

# ACT

## ON PROCEEDINGS FOR THE CONFISCATION OF PECUNIARY BENEFIT RESULTING FROM CRIMINAL OFFENCES AND MISDEMEANOURS

### I INTRODUCTORY PROVISIONS

#### Article 1

(1) This Act shall regulate:

- a) the procedure of establishing pecuniary benefit resulting from criminal offences,
- a) the procedure of confiscating pecuniary benefit resulting from criminal offences,
- c) the enforcement procedure of a decision on the confiscation of pecuniary benefit resulting from criminal offences,
- d) criminal proceedings regarding confiscated assets and the assets with respect to which a temporary measure has been imposed,
- e) exercise of the rights of the person injured by the criminal offence, and
- f) protection of rights of third parties.

(2) Provisions of other acts regulating the establishment, ensuring confiscation and enforcement of decisions on the confiscation of pecuniary benefits resulting from criminal offences and misdemeanours shall apply only unless otherwise prescribed by this Act.

(3) The court and the bodies which take actions in accordance with this Act, shall take into consideration whether the injured person has laid down property claims. If the injured person has laid down property claims which, with respect to their basis, exclude the confiscation of pecuniary benefit, actions to be taken pursuant to this Act shall only encompass the part of the pecuniary benefit resulting from criminal offences not included in the property claim.

(4) Actions pursuant to this Act shall be taken based on the proposal of the plaintiff.

(5) If establishing the value of pecuniary benefit resulting from criminal offences is linked to disproportionate difficulties or significant procrastination of criminal proceedings, the court may establish the value of the respective benefit at its own discretion.

(6) Unless otherwise prescribed by this Act, provisions of this Act shall apply to misdemeanour proceedings in the corresponding manner.

(7) Ex officio decisions in criminal proceedings pursuant to this Act shall be immediately delivered to the state attorney.

## Article 2

(1) Proceedings pursuant to this Act may be conducted before, during or following the conclusion of criminal proceedings. Unless otherwise prescribed by this Act, the court shall take actions in accordance with criminal proceedings rules.

(2) If criminal proceedings can not be initiated for a criminal offence, because the defendant has died or other circumstances exist which exclude the possibility of criminal prosecution, upon proposal by the state attorney, the injured person as plaintiff or a private plaintiff, the court shall take actions in accordance with Article 6 of this Act, if the probable value of the pecuniary benefit resulting from criminal offences, with respect to which the actions are taken, is at least HRK 5,000.00.

(3) The decision to initiate criminal proceedings as described in paragraph 2 herein shall be reached in a ruling by a single judge from the court which would be competent for the trial in a criminal proceedings. An appeal may be filed against this decision within three days from the date the decision was delivered to the counterparty. A single judge from a court of the higher instance shall decide on the appeal.

(4) In the explanation of the ruling from paragraph 3 herein, the court shall set forth in particular the reasons for which no criminal proceedings may be conducted against the defendant.

(5) In criminal proceedings pursuant to this Act, the defendant and their related person shall have the status of a party.

(6) Provisions from paragraphs 2 - 4 of this Article shall not apply in misdemeanour proceedings.

## II THE MEANING OF SPECIFIC EXPRESSIONS

### Article 3

Specific expressions from this Act shall have the following meaning:

1. Pecuniary benefit resulting from criminal offences, pursuant to this and other Acts, refers to each increase or prevention of the reduction of assets resulting from criminal offences;

2. Assets represent property and rights acquired by the perpetrator of a criminal offence and misdemeanour or their related party, and it refers to all property and rights which can be the object of enforcement, especially real estate and movables, claims, business interests, shares, money, precious metals and jewels in the ownership, possession or under the control of the criminal perpetrator or their related party;

3. A criminal offence is an act as prescribed by the Criminal Code;

4. A defendant is a physical and legal entity as prescribed by the Criminal Procedure Act and the Act on the Liability of Legal Entities for Criminal Acts;

5. An injured person is a physical and legal entity as prescribed by the Criminal Procedure Act;

6. A related party is:

a) a person who encourages and assists in the perpetration of the criminal offence,

b) a legal successor of the perpetrator and participant in the criminal offence and

c) another physical or legal entity, whom the court determined, as prescribed by this Act, to have been transferred property or rights representing pecuniary benefit and not to be in good faith related to such acquisition of the respective property or rights;

7. The plaintiff is a state attorney or other competent plaintiff, unless otherwise prescribed by this Act;

8. A counterparty is the defendant and their related person;

9. An opposing party and enforcement debtor is the defendant and their related person;

10. The proponent to ensure and bailiff is the plaintiff;

11. A third person is a person claiming, in regards to property which is the subject of criminal proceedings in accordance with this Act, to have rights preventing its application and requesting that the insurance or enforcement be pronounced illicit;

12. The Office is the Central Office for State Property Management or another body appointed by law for the management of state property.

(2) The terms from paragraph 1 of this Article shall also apply to misdemeanour proceedings in the corresponding manner.

### III COURT PROCEEDINGS

#### Article 4

(1) Pecuniary benefit resulting from criminal offences is established by the court by means of a verdict. The pronouncement of the ruling in the part related to the establishment and confiscation of pecuniary benefit resulting from criminal offences shall be explained.

(2) The plaintiff and the counterparty shall have the right to appeal the ruling from paragraph 1 of this Article. A court of higher instance shall rule on the appeal.

#### Article 5

(1) In addition to contents prescribed by law, in the ruling by means of which the defendant is proclaimed guilty of a criminal offence, the court:

a) shall establish which property or rights represents pecuniary benefit resulting from criminal offences and their monetary equivalent,

b) shall establish that the property or rights have passed into the ownership or have become property of the Republic of Croatia,

c) shall order the counterparty to submit specific property or transfer specific rights to the Republic of Croatia, unless they have already been transferred to the Republic of Croatia based on the provision from point b) of this Article, or to pay their monetary equivalent within 15 days from the date the verdict entered into force.

d) shall determine that rights in favour of the Republic of Croatia are entered in the public registers managed by courts and other bodies.

(2) Unless otherwise prescribed by law, in the verdict by means of which the defendant is acquitted from the charges for criminal offences, or the charges have been dropped except in the case from Article 6 of this Act, the proposal for the confiscation of pecuniary benefit resulting from criminal offences shall be rejected. The court shall also proceed in the above described manner if the defendant has not been acquitted from criminal charges, but the pecuniary benefit is completely covered by the awarded property claim.

(3) The court conducting criminal proceedings has exclusively territorial jurisdiction for reaching the verdict from paragraph 1 of this Article.

#### Article 6

(1) After the entry into force of the ruling from Article 2, paragraph 3 of this Act, by means of which it decided to conduct the proceedings, the court shall hold a hearing at which the counterparty shall be questioned and other evidence presented. Should it establish that the defendant has perpetrated a criminal offence and acquired pecuniary benefit, the court shall reach the verdict by means of which:

a) it establishes that the defendant has committed a criminal offence,

b) it establishes that by the criminal offence from item a) pecuniary benefit has been acquired as described in Article 3, paragraph 1, point 1 of this Act, and which property or rights represent pecuniary benefit resulting from this offence and its monetary equivalent,

c) it establishes that the property or rights have passed into the ownership, or have become the property of the Republic of Croatia,

d) it orders the counterparty to submit specific property or transfer specific rights to the Republic of Croatia, unless they have already been transferred to the Republic of Croatia based on the provision from item c) of this Article, or to pay their monetary equivalent within 15 days from the date the verdict entered into force.

e) it determines that the rights in favour of the Republic of Croatia are entered in the public registers managed by courts and other bodies.

(2) The proposal from Article 2 paragraph 2 of this Act may be filed until the expiry of the statute of limitation for initiating criminal proceedings as prescribed by the Criminal Code, for an offence from paragraph 1 point a) of this Article. The statute of limitation for filing proposals and conducting criminal proceedings in accordance with this Act may not take

effect before the expiry of the period of five years, calculated from the date the criminal offence was committed.

(3) By filing the proposal from Article 2 paragraph 2 of this Act, the course of the statute of limitation is interrupted.

(4) Should the court not establish that the defendant has committed a criminal offence and acquired pecuniary benefit, or the pecuniary benefit is completely covered by the awarded property claim, the court shall proceed in accordance with the provision from Article 5 paragraph 2 of this Act.

(5) If the court has established that objects have been acquired by a criminal offence, which are to be confiscated pursuant to the Act, it shall pass a ruling on the confiscation of the respective objects. Unless otherwise prescribed by law, the ruling shall be passed by the court at which proceedings were conducted when proceedings were concluded or terminated. An appeal may be filed against this ruling. A panel of judges from a court of higher instance shall decide on the appeal.

(6) Proceedings in accordance with paragraph 1 of this Article are conducted in accordance with criminal proceedings rules. A single judge from the court which would be competent for conducting criminal proceedings shall be exclusively competent for reaching the verdict and ruling from paragraphs 1 and 5 of this Article.

#### Article 7

If criminal proceedings have been terminated before the indictment has been confirmed or during criminal proceedings, and there is probability that pecuniary benefit has been acquired through criminal offences, criminal proceedings pursuant to this Act shall be continued upon proposal by the plaintiff.

#### Article 8

(1) If legal consequences of initiating bankruptcy proceedings have taken effect, this shall in no way influence provisions of this Act with respect to jurisdiction.

(2) The Republic of Croatia is:

a) a differential creditor related to the enforcement of monetary claims from decisions reached in accordance with provisions of this Act, which have been insured in accordance with Articles 11 to 16 of this Act, unless the respective insurance has been established on property or rights entered into a public register,

b) semifinal lender regarding objects which are its property, based on provisions of Article 5, paragraph 1 and Article 6, paragraph 1 of this Act.

#### Article 9

(1) Unless otherwise prescribed by law, government bodies, banks and other legal and physical entities shall, upon order of the court, deliver the information related to the establishment of facts necessary for reaching the decisions stipulated by this Act.

(2) When necessary, the court shall order the government bodies and entities from paragraph 1 of this Article to file reports related to the establishment of facts necessary for reaching decisions as described by this Act.

(3) In the order described in paragraphs 1 and 2 of this Article, the court shall define a deadline for delivering the information or filing reports.

(4) For failure to follow the order within the specified period or incomplete execution of the order, the court may, by means of a ruling, sentence a legal entity to a fine in the amount of up to HRK 500,000.00, and a physical entity or a responsible person within a legal entity or government body to a fine in the amount of up to HRK 50,000.00, and if they do not act in accordance with the order even after the described event, they may be sentenced to prison until the fulfilment of the order, for a maximum term of one month.

(5) An appeal against the ruling as described in paragraph 4 of this Article shall not affect its enforcement.

(6) The defendant and their related party can not be punished for failure to fulfil the order from paragraph 1 of this Article.

#### Article 10

The funds invested into the preparation, perpetration, participation in or covering up of a criminal offence may not be calculated as expenses of the pecuniary benefit resulting from criminal offences.

### IV INSURANCE OF THE PECUNIARY BENEFIT CONFISCATION

#### Article 11

(1) For the purpose of insuring the confiscation of pecuniary benefit resulting from criminal offences, the proponent to insure is authorised to propose insurance by means of any temporary measure for achieving this purpose before and after initiating criminal proceedings or proceedings from Article 6 of this Act, in particular:

a) by means of prohibiting the confiscation and taxing of real estate or real rights entered on the real estate, with the annotation of the ban entered in the land register, by confiscation of the real estate and entrusting the Office with its keeping and management,

b) by prohibiting the opposing party to confiscate or tax movables, by confiscating this property and entrusting the Office with its keeping,

c) by confiscating and depositing cash and securities and handing them over to the Office,

d) by prohibiting the debtor of the opposing party to voluntarily fulfil their obligation towards the opposing party and by prohibiting the opposing party to receive the fulfilment of the respective obligation, i.e. to access their claims,

e) by order to the bank to withhold the payment of the monetary amount from the account for which a temporary measure has been imposed, to the opposing party or a third party, based on an order by the opposing party,

f) by prohibiting the confiscation and taxing of shares, stakes or business interests, with annotation of the prohibition in the book of shares, stakes or business interests, and upon necessity, also in the public register, by prohibiting the exercise of or access to rights based on such shares, stakes or business interests, by entrusting the Office with the management of stakes, shares or business interests, by appointment of a temporary management for the company,

g) by prohibiting the debtor of the opposing party to submit property, transfer a right or perform another non-monetary action towards the opposing party.

(2) The court from Article 5 paragraph 3, and Article 6 paragraph 6 of this Act shall decide on the proposal for insurance from paragraph 1 of this Article. The ruling needs to contain the term for which the temporary measure has been imposed.

(3) Until charges are brought, the investigating judge shall decide on the proposal from paragraph 1 of this Article, the indictment council shall decide on the proposal after the charges have been brought until their confirmation, and following the confirmation of charges or establishment of the hearing based on a private suit, the court at which the hearing is to be held shall decide on the proposal.

(4) Until proceedings described in Article 6 of this Act have been initiated, the investigating judge shall decide on the proposal from paragraph 1 of this Article, and after they have been initiated, the court at which the hearing is to be held shall decide on the proposal.

(5) An appeal shall be allowed against the ruling from paragraph 2 of this Article within 3 days from its date of delivery. The appeal shall not affect the ruling enforcement. A single judge from a court of the higher instance shall decide on the appeal.

(6) A court or another body appointed by a special law shall be competent for the ruling enforcement.

(7) The ruling from paragraph 2 of this Article shall be immediately delivered to the court or another body competent for its enforcement, at the latest on the next working day following the day on which the ruling has been passed.

(8) The enforcement procedure of the ruling from paragraph 2 of this Article shall be urgent.

## Article 12

(1) In the procedure of insurance by means of a temporary measure pursuant to this Act, it shall be presumed that risk exists that the claim of the Republic of Croatia related to the confiscation of pecuniary benefit resulting from criminal offences will not be enforceable, or that the enforcement will be made more difficult if the temporary measure is not imposed.

(2) The insurance can also be established before the opposing party obtained the opportunity to respond to the proponent's proposal to ensure.

### Article 13

- (1) If it is necessary to enter the temporary measure into a public register (land register, ship register, aircraft register, register of court and notary insurance etc.), the court decision shall also contain the order for entering the temporary measure into a public register.
- (2) The proponent to insure is a party to the procedure of entry of the temporary measure into a public register from paragraph 1 of this Article.
- (3) No fees shall be paid in the procedure from paragraph 1 of this Article.

### Article 14

The legal transaction, by means of which the opposing party disposes of the property or right which is the object of insurance, shall have no legal effect once the temporary measure has been imposed.

### Article 15

- (1) If the proposal from Article 11, paragraph 1 of this Act has been filed before proceedings have been initiated, the insurance by means of a temporary measure shall be abolished unless charges have been confirmed, the hearing appointed based on a private suit or the proposal from Article 2, paragraph 2 of this Act has been filed, within the period of two years from the date on which the measure has been imposed.
- (2) The temporary measure can be abolished or replaced by another measure before expiry of the period for which it has been imposed or before expiry of the term from paragraph 1 of this Article, if the court, upon proposal of the opposing party, establishes that it is unnecessary or that the insurance can be achieved by means of another temporary measure, or if the opposing or third party deposits bail. The bail is always deposited in cash, and exceptionally in property or rights which, according to evaluation by the court, can be monetized within a short period.
- (3) If the temporary measure is imposed for a period shorter than the term from paragraph 1 of this Article or the term from Article 16 paragraph 1 of this Act, the opposing party may propose an extension of the temporary measure term.
- (4) Provisions of Article 11, paragraphs 2 to 8 of this Act shall apply to the procedure of abolition, extension, replacement or imposition of an additional temporary measure.

### Article 16

- (1) Insurance by means of a temporary measure may be valid for a maximum of 60 days after the court has delivered information to the proponent to ensure that the verdict from Article 5, paragraph 1 and Article 6, paragraph 1 of this Act has entered into force.
- (2) If the verdict from Article 5, paragraph 3 and Article 6, paragraph 1 of this Act was contested by an appeal, the term from paragraph 1 of this Article shall be calculated from the day when the proponent to ensure has received a decision by the court of second instance, by means of which it has been confirmed.



## Article 17

(1) The Republic of Croatia is liable for damages arising from the temporary measure imposed for the purpose of confiscating pecuniary benefit resulting from criminal offences.

(2) By way of derogation from paragraph 1 of this Article, if the proposal for the imposition of a temporary measure has been filed by the injured person as plaintiff or a private plaintiff, the injured person or private plaintiff is liable for the damages arising from the temporary measure.

(3) The opposing party may file a lawsuit for the compensation of damages at the competent court, within one year starting from the entry into force of the verdict by means of which the defendant has been acquitted or charges have been dropped, or by means of which the proposal for passing the verdict from Article 6 of this Act has been rejected. In the case from paragraph 1 of this Article, the opposing party may file a lawsuit within 30 days from the day they have been informed that the state attorney had refused their request for a peaceful settlement of the dispute, or from the day when the term in which the state attorney was to reach a decision on the respective request has expired.

## V PROTECTION OF THE RIGHTS OF THIRD PARTIES

### Article 18

(1) The party from Article 3, paragraph 1, item 11 of this Act has the right to file a complaint until the ruling on the enforcement has been passed, and to demand withdrawal of the temporary measure.

(2) The court which has passed the ruling on the insurance by means of a temporary measure shall decide on the complaint from paragraph 1 of this Article. An appeal may be filed against this ruling within three days from the date of its delivery. An appeal shall not prevent the enforcement of the insurance, as specified by this Act. A single judge from a court of the higher instance shall decide on the appeal.

(3) If a third party proves their right by means of a public document or if the existence of such a right can be established based on the rules on legal presumptions, the appeal shall detain the enforcement of the ruling on insurance by means of a temporary measure.

## VI ENFORCEMENT

### Article 19

(1) Unless otherwise prescribed by this Act, enforcement for the purpose of confiscating pecuniary benefit resulting from criminal offences shall be established and carried out based on a special law.

(2) The municipal court with territorial jurisdiction which passed the verdict from Article 5, paragraph 1 and Article 6, paragraph 1 of this Act shall be exclusively competent for passing the ruling on establishing enforcement based on the verdict, by means of which pecuniary benefit resulting from criminal offences and misdemeanours is confiscated, and passing other rulings in the course of these criminal proceedings.

(3) The court or body determined by a special law shall be competent for carrying out enforcement based on the ruling from paragraph 2.

(4) If the court from paragraph 2 of this Article is not competent for carrying out enforcement, the rulings from paragraph 2 of this Article shall be delivered to the court or the body competent for carrying out enforcement immediately, and by the latest on the first working day after they have been passed.

## VII PROCEDURE WITH TEMPORARILY CONFISCATED PROPERTY AND CONFISCATED PROPERTY

### Article 20

(1) Temporarily confiscated monetary funds, submitted property and transferred rights shall be managed by the Office.

(2) The Office shall keep records on temporarily confiscated monetary funds, submitted property and transferred rights.

(3) The minister competent for justice, upon consent of the minister competent for finance, shall adopt the ordinance on keeping the records from paragraph 2 of this Article.

### Article 21

(1) The Office may reach the decision on the sale of temporarily confiscated movables without previously issuing a public tender:

a) if their keeping is dangerous, or

b) if there is immediate danger from their deterioration or significant loss of value.

(2) The Office may reach the decision to rent or lease temporarily confiscated objects in accordance with their purpose.

(3) The Republic of Croatia is liable for damages on property from paragraph 2 of this Article caused by rent or lease, in accordance with the general rules on liability for damages.

(4) The Office shall submit the funds obtained through the sale, rent or lease from paragraphs 1 and 2 of this Article to the opposing party within 15 days from the entry into force of the verdict from Articles 5 and 6 of this Act, by means of which the request by the plaintiff was rejected.

(5) The counterparty may file a complaint against the decision of the Office from paragraphs 1 and 2 of this Article within 48 days from its delivery. The court from Article 5, paragraph 3 and Article 6, paragraph 6 of this Act shall decide on the complaint. No appeal against the decision by the court shall be permitted.

### Article 22

(1) The Office shall manage and dispose of the property confiscated pursuant to this Act, and in accordance with a special regulation.

(2) Money confiscated in accordance with provisions of this Act and funds obtained through the sale of the property confiscated, in accordance with this Act shall be paid to the state budget.

## VIII RIGHTS OF INJURED PERSONS

### Article 23

(1) If a property claim has been filed during criminal proceedings, completely or partly adjudicated by the court, or if there is an enforcement decision by the court in a lawsuit, by means of which the request by the injured person related to the criminal offence has been completely or partly accepted, enforcement according to this Act may be established only to the extent to which it will not make the complete settlement of injured persons impossible.

(2) If enforcement has been established contrary to the provision of paragraph 1 of this Article, the injured person in the enforcement procedure for the settlement of claims by the Republic of Croatia, in accordance with provisions of this Act, shall have the status of a third party, demanding that the enforcement be pronounced completely or partially illicit.

### Article 24

(1) The Republic of Croatia shall settle the claims of the injured person based on the property claim, only to the amount of the material benefit confiscated in criminal proceedings, pursuant to this Act.

(2) If the injured person has been directed to file a lawsuit or if a lawsuit filed by the injured person who has not filed a property claim is in progress, they shall be authorised to propose a temporary measure within three months from the day they have been informed that the enforcement has been carried out, for the purpose of insuring their claim, with the Republic of Croatia as the opposing party.

(3) The court from Article 19, paragraph 2 of this Act with territorial jurisdiction shall be exclusively competent for passing the ruling on the proposal of the injured person from paragraph 2 of this Article, in criminal proceedings in which provisions of Articles 11 to 17 of this Act shall apply accordingly.

(4) The ruling from paragraph 3 of this Article shall be delivered to the Office, and to parties who have the right to appeal, in accordance with Article 11, paragraph 5 of this Act.

### Article 25

Upon proposal of the injured person, the court shall alter or withdraw a temporary measure imposed for the purpose of insuring the confiscation of pecuniary benefit resulting from criminal offences, should this be necessary for insuring the property claim.

## IX RECOGNITION AND ENFORCEMENT OF FOREIGN DECISIONS

## Article 26

(1) Decisions by foreign bodies, by means of which temporary or similar measures have been imposed regardless of their name, related to the insurance of the confiscation of pecuniary benefit resulting from criminal offences, shall be recognised and enforced on the territory of the Republic of Croatia, in accordance with the international contract.

(2) If no international contract has been concluded with the respective country, the decision by a foreign body shall be recognised:

- if it is not contradictory to the public order of the Republic of Croatia,
- if it has not been made impossible for the opposing party, especially by failure of delivery, to participate in proceedings from which such a decision has arisen,
- if reciprocity exists.

## Article 27

(1) Decisions by foreign bodies, by means of which pecuniary benefit resulting from criminal offences was confiscated from the defendant or related parties, shall be recognised and enforced in the territory of the Republic of Croatia, in accordance with the international contract.

(2) If no international contract has been concluded with the respective country, the decision by a foreign body shall be recognised:

- if it is not contradictory to the public order of the Republic of Croatia,
- if it has not been made impossible for the party which the confiscation refers to, especially by failure of delivery, to participate in proceedings from which such a decision has arisen,
- if reciprocity exists.

## X SPECIAL CASES OF CONFISCATION

### Article 28

(1) Unless otherwise prescribed by law or ordered by the state attorney, objects which were intended or used for the perpetration of a criminal offence or have been created by its perpetration, shall be temporarily confiscated by the police and submitted to the Office. The state attorney shall immediately be informed about this matter, unless the actions are being conducted based on his/her order.

(2) If temporary confiscation has been performed based on the provision of paragraph 1 of this Article, the court which would be competent for passing the ruling on a temporary insurance measure, in accordance with the provision of Article 11, paragraph 4 of this Act, shall rule on the complaint of a third party.

(3) In cases from paragraphs 1 and 2 of this Article, the provisions of Article 18 of this Act shall apply to third parties.

## XI AUTHORITY

### Article 29

(1) The authority exercised by the state attorney, in accordance with this Act, shall also be exercised by the injured person as plaintiff and a private plaintiff, with the exception of rights and duties exercised by the state attorney as a judicial body.

(2) The authority exercised by the state attorney, in accordance with this Act, shall also be exercised by authorised plaintiffs in accordance with the Misdemeanour Act, with the exception of rights and duties exercised by the state attorney as a judicial body.

(3) In misdemeanour proceedings, decisions shall be reached by the body conducting the misdemeanour proceedings.

(4) The High Misdemeanour Court of the Republic of Croatia shall decide on an appeal against the decision by the body conducting misdemeanour proceedings, reached in accordance with this Act.

## XII TRANSITIONAL AND FINAL PROVISIONS

### Article 30

From the date the Republic of Croatia has become a full member of the European Union, provisions of Articles 26 and 27 of this Act shall not apply to European Union Member States.

### Article 31

(1) Proceedings in cases of ensuring confiscation and reaching decisions on the confiscation of pecuniary benefit resulting from criminal offences, in which a first-instance ruling has been reached before the entry into force of this Act, shall continue based on provisions of the regulations which had been in force at the time when the respective criminal proceedings were initiated.

(2) Provisions of this Act shall apply, if on the day of the entry into force of this Act no decision on ensuring the confiscation or on confiscation of pecuniary benefit resulting from criminal offences, has been reached, or if the first-instance ruling from paragraph 1 of this Article has been annulled and the case returned to the court of first instance for a retrial.

### Article 32

The enforcement of valid decisions on the confiscation of pecuniary benefit resulting from criminal offences, reached according to regulations which had been in force before this Act entered into force, shall be carried out in accordance with the regulations which had been valid before its entry into force.

### Article 33

The competent minister shall pass the regulation from Article 20, paragraph 3 of this Act within three months from the entry into force of this Act.

### Article 34

(1) This Act shall apply to criminal proceedings for criminal offences from Article 21 of the Act on the Office for Combating Corruption and Organised Crime (Official Gazette 76/09 and 116/10), unless otherwise prescribed by the respective Act.

(2) On the day of entry into force of this Act, in the Act on the Office for Combating Corruption and Organised Crime (Official Gazette 76/09 and 116/10), provisions of Article 50, paragraph 3; Article 51, items 3 and 5 – 7; Article 52, paragraph 1, paragraph 3 - second sentence, and paragraph 4; Article 53, paragraphs 3 and 4; Article 54, paragraph 2; Article 55, paragraph 1, item 4, and paragraphs 2 – 5; Article 56, paragraph 1, item 5 and paragraph 5; Article 57, paragraphs 6 and 7; Article 58 and Article 60, paragraph 1 shall become invalid.

### Article 35

This Act shall enter into force on the eighth day from the date of its publishing in the Official Gazette.