the reference number in the list of the briefs.

Each brief and official letter marked with the acceptance seal, decisions to be delivered to the clients, returned, undelivered delivery notes and other important briefs transferred to other bodies and courts are provided with a special subnumber.

Internal orders, as well as decrees on scheduling sessions and hearings do not get a new subnumber if they are written on the brief which already has a subnumber.

#### Article 157

Sheets are marked with reference numbers with a red pencil in the upper right corner starting with number 1 onwards, regardless of the subnumber. The sheet reference number is also registered in the corresponding section of the list of the briefs.

### Article 158

Briefs pertaining to ongoing cases shall be placed in the appropriate file according to the chronological order of their receipt. On the briefs which comply with the court order or contain propositions or notifications relating to a certain case which already has an initialised file, the client is obliged to state the file reference number and also, if possible, business number relevant for the brief.

### **3. Enclosures**

#### Article 159

Enclosures of certain briefs are filed into the file together with a relevant brief. Enclosures are marked by a business number of the corresponding brief; with the capital letter thereto, alphabetically on each enclosure separately (e.g. K-13/96-17-A)

Originals of documents to be returned to the clients after the completion of the procedure are filed into the file, as a rule, into a joint, open cover, on which, on its outer part, the enclosed documents shall be stated. Copy of the original, as required, shall be enclosed to the corresponding brief to which the originals were enclosed and shall be kept in the file.

Other enclosures which due to their shape or type may not be filed into the file shall be deposited separately and a note on where the said enclosures are kept shall be made on the brief to which they were enclosed, as well as in the list of the briefs. The reference number of the enclosure and, as required, the letter used for labeling the enclosures shall be stated in the list of the briefs next to the reference number of the relevant enclosure in the special section designated for listing enclosures.

### **4. Organising and binding of the files**

#### Article 160

All officials dealing with the files are obliged to provide for proper usage of labels on all briefs in the file, as well as for proper registering them in the list of the briefs. All officials dealing with files are responsible for their completeness and orderliness.

Files which contain more than 10 sheets are bound together with the cover and list of the briefs by sewing or gluing. It should be provided for that the text of the brief remains visible and undamaged on the occasion of binding. For this purpose, segments onto which individual briefs are put should not be broader than the white margin left on both sides of the sheet (Article 85 of the Rules of procedure for the court). Briefs and their enclosures, which remain in the file permanently, are bound in the file.

Extensive files containing more than 200 sheets are bound into special bundles marked with Roman numerals (e.g.: bundle I, II, etc.). The list of briefs relating to files containing several bundles are written on the first bundle and follow the chronology regardless of the reference number of the bundles.

High court may return unorganised files to be organised properly.

## **5. Turning over of the files for processing**

### **Article 161**

After the officials of the court registry office complete all the necessary preliminary activities related to initialising and organising a file, the court registry office transfers the file to the judge, court councilor or other official appointed for processing the case by the agenda.

Briefs received or made with the given schedule are delivered for processing along with the file right after it was complied with the court order due to which the file was put on the schedule list, i.e. on the next day of the expiry date (if it was not complied with the court order) after it is visibly stated on them what is essential for their resolution (e.g. no appeal, no answer, no objection, etc.)

### **Article 162**

Briefs requesting exemption of the judge or lay judge or which contain complaints of the clients and other official letters which are related to the issues of the court administration are delivered for processing to the president of the court.

### **Article 163**

Delivering files to be processed to the judges or authorised officials and the return to the court registry office is registered in the section for circulation of the files of the corresponding register with a lead pencil in the complaint section provided the register does not have a special section for registering the circulation of the files.

The file and brief from the court registry office is delivered to another organisational unit and vice versa, as a rule, through the Transfer book for internal delivery (Form no. 16).

Taking out and returning of particular briefs from the files, which are not bound in a file, is stated with a short note on the file cover and a note on a separate sheet which is inserted in the corresponding place in the file.

## **Chapter fifteen**

### **CHANGE OF THE REFERENCE NUMBER, ADHESION, ENCLOSURE AND DIVISION OF THE FILES**

#### **1. Change of the reference number**

### **Article 164**

If, when by a court order, several cases are put together in order that a unified procedure and joint decree be made, the case which was latter shall be bound together with a case in which the procedure was instigated earlier. If the file is handed over to another court, the name of the court shall be crossed out and a new one put instead.

New file reference number shall be entered into the list of the briefs according to the time when the change relating to the file reference number was made. In that case, new briefs and court decisions get a new file reference number and subnumbers follow the previous chronology.

The reference number is crossed out with a red pencil by striking a horizontal line through the middle of the previous reference number in such a manner that the previous reference number remains legible.

## **2. Adhesion of the files**

### Article 165

In case when, according to the court decision, several cases are adhered for the purpose of carrying out integral procedure and making a joint decision, the file the procedure of which started later shall be bound in the file the procedure of which started earlier.

If the files relating to the cases under the competence of the judge are adhered to the cases which are under the competence of the council or high court, all adhered cases are filed into the oldest file under the competence of the council or high court.

### Article 166

Adhered, integral file is registered under the reference number of the oldest file or file relating to the case in which the integral procedure has to be carried out and joint decision has to be made.

The reference number of the integral file shall be registered in the register in the section designated for notes next to the reference number of the adhered file after carried out adhesion, while the reference numbers of all adhered files shall be stated next to the integral file. Data on the circulation of the files and data relating to the decision are registered in the register in the appropriate sections of the case in which the joint decision is made.

Adhered files are presented as completed to the judge who made the decision in the integral file when the decision has been made and transferred. A note relating to the adhered file shall be made by a coloured pencil (e.g. “adhered K-80/96”) below the file reference number on the cover of the integral file. The notes and reference numbers from the cover of the bound file relevant to the adhered file shall be transferred to the cover of the integral file.

Bound file shall be registered into the list of the briefs of the integral file and be given a single reference number and the said list shall subsequently be kept as a joint list of the briefs. Provisions of Article 157 of the Rules of procedure for the court are applied in labeling the number of the sheets.

### Article 167

If the files relating to several cases are temporarily adhered with the purpose of joint hearing, provided that after hearing, separate decisions are made for each case, the files adhered in such a manner are filed into the file of the case in which the joined procedure is conducted. After the joint hearing, the adhered files shall be separated with the purpose of making joint decisions. Certified copies of the transcripts and other segments of the file related to the activities carried out jointly for all the adhered cases and which are relevant for individual case, shall be made and enclosed in the corresponding file.

### Article 168

Data on the circulation of the files and activities in the procedure pertaining to temporarily adhered files are noted in the corresponding sections of the register alongside the file they were adjoined to. Marks of all enclosed files shall be noted in the section for notes in the joint file (e.g. “Added” K-18/96.”). The said note shall be made by the sign of the final decree after the adjoined file is extracted.

Particular temporarily adjoined files must not be registered in the register as completed before individual verdicts are made. Data relating to the decision are noted in the corresponding sections in the register under the reference number of the entry of the adjoined file. A note reading “adjoined file 0-67/96” shall be put in the section for notes as long as the file is adjoined to another file. The said note shall be written by a sign of the final decree when the joined file is separated from the file it was temporarily joined to. The label of all the adjoined files is noted on the cover of the joint files (e.g. “adjoined K-15/96”) below the file reference number with a coloured pencil. After separating the adjoined files, their labels on the cover of the integral file shall be crossed out.

Temporarily adhered (adjoined) files shall be registered in the list of the briefs of the file they were adjoined to as an enclosure of the subnumber of the brief which contains the order on temporary adhesion of the files. After the joint hearing and separating the file, the datum on adjoined files shall be noted in the list of the briefs by the sign of the final decree.

### **3. Enclosing files**

#### Article 169

When one file is enclosed to another only for the purpose of insight or evidence, the enclosed file shall be marked in the list of the briefs of the main file as an enclosure of the brief which contains the order on enclosing the file. On the cover of the main file to which another file was enclosed, the file reference number of such an enclosed file shall be written with a red pencil (e.g. “enclosed P-12/96”). When the enclosed file is separated from the main file, the file reference number of the enclosed file shall be crossed out in the list of the briefs and on the cover of the main file.

The reference number of the main file shall be noted in the register, in the section designated for notes relating to files which are enclosed to another file (e.g. “enclosed to file P-60/96”); in the main file, the file reference number of the enclosed file shall be noted (e.g. “enclosed file K-12/96 and 8/96 etc.). Data on the circulation of the files are noted in the corresponding sections of the register at the file to which another file is enclosed (i.e. at the main file).

If, due to explicit need, a certain part is separated from a file, a note on the location of the said part shall be enclosed in the appropriate place.

### **4. Division of the files**

#### Article 170

When prior to the completion of the procedure adhered files are divided or a part of one file is separated for the purpose of making a particular decision or conducting a separate procedure, the briefs related only to the said file shall be enclosed to the separated file.

Other briefs necessary for the separated file shall be copied and the certified copy shall be enclosed.

#### Article 171

Divided or extracted file, if there is not a change of venue, shall be registered in the corresponding register under a new reference number and it shall get a new label unless it had one previously.

Dividing and separating files shall be noted in the corresponding registers. Labels and notes which were on the joint cover and are related to the divided or separated file, shall be crossed out and transferred to the cover of the divided or newly initialised file. A new list of the briefs shall be made for the said file if the said list does not already exist. In the theretofore joint list of the briefs, in the section for notes, a note shall be made on which file or part of the file is separated and which briefs from the joint file is enclosed to the divided file. Briefs which are enclosed to divided or separated file, be it originals or certified copies, shall be registered in the list of the said file in the chronological order

### Chapter sixteen

## WORK IN COURT DEPARTMENTS

### 1. *Chronology of solving the cases*

#### Article 172

After the receipt of the file from the court registry office, the judge, court councilor or other official assigned for processing it shall review the received files, classify them according to their importance and urgency, determine the chronology of settling the said cases and make corresponding decisions and orders relating to a certain case.

#### Article 173

The President of the investigating department monitors the work of the investigating judges and takes measures for maintaining legal dates to be kept while working on cases related to preliminary criminal procedure.

The president of the court may, when necessary, appoint more investigating judges in more complex cases.

#### Article 174

Cases in which the defendant is in incarceration, cases in which minors are involved and cases of special importance, such as cases related to economic crime in transformation and privatisation and the prevention of drug abuse shall be given priority in criminal procedures.

In litigation, precedent is given to cases which are by law deemed urgent and those are especially status cases, alimony cases, cases in which issue of pay order is demanded, cases dealing in trespassing, copyright law, labor dispute, protection use of patents, trademarks and technical advances, registered trademarks, bankruptcy and those dealing with issuing temporary measures. In penal, litigation and other cases, except those quoted, the precedent shall also be given to other cases which are decreed as such by special regulations; those being: protection from illegal undertaking, correction of

statements, damage claims due to libel and demands for the protection of the rights to strike, as well as those that the president of the court due to justifiable circumstances sets as having precedents.

## **2. *Scheduling sessions and hearings***

### Article 175

Investigating judge, reporting judge of the second-instance council, the President of the council or the judge working on settling the case, is obliged to study a certain case if further procedure is not required (issuing payment order, removing insufficiencies from the briefs etc.) and to schedule the date and time of the hearing, main session or the meeting of the second-instance council.

Only those sessions, hearings or meetings which are joined for the purpose of joint hearing may be scheduled at the same time (Article 167 of the Rules of procedure for the court).

The number of hearings in one official day is determined according to the complexity of the procedure and potential duration of certain official activities, number of summoned persons, type and quantity of evidence etc., for the purpose of efficient use of official time.

On the occasion of summoning persons who live outside of the court headquarters, traffic and weather conditions, the distance between the residence and the court headquarters, possibility of timely delivery and the such shall be accounted for.

### Article 176

Main sessions, hearings and the meetings of the second-instance councils shall be scheduled primarily in relation to urgent cases (Article 174 of the Rules of procedure for the court), as well as in relation to ongoing cases which last for a longer period of time. On observing that a certain party stalls the procedure on purpose, attempts shall be made to prevent the aforementioned by, inter alia, more frequent scheduling sessions, hearings and meetings.

Sessions and hearings in court shall be scheduled in such a manner that a maximum number of sessions and hearings is held each working day.

In days when no sessions and hearings are scheduled, verdicts are being dictated, the decisions made, necessary administrative operations are carried out, files are studied and preparations for the sessions and hearings scheduled for the next day are performed.

Meetings of the second-instance councils are held at least once a week.

On the session of the second-instance council, according to the agenda of the President of the council, as a rule, more sessions are decreed to be held, the schedule of which is given to the interested parties.

If a certain hearing has to be held outside the court building, the scheduling of the said hearings shall, as a rule, be set on a court day of that council or the judge, provided that such hearings are held, as a rule, after sessions and hearing held in the court.

The judges may not, as a rule, schedule proceedings outside the court, except in investigation cases, in days with no scheduled sessions and hearings. The president of the court shall allow proceedings outside the court in the said days only out of regular working hours.

The president of the court and higher bodies of the court administration may, as required, schedule the least number of hearing days in one week or month, as well as the least number of sessions, hearings and meetings of the second-instance councils to be held on an average in one hearing day or in a specific period.

#### Article 177

Typed forms in which the exact full name, address, street and a number of summoned persons are stated, as well as what is to be delivered to whom and the manner of delivery (Articles 204 to 206 of the Rules of procedure for the court) shall be used for orders and decrees related to scheduling sessions and hearings, as well as in carrying out some other court procedures.

If it pertains to a brief first submitted (indictment charge) or latter briefs which contain suggestions regarding the chain of evidence in the order or the decree for setting the court date it is sufficient to point out to the aforementioned brief bearing in mind that the names and addresses of the persons to be summoned are to be underlined and given a reference number.

#### Article 178

When certain court proceedings, i.e. sessions and hearings are postponed or adjourned, the court shall, as a rule, immediately schedule the date and time when the said procedure is to be continued and inform the present people of the aforementioned and it shall determine the persons to be summoned. Present people shall be invited to come to the court on a certain date and time if their presence is necessary. The transcript or the note (if the transcript was not taken) shall state in the said case that the present persons were orally notified. Persons summoned in such a manner shall acknowledge by their signature that they have been served.

The exact addresses of the persons who are absent and are to be summoned to a certain session or hearing shall be stated, inter alia, in the decision on postponement or adjournment.

#### Article 179

If after, when the court date is set, a proposition is given for the introduction of new evidence, except the earlier proposed, on such a proposition shall be acted upon only if it is possible that so proposed evidence may be in due time acquired and summons served.

#### Article 180

Cases for which sessions or hearings are scheduled shall be registered by the investigating judge, the President of the council or the judge into the Business diary (Form no. 17) according to the date and time when the said session or hearing is scheduled. The same procedure shall be applied in relation to registering important deadlines set for certain cases.

### **3. The structure of requests and other official letters**

#### Article 181

The true state of affairs of the investigation or the course of the main session shall be presented in the requests which require carrying out of a certain court activity through the requested court (presentation of the evidence, cross-examination etc.) or which demand that reports, documents and other data be obtained.

The file, by means of which carrying out of a certain court activity is requested, shall not, as a rule, be sent to the requested court.

If the review of documents or statements needs to be carried out, their copies shall be made and enclosed to the request. Original documents or parts of the file may exceptionally be enclosed to the request if it is necessary that they be presented to the client, witness or expert witness. In the said case, a copy shall be made and it shall be kept in the appropriate place until the originals are returned.

If within one case it is demanded by the same court to carry out a large number of court activities upon request, alongside producing original documents, court letters, etc., with the request exceptionally, the whole file may be added.

The judge is obliged to compose the request by himself.

### **4. Work order to the court registry office**

#### Article 182

All orders and other working instructions directed to the court registry office must be clear and complete and contain the necessary data on the basis of which the court registry office may operate.

#### Article 183

The President of the council, investigating judge or judge working on the case shall state in the order for delivery (delivery order, abbreviated as DNA) who and how is the delivery to be carried out (e.g. Personal delivery – by the blue delivery note, etc.).

Bodies, companies and other legal persons, as well as the receivers of the delivery are stated with full name (name or full name and occupation) and correct address or common abbreviation (e.g. DO, DP, MUP, PU, etc.)

The corresponding typed form may be used for the said order.

Delivery order shall be written below the instructions regarding the appeal.

#### Article 184

In the order or decree relating to scheduling a session or hearing, the judge shall, as a rule, determine the due date of the listing, not shorter than eight days prior to the date of the session or hearing.

The date of the scheduled period shall be noted on the outer cover of the file in the bottom right corner.

## 5. *Composing the transcript*

### Article 185

The transcript is taken for each court activity performed in the course of the procedure on sessions or hearings, for important statements and communications given by the clients or other participants outside the hearing, as well as for other court activities when so determined by special regulations.

### Article 186

Transcripts for court activities are taken by the court recorder if the participation of the court recorder is regulated by the procedure regulations. Taking transcripts may be assigned to the court clerks and persons in training in the court. The transcripts and notes on performed court activities, when the court recorder may not be provided for, are taken by the person entrusted with the said task. Regulations as referred to in Articles 76 to 78 of the Rules of procedure for the court shall be applied in relation to the form and manner or taking transcripts.

### Article 187

The transcript from the consultations and voting after the completion of the main session is taken on a separate sheet of paper. The said transcript is signed by all the member of the council and the court recorder.

The transcript from the consultations and voting is, after signing, put into a special docket, which on its outer side has a note: "Transcript from the consultations on the session dated ..." Docket number and the round seal of the court is put on the upper right corner of the docket. The cover containing the record of deliberation and vote is inserted behind the transcript of the file which was deliberated about.

### Article 188

The transcript from the meeting of the second-instance council is taken in a special book of the council meeting, which contains the label of the council, the date of the session, full name of the president, members of the council and separately the reporting member of the council, label of the files deliberated about, as well as the type of decision made in relation to particular cases.

In addition to data as referred to in § 1 of the present Article, the transcript taken for the criminal cases contains full name of the court recorder, full name of the defendant, the identity of the complainant and the party present on the second-instance council. The said transcript is signed by the president and the council members and also by the court recorder when so provided for by the procedure regulations.

### Article 189

If the extrajudiciary criminal council makes decision relating to the case under the competence of the same court, the transcript of the consultations and voting shall be filed into the file deliberated about. If the extrajudiciary council of the county court makes decisions relating to the cases for which the municipal court is competent or if the said council makes decisions relating to the appeal against incarceration put forward by the

police authorities, the transcript from the consultations and voting shall be put in a special file “Kv” initialised in the county court for decision making in such a case.

#### Article 190

When no special transcript is taken for the consultations and voting, a note on consultations is put by a seal on the originals of the decisions made on second-instance and extrajudiciary councils below the text. The note contains the date of deliberation, full name of the president of the council and its members and, separately, the full name of the person giving the report, as well as data on whether the decision is made unanimously.

If the clients were present at the council meeting, the note shall state their full names.

The notes on consultations and voting are signed by the council members and in criminal cases also by the court recorder.

#### Article 191

If the procedure regulations do not stipulate obligation for taking the transcript, the official note on performed court activity shall be made. The official note shall be made in particular for less important statements or information given by the clients, as well as in cases where the clients are given certain communications etc. Provisions of Article 79 of the Rules of procedure for the court are applied to the drafting and signing of the official note.

### **6. Other activities of the council**

#### Article 192

Cases delivered for processing to the judge or other authorised official shall be kept in the said organisational unit for the time needed for making a certain decision, order, decree or verdict. Discrepancies related to the aforementioned are allowed only when justifiable reasons exist and when so determined by the president of the court.

In processing the cases, it shall be strictly provided for that the chronology of processing be followed according to the receipt chronology or that the obligation relating to urgent settling of certain cases be fulfilled, as well as that keeping with the scheduled periods be followed (Articles 172 to 174 of the Rules of procedure for the court).

#### Article 193

The decisions made and the corresponding files are transferred to the court registry office with a delivery order. The delivery order which relates to a single consignment shall be noted on one place in the file. The necessary orders and handling instruction related to the file and, particularly, the obligation to perform the following shall be issued to the court registry office: keeping the file in the list (calendar) up to a certain scheduled date, registering corresponding data in the registers, adhering cases and performing the necessary activities related to carrying out the decision made or the order issued. If against the declared decree an appeal may be filed, the court registry office shall be given an order that on each dispatch meant for the clients, instructions be put regarding the right to file an appeal, which instructions shall also contain the date by which the appeal is to be filed, unless such instructions were not added during the transcribing.

## Article 194

Decisions and orders relating to the cases for which urgent procedure is regulated shall be made immediately upon receipt of the case for processing. The decisions and orders made in relation to the said cases shall be transferred to the court registry office for delivery immediately on passing them, in addition to the injunction for their implementation.

The decisions and orders pertaining to appeals, distraint propositions or distraint implementation, criminal charges and other propositions and claims which may not be settled without particular consideration, shall be made and transferred to the court registry office for delivery on the same day, if possible, when the briefs were received for processing, and it shall be provided for that the regulations on the chronology of processing the said cases be followed (Article 174 of the Rules of procedure for the court).

Cases in relation to which sessions and hearings were held shall be delivered to the court registry office on the same day, if possible, by the end of the working day and no later than the beginning of the following working day.

The court registry office immediately returns the cases in relation to which written decisions have to be made to the judge after taking data needed for the registers and other lists.

## Chapter seventeen

### WORK OF THE COURT REGISTRY OFFICE AFTER THE ISSUED ORDERS

#### *1. Acting upon the judges' decisions*

## Article 195

After the receipt of the file, the court registry office puts a delivery note below the original order (seal no. 13), which states the date of receipt in the court registry office, and then performs all other activities according to the issued order (summoning clients and other persons to scheduled hearings, copying, authorisation and delivery, adhesion and enclosing briefs and files, putting necessary notes etc.). If the enclosing of a certain file, delivery note, report etc. is ordered, a short note on whether the order was followed shall be put below the said order, and if the said order was not followed, the corresponding reasons shall be stated. The official who performed the indicated activity shall label the aforementioned by putting the date and signature.

The court registry office is obliged to deliver briefs and delivery notes to the councils on a daily basis, except for those cases which are in the legal validity calendar.

## Article 196

Data are registered into the registers by the heads of certain registers; the said tasks on courts with the extended scope of work are performed also by other officials of the court registry office appointed by the agenda and according to the instructions given by the head of the register or under their supervision.

Data are registered in the register in such a manner that in the corresponding sections of the register the following is registered: the dates scheduled for certain sessions or hearings, decisions made, in addition to the data on the type and content of the decision,

sentences or re-education measures pronounced for the minors in addition to the data on the time when the said decisions were brought, made and delivered, the dates of second-instance decisions and the manner of settlement, the note relating to other activities, cases labeled as finalised etc..

#### Article 197

The court registry office keeps a list of the procedure status in relation to particular cases and of their location by filling in certain sections in the corresponding registers. Data on the circulation of the files are registered in the registers in specified sections designated for the circulation of the files by a lead pencil, noting the date and identifying the person to whom the file was delivered for processing or filed among those files for which the dates are to be set or are set (e.g. registry, calendar, court date). Records and notes in the registers need to be clear and legible so that in case of potential alternations in the agenda or in case of absence of certain officials, other officials may use the existing data without difficulty.

In courts with the extended scope of work, the data on the circulation of the files shall be registered in a special Notebook on the circulation of the files (Form no. 18) and the said procedure may be carried out on a personal computer.

### **2. Copying of decisions and other documents**

#### Article 198

Tasks related to writing and typing of the court decisions, documents, summons to sessions and hearings and other court documents are performed by the typists of the council or the officials of the court registry office.

Typing is performed in the typing service, as a rule, in a separate office within the court registry office, supervised by its manager or appointed official who shall provide for the proper and timely performance of the said tasks.

In second-instance courts, the typing service shall, as a rule, be instituted at particular departments and each court department shall be appointed with a sufficient number of typists. In second-instance courts which have a narrower scope of work, a joint typing service may be instituted for several departments.

#### Article 199

If the copying is performed from the draft of the decision or some other document, the typist shall put an imprint of the typing seal (seal no. 13) on the copy of the typed text which remains in the file, below the text on the left side.

After having performed the typing task, the typist is obliged to correct the typing errors made in the course of typing in the typed text, as well as to write the date of the performed typing in the imprint of the typing seal.

If the text is written from the dictation by the judge, court councilor or some other official, the said persons shall put a note in the file that they reviewed the text of the dictation.

### Article 200

The clients and other persons are summoned to sessions and hearings by the summons written on a regulated typed form (blank) or written on a personal computer; the said summons and typed forms (blanks) are filled in individually for each summoned person.

The summons is certified by the seal of the court and the signature of the official who wrote the summons. The signature is placed below the seal or printed imprint which contains the full name of the President of the council or judge who ordered the summoning and the “seal for confirmation of the dispatch authorisation”

### Article 201

Dispatches of the decisions and official letters shall be made in a sufficient number of copies according to the delivery order. Needed number of copies for the high courts and for the judicial review shall be made on the occasion of typing the verdicts against which an appeal may be filed.

The chronology of typing particular cases is determined according to the chronology of their delivery for processing. The exception of the aforementioned shall relate primarily to cases for which urgent procedure is proclaimed (Article 174 of the Rules of procedure for the court).

After the completion of all the dispatch copies, the official who made them shall write a note in the corresponding section relating to the date, notes on the dispatching and put his/her signature.

### Article 202

Dispatches of the decisions are written on one side only if the typing paper is thin. If a certain decision is written on several sheets, business number (file reference number and subnumber) shall be noted in the upper right corner on each sheet of the said decision.

Several sheets relating to the same copy of the decision shall be bound by a stapler or some other device for binding sheets and sewn, as required.

### Article 203

All copies of the dispatch shall prior to the delivery be authenticated with the original or first copy of the made decision. Dispatches have to be orderly and legible.

In case of abridged dispatches it shall be stated whether all the copies correspond to the brief to which the decision refers and whether they comply with the regulations for the abridged dispatch. Typing errors made in the course of the typing shall be corrected in such a manner that the error shall be carefully erased and the correct text written instead. If in the course of typing and the elaboration of the dispatch serious errors are made, because of which extensive correcting needs to be done (crossing out, erasing etc.), new dispatch copies shall be made. Completed authentication of the dispatch is registered in the corresponding section of the dispatch note in such a manner that the official who performs the authentication writes the authentication date and puts his/her signature.

### **3. *Dispatching and delivering of the court consignments***

#### Article 204

Summons, decisions and other dispatches designated for the clients and other persons are delivered according to the regulations relating to the court procedures in the manner regulated by the delivery order.

If the delivery order does not specifically stipulate the delivery manner or if the delivery order is not clear and uncertainties regarding the delivery manner exist, the instructions from the judge shall be required. The delivery order may contain corresponding specific orders and instructions, if necessary.

#### Article 205

Prepared dispatches and other official letters to be dispatched are handed over to the official appointed for dispatching of the consignments and the said official shall register all consignments in the corresponding dispatch and delivery log and carry out their dispatching (Delivery mail log – Form no. 19 or Local delivery log. Form no. 20).

In courts with a wide scope of work, consignments designated for dispatching may be listed in the Books of duties of the court official relating to dispatches for delivery (Form no. 21); consignments handed over for delivery shall be registered in the said book.

#### Article 206

Decisions, summons etc., for which the receipt evidence is required, shall be delivered to the clients and other persons with the delivery note or they shall be put in the file cover with a return receipt, which shall state the name or the full name and the address of the recipient, name of the delivered decision, summons, etc., label of the file, date of the decision and the date of the calendar (“Kal”). The name of the court on the return receipt is stated with a seal and may also be printed.

Decisions, summons etc., which have to be personally delivered to the addressee, shall be dispatched with a delivery note or envelope with a blue return receipt; other official letters shall be dispatched with a delivery note or envelope with a white return receipt (Forms no. 100, 101, 102 and 103).

When the summons for sessions and hearings or decisions against appeals may be filed are delivered, the date of the calendar (“Kal”) shall be stated above the text of the delivery note or return receipt. Other consignments, as well as ordinary short notifications for the clients may be dispatched through mail delivery in cases where the evidence on performed delivery is not required.

Consignments which contain urgent official letters are dispatched with the first following dispatch and the rest are dispatched during the day at a set time.

#### Article 207

When the consignments are delivered through the branch office of the county office, one envelope may contain all official letters directed to several persons in the same case if the said addressees are located in the same place. In the said case, a joint delivery note may be made as a receipt on performed delivery.

When the official letter is delivered by the court courier or directly by the delivery in the court, the delivery is carried out, as a rule, without an envelope, unless stipulated otherwise by special regulations.

The delivery directed to the State attorney's office located in the same place as the court's headquarters is carried out directly by the court official. In urgent matters, the originals of court decisions may be presented to the State attorney in its original with the signature, unless he/she requests that the dispatch of the court decision be delivered.

#### Article 208

If the receiver wishes to receive the decision, summons or some other official letter in the court and in person, the official who carries out the delivery shall carry out the said delivery if the recipient is known to him/her and after he/she determines the recipient's credibility.

The recipient acknowledges the receipt of the consignment delivered in the previously described manner by his signature on the original or on the first copy of the decree below the delivery order or by signing the delivery note. The consignment may be delivered to the recipient's attorney only if he/she is authorised for the receipt of such consignments.

It may be permitted to public attorney's offices, public notaries and local lawyers, to whom decisions, calls and other official letters are frequently delivered, to receive the deliveries directed to them directly in the court, each day, if it does not stall the delivery.

#### **4. Dispatch and delivery service**

#### Article 209

Dispatch service is joint for the whole court.

The official appointed for the consignment dispatch is obliged to check, prior to the dispatch, whether each case designated for the dispatch followed the delivery order, whether the consignment addresses are correct, put into envelopes and provided with delivery notes and necessary enclosures, whether the dispatch copies are legible, whether the regulated authentication is carried out, etc. After that, the said official shall confirm the time of the dispatch of the file by putting the date and signature in the corresponding section for the dispatch notes; after that the said official shall return the file to the head of the corresponding register.

The dispatch is performed by the official who was not engaged in typing and elaboration of the dispatches.

#### Article 210

In courts with the extended scope of work, a special control book of delivery notes may be kept, as required. In the said case, on each delivery note, in the upper right corner, the reference number of the control book under which the delivery note is registered shall be stated by the dial or ball-point pen. The control book of delivery notes is kept by the official of the court registry office appointed by the annual agenda.

The official who carries out the delivery may not keep the control book of the delivery notes.

## Article 211

The official letters to be delivered by the court official (courier) are registered in the Local delivery log (Article 205 of the Rules of procedure for the court). The delivery of the said letters shall be carried out as soon as possible; with the delivery notes thereto, have to be returned to the court immediately on the performed delivery. Undelivered official letter has to be returned to the court with a note stating the reasons for the failure in the delivery and the courier shall sign the release of the said dispatch in the delivery log.

## Chapter eighteen

### PROCESSING CASES BOUND BY DUE DATES

#### *1. Keeping files related to the ongoing procedure*

##### Article 212

Files related to the ongoing procedure are kept in the court registry office in special cupboards, classified by the types of cases and due dates in which certain court actions (hearings and calendars) have to be carried out. The files for which sessions or hearings are scheduled are kept separate from those for which terms are scheduled for performing certain actions, in special cupboards with compartments (Article 213 of the Rules of procedure for the court).

Files entrusted to certain officials for the purpose of typing and delivery are kept in the corresponding compartments after the completion of the said tasks.

##### Article 213

Files for which session or hearing are scheduled or due dates are set are kept in the court registry office in the closed cupboard with compartments labeled with reference numbers 1-31, according to days in a month.

Individual files are put in the compartment corresponding to the day of scheduled hearing or session or due dates, regardless of the month and year.

The files put in particular compartments are kept in such a manner that the files which relate to the cases for which sessions and hearing are scheduled are kept in one cover, separate from the file for which due dates (calendars) are set.

If a certain file is temporarily taken out from the compartment before the due date, a note on the new location of the file shall be put in its place.

In courts with extended scope of work, a special cupboard with compartments for sessions and hearings and another for the files for which the due dates are set may be obtained, as required.

#### *2. List of due dates and hearings*

##### Article 214

Shorter terms for the list (preliminary list) may be set, as required, for the files related to the cases for which sessions and hearings are scheduled, if it is necessary to check the performing of ordered actions within a certain period, before the date scheduled for the

session or hearing, with the purpose of conducting potential further measures in order for the session or hearing to take place at a set time.

Such a file shall be put in the compartment designated for the due date, and after the expiry of the said term, the file is put in the compartment for sessions or hearings after checking the performance of the ordered action or after a new order of the President of the council is carried out.

#### Article 215

Due date for the list of files is determined by the President of the council by an order which schedules the date for the session of hearing in such a manner that except for the date scheduled for the session of hearing, the term for the list is also scheduled (e.g. “R. 18/08-9,40-Kal. 10/09”).

If the clients and other persons present on the session or the hearing have been informed of the date and the time of the session of hearing and the due date for the list is not yet set, the file is put in the compartment corresponding to the set date for the session or the hearing.

#### Article 216

For the purpose of registering certain sessions and hearings and due dates, Business diary (Form no. 23) is kept in the court registry office with all the due dates for the sessions and the hearings and due dates. The cover of the file related to the case for which the term is scheduled with the purpose of performing certain activity or for which the session or the hearing is scheduled has a sign “R” (session or hearing) or the sign “Kal” (calendar) and, in addition, the date of the scheduled session or hearing or the expiry date (e.g. “R” 15/05 – 11,30”, “Kal. 13/08”).

#### Article 217

The judge determines registering the due dates, session and hearings through the order in the file by the label “Kal” for due dates and by the label “R” for sessions and hearings and, in addition, the date and, as required, the time of the expiry of the time when a certain session or hearing is to be held (e.g. 12/07 – 9 o’clock”).

The court registry office shall register certain sessions, hearings and due dates in the business diary after registering the aforementioned in the registers and after that the file shall be put in the corresponding compartment for due dates or sessions and hearings. The performing of the ordered activity shall be confirmed by the official of the court registry office by a suitable sign (initials etc.) below the judge’s order.

#### Article 218

Appointed official of the court registry office reviews the diary and the compartments on a daily basis with the purpose of checking the expiry of due dates. The said procedure is performed one day before the expiry date of the list (calendar). The files which are in the compartment and for which the time limit is expiring should one day after the expiry date be handed over to the judge, except as otherwise provided for by the judge’s order in relation to a certain case.

Prior to delivering the file to the judge or appointed official, a survey on whether all the issued orders were followed shall be carried out, particularly whether all return receipts and delivery notes relating to the performed delivery were returned and enclosed to the file, whether the requested reports were received and whether the subsequent briefs of the clients were enclosed into the file and registered in the list of the briefs etc. The court registry office is obliged to arrange the file prior to its delivery for processing to a certain organisational unit.

If it should be stated that the orders were not followed in full or that all ordered activities were not performed, or if there is no evidence relating to the aforementioned, the court registry office is obliged, irrelevant of any special order, to take the necessary action with the purpose of carrying out the order (to expedite the return of the delivery notes and return receipts, delivery of the requested reports, re-delivering the summons and decisions to the same or different address, etc.). Prior to the delivery, the judge shall be notified of the aforementioned.

## **Chapter nineteen**

### **OTHER OPERATIONAL PROVISIONS FOR THE COURT REGISTRY OFFICE**

#### ***1. Procedures related to files***

##### **Article 219**

The officials of the court registry office are obliged to undertake all the necessary actions to ensure that the procedures relating to the files are carried out in a regular manner, orderly and on time. The court registry office shall particularly provide for keeping with all the regulated or determined due dates and for removing anything that could hinder timely performance of the tasks related to solving of the cases.

The court registry office shall, as required, caution the president of the council, the judge or other official who works on the case about the expiry of certain due dates or about obvious errors and negligence related to the transcripts, originals and dispatches of the court decisions (particularly in relation to calculated and collected fees, procedure expenses advanced from the budget or from the clients), as well as about the orders by which court dates are set for sessions and hearings, determine due dates or direct requests and order performing of other actions.

#### ***2. Delivering the files to the judges for processing***

##### **Article 220**

The officials of the court registry office shall, in particular, provide for the timely delivery of the files to the judges. The file is delivered to the judge immediately on the receipt of a certain report, brief or official letter for which a decision needs to be made, a corresponding order issued, etc.

Prior to the delivery of the file to the judge for processing, the court registry office is obliged to confirm the execution of the order on the file below the delivery order (e.g. “delivery note – return receipt not returned”, “requested report not received”, “the client failed to act within the due date” etc.).

### Article 221

The briefs bound by a certain due date shall be delivered for processing together with the files and, in addition, with an enclosed delivery note on consignment of the corresponding decision which caused the submitting of the brief. If it should be stated that the brief was submitted in time, a note reading “in time” shall be put below the receipt note.

If an appeal is filed, the presiding judge shall issue a court order that the aforesaid appeal be delivered to the counterparty in order that the said party may respond should it be the law for certain court procedures.

If the brief is to be delivered for decision-making to a high court or extrajudiciary council, a draft of the covering report or the note on delivering the case to the extrajudiciary council of the said court shall be prepared. The prepared drafts shall be transferred to the judge for authorisation and signing.

Should it be determined that the brief bound by due date was not submitted in time, a note which reads “not in time” shall be put and delivered alongside with the corresponding file to the judge for the purpose of making a decision.

### **3. Circulation of the files**

#### Article 222

Circulation of the files among certain officials of the court registry office is not noted in the registers if the file is returned immediately or in the course of the same day.

If the file is temporarily delivered to another court or body for consideration or enclosed to another file for consideration or joint discussion, the note relating to the date and the person to whom the file is delivered shall be made in the register, in the corresponding section or section for notes with a lead pencil. Delivered or temporarily enclosed files shall be registered in the list of sent and enclosed files to be returned.

### **4. Filing delivery notes**

#### Article 223

Returned delivery notes and return receipts which confirm the performed delivery are immediately filed, as a rule, into the relevant file. In courts with the extended scope of work, the delivery notes may be kept separate from the file, classified by dates set for due dates and hearings and one day after the expiry date or one day before the scheduled session or hearing the said notes are filed into corresponding files.

Delivery notes and return receipts which serve as evidence on consignment of the decisions and consignments related to a certain due date are enclosed in the relevant file to the original of the decision, transcript or order and in the said manner are kept in the file.

The delivery notes irrelevant for further procedure shall be taken out of the file and destroyed.

### ***5. Independent work of the court registry office***

#### **Article 224**

The court registry office independently performs office tasks related to handling the files and obtains necessary data, reports and notifications of the administrative nature from other bodies, legal persons etc. The court registry office works out the drafts of the official letters which demand expediency in complying with the reasons due to which the file was put on calendar, orders for delivering court consignments to a new address, as well as other similar short official letters and submits them to the judge or authorised official for signing and authorisation. Experienced officials of the court registry office may be entrusted with other tasks, supervised and instructed by the judge (e.g. taking affidavits, drafting less complex briefs, preparation of drafts of official letters, requests, reports or drafts of less complex decisions relating to the procedure management, drafts of orders related to scheduling sessions and hearings, etc.).

#### **Article 225**

The court registry office, in addition to other tasks, independently performs the following tasks, in particular:

1. gives oral and written notifications and issues receipts on the basis of data from the register and file regarding the facts which are officially listed,
2. drafts transcripts or official notes on short communications and statements obtained from the clients and other persons regarding the change of address, place of living, date of receipt of the court decision in cases when the delivery note or the return receipt did not return or when the delivery date was not clearly stated etc.,
3. examines Official gazettes for the purpose of determining whether certain announcements were published and, in addition, makes a corresponding note of the above mentioned in the file,
4. issues rush notes in cases when the court requirements have not been met on time, unless a special judge's order is requested for issuing the rush note,
5. cautions the clients about the insufficiencies in briefs (insufficient number of copies, incomplete addresses, insufficient fees paid, lack of enclosures and their certificates etc.),
6. takes measures with the purpose of timely collecting fines and covering procedure expenses according to the judge's orders
7. collects fees and procedure expenses paid from the budget,
8. keeps the records regarding due dates of suspended sentences and also acquires necessary data after the expiry of the due dates in order that the decrees for recalling and expunging suspended sentences be made.
9. keeps the record regarding the facts; that the appropriate power of attorney or the transcription of general power of attorney is on file.

## **6. Delivery of files to high courts**

### Article 226

The court delivers the file to a superior competent body with a special covering report thereto; pertaining to appeals filed against the first instance decisions.

Prior to the delivery of the file, the court registry office is obliged to check whether the file contains all briefs with potential responses to the appeals, whether the delivery notes related to the contested decision are enclosed, whether the enclosed powers of attorney are valid and whether the necessary fees are collected and cancelled. Those official letters, documents and other evidence necessary to the high court for decision-making shall be enclosed to the file to be delivered. Redundant delivery notes and court notes and other notes which are not constitutive parts of the file shall be removed from the file. If several appeals are filed against the same decision, the file is delivered with a single covering report with a label of corresponding appeals.

If against several independent decisions made in relation to the same case, several appeals are filed, a joint covering report for all contested decisions shall be made.

In distraint procedures, the file shall be photocopied and the file certificate with the appeal shall be delivered to the second-instance court, except in the case when the first-instance court according to the provisions of the Dstraint law or some other law is not authorised for conducting further distraint actions prior to legal validity of the distraint decree.

### Article 227

The covering report (in penal and trade infringement procedure – typed form no. 23; in civil cases and commercial disputes – typed forms no. 24 and 25) marks the legal matter relevant for the case, business number and the page number of the contested decision, the date of delivery of the decision to the complainant, the identity of the submitter of the appeal (appeal against the decision or decree, revision etc.), date, business number and the page number of the brief containing the appeal, as well as the date, business number and the page number of the brief containing the response to the appeal.

### Article 228

A copy of the contested decision and an orderly and legible copy of the appeal and the response to the appeal shall be enclosed to each covering report for the requirements of the high court.

The President of the council or the judge shall provide explanations in the covering report relating to the filed complaints in the appeal in relation to the violation of the procedure.

First-instance court shall perform activities relating to the investigation of certain allegations, particularly related to the delivery or imperfections in the procedure if the said activities are required by the content of the appeal or the response to the appeal.

The high court shall be notified in the covering report in relation to carried out activities following the brief of the appeal or received response to the appeal along with the corresponding result(s).

## Article 229

The originals of the documents deposited in the court are delivered to the high court with the file hereto, unless their certified copy is enclosed to the file. If the file contains the certificates of the documents, their originals shall be delivered to the high court only upon request of the high court.

Distrain files are delivered in the manner regulated by Article 226 of the Rules of procedure for the court. If the on-the-spot investigation cases and other cases serving as evidence are enclosed to the file, the delivery of which is not appropriate due to their size or content, the covering report shall caution of the aforementioned and, in addition, the said cases shall be delivered subsequently through a special consignment if so requested by a high court.

The enclosed file or parts of the enclosed file shall be delivered to the second-instance or third-instance court only if they are relevant for the decision-making process.

### **7. *Second-instance court procedure***

## Article 230

When the high court receives the file which is delivered in reference to the appeal, a special file shall be initialised under a corresponding label (“KŽ” or “GŽ”, “Kžm”, “Pž”, “Pkž”).

In the list of the briefs of the newly initialised file, the covering report through which the appeal is filed and which is the grounds for initialising the file is registered as the first brief.

If several appeals contest several decisions made in the same file, one second-instance file shall be initialised, as a rule. Individual decisions which shall be made pertaining to filed appeals shall be returned to the first-instance court after the completion of the second-instance procedure, with the file, as a rule.

## Article 231

The file reference number of the first-instance court is noted on the file cover of the second-instance court below the name of the second-instance court.

## Article 232

In decision-making on appeals filed against various decisions related to the same case, priority in processing shall be given to the appeal filed against the decree on incarceration or extended incarceration, insurance means and other coercive measures, i.e. against decisions of preliminary and temporary nature; appeals filed against the decision related to the main matter shall follow.

## Article 233

The same second-instance council, as a rule, discusses and makes decisions regarding filed appeals against various decisions in the same case.

If the extrajudiciary and second-instance council have to make decisions on jointly submitted appeals, according to the regulations of the law, the file shall be delivered first to the council which, according to the provisions of the previous Article, has a priority in

deciding on the filed appeal, and then it shall be delivered to the council which shall decide on the appeal against other decisions.

#### Article 234

The high court is obliged to provide for the procedure not to be stalled, pertaining to deciding on appeals submitted against several decisions in the same case and for urgent decision-making process in relation to decisions pertaining to appeals relating to first-instance decisions of preliminary or temporary nature.

#### Article 235

The high court returns the file to the first-instance court with the necessary number of orderly and legible dispatches of its decision for the court and the clients. The first copy of the second-instance decision shall be made on a high-quality paper for the first-instance court if the dispatch was typed on a typewriter and not on the personal computer. The original of the high court decision remains in the file of the high court with the transcript or note on the deliberation and voting, as well as other briefs and decisions related exclusively with the procedure in the high court. The transcripts of sessions held in the second-instance court are enclosed to the file of the first-instance court with the following certificates in the file of the second-instance court thereto.

### Chapter twenty

## FILING AWAY OF THE FILES

### 1. *Filing the files in the archives*

#### Article 236

The files shall be surveyed after the completed court procedure becomes final and the decision shall be made on its filing into the archives. The said order shall also determine the period of keeping the file in the archive, which shall be noted with a corresponding seal on the cover of the file (e.g. “to be kept until 2020). Individual files are filed in the archive on the basis of written order, after all the necessary actions are carried out related to the delivery, gathering of the delivery notes and return receipts related to the performed delivery, as well as activities related to the execution of sentences, collecting of the fees paid for the procedure or advanced from the earmarked funds or the payment of the court fees.

Prior to filing the file in the archive, the enclosed files shall be taken out. In the said case, the notes relating to the said enclosures shall be crossed out in the registers, list of the briefs and on the file dockets with the pencil of identical colour used for marking the file enclosure.

#### Article 237

Prior to filing away the file in the archive, the court registry office shall check whether the judge’s orders relating to fee payment or to the delivery of report filed to the competent bodies on unpaid fees were followed in relation to all files where fees for the procedure in the case are stipulated. A note (by a seal) shall be made in the file, as well as on its cover on the unpaid fee or filed report and a copy or the report on unpaid fees with

the receipt of the competent body on the receipt of the copy of the said report shall be enclosed to the file.

#### Article 238

The originals of the documents used in the course of the procedure and on the occasion of decision-making relating to the main matter are kept in the file, unless provided for otherwise by the president of the council. The originals shall be returned to the clients upon the request of the clients who submitted certain documents to the court; the said originals shall be substituted by certified copies, made at the clients' expense.

Wills and other important documents entrusted to the court for safekeeping are kept in a special manner regulated in the third part of the Rules of procedure for the court.

#### Article 239

Special regulations apply in relation to keeping of the documents of the company register, land register and other documents and files related to the public records.

#### Article 240

Files pertaining to cases in which there was a final verdict as well as those in which all the necessary and designated actions were taken and which by the order of the judge are placed in the archives are kept in the auxiliary or central archive.

### **2. Auxiliary archive**

#### Article 241

Files containing closed cases from the current and previous year are kept in the auxiliary archive which is located in the court registry office and after the said period are transferred into the central archive.

Files in the auxiliary archive are kept in a special cupboard in the court registry office within special bundles designated for particular branches of court proceedings and procedure types and they carry the label of the register in which the files kept in the bundle are registered.

Particular files are arranged in bundles according to reference numbers of the file, i.e. from number 1 onwards. It may be arranged for a greater number of bundles for a greater number of files registered in the same register, as circumstances require, provided that the official reference number of the file put in the corresponding bundle is labeled on the outer side of the bundle. The front side of the bundle is labeled with the register label and the annual file of the relevant file (e.g. "1996.O-1-50/96.O-51-100/96" etc.).

If several organisational units are instituted in the court registry office, each of the said units shall keep a corresponding share of the auxiliary archive in case when, due to the scope of work or the location of the court registry office, it is not possible to establish a central auxiliary archive.

### **3. Central archive**

#### Article 242

Central archive is a communal facility for all types of files and is separate from the court registry office.

All files taken out of the auxiliary archive are kept in the central archive as stipulated by Article 241, § 1 of the Rules of procedure for the court.

In addition to the files, corresponding registers and auxiliary books from previous annual files are kept in the central archive.

The central archive keeps a reference table with data on the location of a particular type of file.

#### ***4. The archive of the office of the president of the court***

##### Article 243

Particular files of historical, scientific or political significance, as well as those files designated by the president of the court, may be kept in a separate archive in the office of the president of the court (cupboard, strong-box or strong-room) arranged chronologically and according to their significance, in special bundles with labels on the outer side stating the annual files of the files in the bundle.

Decisions relating to the defense matters as designated by the president of the court shall be kept in the aforesaid manner, except as otherwise provided for by specific regulations.

Particular files filed in such separate bundles shall be placed in special closed and sealed covers. The file reference number, the subject of the case and the reasons for such keeping (historical, political, economical, etc.) shall be noted on the file cover.

Instead of the file extracted in the said manner, a note stating the safekeeping location shall be filed in the corresponding bundle in the central archive. The list of issued files shall state that the file is permanently extracted for the purpose of special safekeeping.

#### ***4. The list of issued files***

##### Article 244

The file is extracted from the auxiliary or central archive by the official entrusted with archive safekeeping or by some other authorised official (Form no. 26). A List of files issued from the archive (Form no. 27), which registers all the issued files from particular archives, is kept for the auxiliary and central archive.

The list shall state the reference number of each individual file issued, the date of issuing and, if possible, the due date. The receipt signed by the official to whom the file was issued shall be placed on the place of the issued file. The receipt shall be cancelled after the return of the file. The official entrusted with the archive safekeeping shall check at the end of each month which files have not been returned for a longer period and shall undertake all the necessary measures in that direction; if the file is not returned after repeated request, he/she shall notify the president of the court or the President of the council.

## Chapter twenty-one

### SAFEKEEPING AND ISSUING OF ARCHIVALIA

#### *1. Safekeeping of the archivalia*

##### Article 245

The files in the archive are put on appropriate shelves, in cupboards etc. for protection from humidity, fire, dust, loss and damage.

The archivalia (particular files, a group a files, registers, directories and other auxiliary books) is kept and issued according to special regulations on safekeeping, collecting and periodical issuing of archivalia, as well as according to the provisions of the Rules of procedure for the court.

##### Article 246

Particular files kept in the central archive, except those mentioned in Article 243 of the Rules of procedure for the court, are kept in the court up to a due date, unless provided for that they be kept permanently or handed over for safekeeping to the competent (historical) archive.

The files are extracted from the central archive and delivered to the archive or companies dealing with waste paper collecting and processing or are destroyed after the expiry of the due dates subject to the approval of the competent archive and higher body of the court administration.

##### Article 247

The procedure for the selection and separation of the archivalia to be handed over to the competent archive or to be destroyed is initialised by the president of the court according to regulations regarding the protection, selection and separation of the archivalia.

The committee appointed by the president of the court carries out the selection and separation of the archivalia.

The files which are not handed over to the competent archive shall be handed over to the company dealing with waste paper collecting and processing.

#### *2. Due dates for the files to be kept in the archive*

##### Article 248

The due dates for safekeeping of particular files in the central archive are:

1. files concerning litigations regarding property are kept on record for 30 years counting from the date when the verdict became final,
2. files relating to extrajudiciary procedure regarding property, as well as probate cases and those pertaining to title deed are kept on record for 30 years, starting with the date of when the verdict became final,
3. files relating to penal cases in which a sentence over ten years of incarceration is passed are kept in archive for 30 years, and those in which the sentence surpassing 5 years is passed as well as those that pertain to trade infringements are kept in archives

for 10 years; all other penal files are kept in archive 5 years counting from the date that the verdict became final.

4. files relating to distraint procedure are kept for 5 years counting from the date of cessation or completion of the distraint, with the exception of issues pertaining to item 1 of this Article, which are kept for a period regulated in the said item,
5. files of the court administration are kept for 10 years,
6. all second-instance files are kept for 5 years counting from the date of passing the second-instance decision,
7. all other files are kept for 10 years counting from the date when the verdict became final.

#### Article 249

Files which are after the expiry of the due dates, regulated by Article 248 of the Rules of procedure for the court, extracted from the central archive and handed over to the competent archive or destroyed shall be registered in the corresponding register in the section for the dates of carrying out the separation of the file from the archive.

Prior to the separation of the file from the archive, an inspection shall be carried out to make sure that all the copies for the collection of decisions, documents and other decisions have been extracted.

#### Article 250

All registers and auxiliary books pertaining to files for which the dates scheduled for safekeeping have expired, as regulated by Article 248 of the Rules of procedure for the court, shall be kept in the central archive permanently or up to the transfer to the competent archive.

### ***3. Files to be kept permanently***

#### Article 251

The following files of those referred to in Article 248 of the Rules of procedure for the court, for which the due dates for safekeeping have expired, are kept in the court archive:

1. files of historical, scientific or political significance due to their content and the relevant persons, as well as administration files important for the national or local history (Article 243 of the Rules of procedure for the court),
2. files relating to the court building and legal status in regard to the court building and other properties managed by the Ministry of Justice or allocated to the court, along with the corresponding plans, sketches, construction contracts, cost estimates, measurements etc.,
3. company registers with the documents,
4. public records pertaining to land and all other public records which contain relevant documents, plans, drawings as well as all other documents relating to them, documents regarding starting and correcting land registry books (folios), documents pertaining to depositing of title deeds regarding transfer ownership of the land that are

not in record in land registry books together with the deposited title deeds as well as relevant registers and auxiliary books,

5. wills and all other documents which were given to the court for safekeeping together with a list of such documents and corresponding directories
6. files pertaining to penal subjects for criminal acts which until the date of the Law regulating the enclosure of the penal code of the SFRJ were barred by a death penalty, and after the aforesaid date for those in which a sentence was passed over 20 or more years.
7. verdicts and court settlements pertaining to litigation files regarding status disputes, probate disputes, property disputes, death certificates and decrees regarding probate cases,
8. decrees pertaining to pronouncing a missing person for a dead person and those pertaining to proving death,
9. documents containing general instructions, annual reports and those that analyse efficiency of the court work.
10. personal records of all the employees of the court,
11. all registers and their respective directories,
12. general provisions of the court.

#### Article 252

Registers for certificates and money logs with evidential documents are kept for a scheduled period, as regulated by specific regulations.

#### Article 253

Prior to the extraction of the file from the central archive with the purpose of the transfer to the competent archive or with the purpose of its destruction, higher body of the court administration shall be notified on the aforesaid.

### **4. Collections of court decisions**

#### Article 254

The courts may establish collections of court verdicts and other decisions, into which, by the end of each year, the verdicts and other decision which have become final shall be bound.

If possible, the decision of the higher court pertaining to filed appeal shall be enclosed to the decision to be put in the collection and shall be bound in the collection with the relevant decision.

Decisions are bound consecutively by the reference numbers of the files, according to the year of the file's initialisation.

Special collections shall be established for particular types of cases (criminal, litigation, probate and extrajudiciary).

Bound collections of the decisions are kept in the library in the office of the president of the court.

In addition to bound collections of decisions, judicial review is kept, which registers all first-instance and second-instance decisions made in relation to cases under the jurisdiction of this court.

**PART THREE**  
**REGISTERS AND AUXILIARY BOOKS**  
**Chapter twenty-two**  
**GENERAL PROVISIONS ON REGISTER KEEPING**

***1. Register management***

Article 255

Registers are used for registering the briefs which initialise court file related to a certain case and also for registering the course of the procedure and individual procedural and administrative actions performed in relation to a certain case.

Auxiliary books are used for registering data, which facilitates orientation in relation to locating certain files (directories), as well as registering additional and other data which are not registered in the registers.

Article 256

The courts must keep registers and auxiliary books regulated by the Rules of procedure for the court. The Ministry of Justice may authorise the use of other registers and auxiliary books, as required, in addition to registers and auxiliary books regulated by the Rules of procedure for the court.

The president of the court may, with the consent of higher bodies of the court administration, stipulate keeping of other reference lists which facilitate court procedures or provide for better supervision related to performing certain tasks.

Article 257

In municipal courts with an extended scope of work, separate registers related to specific types of cases in criminal and litigation cases (e.g. registers for private claims, cases pertaining to traffic safety, penal cases pertaining to property claims, for divorces, etc.) may be kept in accordance with the decree of the President of the county court and with the approval of the Ministry of Justice.

In municipal courts which have scope of work, only certain registers for registering cases of similar or related type (e.g. only register P instead of P and Pl and joint register R instead of registers Pom and Kr) may be kept in accordance with the decision of the president of the county court and with the consent of the Ministry of Justice.

### Article 258

The decree pertaining to Article 257 of the Rules of procedure for the court shall specify the registers designated for certain type cases, as well as the manner of their keeping, with obligatory application of the provisions of the Rules of procedure for the court.

Basic registers, K, P, O, Ovr and R, may not be cancelled.

### Article 259

Registers and auxiliary books are kept by the officials of the court registry office according to the annual agenda.

Registers for particular types of cases are kept separately according to the branches of court procedures.

Registers and auxiliary books are kept on a safe place out of working hours.

## **2. Initialising and marking the registers**

### Article 260

Registers and auxiliary books are composed of necessary number of sheets of prescribed blanks bound in hard cover books. The cover has a register label and a relevant annual file (e.g. “register “Su” 1996, register “P” 1996, etc.).

Registers and auxiliary books are kept, as a rule, separately for each year. In courts with lesser scope of work, one register may be used for several years. The label for the subsequent year is put in the central part of the first page of the sheet for the following annual file.

The said manner is used in establishing directories and other auxiliary books, except as otherwise provided for by the Rules of procedure for the court.

## **3. Registering in registers**

### Article 261

The first brief which initialises the procedure or requires that some other action in court be taken is registered in the corresponding register and auxiliary books.

Prior to registering, the head of the register is obliged to check whether the file relating to the same case already exists.

Briefs relating to already registered cases by which an appeal is filed (appeal, revision, objection, etc.) shall be registered in the corresponding section in the register in that case.

Other official letters (various briefs etc.) shall be filed in the corresponding file without prior introduction into the register, provided they are registered in the relevant list of the briefs.

### Article 262

Case registering and data input in the register are carried out chronologically. The same manner is applied in keeping auxiliary books, except as otherwise provided for.

Each case is kept in the corresponding register under the same reference number until the completion of the first-instance procedure, regardless of the duration of the procedure.

When the procedure is initialised by or against several persons, the case is registered in the corresponding register under the same reference number with the Arabic numerals from 1 onwards, in front of the clients' names, separate for the plaintiff (distrainers, etc.) and separate for the defendant(s) (distrainees, etc.) thereto.

Criminal cases with a greater number of indictees are labeled by Roman numbers, starting with I onwards. The data which are registered in the registers and auxiliary books are legibly written in ink or with a ballpoint pen. Temporary notes (circulation of files etc.) are written with a lead pencil and are erased when they become irrelevant. Red pencil is used for specific notes as regulated by the Rules of procedure for the court.

#### Article 263

Data relating to one case are registered in the same register for a period not longer than two (calendar) years.

If the procedure relating to one case lasts for more than two years, the data are registered into the new register according to the provisions of Article 275 of the Rules of procedure for the court

#### Article 264

If there is not sufficient room for registering further data relevant for the same case in the previous entry in the register (due to expanding of the indictment, filing a counter claim, adhesion of the cases etc.), registering shall be continued in the first empty horizontal line following the last filled reference number of the said register.

For the purpose of establishing connection between the said entries, the reference number of the case followed by the continued entries shall be written with a red pencil (e.g. 13/87 means that the continued entries relevant for the case registered under number 13 are written after the case registered under the reference number 87). The reference number of the case relevant to the continued entries is written with a red pencil in the place designated for the reference number of the continued entries (e.g. 87 shall be followed by number 13 written with a red pencil, which means that the continued entries refer to the case registered under the reference number 13). After the registration of all the continued entries relating to already registered cases is finished, new, subsequent cases shall be continued to be registered into the register under the following current reference number of the interrupted sequence of registering (e.g.: number 13 written with a red pencil shall be followed by a new subsequent case registered under number 88).

### **4. *Incorrect entries***

#### Article 265

Particular entries are not to be erased or cancelled in any other way (glued, torn etc.). If some case is incorrectly registered, the whole entry shall be crossed out with a red pen with a line slanted from the left bottom to the right upper corner and in the section for notes, a note reading "incorrect entry" shall be made in ink or with a ball-point pen.

The case to be registered after the incorrectly registered case is given a subsequent reference number and the cancelled reference numbers are subtracted from the last reference number on the occasion of closing the register at the end of the year. Incorrect entries in particular sections of the register and auxiliary books are corrected by

introducing a correct entry by a thin horizontal line stricken through the incorrect text in such a manner that the crossed out text remains legible.

### **5. Marks which denote a closed file**

#### Article 266

When a certain case is considered as closed according to the procedure regulations for that court, the reference number of that case is written in the register with a red pencil by a sign of a final solution “Ü-----“.

The said sign shall also be used for the file reference number written on the cover of the file.

#### Article 267

Cases in which a verdict or a decree are pronounced as finished in first-instance shall be noted as finally solved after the verdict i.e. decree is made and dispatched, regardless of the fact that they are not final.

In cases where the procedure is postponed or suspended pursuant to a special law (article 184a. and 184b. of the Act on Amendments and Supplements to the Act on Obligations – “*Narodne novine*” No. 112/99), the case shall be presented as completed only when, according to the procedure provisions, by the court decision, it shall be determined that a procedure is completed (due to claim, withdrawal, waiving from the claim, settlement, giving up the proposal, etc.).

Cases in which a decree on the postponement of the procedure is made, are put in the list (calendar) for a period of 4 months, starting with the first day of the postponement.

Cases in which a decree on suspension of the procedure is made, shall be noted as settled cases after the decree on suspension becomes final, while the cases where the procedure has been suspended pursuant to a special law shall be put in the list (calendar) for a scheduled period determined by the judge. If the said period has not been set, the court registry office shall return the file to the court for subsequent setting, i.e. prolongation of the said period.

Cases relating to payment or severance notice shall be deemed as solved as soon as the proposal for the acceptance of the payment order is accepted or rejected, regardless of legal validity. If such a case is registered only in the litigation register, the case shall be deemed final and erased if the appeal has been filed.

Cases for which the procedure is suspended shall be deemed as solved after the decree relating to suspension is made and dispatched.

Cases solved by change of venue or by dropping the charges or the proposition or solved in some other manner, shall be deemed as solved only after the respective decree becomes final.

Cases where the statute of limitation of criminal proceedings occurred shall be considered completed, but they shall not be marked as settled cases. Instead, the term “statute of limitation” will be written in the column “Remark” and underlined by horizontal line in red.

### Article 268

Cases relating to several persons (several defendants, several plaintiffs or indictee) are deemed as final after the procedure has been completed and the decision executed and dispatched regarding all the said persons. When the case is solved regarding only some of the said persons, the label of the final solution shall be put next to the reference number which refers to the said persons (Article 266 of the Rules of procedure for the court).

Case partially solved (partial verdict, intermediate decree etc.) shall be deemed in such a manner that the corresponding register reference number is underlined with a red horizontal line.

### Article 269

When all the cases registered on one side of the register or auxiliary book are deemed as finally solved, a quadrilateral is put in the bottom left corner of the sheet.

Label of the final decree and the quadrilateral are always written with a red pencil or made with a red seal.

## **9. Marking of adhesion and division of cases in registers**

### Article 270

When several cases are adhered for the purpose of joint conduct of the procedure and joint decision-making process, a note shall be made in the section for notes under the reference number of the case to be adhered on which case it was adhered to and the time of the adhesion the said case (e.g. “adhered with K-18/96 August 15 1996”).

In the section for notes, next to the reference number of the joint case, the following note shall be put “adhered file K ... dated”.

Data from the section of the case joined to another case shall not be transferred to the corresponding section of the joint case. Subsequent data shall be registered in the joint case.

Adhered case shall further be conducted under the label of the joint case (Article 168 of the Rules of procedure for the court).

### Article 271

When one file is enclosed to another only for the purpose of insight or evidence (Article 169 of the Rules of procedure for the court), the enclosure and the date of enclosure shall be noted in the register with a lead pencil in the section for notes of the file to be enclosed (e.g. “enclosed to the file K-15/96 November 15 1996”).

Notes on enclosure shall also be put in the section for notes next to the reference number of the register of the file to which another file was enclosed (e.g. “enclosed file K-40/96 from 15 November 1996”).

### Article 272

If in relation to one case a decree is made on dividing the procedure, the divided part of the previously joint case shall be registered in the register under a new label, except if previously an independent case was initialised for the said part of the file or of that part of

the file is added to another file (Articles 170 and 171 of the Rules of procedure for the court).

In the section for notes next to the entry for the newly initialised case, a note shall be made in ink (“extracted from ... date ...”, and next to the previously joint case “separated in file ... date ...”). In both cases the dates of dividing or extraction shall be noted.

The entries relating to the extracted part of the file shall be transferred in the register into the corresponding sections in the extracted (new) case.

## **7. Procedure with cases assigned to another court having subject matter jurisdiction**

### Article 272a.

President of the Supreme Court of the Republic of Croatia shall determine in a decree the type of cases and their number, i.e. that in a certain legal matter some other court having subject matter jurisdiction is to proceed, if the court having geographical and subject matter jurisdiction pursuant to the law may not examine these cases and reach a decision within a reasonable period due to too many pending cases before this court.

The court whose cases are assigned to another court having subject matter jurisdiction shall enter a note for each individual case in the appropriate registry, in the column “Remark”, saying that it has been assigned to another court, with the designation of the court to which it had been assigned.

If the second-instance court assigns the case, then this court shall inform the first-instance court having subject matter and geographical jurisdiction accordingly, which court shall then enter this into an appropriate registry in the column “Remark”.

The court assigning cases shall notify the clients on the court to which their case had been referred for further proceedings.

The court to which the cases have been assigned shall enter the assigned cases into appropriate registries and shall treat them the same way as any other case at that particular court.

### Article 272b.

The court whose cases get assigned to some other court shall not present the assigned cases in the annual statistical report as the cases belonging to this court, but the court which received the assigned cases shall present them in the annual statistical report as its own cases.

## ***7. 8. Closing the register***

### Article 273

The registers are closed at the end of each year. The register is closed in such a manner that a note stating the date of closing, reference number of the last entry in the register, the reference number and label of the entry cancellation, reference number of closed cases and the reference number and the accurate list of cases not closed at the end of the year is put after the reference number of the last entry. The said note is signed by the head of the register and the president of the court.

In municipal courts with a lesser scope of work, the cases pending at the end of the year are registered in a list of pending cases on the first page of the register for the following year in case when a new volume for the said register is established. The reference numbers of all pending cases from the previous years, separately for each year of receipt, shall be registered in the list of pending cases.

#### Article 274

Data relating to the pending cases shall continue to be registered in the previous register. When the cases are closed in the following year, a mark of the final decree shall be put next to the corresponding reference number in the previous register and the file reference number in the section for notes and in the list of pending cases shall be crossed out with a red pencil.

The auxiliary books are not closed, as a rule, except as otherwise provided for in relation to specific auxiliary books.

### ***8. 9. Transfer of old cases***

#### Article 275

If particular cases are not closed in the year of their entry into the register and the following calendar year, the said cases are transferred in the third calendar year alongside with all the necessary entries and previous file label into the register for the current year and are registered before the new cases.

The transfer is carried out chronologically, according to the receipt sequence in such a manner that previously received cases are registered first and the receipt date is the receipt date of the first brief or the initialising of the file (e.g.: K-15/96 – 20 January 1996, K-78/96-3 March 1996, K-218/96-1 July 1996, etc.). The transfer of the cases into the new register of the same type is carried out each third calendar year (in 1995 for the year 1993, in 1996 for the year 1994, etc.).

#### Article 276

A note stating that the file is transferred to the new register shall be made in the section for notes relating to the case in the register from which it is transferred and the reference number of the said case shall be encircled with a red pencil.

A horizontal line with a coloured pencil is made below the last transferred case in the new register, below which the registering of the cases received in the current year is continued, starting with the ordinal number 1.

Registers from which all the pending cases are transferred into the new registers are deposited in the central archive.

### ***9. 10. Registering of cases noted as final***

#### Article 277

When the procedure is continued in relation to the case noted in the register as finally closed due to overturning or partially overturning, the file shall be registered as newly received with the necessary previous entries. New and old reference numbers shall be

stated in the section for notes for previous and new entries, respectively; the reference number of the first entry is noted with a red pencil.

The alternation of the reference number shall be noted on the file cover and in the list of the briefs.

#### Article 278

Requests, i.e. propositions regarding a renewed trial, and appeals, as well as other briefs which demand a change of the final verdict shall be registered in a corresponding part of the registry alongside the entry for the case deemed as solved by a final verdict and already noted as such.

If due to the fact that the case is retried or an appeal is filed which overturned the final verdict and the case is back for the retrial, the case shall be registered as a new case (Article 277 of the Rules of procedure for the court).

#### ~~10.~~ 11. *Registering into directories*

#### Article 279

Cases registered in particular registers are also registered into corresponding directories. When all the necessary data relating to the new case are entered in the directory, the sign ( ) shall be put above the reference number of the said entry in the register.

#### ~~11.~~ 12. *Inspection of registers and auxiliary books*

#### Article 280

The head of the court registry office inspects once or, if required, several times a month entries in all registers, directories and other auxiliary books, comparing them with the files and checking whether the entries are correct, complete and legible.

The president of the court department inspects the registers, directories and other auxiliary books as required, at least twice a year.

The performed inspection shall be noted in the registers and auxiliary books by signing it and putting a date on the right side of the last inspected entry.

#### ~~12.~~ 13. *Registers*

#### Article 281

Municipal courts keep the following registers:

1. For criminal cases:

Criminal register K (Form no. 28)

Criminal register for minors Km (Form no. 29)

Register for extrajudiciary council Kv (Form no. 30)

Register for miscellaneous criminal cases Kr (Form no. 31)

2. For civil cases:

Litigation register P (Form no. 32)

Register for payment orders Pl (Form no. 33)

Register for probate cases O (Form no. 34)

Register for distraints Ovr and Ovrv (Form no. 35)

Register for extrajudiciary cases R1 (Form no. 36)

Register for miscellaneous civil cases R2 (Form no. 31)

Register for legal aid Pom (Form no. 37)

Register for certificates designated for foreign countries Ov (Form no. 38)

Protest registers I, II, III

Municipal courts with lesser scope of work shall not keep the register for legal aid. In this case, the said cases shall be registered in the register for miscellaneous civil cases (R2).

#### Article 282

County courts shall keep the following registers:

1. For criminal cases:

Investigation register Kio (Form no. 39)

Register for miscellaneous investigation cases Kir (Form no. 40)

Criminal register K (Form no. 28)

Criminal register for minors Km (Form no. 29)

Register for extrajudiciary criminal council Kv (Form no. 30)

Register for second-instance criminal cases Kž (Form no. 41)

Register for second-instance criminal cases relating to minors Kžm (Form no. 42)

Register for miscellaneous criminal cases Kr (Form no. 31)

2. For civil cases:

Litigation register P (Form no. 32)

Register for second-instance civil cases Gž (Form no. 43)

Register for miscellaneous civil cases R (Form no. 31)

#### Article 283

Commercial courts keep the following registers:

Register for commercial offences (misdemeanours) Tk (Form no. 44)

Register for investigations relating to commercial offences Tki (Form no. 45)

Register for commercial disputes P (Form no. 32)

Register for payment orders Pl (Form no. 33)

Register for bankruptcies and liquidations L and St (Form no. 46)

Register for distraints Ovr and Ovrv (Form no. 35)

Court registry log Tt and Entry log for miscellaneous cases Fi (Form no. 47)

Register for the company register for miscellaneous cases R3 (Form no. 48)

Register for extrajudiciary cases R1 (Form no. 36)

Register for miscellaneous cases relating to commercial disputes R2 (Form no. 31)

Register for legal aid Pom (Form no. 37)

#### Article 284

High commercial court of the Republic of Croatia keeps the following registers:

Register for second-instance cases relating to commercial offences (misdemeanours) Tkž (Form no. 49)

Register for second-instance cases relating to commercial disputes Pž (Form no. 50)

Register for miscellaneous cases of commercial disputes (misdemeanours) RTKž (Form no. 31)

Register for miscellaneous cases relating to commercial disputes RTž (Form no. 31)

The cases under the jurisdiction of the High commercial court of the Republic of Croatia are registered in registers as referred to in § 1 of the present Article according to particular types of cases.

#### Article 285

Administrative court of the Republic of Croatia keeps the following registers:

Register for administrative disputes Us (Form no. 51)

Register for cases of the protection of constitutional rights ZPa (Form no. 51)

Register for miscellaneous administrative cases Ur (Form no. 51)

The cases under the jurisdiction of the Administrative court of the Republic of Croatia are registered in registers as referred to in §1 of the present Article according to particular types of cases

#### Article 286

The Supreme Court of the Republic of Croatia keeps the following registers:

For criminal cases:

Register for second-instance and third-instance criminal cases Kž (Form no. 52)

Register of claims for the protection of legality Kzz (Form no. 31)

Register for miscellaneous criminal cases Kr (Form no. 31)

For civil cases:

Litigation register P (Form no. 32)

Register for second-instance civil cases Gž (Form no. 43)

Register of revisions Rev (Form no. 53)

Register of claims for the protection of legality Gzz (Form no. 54)

Register for miscellaneous civil cases Gr (Form no. 55)

For administrative cases:

Register of claims for the protection of legality in administrative cases Uzz (Form no. 56)

Register of claims for the protection of legality in offence cases Pzz (Form no. 57)

Register for miscellaneous administrative cases Ur (Form no. 58)

The Supreme Court of the Republic of Croatia may keep specific registers as referred to in § 1 of the present Article for particular type of cases.

All criminal, civil and administrative cases under the jurisdiction of the Supreme court of the Republic of Croatia are registered in the registers as referred to in § 1 of the present Article according to particular type of cases.

#### Article 287

The courts keep the following registers for the cases relating to court administration:

Register of court administration Su (Form no. 59)

Register for first-instance cases of enforcement of penal sanctions Su and Ik (Form no. 60)

Register for second-instance cases of enforcement of penal sanctions Su Ikž (Form no. 61)

Register for confidential and top secret cases Pov and Str. (Form no. 59)

Register for defense and protection Su OZ (Form no. 59)

Register for first-instance cases of enforcement of penal sanctions (Su Ik) is kept by municipal and commercial courts and the register for second-instance cases of enforcement of penal sanctions (Su Ikž) is kept by county courts and High commercial court of the Republic of Croatia.

### ~~13.~~ 14. Directories

#### Article 288

Municipal courts keep the directories with the following registers and auxiliary books:

Directory with registers K, Km and Kv (Form no. 62)

Directory with registers P, Pl (Form no. 63)

Directory with register O (Form no. 65)

Directory with registers R1, R2 and List Os (Form no. 66)

Directory with the List of documents (Pi) (Form no. 67)

#### Article 289

County courts keep the following directories with the following registers:

Directory with registers Kir, Kio (Form no. 62)

Directory with registers K, Km and Kv (Form no. 62)

Directory with registers Kž, Kžm (Form no. 62)

Directory with register P (Form no. 63)

Directory with register Gž (Form no. 63)

Directory with register R (Form no. 66)

Article 290

Commercial courts keep the directories or cards with the following registers:

Card with register P and Pl (Form no. 68)

Card with register Tk and Tki (for legal persons) (Form no. 69)

Card with registers Tk and Tki (for responsible persons) (Form no. 70)

Card for court registry Tt and Fi (Form no. 71)

Card for register R3 (Form no. 72)

Card with registers St and L (Form no. 73)

Card with registers Ovr and OvrV (Form no. 74)

Card with registers R1 and R2 (Form no. 66)

Article 291

High commercial court of the Republic of Croatia keeps the following directories with the following registers:

Directory with register Pž (Form no. 75)

Directory with register Tkž (Form no. 76)

Article 292

Administrative court of the Republic of Croatia keeps the following directories with the following registers:

Directory with registers Us, Zpa and Ur (Form no. 77)

Article 293

Supreme Court of the Republic of Croatia keeps the following directories with the following registers:

Directory with registers Kž, Kzz and Kr (Form no. 62)

Directory with registers Gž, Gzz, Rev and Gr (Form no. 63)

Directory with register Uzz (Form no. 78)

Article 294

The court keeps the following directories with the following registers in cases of court administration:

Real directory with register Su (Form no. 79)

Personal directory with register Su (Form no. 80)

Directory with register Su Ik (Form no. 81)

Directory with register Su Ikž (Form no. 81)

Directory with register Su Ik is kept by municipal and commercial courts and the directory with register Su Ikž is kept by the county courts and High commercial court of the Republic of Croatia.

#### ***14. 15. Other auxiliary books***

##### Article 295

Municipal courts keep the following auxiliary books:

Incarceration log (Form no. 82)

List of pardon cases Kp (Form no. 83)

Book of suspended sentences Kuo (Form no. 84)

Book of sequestered property Kop (Form no. 85)

Expense log of civil case procedures II Top (Form no. 86)

List of persons detained in medical institutions for guarding and treatment Os (Form no. 87)

List of files issued from the archive (Form no. 27)

List of documents Pi (Form no. 88)

List of sent and enclosed files to be returned (Form no. 3)

Business diary (docket) (Form no. 17)

Business diary (Form no. 22)

Books of duties of the court official relating to dispatches for delivery (Form no. 21)

Transfer book for internal delivery (Form no. 16)

Property and evaluation logs Pp (Form no. 89)

List of distraints entrusted upon the court distrainer (Form no. 90)

Delivery mail log (Form no. 19)

Local delivery log (Form no. 20)

Diary of official trips (travel diary) (Form no. 5)

List of persons detained in the medical institution for guarding and treatment are kept only by municipal courts located on the territory of the medical institution for guarding and treatment.

##### Article 296

County court keeps the following auxiliary books:

Incarceration log (Form no. 82)

List of pardon cases Kp (Form no. 83)  
Book of suspended sentences Kuo (Form no. 84)  
Book of sequestered property Kop (Form no. 85)  
List of revisions Rev (Form no. 91)  
Business diary (docket) (Form no. 17)  
Business diary (Form no. 22)  
Transfer book for internal delivery (Form no. 16)  
Book of duties of the court official relating to dispatches for delivery (Form no. 21)  
List of sent and enclosed files to be returned (Form no. 3)  
List of files issued from the archive (Form no. 27)  
Delivery mail log (Form no. 19)  
Local delivery log (Form no. 20)  
Diary of official trips (travel diary) (Form no. 5)

Article 297

Commercial courts keep the following auxiliary books:

List of persons punished in commercial offences – misdemeanours (Form no. 92 and 93 for legal and responsible persons, respectively)  
Book of suspended sentences Kuo (Form no. 84)  
List of sent and enclosed files to be returned (Form no. 3)  
List of distraints entrusted upon the court distrainer (Form no. 90)  
Transfer book for internal delivery (Form no. 16)  
Business diary (docket) (Form no. 21)  
Delivery mail log (Form no. 19)  
Local delivery log (Form no. 20)  
Diary of official trips (travel diary) (Form no. 5)  
List of files issued from the archive (Form no. 27)  
List of dispatches delivered through the notice board (Form no. 104)  
Table of filed claims (Form no. 105)  
Table of determined claims (Form no. 106)

Article 298

Municipal, county and commercial courts also keep all other auxiliary books and lists regulated by the Rules of procedure for the court.

Supreme court of the Republic of Croatia, Administrative court of the Republic of Croatia and High commercial court of the Republic of Croatia keep auxiliary books and other lists regulated by the Rules of Procedure, as required by the scope of their tasks and duties.

List of all registers, directories, auxiliary books and lists used in the corresponding court are kept in the office of the president of the court.

### **Chapter twenty-three**

#### **SPECIFIC REGISTERS**

##### **1. Register of investigation (Kio)**

###### Article 299

County courts register in the Kio register the investigation cases according to the claim of the prosecutor authorised for conducting the investigation as well as the propositions of the state attorney for indicting with no preliminary investigation.

County courts which have an extended number of investigations relating to minors (more than 50) shall register the said cases in a special Kim register, separate from the remaining investigations.

##### **2. Register for miscellaneous investigation cases (Kir)**

###### Article 300

The county courts register in the Kir register the propositions of the state attorney for undertaking particular investigating activities, claims for undertaking particular investigating activities according to requests of other courts, requests of foreign bodies for the legal aid, bringing in suspects and accused persons and other investigating activities which are not registered in Kio register.

##### **3. Criminal register (K)**

###### Article 301

Municipal courts register in the K register indictments, indictment proposals of the state attorney or the injured party functioning as a plaintiff and private claim for criminal acts which are under the jurisdiction of the municipal court in the first instance.

County courts register in the K register indictments in criminal cases for criminal acts which are tried by them in the first instance.

###### Article 302

In addition, municipal and county courts register in the K register the proposal of the state attorney for the pronouncement of a security measure of obligatory psychiatric treatment and guarding and the proposals relating to obligatory psychiatric treatment and guarding in public, in relation to criminal cases within their jurisdiction.

Criminal cases delivered to the court on the occasion of their becoming final regarding real and local venue and decisions of other courts in relation to delegating (designating) another court are registered in K register.

#### **4. Criminal register for minors (Km)**

##### Article 303

Municipal and county courts register in Km register claims of the state attorney related to initialising preliminary procedure and proposals for the council for minors on punishment and the application of educational measures in relation to minors.

#### **5. Register of extrajudiciary criminal council (Kv)**

##### Article 304

Municipal and county courts register in Kv register all cases in which the decisions are made by the extrajudiciary criminal council of the corresponding court.

#### **6. Register for miscellaneous criminal cases (Kr)**

##### Article 305

Municipal court register in the Kr register requests from other courts related to performing activities in the criminal procedure, as well as all other cases which are not registered in some other criminal register.

County courts register in the Kr register all other requests related to criminal cases, demands, propositions and requests which are not registered in some other criminal register.

#### **7. Register for second-instance criminal cases (Kž)**

##### Article 306

County courts register in Kž register criminal cases delivered pertaining to the appeals filed against decisions and decrees of municipal courts, the decisions of which are made by the county court in the second instance.

Criminal cases which are dealt with by the extrajudiciary criminal council of the county court are not registered in the register referred to in § 1 of the present Article.

#### **8. Register for second-instance criminal cases relating to minors (Kžm)**

##### Article 307

County courts register in the Kžm register criminal cases delivered pertaining to appeals in criminal cases relating to minors, which are dealt with in municipal courts and which are dealt with by the county court in the second instance.

#### **9. Register for commercial (trade) offences (misdemeanours) (Tk)**

##### Article 308

Commercial courts register in the Tk register cases of commercial (trade) offences (misdemeanours).

#### **10. Register of investigating activities in procedures relating to commercial (trade) offences (misdemeanours) (Tki)**

##### Article 309

Commercial courts register in TKUI register cases of investigating procedures.

### ***11. Litigation register (P)***

#### Article 310

Municipal, county and commercial courts register in P register litigation cases pertaining to claims in which the issuing of payment order is not envisaged, cases in which objections against issuing payment order are submitted in time, as well as cases in which the litigation procedure is initialised pertaining to the objection to the decree on distraint based on credible document.

Municipal courts register in the P register litigation cases pertaining to filed propositions for no-fault divorce and county courts register the litigation cases pertaining to the claims based on the Law on public communication and the Labor act.

### ***12. Register for payment orders (PI)***

#### Article 311

Municipal courts register in register PI litigation cases pertaining to the filed claims in which a proposal is put for issuing a payment order, as well as litigation cases in which the issuing of a payment order is possible.

### ***13. Register for probate cases (O)***

#### Article 312

Municipal courts register probate cases into the O register, pertaining to delivered death certificates, extracts from state registries and propositions of clients to initiate probate proceedings after a person's death.

After receipt of death certificates, extracts from state registries and propositions of clients to initiate probate proceedings after a person's death, the court shall immediately assign the probate file to an authorized notary public.

If there are more notary publics in the area of the same municipal court, the assignment of files is performed in alphabetical order, so that each of the notary publics gets approximately equal number of files.

Probate claims after final probate decrees (subsequently discovered assets, subsequently discovered will) shall not be entered into the register from paragraph 1 of this Article, but they shall be decided upon in the probate matter in which a final probate decree had been issued.

#### Article 312a.

Municipal courts shall not enter probate proceedings received after October 4, 2003 in the O registry as the cases of the municipal court, but they shall mark a day, month and year in the column «Remark» when the notary public as a commissioner of the court was entrusted with a probate file for further proceedings.

Municipal court shall not present probate proceedings received after October 4, 2003 and later in the statistical report as cases that it had resolved during the calendar year, but it shall present them as assigned cases.

#### Article 312b.

After the probate case has been completed at the notary public's and returned to the municipal court, it shall be noted in the registry O that the case had been finally settled and stored at the court archives.

If an objection had been instituted against the decree issued in the probate proceedings by the notary public as a commissioner of the court, the probate file shall be delivered to the municipal court. The court shall enter a day, month and year when the objection had been instituted into the column "Remark" of the O registry and it shall treat the probate file as its own case.

If the probate proceedings have been suspended and clients referred to litigation proceedings, because there are disputed facts between the parties, relevant for a certain right of these parties, the municipal court shall enter this into the column "Remark" in the O registry, and shall treat the probate file as its own case.

#### ***14. Register for distraint (Ovr and Ovrv)***

##### Article 313

Municipal and commercial courts register in Ovr and Ovrv register the distraint cases pertaining to the filed distraint propositions, claims for carrying out the distraint delivered by other courts, requests of other courts and other bodies for carrying out distrains or particular distraint activities, as well as distrains based on a credible document.

In courts with a lesser scope of work, one register may be kept for all types of distrains.

#### ***15. Registers for extrajudicial cases, miscellaneous civil cases and miscellaneous cases relating to commercial disputes (R; R1 and R2)***

##### Article 314

In register for extrajudicial cases, the municipal and commercial courts register cases in which the procedure is conducted according to the regulations of extrajudiciary procedure, dispatches of public notary acts, solemnised private documents and certificates of other documents from public notary files.

Municipal and county courts register in the register for miscellaneous civil cases all other cases which are registered in some other civil register.

##### Article 315

Municipal courts register in the register for extrajudiciary cases (R1) the following cases: for the acknowledgement and distraint of foreign court decisions; propositions for the dissolution of joint ownership community; for setting the boundary lines; for instituting, proposing and recalling of the right of use; for settling relations among co-owners; for the documents amortisation; for ensuring evidence; for setting and implementation of insurance prior to initialising the procedure; for receiving and initialising court deposits prior to initialising the procedure; for issuing permissions for marriage and other proposals for which, according to the legal provisions, the extrajudiciary procedure in the municipal court is envisaged.

If the insurance proposition is submitted in the same court in which the litigation or some other procedure related to the proposed insurance is conducted, the case shall not be registered in the R1 register but the decision on the said case shall be made in the ongoing procedure.

Commercial courts register the following in the register for extrajudiciary cases R1: propositions for ensuring evidence, for the sale of easily perishable goods, settling of arbitration cases, cases of determination of compensation for building land, propositions for the documents amortisation, for issuing temporary measures and other insurance measures prior to initialising procedure, for receiving and initialising court deposits prior to initialising the procedure and other propositions for which, according to legal provisions, the extrajudiciary procedure is envisaged in the commercial court.

Municipal courts register in the register for miscellaneous civil cases (R2) and the commercial courts register in the register for miscellaneous cases of commercial disputes (R2) all other cases which are not registered in R1 register, as well as in no other civil register and register of commercial disputes if there is a change of venue; settlements taken on record in the court, unless there is an ongoing procedure in the court; requests of home and foreign bodies relating to performed delivery and provided some other appeal; requests for the exemption of paying for the procedure expenses unless there is an ongoing corresponding procedure, and other similar cases.

#### ***16. Register for legal aid (Pom)***

##### Article 316

Municipal and commercial courts register in the Pom register all requests regarding legal aid filed by home and foreign courts and other bodies.

#### ***17. Register for certificates (Ov)***

##### Article 317

Municipal courts keep registers for the certificates designated for foreign countries (Ov). All public and private certificates designated for the foreign use, as well as certificates of signatures, manuscripts and certificates designated for foreign use are registered in Ov register.

#### ***18. Register for second-instance civil cases (Gž)***

##### Article 318

County courts register in the Gž register civil cases pertaining to the filed appeals against decisions made in litigation, probate cases, extrajudiciary, distraint and land register cases which are decided upon in county courts in the second instance.

#### ***19. Protest registers***

##### Article 319

Municipal courts keep protest registers I, II and III for protest of bills and cheques if there are no public notaries within the territory of the said courts (Official gazette, no. 38/94).

#### ***20. Register for bankruptcies (St)***

##### Article 320

Commercial courts register in the St register cases pertaining to the proposition for initialising the bankruptcy procedure in relation to companies, institutions and other legal persons.

### ***21. Register for liquidation (L)***

#### Article 321

Commercial courts register in the L register cases in which the liquidation procedure of companies, institutions and other legal persons is initialised.

### ***22. Company register***

#### Article 322

Register TT for the registration of companies, institutions and cooperative societies and the FI register for the registration of legal persons according to the Law on companies are kept in company register in commercial courts.

TT register registers filed claims, communications and other briefs of the proposers, other participants, persons, courts and bodies, as well as decisions of the register court.

### ***23. Register of the company register for miscellaneous cases (R3)***

#### Article 323

Register of the company register records various data and cases delivered to the register court unless they relate to the registration of a particular subject in the main log.

## **Chapter twenty-four**

### **REGISTERS FOR CASES OF THE COURT ADMINISTRATION**

#### ***1. Register of the court administration (Su)***

##### Article 324

Cases relating to the proceedings of the court administration are registered in the Su register. Briefs relating to the existing case are attached to the first brief and are given a label under which the first brief is registered in the Su register and subnumber in accordance with the chronology of the receipt or issuance.

Briefs relating to cases which have several subnumbers are filed in a separate cover. Provisions of Chapter fourteen of the Rules of procedure for the court are applied in relation to keeping of the list of briefs, labeling enclosures and sheets and registering data on the file cover.

#### ***2. Classifying cases from the register of the court administration***

##### Article 325

Files in cases of similar or related type are kept in special bundles, classified by groups which are determined in advance at the beginning of the business year.

Each group is labeled with the Arabic numerals (code) which are placed in front of the reference number under which the brief is registered in the register (e.g. 1-Su-183/96-2). Cases are filed into particular groups according to their similarity.

The number of groups may be enlarged in relation to the scope of work and real requirements of the court.

Basic groups of tasks are the following:

1. Regulations – court practice (list),
2. Instructions of the Ministry of Justice and higher courts,
3. Organisational tasks (systematisation, court days, etc.),
4. Lay judges, expert witnesses and court interpreters, appraisers,
5. Determining the trustee in bankruptcy and determining the list of trustees,
6. Agenda (changes, etc.)
7. Sessions and meetings
8. Tasks related to exercising rights deriving from labor relations i.e. work related (employment and termination of employment, personal folders, annual leaves, absences, sick leaves, etc.),
9. Disciplinary cases,
10. Complaints and petitions,
11. Vocational training and betterment (exams, courses, clerk practice, professional meetings, conferences, etc.)
12. Supervision tasks (surveying and making rounds in higher courts, surveys of court offices, etc.),
13. Reports (statistics and lists on the work of the judges)
14. Land registers (work, instructions, etc.),
15. Attorneys (lists, etc.)
16. Public notaries,
17. Court library,
18. Financial transactions,
19. Court building (sketches, plans, insurance, etc.),
20. Defense and protection
21. Enactments, collective agreements.

**3. Registers for the defense and protection, confidential and top secret cases (Su, OZ, Pov and Str. Pov.)**

Article 326

Files of the court administration relating to the tasks of defense and protection, as well as files of confidential and top secret nature are registered in Su, Oz, Pov or Str. Pov registers which are kept in the manner regulated by Article 324 of the Rules of procedure for the court.

### Article 327

Registers Su, Oz, and Str. Pov. register all briefs received from other bodies, as well as own files labeled as Su, Oz, and Str.Pov which are deemed as such by the president of the court.

If the brief registered in the Su register subsequently becomes the brief of confidential or top secret nature, the said brief shall be transferred to a corresponding register Su, Oz, Pov or Str. Pov.

### Article 328

The president of the court or his deputy handle the confidential and top secret files. The said cases are kept in the office of the president of the court in the strongbox or cupboard separate from other files of the court administration.

Files of confidential and top secret nature are dispatched in a special envelope by registered mail or personal delivery.

#### ***4. Registers for first-instance and second-instance cases of enforcement of penal sanctions (Su, Ik, Su, Ikž)***

### Article 329

Municipal and commercial courts register chronologically in Su Ik register the received injunctions for the enforcement of penal sanctions according to legally valid and enforceable decisions against convicted persons.

County courts and High commercial court of the Republic of Croatia register in the Su Ikž register appeals of convicted persons filed against the decisions of first-instance courts pertaining to stay execution pleas.

## **Chapter twenty-five**

### **PARTICULAR DIRECTORIES AND OTHER AUXILIARY BOOKS**

#### ***1. Directories***

### Article 330

The directories are kept in bound books with separate sheets for each letter of the alphabet.

In one directory volume, cases pertaining to several years may be registered. In the said case, at the beginning of each year the reference mark of the new annual file is put with a red pencil next to a particular letter. If the procedure in one case refers to several persons, each person shall be registered separately under the corresponding letter in the same or corresponding directory.

Directories are kept according to the name of a legal person or a full name of the person to whom the procedure refers or according to the full name of the person for whose interest the procedure is conducted. Directories for criminal registers are kept according to the family name of the accused persons or persons indicted, for litigation registers according to the inditcee's surname, for distraint registers according to the surname of the distrainees, for probate registers according to the surname of the benefactor, and for

others according to the surname of the person for whose interest the procedure is conducted or to whom the procedure refers.

In addition to the Su register, apart from the Personal register, real directory may be kept as well.

#### Article 331

Courts with extended scope of work may keep directories on special cards.

Commercial courts keep card files as directories, except for registers Su, Ik, R1 and R2.

If the card files are kept as directories, all cases relating to one physical or legal person shall be registered on one card, regardless of the type.

#### Article 332

County courts with a lesser scope of work may keep a joint directory separate for cases registered in K, Km, Kio and Kž, Kžm and Kv registers and for cases from register P and Gž.

Municipal courts which keep several K or P registers for one branch of legal proceedings may keep a directory for each register separately.

### **2. Incarceration register**

#### Article 333

All persons incarcerated through the court decree shall be registered in the incarceration register which is kept in the office of the president of the court according to a calendar system; in addition, due dates for making decisions on the extension of incarceration or on timely release from incarceration are noted.

According to the data from the list, a supervision of keeping with the due dates for decision-making on the extension of the incarceration or timely release from the incarceration is carried out.

### **3. List of pardons (Kp)**

#### Article 334

Pardon pleas of convicted persons are registered in the list of pardon cases (Kp).

### **4. List of persons detained in medical institution for guarding and treatment (Os)**

#### Article 335

Municipal courts register persons detained in the medical institution for guarding and treatment in the list of persons detained in a medical institution for guarding and treatment.

### **5. Log of suspended sentences (Kuo)**

#### Article 336

All suspended sentences are registered in the log of suspended sentences after they become final. The log of suspended sentences is instituted for several years in advance

and is kept according to the calendar system, by years and months according to the expiry of the due date of the suspended sentence.

Doubly condemning verdicts (seizure of illegal gain, compensation for the damage caused by the criminal act or the fulfilment of some other obligation envisaged by the provisions of the criminal law and sentence passed) are registered in such a manner that first the deadline up to which a certain obligation has to be fulfilled is registered, followed by the due date by which is deemed that sentence passed shall not be carried out after the fulfillment of the said obligation.

The reference number under which the suspended sentence is registered in the log of suspended sentences shall be written in the corresponding section of the criminal register or register for commercial (trade) offences (misdemeanours).

Entry into the suspended sentence log shall be marked with the sign of final solution when the court decides upon the recall or expunging of the verdict. Regarding double conditions, entry shall be marked with the sign of the final solution when the determined commitment has been made and the verdict is noted into second due date which shall be deemed as final only when a decree regarding recall or expunging of the verdict is made.

#### **6. List of persons punished in commercial offences (misdemeanours)**

##### Article 337

A special list for convicted legal persons and for convicted responsible persons is kept in commercial courts.

The list is kept on cards on which the following data relating to legal persons are recorded: the name of the company, headquarters, type of activity, number and date of the first-instance and second-instance decision, commercial (trade) offence (misdemeanour), fine, suspended sentence, pronounced safety measure, and the date of the final decision; the following data for the responsible persons: full name, maiden name, date, place and country of birth, citizenship, residence address, official place, number and date of the first-instance and second-instance decision, commercial (trade) offence (misdemeanour), fine, suspended sentence, pronounced safety measure and the date of the final decision.

#### **7. Log of sequestered property (Kop)**

##### Article 338

Property sequestered in the course of criminal procedure and kept in the court or other legal or physical person is registered in the log of sequestered objects (Kop).

The lists of sequestered objects are kept separately for each year in one volume which may be used for several years.

Money, securities, valuable objects and other sequestered objects are registered in the corresponding diaries.

#### **8. Expense log of the procedure in civil cases (II TOP)**

##### Article 339

Procedure expenses from which the client is exempt and which are being paid from the earmarked funds of the court and which are to be refunded ex officio, such as: real

expenditures and expenses of the appointed attorney, expenses relating to apprehension and conduct of persons paid from the earmarked funds of the court, as well as fines imposed due to the obstruction of order are registered in the expense log of procedures in civil cases (II TOP).

### **9. List of documents (Pi)**

#### Article 340

Municipal courts register in the list of documents all the documents entrusted to them for keeping. Data relating to returning of the document entrusted for keeping are registered in a corresponding section of the list. The client who handed over a document for keeping shall confirm the receipt of the document by his/her signature in a special section.

Directories A and B are kept in addition to the list of documents.

All testaments with which the court is entrusted for keeping, regardless of whether they are drafted in or out of the court, are registered in the directory A.

All other documents entrusted with the court for keeping are registered in the directory B.

### **10. Business diary (docket)**

#### Article 341

Business diary (docket) is kept by all the judges and other officials who work independently on case processing.

Cases for which sessions and hearings have been set are registered in the business diary according to the set dates, cases in which important due dates for conducting court proceedings are set, and, in particular, the duration of incarceration.

Sessions and hearings set or set for the same date are registered chronologically, with, in addition, a note on the time (hour and minute) set for the commencement of the session or hearing and a file reference number and, as required, full names of the clients, accused persons, proposer, benefactor etc. according to the reference number recorded on the file cover. Time needed for conducting each session and/or hearing shall be specified.

Due dates for the execution of certain important activities relating to particular cases shall be noted by writing a file label in a special section next to the due date.

File reference number referring to cases in which the procedure is completed shall be noted with the sign of the final decree with a red pencil with, in addition, a note on the manner of the completion of the procedure, after the session(s) and/or hearing(s).

File reference numbers of the cases in which the session or hearing was held and the procedure is not completed (due to, e.g. adjournment, postponement, request delivery etc.) shall be noted by a sign of the final decree in blue colour with, in addition, a short note on the activities to be undertaken or reasons due to which the procedure is not completed (e.g. "postponement.", "request.", "adjournment"). If the session is set for a certain date, the date set for the new session (e.g. cont. "18/XII") shall be stated in the note.

### **11. Business diary**

#### Article 342

Reference numbers of files for which sessions and hearings and their dates are scheduled are registered chronologically, according to the calendar system, in the business diary.

### **12. List of distraints entrusted to the court distrainer**

#### Article 343

All files handed over to the court distrainer for the execution of distraint are registered chronologically in the list of distraints entrusted to the court distrainer.

The due date for a certain procedure to be carried out by an official person and a report to be filed hereof shall be registered for each case in the corresponding section of the list. The work of the court distrainer regarding the distraint cases is supervised on the basis of the said list. The head of the register for the distraint cases is obliged to ask the court distrainer for the necessary explanations if he/she fails to carry out the distraint or submit a report hereof within a scheduled period.

The case registered in the list shall be marked as completed after the distraint has been carried out or upon the suspension of the distraint procedure by the court decision.

### **13. Property and evaluation logs (Pg)**

#### Article 344

Courts which carry out a great number of distraint cases may keep property and evaluation logs; all enforced lists and assessments of movables shall be registered in the said logs.

The official person is obliged to check, prior to the enforcement of the property and evaluation logs, whether the logs against the same distrainee has already been carried out for the purpose of potential adhesion of the files and carrying out a joint procedure.

The property and evaluation log is kept in an alphabetical order according to the distrainee's name.

Recording in the property and evaluation log shall be noted in the transcript of the said log.

### **14. Revision list (Rev)**

#### Article 345

County courts register the civil cases pertaining to stated revisions in the list of revisions (Rev), prior to delivering them to the Supreme Court of the Republic of Croatia.

### **15. Transfer book for internal delivery**

#### Article 346

The court registry office registers in the transfer book for internal delivery the reference numbers of the files handed over for processing to the judge or other official and returned for processing to the court registry office. The receipt of the files is confirmed in the transfer book by putting a date and the signature of the recipient.

**16. Books of duties of the court official relating to dispatches for delivery**

## Article 347

The court registry office registers in the book of duties of the court official relating to dispatches for delivery all court dispatches to be delivered which are entrusted upon the officials.

**17. Delivery mail log and Delivery log**

## Article 348

The dispatch of consignments is performed jointly for all organisational units in the court. The delivery log for the mail, used for the dispatch of consignments via mail, is kept separate for the registered and ordinary mail.

Decisions, summons and other consignments to be delivered to the addressee directly by the court courier are registered in the local delivery log.

**18. List of sent and enclosed files to be returned**

## Article 349

Reference numbers of all files delivered to other courts and bodies or enclosed to some file processed in that court are registered in the list of delivered and enclosed files to be returned.

The deadline anticipated for the return of the said file shall be recorded in the list. If the files delivered to other courts or bodies are not returned within a period of six months, the return of the said files shall be requested.

The return of the files delivered to higher courts pertaining to filed appeals and the files enclosed to the file of the same court for the purpose of inspection or evidence shall not be urged.

**19. List of dispatches announced on the notice board**

## Article 350

The reference numbers of files, the consignments of which are announced on the notice boards, shall be registered in the list of dispatches announced on the notice board.

**20. The claim table**

## Article 351

In the table of claims made; claims of creditors are listed, and in the table of checked claims all claims are entered for each of them in the scope in which the claim was made according to the amount of the claim, its reference number as well as the data regarding the person(s) who have disputed it.

**21. Diary of official trips (travel diary)**

## Article 352

Travel diary records chronologically all the occasions when the official person needed to leave the court building for the carrying out of legal proceedings, regardless of the potential resulting expenses.

## **22. List of files issued from the archive**

### **Article 353**

All the files taken out from the auxiliary or central archive shall be registered in the list of issued files from the archive. Each archive keeps their separate list.

### **Article 354**

Registers, directories and other auxiliary books may be kept manually and by a personal computer as well, using special software stipulated by the Ministry of Justice.

## **Chapter twenty-six**

### **LIST AND COLLECTION OF CIRCULAR LETTERS, OFFICIAL GAZETTES AND THE COURT LIBRARY**

#### **1. The list of circular letters, instructions and comments**

### **Article 355**

Circular letters, instructions and comments (hereinafter called: Circulars) of the Ministry of Justice and other bodies of the court administration which are not published in Official gazettes are registered in the register Su chronologically.

The judges and court councilors shall be informed on the content of circulars in such a way that the circulars shall be delivered to them for examination or read on full bench meetings; the said procedure shall be applied in relation to other officials only if circulars are relevant for their tasks.

Important circulars shall be copied, as required, and delivered to court departments and other organisational units to which they pertain.

#### **2. Collection of circulars**

### **Article 356**

Circulars are arranged chronologically and at the end of the calendar year bound in separate volumes for the corresponding year (e.g.: “circulars – 1996”).

In addition to the collection of circulars, the List of circulars containing the data on the number and subject matter of the circulars is kept and bound with the collection of circulars (Form no. 94).

Reference number of the list shall be noted in the upper right corner on each circular filed in the collection. Enclosed to and bound with the list is a special list of subject matters for easier orientation (subject index).

Circulars which are enclosed to the collection of circulars and are registered in the list of circulars shall be registered in the register Su with a note on the reference number under which they are registered in the list of circulars and bound in the collection.

### **Article 357**

Circulars which refer to land registers, court registers and financial operations shall be bound in special collections and given for use to the corresponding officials.

If the court does not have a sufficient number of copies of circulars, the necessary quantities of copies shall be made for particular collections.

#### Article 358

Appointed official of the court registry office of the office of the president of the court manages the collection of circulars. Particular circulars or bound collections may be given to the departments and judges or some other officials for temporary use only. For the purpose of permanent use, the whole circular or its corresponding part shall be copied.

#### Article 359

Subsequent changes in regard to the validity of particular circulars, as well as changes and supplements which occurred due to new circulars and instructions, are registered in such a way that those parts which are changed by the new circular are noted on previous circular and in the list of circulars, as well as which circular caused the changes or put the previous circular out of force. The president of the court or the judge appointed by him/her occasionally inspects the circulars filed in the collection to state their validity. If in doubt about the validity of a particular circular, he/she shall seek interpretation of a senior body of the court administration.

### **3. *Official gazettes and professional periodicals***

#### Article 360

The court seal shall be put on each issue of Official gazettes and professional periodical immediately on receipt, in the left upper corner of the cover page.

Official gazettes and professional periodicals are distributed by the official appointed for the said task by the president of the court in accordance with the agenda.

Examination and inspection of the Official gazettes and professional periodicals shall be made possible for the officials of the court primarily in the premises where they are deposited. By way of exception, particular issues and volumes may be issued with the temporary use receipt.

Official gazettes and official periodicals shall be bound at the end of the year alongside with the index and kept in the court library. Prior to having them bound, redundant parts shall be taken out (advertisements etc.).

#### Article 361

Judges and other officials shall be duly notified on the content of the regulations published in Official gazettes and their supplements which are relevant for the work they perform.

The president of the court shall issue an order that the texts of important regulations, as well as other regulations frequently used by the court be copied and distributed to court departments, unless special editions were published. He shall also provide for notifying all judges and other officials about the amendments of the existing regulations which they apply.

In case of putting out of force or amending the existing regulations, corresponding notes shall be made of the aforementioned.

#### **4. Court library**

##### Article 362

The court library has to be equipped with a sufficient number of copies of editions of laws and other regulations, their commentaries and interpretations, as well as with a required number of copies of other text books and periodicals.

The library is constantly supplied with new editions of laws and other regulations and textbooks and periodicals, which lies in the domain of the president of the court.

Texts of the laws and other regulations frequently used in court shall be obtained in sufficient quantities for all officials who use them constantly.

The court library is managed by the judge or official appointed by the annual agenda.

##### Article 363

The court seal shall be put on each book or professional periodical in the central part of the first page, as well as on some other pages. Purchased books and professional periodicals shall chronologically be registered in the library inventory. Inventory number shall also be noted in the book or periodical above the seal on the first inside page.

Journals and Official gazettes which are published periodically shall be inventoried according to the first issue of the corresponding annual file. All issues from the annual file shall be bound and labeled by the number of the first issue.

##### Article 364

Books, periodicals and editions of legal texts etc., lent to the officials for reference shall be registered in a special list on issued books from the library.

Frequently used editions related to laws and other regulations shall be issued to the judges and other officials for a longer period on a receipt.

##### Article 365

The officials entrusted with the safekeeping of books and professional periodicals and those to whom the books and other editions are issued for a shorter or longer periods are held responsible for the destruction, damage or loss of the books and other editions according to the liability regulations.

**PART FOUR**  
**SPECIFIC PROVISIONS FOR PARTICULAR TYPES OF PROCEDURES**

**Chapter twenty-seven**

**PROCEDURE IN CRIMINAL CASES**

***1. Urgency in procedures***

Article 366

Criminal case procedures related to criminal offences liable to persecution ex officio, particularly criminal acts against economy, state security of the Republic of Croatia and armed forces are conducted urgently and without delay.

Undefferable actions shall be performed, as required, after the official working hours, on Sundays and state holidays, at night and in conditions stipulated by the law.

Article 367

Extra urgent procedure shall be applied in criminal cases for which incarceration is envisaged, in procedures relating to minors, cases in which the appeal or pardon is filed, cases against a foreign citizen and other cases prescribed by the law.

It shall be specially provided for punctual compliance with the due dates relating to the duration and extension of incarceration, urgent interrogation of detainees and carrying out of on-the-spot investigation on the setting or crime scene.

***2. Supervision of preliminary investigation court proceedings***

Article 368

The President of the county court or the judge appointed by him/her is obliged to carry out the inspection of proceedings related to preliminary criminal procedures at least once in three months and to determine whether the legal due dates in conducting the investigation procedures are kept with.

If the President of the county court on inspection of the investigation cases determines major flaws in proceedings, he/she shall caution the investigation judge and order taking actions to ensure the conduct of proper and urgent procedure. All investigating judges of that court shall be notified on the observed flaws and actions taken, as required.

***3. Assistance provided to the investigating judge***

Article 369

When the investigating judge due to a great number of accused and detained persons, extensiveness of the case, complexity and scope of actions to be performed urgently and being engaged in some other commenced case is not able to conduct the investigation within the legal period, he/she is obliged to notify on the aforementioned the president of the court who may appoint several investigating judges for work in the said case or, as required, take other actions.

The same procedure shall be applied if a greater number of minors, detained persons or persons who would at a later time be unavailable for interrogation have to be

investigated, as well as in all cases when due dates related to the duration, extenuation or cancellation of the incarceration have to be kept with.

#### **4. Notifications on instituted proceedings and decisions made**

##### Article 370

Court decisions related to foreign bodies are delivered through the Ministry of Justice, except as otherwise provided for by the international contract or instructions of the Ministry of Justice.

##### Article 371

Competent body which keeps the penal log and the court which brought the condemning verdicts shall regularly be provided with all decrees regarding rehabilitation, as well as the decrees which order the expunging of the verdict.

##### Article 372

The courts are obliged to notify the competent bodies on all other cases as well, if it is stipulated by special regulations that legally valid sentences for certain criminal acts or pertaining to certain punishments cause corresponding legal consequences.

Ministry of Justice makes decisions related to the notification obligations in cases when specific regulations do not envisage the aforementioned.

The courts shall ask for the opinion of Ministry of Justice in dubious cases.

#### **5. Incarceration**

##### Article 373

In cases for which incarceration is envisaged, a note that reads “incarceration” shall be made in the corresponding section of the register next to the detainee’s name with a red pencil or by the seal. The said note shall be crossed out with a slant line when the said person is released.

Cases for which incarceration is envisaged are put into red jackets. The red jacket is replaced after the incarceration is revoked.

##### Article 374

Names of persons to be detained are registered in the log of detainees. The judge processing the case shall note the expiry date set for the incarceration or extended incarceration..

##### Article 375

Detainee may be kept in incarceration only on the basis of the written decree.

##### Article 376

When a decree on revoking the incarceration is issued or when its validity is expired and no further decree is issued, the court shall urgently notify the prison administration hereof.

In case that the accused person who is in incarceration is acquitted of the charges or found guilty but exempt from punishment or just charged with a fine or the suspended

sentence is passed or has already served a jail term due to including the duration of the incarceration or in case of the dropped charges, lack of the court jurisdiction excluded, the decree of revoking of the prison administrations shall immediately be notified hereof.

#### Article 377

On the occasion of inspecting the incarceration, a transcript is taken into which the court representative or the judge appointed by him/her registers the comments and complaints of the detainees and his observations related to the said inspection.

The judges who process the incarceration cases shall be informed about the comments and complaints of the detainees.

The said transcripts are kept in the office of the president of the court.

#### Article 378

The judge is obliged to issue a prompt written notification to the president of the court relating to each unjustifiable keeping of the persons in incarceration and not keeping with the terms scheduled for making a decision on the extension of the incarceration, as well as to state the reasons which caused the unjustifiable activities related to stalling or failing to carry out within due period.

The President of the municipal court shall notify the President of the county court hereof.

#### Article 379

If it is not possible to deliver the decree of the extension of incarceration to the prison administration before the expiry of the release term, the President of the council or the investigating judge shall notify the prison administration by telegram, fax message or telephone hereof.

It shall also be ordered that the detainee remain in incarceration until the delivery of the said decree.

The expiry time of the extension of the incarceration shall be stated in the said decree.

### ***6. Expenses of the criminal procedure***

#### Article 380

A list of expenses (Article 116 of the Rules of procedure for the court) shall be enclosed to the file related to the criminal case caused by the criminal act which institutes legal proceedings ex officio immediately when the expenses in the procedure occur. A note that reads: "List of expenses enclosed" shall be written on the file cover in the upper left corner.

All expenses covered from the earmarked court funds, which shall be refunded according to the final verdict of the court, shall be registered chronologically in the list.

#### Article 381

If the private plaintiff in a criminal case in which the legal proceedings are instituted through private charges deposits advance payment for the procedure expenses, an account ledger shall be enclosed to the file which shall chronologically register all the expenses paid from the said advance payment.

After paying all the expenditures; entry shall be made in the account ledger itself, and after the criminal proceedings are over, possible surplus shall be returned to the depositor.

Article 382

When a private plaintiff is exempt from covering the expenses of the criminal procedure, the arisen expenses shall be collected ex officio from the person who is obliged to refund the expenses after the verdict has become final.

**7. Sequestration and safekeeping of property**

Article 383

Property which, according to criminal law, is to be sequestered or which may serve as evidence in the criminal procedure or was found with the accused and the owner is unknown (suspicious things) are registered in the register of sequestered objects (Kop) kept by the court registry office.

Money, securities and valuable objects, after being registered in the register of sequestered property, as well as after warranties given, are kept in the court safe box on the deposit account or in the bank safe deposit box. If the money, securities and valuable objects need to serve as evidence in the course of the procedure, they shall be kept separate from other items in the court safe box.

Article 384

Other objects shall be handed over for safekeeping to the appointed official of the court if it is convenient to keep the said objects in court.

If the property sequestered, due to its size or specific properties, is not suitable for keeping in the court or strong box, another legal or physical person who possesses a suitable corresponding storage place shall be appointed for the safekeeping.

Explosives, drugs, flammable matters etc. shall be handed over for safekeeping to the police authorities or some other suitable place for safekeeping shall be designated and, as required, a guard shall be appointed.

Highly perishable goods shall, as required, be sold and the money shall be deposited for safekeeping in the court deposit.

Article 385

Receiving, safekeeping, handling and destroying of objects registered in the register of property sequestered is carried out according to regulations on court deposits.

Article 386

When the court receives the indictment or the indictment proposal, it is obliged to check whether any property was sequestered in the preliminary procedure. If the said objects are not delivered to the court or if it is not clear from the file if the manner of their safekeeping is determined, their sequestration from the person who keeps them shall be ordered and the said objects shall be handed over to the court or other body or to the person appointed for their safekeeping. On the cover of the corresponding file relevant for the property sequestered, the reference number under which the said objects are registered in the register of property sequestered shall be noted by the seal.

### Article 387

The manager of the depository is obliged to check every three months whether the state of things in the list matches the real state of things in relation to the property sequestered.

The manager of the depository is obliged to check through the court registry office whether the criminal procedure relevant for the property sequestered is final for the purpose of making a final decision in relation to the said object.

Property sequestered in the preliminary procedure under the competence of the county courts shall be delivered to the competent municipal court after the completion of the procedure. When the property sequestered is extracted from the court deposit, the reference number of the list shall be labeled as final.

In addition to the record of property sequestered, a collection of documents, in which the orders of the President of the council are filed chronologically, is kept.

### **8. Procedures envisaged in relation to pardon appeals**

#### Article 388

Pardon pleas are registered in the List of pardon cases (Kp). Pleas and all official letters related to the pardon procedure are filed into special covers and kept separate from the pertaining criminal file. Official note on the submitted pardon plea and on the submitter and the time of brief with the reference number of the list (Kp) is filed into the criminal file. The file relating to the case in which the procedure was initialised or in which the sentences were pronounced shall be enclosed to the file which was instituted pertaining to the pardon plea. When the pardon plea is final, the original of the decision is enclosed in the criminal case. The aforementioned shall be noted in the relevant file of the pardon and the criminal file shall be taken out.

## **Chapter twenty-eight**

### **SPECIFIC PROVISIONS RELATING TO THE DISTRAINT PROCEDURE**

#### **1. Distraint decree**

##### Article 389

If the distraint has to be conducted by another court and not the one who made a distraint decree, the distraint proposal shall be filed in the file in which the distraint document was issued and shall not be registered in the Ovr or OvrV register.

The court which made a distraint decree shall deliver to the court competent for distraints the original of the proposal and corresponding propositions alongside with the copies of dispatches of distraint decree for the court and the clients. The court which made a distraint decision shall keep a copy of the distraint decree in the file.

##### Article 390

Each distraint proposal, as well as each subsequent claim related to the execution of the distraint, shall be registered in the Ovr register as a new case, regardless of the number of manners of distraint proposed or allowed. If the same distrainer in accordance with the same distraint document against the same distrainee with several specific distraint motions proposes the execution of the distraint by applying new distraint manners, which

were not proposed previously, such motions are registered in the Ovr or OvrV register as independent cases.

#### Article 391

If the same distrainer on the basis of the same distraint document, by means of a new proposal or by the existing distraint decree, claims the extension of the distraint to other cases which were not included by the previous proposal, the said proposal shall not be registered separately in the Ovr or OvrV register, but shall be enclosed to the existing file with a note on the new subnumber.

#### Article 392

If the execution of the distraint is claimed through the proposal for forced sale of real estate by means of some other manner of distraint, without the establishment of forced lien, all briefs which contain the proposal for the execution of the distraint through other means may be extracted into a separate file which shall be registered in the register Ovr or OvrV under a new reference number. The new file shall be instituted in accordance with an official note to which a copy of the distraint decree shall be enclosed.

### **2. Work of the court distrainer**

#### Article 393

Distraint actions are carried out by the distraint courts directly or by the court distrainer by order of the distraint judge. Each official of the court undertaking certain distraint actions is a court distrainer and, in this capacity, is obliged to act according to the regulations relating to the work of the court distrainer.

The court distrainer is obliged, at the request of the distrainee, to show the official identity card prior to the execution of the distraint.

#### Article 394

The court distrainer in the distraint procedure carries out all distraints without delay, chronologically, as a rule, depending on the time when he/she was appointed for their processing. Allocation of cases in which distraints have to be carried out shall be done in such a manner that, if possible, one court distrainer performs without any further ado several distraint activities related to the execution of the distraint in several distraint cases in one place or several neighbouring places.

The head of the Ovr or OvrV registers shall register all cases in which the distraint has to be carried out in the distraint list entrusted upon the distainer (Form no. 94).

#### Article 395

When the payment to the distrainer is done in cash, the court distrainer confirms the said payment by issuing the receipt from the receipt pad (Form no. 95).

The receipt is written in three copies (carbon paper) with a note on collected amount for the account relating to a certain claim and by putting a date and signing it. The first receipt copy is delivered to the depositor, the copy is kept in the receipt pad and the third copy is given to the head of the accountancy. If the distrainer directly gives the distrainee

the cash or property sequestered, the distrainee shall confirm the aforesaid by his signature in the transcript.

#### Article 396

The court distrainer shall hand over, without delay, to the authorised official of the accountancy all the cash, securities and valuable objects that were handed over to him/her by the distrainee or which were sequestered from the distrainee unless they were directly handed over or remitted to the distrainer.

The authorised employee of the accountancy shall confirm the receipt of cash or securities on the receipt copy and in the report (transcript) of the court distrainer.

The receipt copy confirming that the money is deposited in the court strongbox is handed over by the distrainee to the distraint judge with the report and the transcript on performed distraint procedure.

If the court distrainer sends the cash by mail to the court account, the postal or cheque deposit shall be enclosed to the report.

#### Article 397

The court distrainer submits to the distraint judge a special report relating to performed or unperformed procedures with the enclosed transcript, if one is taken, and potential receipts on collected amounts for the time of conducting the distraint procedures.

The court distrainer shall state the duration of the distraint procedure, the time spent journeying and other data necessary for the decision on expenses.

If during one round the court distrainer performs several operations, and the expenses have to be distributed for each of the said operation, the calculation of expenses shall be enclosed to only one file and the report related to this file shall state all the cases to which the expenses refer. A note on which file contains the calculation of the expenses shall be made in the report on performed distraint operations in other files.

#### Article 398.

The distraint judge shall survey and determine the expenses, compare the data in the enclosed receipt with the data in the transcript and in the report on performed distraint operations and shall put his shortened signature (initials) on the report and the receipt pad. If the received advance is higher than the calculated expenses, an order shall be issued on returning the surplus of the advance.

### ***3. Adding to the list and estimating and instigating sale procedure***

#### Article 399

If by examining the log list and evaluation log it becomes evident that on specific distrainee's movable property already exists a lien in benefit of a specific distrainer, a latter list in benefit of some other distrainer, upon the already listed movable property, shall be carried out in such a manner that a separate entry in the list and the evaluation log shall be made in a red pencil, in a special section alongside the entry of lien of distrainer.

The list and the evaluation of movable property which was not encompassed by the first listing, shall be entered consequently in the listing log made when a new distraint is being carried out against the same distrainee.

The entry regarding subsequent listing shall be kept in the file, which contains the first listing that was made, and in the list of the distraint file in which the added entry is made, a notice shall be made by the distraint body concerning so made an entry list in place where entry listing ought to be.

#### Article 400

When the distraint body carries out auxiliary listing; into the main file a review list of all the existing liens regarding movable property (Form no. 96) is put. Onto that list, reference numbers are entered of all the things that have been listed as protection of lien(s) of each and every distrainer. Should the review contain all the things listed as security regarding specific distrainer or some other distrainer, in the part set aside for notes, an entry is made (securing) alongside the name of that distrainer to whom the note pertains to.

If a sale of a listed things is ordered; in the review list shall be noted, in the notation set aside for respective distainer in whose name and for whose benefit the sale has been ordered, reference number of those things listed for which the sale was ordered. The same shall apply should a postponement of adjournment of the distraint come about in regard to those things to which such a postponement or adjournment was made.

#### ***4. Mutual notification regarding distraints between municipal and commercial courts***

#### Article 401

Before commencing the sale; commercial court that had made a list shall notify competent municipal court, by delivering a transcript of the original list regarding lien law on the property of the distrainee on the basis of the carried out inventory and shall ask notification regarding, is there an ongoing procedure against the same distrainee under the auspices of the municipal court.

Regarding notification given by the commercial court; municipal court shall make an entry into the review log, denoting file docket of the commercial court, data of the entry and the amount of the claim.

If the municipal court had carried out an inventory concerning the same distrainee in an ongoing distraint case, it shall deliver the transcript of the inventory list to the commercial court. Commercial court makes an entry into its own log about the notice given to it by the municipal court.

**Chapter twenty-nine**  
**SPECIFIC PROVISIONS REGARDING CONDUCT IN FRONT OF**  
**COMMERCIAL COURTS**

**1. *Procedures in commercial (trade) offences (misdemeanours)***

Article 402

Two directories or cards are kept in addition to the register Pk, separate for legal and responsible persons. The head of the register shall, prior to registering the case in the Pk register, survey the corresponding register to determine whether there is an ongoing procedure pertaining to commercial (trade) offence (misdemeanour) against the said legal or responsible person and put a corresponding note on the file cover.

The head of the register shall also survey the criminal list to check whether the legal or responsible person has a criminal record and he/she shall put a note in the file with the type of verdict, acts for which the person was punished and the amount of the penalties levied.

Article 403

The list of validly pronounced fines, sequestered illegal gain, the expenses of the economical-criminal procedure and its collection are subject to the provisions of the Rules of procedure for the court in relation to criminal cases.

**2. *Liquidation and bankruptcy procedure***

Article 404

When the proposition for instituting bankruptcy proceedings or the decision on conducting the liquidation proceedings are submitted to the commercial court, the head of the St and L register shall check by surveying the directory whether there is an ongoing procedure or instituted liquidation proceedings against the said company, institution, cooperative society or other legal person and shall put a corresponding note on the file docket hereof.

Article 405

The president of the bankruptcy or liquidation council shall, as circumstances require, stipulate that the list of trustees be kept separate and that submitted claims be filed in a separate cover. A special claim list shall be kept on the said separate cover.

Article 406

Dispatches of decisions made on a hearing regarding the validity of such claims are delivered only to those creditors whose claims were not acknowledged in full or were acknowledged partially and to those creditors who were absent from the hearing.

Article 407

Court registry log (Tt), Entry log for companies (Fi) the log for miscellaneous cases (R3) and the corresponding auxiliary books are kept by means of a unique software programme for all commercial courts regulated by a specific rule book.

**PART FIVE**  
**HANDLING THE MAIL AND OFFICE FURNISHINGS**

**Chapter thirty**

**HANDLING THE MAIL**

Article 408

Receipt and delivery of mail in the post-office is carried out according to the regulations of provisions on internal mail traffic unless a specific contract with the post service exists. Telegrams and similar consignments designated to the court are always delivered by the post service itself.

Article 409

The president of the court authorises one or, if required, more court officials for the receipt of consignments. Power of attorney contains the following: full name of the person to whom it was given, type of consignment he/she is authorised to receive, validity deadline of the power of attorney, signatures of the president of the court and the person who received the power of attorney, as well as the inscription of the official seal. If the power of attorney is limited to the receipt of specific consignments or to a specific case, the power of attorney should state the exact limitations.

The power of attorney is issued for each individual case or with a one-year validity.

Article 410

Acceptance and conveyance of cash remittance and consignments containing items of value in the mail traffic, financial institutions and other bodies and legal persons is carried out through entrance and delivery logs for the money and other consignments containing items of value— Entrance book for the receipt of consignments containing items of value and a Delivery log for the delivery of the consignments containing items of value (Form no. 97 and 98).

Books have to be bound, by safety thread and certified by the president of the court. Both books are posted up at the end of the year. A note on posting up the books is signed by the head of the financial operations and certified by the president of the court.

Article 411

The courts may use the post office box for the receipt of ordinary consignments.

Briefs delivered by registered mail and other consignments are handed over to authorised officials only with signature and receipt.

Remittance and consignments containing items of value and similar consignments are taken over by an authorised official with a signature and/or a receipt only.

When a postal money order or dispatch note for the securities is mailed to the court, the head of financial operations shall sign the original of the said order or dispatch note and put a court seal. Postal money order or dispatch note for the securities confirmed in such a manner is handed over to the official authorised for collecting the money or securities on the occasion of the said collecting.

Prior to the collection of the consignment, the official shall, witnessed by the post-office employee, inspect the consignment and check whether the envelopes, seals (vignette etc.) are undamaged.

Should it be determined that the envelopes and seal are damaged, the court official shall refuse to collect the consignment and shall request that the content of the package or consignment be determined on a commission level. The president of the court and competent employee of the post-office shall be notified on the aforementioned. If unstamped consignments for which postage-due stamp has to be paid are delivered to the court, they shall not be taken over.

#### Article 412

Postal consignments are dispatched by mail, as a rule. Ordinary consignments are handed over to the post-office for delivery via the delivery log for mail or in a manner envisaged in a specific contract with the public enterprise HPT (Croatian Postal Service). Packages, securities and cash money are handed over with the delivery log by the official authorised for collecting the said consignment at the post-office.

For all the consignments the courts pay the regular mailing charges according to the regulations of the mail tariff, unless otherwise provided for. The courts keep a Book of postal charges for the said purpose (Form no. 99)

### Chapter thirty-one

#### **PROVISIONS REGARDING THE MINIMUM REQUIRED FURNISHING FOR THE COURT PROCEEDINGS AND ITS PURCHASE**

#### Article 413

The minimum required furnishing for the court proceedings is determined according to the number of judges, court councilors, staff associates and other officials and employees in the court, as well as according to a number of offices.

#### Article 414

The office furnishing is standardised and includes the minimum of the following:

1. for courtrooms, at least 35 m<sup>2</sup> large, in which first-instance judges and/or first-instance tribunals are situated:
  - one desk and platform for the tribunal with a corresponding number of seats,
  - one typist's desk with one seat,
  - two desks for the clients with a corresponding number of seats,
  - one chair and/or bench for the accused,
  - necessary number of chairs for the public (in smaller courtrooms 5-10 chairs, in bigger ones 10-20 chairs),
  - one cupboard for the files and
  - one wardrobe;
2. for studies, at least 8 m<sup>2</sup>:

- one office desk with one seat,
- one side desk with two seats,
- one cupboard for the files and
- one wardrobe.

If the study accommodates several persons, the number of desks and chairs is determined according to the number of persons;

3. for offices; if there is only one – at least 35 m<sup>2</sup> large; if there are several – each at least 20 m<sup>2</sup> large, for the tasks of one organisational unit:
  - one cupboard for the files,
  - one wardrobe,
  - one cupboard for the reference archive and
  - desks and chairs according to the number of persons who use the office;
4. for offices of the land register department; in small courts, a room at least 50 m<sup>2</sup> large, in big courts several rooms at least 50 m<sup>2</sup> each; or for offices of the company register with one or several rooms of 300 m<sup>2</sup>:
  - one cupboard for the files,
  - one wardrobe,
  - specially designed cupboards for the land register books or company register books, collections of documents, folders etc.
  - one counter for the admission of clients and carrying out inspections into land registers and company registers and the collection of documents and
  - desks and chairs, the number of which is determined according to the number of persons using the said office(s),
  - specially designed cupboard with drawers for keeping cadastral folders,
  - two work stations for the company register;
5. for the office of the president of the court, one or several rooms, at least 35 m<sup>2</sup> large and the accountancy, one room, at least 15 m<sup>2</sup> large:
  - desks and chairs according to the number of persons using the office,
  - one wardrobe,
  - one cupboards for the files
  - one cupboard for the reference archive/financial documentation,
  - one metal strongbox and
  - one china cabinet for Official gazettes,
  - one conference table with a corresponding number of chairs;

5. for the court archive, one or more rooms, at least 40 m<sup>2</sup> each, depending on the size of the court:

- one desk and chair
- one wardrobe and
- specially designed cupboards and shelves for the files of the court archive.

#### Article 415

Offices must have all the necessary objects, signs and emblems showing that the offices are being used by the bodies of the state government, common for the said types of bodies.

#### Article 416

The number of electric or mechanical typewriters is determined by the number of judges, court councilors, staff associates, accountancy employees and land register officials and officials of the court register in the first-instance courts.

The number of electric or mechanical typewriters is determined by the number of court recorders in the tribunal and the number of typists if a separate typing service is instituted and by the number of accountancy employees in county courts for the requirements of the second-instance councils, in the Supreme Court of the Republic of Croatia, the Administrative Court of the Republic of Croatia and the High Commercial Court of the Republic of Croatia.

In courts as referred to in § 2 of the present Article, one dictaphone for each judge is provided for.

#### Article 417

At least one direct telephone line is provided for the requirements of the office of the president of the court in municipal and commercial courts.

The telephone exchange with at least two direct and one special telephone line for the requirements of the office of the president of the court is provided for in county courts, the Supreme Court of the Republic of Croatia, the Administrative Court of the Republic of Croatia and the High Commercial court of the Republic of Croatia.

If several judicial bodies using one common telephone exchange are located in one building, the minimal number of direct and special telephone lines shall be provided for the needs of the courts according to criteria as referred to in § 1 and 2 of the present Article.

#### Article 418

At least one automobile specially equipped is provided for the requirements of preliminary criminal procedures in county courts.

#### Article 419

The purchase of capital goods (furniture, computers, typewriters, etc., software, telephone exchanges with the corresponding installations and gadgets, furniture and equipment, automobiles, financial assets, project preparation, planning and managing, construction of

court buildings, investment maintenance of the court buildings, etc.) is carried out by the Ministry of Justice according to annual plans and the amount of planned funds in the state budget.

The presidents of the courts manage the funds allocated from the state budget for each calendar year for the maintenance of vehicles, current equipment maintenance, current maintenance of the court building, office materials, Official gazettes and textbooks according to the regulations.

#### Article 420

The Minister of Justice, within allocated funds from the state budget, may grant the pay of the judges for the work performed out of the working hours, at weekends or state holidays for the purpose of settling unsettled cases in certain courts pertaining to the substantiated proposition directed to the president of the Supreme Court of the Republic of Croatia.

The work pay as referred to in § 1 of the present Article may be granted only to judges who achieve extraordinary results relating to the number of settled cases.

Use of funds may be granted if the overall number or the number of particular type of unsettled cases is bigger than the six-month influx from the previous year.

### **PART SIX**

#### **IMPROVEMENT OF THE ORGANIZATION AND COURT OPERATIONS**

##### Article 420a.

In the computerization process of the court operations, the Minister of Justice may order introduction of computerization only at one first-instance court at first, for the purpose of testing and trial, and may order suspension of application of provisions of these Book of Rules for Courts at that court during the testing and trial, in particular the provisions of Article 25. sub-paragraphs 4 to 8 and 11 to 13, Article 31 par. 2, Articles 33, 34, 46, 95, 96, 124, 125, 127, 128, 148, 154 to 157, Article 159 par. 1, Article 163 par. 1, Article 169 par. 2, Article 171 par. 2, Articles 195 to 197, 216, 222, 255, Article 256 par. 1, Articles 260 to 279, 288 to 296, 330–332, Article 337 par. 2 and Article 402 par. 1

##### Article 420b.

When judges' participation is required in the implementation of the projects financed pursuant to the provisions of international treaties on loans or donation deeds intended for improvement of the court operations, the Minister of Justice shall determine how much of their working hours they may devote to such work.

The work of the judges pursuant to the provisions of paragraph 1 of this Article shall be considered as performance of their regular duties.

##### Article 420c.

The Minister of Justice shall determine the application of provisions of Articles 420a and 420b by decrees that are not considered to be administrative enactments.

**PART SEVEN**  
**TRANSITIONAL AND FINAL PROVISIONS**

Article 421

Forms with the corresponding instructions are a constituting part of the Rules of procedure for the court.

Article 422

Particular expressions used in the Rules for procedure for the court have the following meanings:

1. Brief (decision) refers to any written composition which institutes, amends or changes the claim for carrying out the procedure or official proceedings of the judicial body.
2. Official letter (decision) refers to any written composition by which the judicial body responds to the clients' inquiry.
3. Decision (decision) refers to any written composition which institutes, stops, continues or finalises the procedure or official proceedings of the judicial body.
4. Enclosure refers to a written composition (document, table, presentation, sketch, etc.) or to a physical object enclosed to the brief in relation to amending, explaining or proving the content of the brief.
5. Dispatch, in a restricted sense, refers to a certificate of the original (verdict, decree, settlement or some other act) elaborated ex officio and delivered to the parties and other interested parties.
6. Dispatch, in a broader sense, refers to any written composition elaborated by the court and delivered to the clients and other interested parties (decision, settlement, order, transcript, receipt, certificate, excerpt, summons and official letter).
7. Object refers to a collection of all written compositions and enclosures which refer to the same legal matter, question, task, etc. and form a separate unit.
8. Official letter refers to a collection of all written compositions and enclosures which refer to the same legal matter and/or same legal or physical person, arranged, sewed or put in one or more covers labeled with the same business number.
9. Bundle is a collection of several files which are after the termination of the procedure kept in the same cover (box, case, etc.)
10. Registry office is an internal organisational unit (or its specific part) within the judicial body which carries out the following office tasks: acceptance, opening, surveying and the distribution of mail and/or briefs, registering briefs in the registers, directories and auxiliary books, as well as their depositing into archives for safekeeping.
11. Archives is a composite part of the registry office, in which finalised cases, registers, directories and auxiliary books are kept, as well as other archivalia until they are handed over to a competent state (history) archive or until they are destroyed.

12. The term hearing includes also the main session, unless specific provisions of the Rules of procedure for the court state that a specific hearing is referred to.

Article 3 The president of the court is a common expression for the presidents of the courts.

Article 3 The President of the council refers also to an individual judge in cases when he/she is competent for the case proceedings.

Article 3 Higher court is a senior higher court. County court is a high court in relation to the municipal court, High Commercial Court of the Republic of Croatia is a high court in relation to the commercial court. The Supreme Court of the Republic of Croatia is a high court in relation to all courts, being the highest court in the Republic of Croatia.

#### Article 423

On the effective date of the present Rules of procedure for the court, the Regulations on the internal proceedings of regular courts shall become null and void (Rules of procedure for the court, "Official gazette", no. 45/88 and 8/90).

#### Article 424

The present Rules of procedure for the court come into force on the eighth day following its publication in the "Official gazette".

Class mark: 700-01/95-01/77

Reference number: 514-05-04/1-97-1

Zagreb, July 9, 1997

Minister of Justice

**Miroslav Šeparović**, signed

### MINISTRY OF JUSTICE

In accordance with the Article 43, paragraph 1 of the Law on Courts (Official gazette, no. 3/94, 100/96 and 131/97), the Minister of Justice declares the following

#### AMENDMENTS

#### OF THE RULES OF PROCEDURE FOR THE COURT

##### Article 1

In the Rules of procedure for the court (Official gazette, no. 80/97), Article 40 is modified; new paragraphs 3 and 4, following paragraph 2, are added, as follows:

"In relation to the courts in which a number of unsettled cases is greater than the six-month influx, the Minister of Justice may stipulate work in the court in the forenoon or in the afternoon if the working space in the court is inadequate for the accommodation of all judges, officials and the employees in accordance with General standards. The decision

pertaining to § 3 of the present Article is made by the Minister of Justice with the preliminarily obtained opinion of the president of the court.”

#### Article 2

In Article 41, paragraphs 5, 6 and 7 are added, as follows:

“If the work in court is stipulated pertaining to Article 40, paragraph 3 of the Rules of procedure for the court, the working hours in the forenoon begin at 7 a.m. and end at 2,30 p.m. Working hours in the afternoon begin at 2,30 p.m. and end at 10 p.m.

The president of the court shall organise court proceedings according to the decision of the Minister of Justice on instituting work in the court in morning and afternoon shifts.

If the work in the court is organised in forenoon and afternoon shifts, main session in penal and litigation cases shall be conducted from 8 a.m. to 2,30 p.m.”

#### Article 3

In Article 85, paragraph 4 is modified as follows:

“The coat of arms in its original colours shall be put in the middle at the top of the verdicts and below the coat of arms with capital letters of extended spacing the text which reads: “IN THE NAME OF THE REPUBLIC OF CROATIA”. A word with extended spacing: “VERDICT” shall be put below the said text and on top of the introduction”.

Paragraph 4 is followed by a new paragraph 5, which reads:

Regarding the decisions which finalise the procedure in the main matter, except those for which these Rules of procedure for the court stipulate the usage of the seal, in the middle at the top, the coat of arms in its original colours shall be put and below the coat of arms with capital letters of expanded letters the text: “THE REPUBLIC OF CROATIA”. Below that, above the introduction, a word “DECREE” shall be written with capital letters of expanded spacing.

Former paragraphs 5 to 10 become paragraphs 6 to 11.

#### Article 4

In Article 248, paragraph 1, item 4, at the end, after the words “in the said item”, the following words are added: “as well as distraints in which the decisions were made according to a credible document which are kept for 10 years,”.

#### Article 5

In Article 257, paragraph 1, line 1, after the word “municipal”, the words “as well as county” are added. In the second line, after the words “county” the words “and/or the Supreme” are added.

In the same paragraph, in the brackets, after the word “property”, the words “criminal acts against the minors, criminal acts against younger majors, criminal acts in the minor protection” are added.

#### Article 6

In Article 420, after the paragraph 3, a new paragraph is added, which reads:

“As proposed by the president of the court, the Minister of Justice shall abolish the decision on instituting work longer than regular working hours, when the number of unsettled cases in court reaches the six-month influx or when the overall number or the number of particular type of unsettled cases diminishes significantly in relation to the previous year or when the necessary working space for all the judges, officials and employees is ensured, in accordance with the standards.”

Article 7

These amendments shall come into force on the eighth day following its publication in the “Official gazette”.

Class mark: 700-01/95-01/77

Reference number: 514-05-04/1-98-2

Zagreb, February 9 1998

Minister

**Miroslav Šeparović**, signed