

Act on the Amendments to the Act on Judicial Cooperation in Criminal Matters with Member States of the European Union

Article 1

(1) This Act regulates the judicial cooperation in criminal matters between competent domestic judicial authorities and competent judicial authorities of other Member States of the European Union, in regard to:

1. the European arrest warrant and the surrender procedure,
2. the order freezing property or evidence,
3. the European evidence warrant,
4. the recognition and execution of decisions imposing confiscation of assets or objects,
5. the recognition and execution of decisions on financial penalties;
6. the recognition and execution of judgments imposing custodial sentences or measures involving deprivation of liberty,
7. the recognition and execution of decisions imposing probation measures and alternative sanctions,
8. the recognition and execution of supervision measures.

(2) By force of this Act, the following judicial acts of the European Union shall be transferred (adopted) in the legal system of the Republic of Croatia:

- The Framework Decision of the Council 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (Official Journal L 190, 18 July 2002),
- The Framework Decision of the Council 2003/577/JHA on the execution in the European Union of orders freezing assets or evidence (Official Journal L 196, 2 August 2003),
- The Framework Decision of the Council 2005/214/JHA of 24 February 2004 on the application of the principle of mutual recognition to financial penalties (OJ L 76, 22 March 2005),
- The Framework Decision of the Council 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders (OJ L 328, 24 November 2008),
- The Framework Decision of the Council 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their execution in the European Union (OJ L 81, 27 November 2008),
- The Framework Decision of the Council 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions (OJ L 337, 27 November 2008)
- The Framework Decision of the Council 2008/978/JHA of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters (OJ L 350, 30 December 2008),

- The Framework Decision of the Council on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters 2008/977/JHA of 27 November 2008 (OJ L 350, 30 December 2008).
- The Framework Decision of the Council 2009/299/JHA of 26 February 2009 on the amendments to the Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA, and 2008/947/JHA for the enhancement of the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial (OJ 2009/299/JHA L 81, 26 March 2009).
- Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view of reinforcing the fight against serious crime (OJ L 63, 6 March 2002).as last amended by the Council Decision 2009/426/JHA of 26 December 2008 on the strengthening of Eurojust (OJ L 138, 4 June 2009).
- Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention (OJ L 294, 11 November 2009).
- Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1 June 2012).“

Article 2

In Article 5, point 5 is amended to read:

„Eurojust – is a legal person of the European Union established by the Council Decision no. 2002/187/JHA, amended by the European Union Council decisions no. 2003/659/JHA and 2009/426/JHA, established with a view to enhance and foster the cooperation of competent judicial bodies of the Member States in the prevention of serious crime;“

In item 12, the text:„and Article 113, paragraph 1“ is deleted.

After point 24, full-stop is deleted and a double-column added and points 25, 25, 26 and 27 is added with the following text:

„25) the decision on supervision measures – is an executive decision of the competent authority of the issuing State imposed in a criminal procedure in accordance with its national law, whereby one or more supervision measures have been imposed on a natural person as a replacement for investigatory detention;

26) supervision measures – are obligations imposed on a natural person as a replacement for investigative detention, based on relevant law in the prescribed procedure of the issuing State;

27) the national S.I.Re.N.E Office – an organisational unit of the Ministry of the Interior, which is the central authority competent for the exchange of additional information related to the warnings from Schengen Information System“.

Article 3

After Article 4, Article 4.a is added, which reads as follows

„Personal data protection

Article 4.a

(1) Provisions of the national personal data protection law shall be applied to forwarding and

protection of personal data exchanged in course of judicial and police cooperation.

(2) Any person whose data have been processed by the Eurojust has the right of the access to information in accordance with Article 19 of the EU Council Decision number 2002/187/JHA, 2003/659/JHA, and 2009/426/JHA. The application for the access to these data may be submitted, in accordance with the domestic law, to the competent State Attorney's Office of the Republic of Croatia, which shall forward the application to the Eurojust.“

Article 4

The headings above Article 5 and Article 5 are amended to read:

„Competent authorities for receiving the decisions of foreign judicial authorities

Article 5

(1) The competent authorities for receiving foreign judicial body decisions listed in Article 1 of this Act are the following:

- in regard to item 1, the County State Attorney's Offices according to the location where the person to whom the warrant applies was located or the location of his/her temporary or permanent residence;
- in regard to items 2 and 3, the County State Attorney's Offices according to the location of the property, objects or evidence;
- in regard to item 4, the County State Attorney's Offices according to the location of the property or objects or where the natural person has a permanent or temporary residence and a legal person its registered headquarters;
- in regard to item 5, the County Courts according to the location where the natural person has a permanent or temporary residence and where a legal person has its registered headquarters;
- in regard to items 6 and 7, the County Courts according to the location of the person's temporary or permanent residence and alternatively according to temporary or permanent residence of the defendant's family;
- in regard to item 8, the County State Attorney's Offices according to the location where the person has his/her temporary or permanent residence.

(2) The County State Attorney's Office in Zagreb is competent for receiving the European Arrest Warrant if the whereabouts of the requested person are unknown and in case of the decision on supervision measures if the person to whom the decision refers to does not have temporary or permanent residence in the Republic of Croatia.

(3) If the competence of the County Court from paragraph 1, lines 5 to 8 cannot be established, the competent authority for receiving decisions shall be the County Court of Zagreb.

(4) If the domestic judicial body receives any of the decisions on judicial cooperation and is not competent for receiving or taking measures or actions required for its execution, it shall forward it to the competent court from Article 5 paragraph 1 of this Act and immediately and directly inform the judicial body of the issuing State.

(5) The Ministry competent for judicial matters is the central body providing assistance to domestic competent authorities and the competent authorities of other Member States in the facilitating contacts and judicial cooperation in regard to the decisions listed in the Article 1

of this Act.“

Article 5

The heading above Article 6 and Article 6 are amended to read:

„Domestic authorities competent to issue decisions enforced via judicial cooperation

Article 6

The European Arrest Warrant, an order freezing property or evidence and a European evidence warrant, a decision to confiscate property or object, a decision on supervision measures, a judgment imposing a financial fine, a judgment imposing imprisonment or a measure including deprivation of liberty, a judgment or a decision imposing probation measures or alternative sanctions, shall be issued by domestic authorities which are competent according to their domestic law and in accordance with that law.“

Article 6

The heading above Article 7 and Article 7 are to read:

„Forwarding of domestic authority decisions

Article 7

(1) The County State Attorney's Offices shall forward to the competent authority of the executing State the European arrest warrant and the European evidence warrant which they issued themselves on a prescribed form as well as those issued by the Municipal State Attorney's offices on the territory of their local jurisdiction.

(2) The European arrest warrant and the European evidence warrant shall be submitted by domestic courts on a prescribed form, directly to the authority of the executing State.

(3) The following authorities shall be competent for the completing and certification of the contents of the certificates issued with the decisions and for their forwarding:

- the State Attorney's Office of the Republic of Croatia for the decisions listed in the Article 1, item 2 of this Act and in regard to item 4, Article 1 if property confiscation decision is in question, as well as in regard to the decisions from items 7 and 8 of Article 1, if these decisions were issued by the State Attorney.

- the county courts in regard to the decisions from Article 1, items 5, 6, 7 and 8 for the decisions issued by themselves as well as for the decisions of the municipal courts from the area of their local competence.“

Article 7

Article 8 is deleted.

Article 8

Article 9 is amended to read:

„(1) The competent judicial body shall execute the decisions of foreign judicial bodies listed in Article 1 of this Act if these instruments and the accompanying documents are translated into the Croatian language. In urgent cases, the English translation shall be accepted, on

condition that the Member State which has submitted the decision in English agrees to receive the decisions of domestic competent authorities in English.

(2) For the purpose of their execution in another Member State, the decisions of judicial cooperation shall be translated into the official language of the executing State or other language acceptable in that State.“

Article 9

Article 10 is amended to read:

The competent judicial authority referred to in the Article 7 of this Act shall execute the received decision referred to in the Article 1 of this Act without verification of the double criminality for the offences, which are punishable in the issuing State by a custodial sentence or detention order for a maximum period of at least three years and, in the case of the recognition of a financial penalty, regardless of the amount of the prescribed punishment, namely for the following offences:

- participation in a criminal organisation,
- terrorism,
- trafficking in human beings,
- sexual exploitation of children and child pornography,
- illicit trafficking in narcotic drugs and psychotropic substances,
- illicit trade in weapons, ammunitions and explosives,
- corruption,
- fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests,
- laundering of the proceeds of crime;
- counterfeiting currency, including the Euro,
- computer-related crime,
- environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties,
- facilitating unauthorised entry and residence,
- murder, grievous bodily injury,
- illicit trade in human organs and tissue,
- kidnapping, illegal restraint and hostage-taking,
- racism and xenophobia,
- organised or armed robbery,
- illicit trafficking in cultural goods, including antiques and works of art,
- swindling,
- racketeering and extortion,

- counterfeiting and piracy of products,
- forgery of administrative documents and trafficking thereof;
- forgery of means of payment,
- illicit trafficking in hormonal substances and other growth promoters,
- illicit trafficking in nuclear and radioactive materials,
- trafficking in stolen vehicles,
- rape,
- arson,
- crimes within the jurisdiction of the International Criminal Court,
- unlawful seizure of aircraft/ships,
- sabotage.“

Article 10

In Article 11, paragraph 1 is amended to read:

„(1) The minister competent for judicial matters shall designate in the ministry the contact persons for the European Judicial Network in Criminal Matters. The president of the referential court shall designate contact persons in the courts competent for judicial co-operation, and the Attorney General of the Republic of Croatia shall designate contact persons in the competent State Attorney's offices.“

In paragraphs 2 and 3 the text „judicial co-operation instruments“ shall be replaced by the text "judicial body decision“.

Article 11

The headings above Article 12 and Article 12 are amended to read:

“Objectives and authorities of the Eurojust

Article 12

(1) The objectives of the establishment of Eurojust are the reinforcement and improvement of the coordination and co-operation of the competent judicial authorities of the European Union Member States in criminal prosecution of the crimes prescribed by Article 4, paragraph 1 of the European Union Council Decision establishing the European Police Office (EUROPOL) no. 2009/371/JHA, i.e. organised crime, terrorism, serious criminal offences in relation to two or more European Union Member States and in regard to the severity of the injury or jeopardising legal goods and the consequences thereof that demand joint action by the Member States.

(2) Besides the criminal offences listed in paragraph 1 of this Article, Eurojust may, in accordance with its objectives and upon request of the competent authorities of the Member States, assist in the procedures for other criminal offences.

(3) To achieve objectives listed in paragraph 1 of this Article, Eurojust may act through one or more national members designated by the European Union Member States or through Eurojust College.

(4) In view of the objectives listed in paragraph 1 of this Article, the Eurojust College is

authorised for the following:

- a) to inform the State Attorney's Office of the Republic of Croatia on the criminal offences they are informed of and to require undertaking of a criminal prosecution,
- b) to demand consultation between the competent authorities of other Member States and the State Attorney's Office of the Republic of Croatia in order to expedite the procedure,
- c) to demand coordination between the competent authorities of other Member States and the State Attorney's Office of the Republic of Croatia,
- d) to demand from the State Attorney's Office of the Republic of Croatia the establishment of a joint investigative team with the judicial authorities of other European Union Member States,
- e) to demand from the State Attorney's Office of the Republic of Croatia to inform the competent authorities of other Member States on the procedures of interest for the European Union, as well as in the procedures which affect other Member States,
- f) to demand from domestic judicial bodies to submit information required by Eurojust in order to meet the objectives stated in paragraph 1 of this Article.

(5) When no agreement between domestic judicial authorities and competent European Union Member State bodies has been reached, either directly or through a national member in the Eurojust, domestic judicial authorities may address the Eurojust College and require a non-binding opinion in the following cases:

- if the competent Member State does not act in accordance with the requests for the international legal assistance issued by domestic judicial bodies,
- if competent Member State's authorities decline recognition and execution of the decision listed in Article 1 of this Act, issued by competent domestic bodies."

Article 12

Following the Article 12, articles 12.a, 12.b, 12.c, 12.d, 12.e, 12.f shall be added, reading as follows:

„The national member in the Eurojust

Article 12. a

- (1) The minister competent for judicial matters shall designate the national Eurojust member, upon the proposal of the Attorney General of the Republic of Croatia.
- (2) The national member has the status of the deputy Attorney General of the Republic of Croatia and shall be appointed for the period of four years; following this period, he/she may be reappointed for the same duty.
- (3) The deputy national Eurojust member has the status of the deputy of county or municipal State Attorney and is appointed by the Attorney General of the Republic of Croatia for the period of six months; following the expiry of this period he/she may be reappointed for the same duty.
- (4) The national member has the obligation to report on a regular basis the Attorney General of the Republic of Croatia on its work.
- (5) When delivering his service, the national member is obligated to respect the legal system of the receiving country, the legislature of the Republic of Croatia and the European Union Decision on the establishment of Eurojust no.:2002/187/JHA, 2003/659/JHA, and 2009/426/JHA.

The rights and obligations of the Eurojust national member

Article 12. b

(1) The national Eurojust member has an obligation to:

- a) participate in the work of Eurojust College and the activities related to management and work of the Eurojust
- b) conduct the exchange of information between Eurojust and the Republic of Croatia,
- c) perform all the tasks required by Eurojust College, Eurojust president, i.e. team presidents, including the obligation to maintain contacts with the European Commission and the European Parliament, with the European Police Office (Europol) and the European Anti-Fraud Office (OLAF),
- e) cooperate with the European Judicial Network in criminal matters,
- f) assist the judicial authorities of the Republic of Croatia and the European Union Member States in the coordination of investigations related to more than one Member State,
- g) mediate upon request of domestic judicial authorities with a view of coordinated execution of the request for international legal assistance.

(2) For the purpose of meeting the Eurojust objectives, the national team member has the following authorities.

- a) access to information contained in criminal records or any other records in the Republic of Croatia in the same way as prescribed by the law of the Republic of Croatia for the State Attorney or Deputy State Attorney.
- b) to demand from domestic judicial authorities, on behalf of Eurojust, proceedings in accordance with Article 12 paragraph 4 of this Act and to submit information required to enforce special evidence procedures or other procedures for criminal prosecution purposes.

National member mediation

Article 12. c

(1) The national member may, in accordance with domestic law, collect data and forward it to the Eurojust and Member States' national members when those are required for carrying out requests for international legal assistance and the recognition and execution of the decisions listed in Article 1 of this Act issued by domestic judicial bodies.

(2) In the case of rejection of the request or partial granting of the request, i.e. the decisions listed in Article 1 of this Act issued by Member State authorities, the national member may, in accordance with domestic law, require domestic judicial authorities to take necessary actions for the purpose of proceeding in line with the request and respectively the decision.

(3) The national member may, upon request of the national members from other Member States:

- a) request that the domestic judicial bodies submit requests for international legal assistance or decisions listed in Article 1 of this Act,
- b) request that the domestic judicial bodies execute requests from the judicial authorities of the Member States, i.e. recognition and execution of the decisions listed in Article 1 of this Act issued by the judicial authorities of the Member States,
- c) request that the competent State Attorney's Office of the Republic of Croatia submits an

application to the investigative judge to conduct special evidence procedures of supervised transport and delivery of crime proceedings for the purpose of the enforcement of coordinated supervised delivery.

Proceeding of domestic judicial authorities

Article 12. d

(1) Domestic judicial authorities may refuse to proceed on the demand listed in Article 12, paragraph 4 and Article 12.b paragraph 2 of this Act and to refuse to proceed on the non-binding opinion of Eurojust College, listed in Article 12, paragraph 5 of this Act. Domestic judicial authorities are obligated to immediately inform the national member of the Eurojust of their decision and reasons of refusal.

(2) Domestic judicial authorities are not obligated to explain their decision listed in paragraph 1 of this Article if this jeopardise the public order, national security or the security of an individual.

(3) In order to meet the objectives of the Eurojust, the State Attorney's Office of the Republic of Croatia shall inform the national member of the Republic of Croatia on suspected perpetration of crime within Eurojust competence that concerns at least two European Union Member States.

The national member of joint Eurojust monitoring authority

Article 12. e

(1) The minister competent for judicial matters shall appoint, from the lines of national judges, the national member of joint monitoring authority of the Eurojust, established for the purpose of monitoring of personal information processing in the Eurojust, for the period of three years.

(2) The national member shall perform his/her duties independently, within the frames of joint monitoring Eurojust authority, where he/she participates as a permanent member or an ad hoc judge.

(3) The national member may become a permanent member of the joint monitoring team of the Eurojust if he/she was elected at the Plenary Session of the national members of European Union Member States. The permanent member shall be appointed for the period of three years and may be re-elected.

(4) The national member of the Republic of Croatia which holds the position of an ad hoc judge in the joint monitoring team of the Eurojust shall participate in its work only during deciding on the complaint against the decision of the Eurojust on the request of the individual to access, delete, amend or block personal information submitted by the Republic of Croatia.

The national coordinating system of the Eurojust

Article 12.f

(1) The minister competent for judicial matters shall appoint:

- the national representative at the Eurojust for terrorism,
- the national representative at the European Justice Network in criminal matters,
- national contact person for the network for joint investigative teams, established by the Council Decision 2002/494/JHA,
- national contact persons for the European network for the persons responsible for genocide,

crime against humanity and war crimes,

- national contact persons based on the Council Decision 2007/845/JHA on the cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to crime,

- national contact person for anti-corruption network based on the Council Decision 2008/852/JHA.

(2) The persons listed in paragraph 1 of this Article constitute national coordinating system of the Eurojust established in view of the coordination of work of the stated contact persons.

Article 13

Article 13 is amended to read:

„(1) The costs of the execution of the decisions of foreign judicial authorities from Article 1 of this Act, incurred on the territory of the Republic of Croatia, shall burden the state budget of the Republic of Croatia. All other costs shall be borne by the issuing State.

(2) By way of exception from paragraph 1 of this Article and following the proposal of the competent judicial authority from Article 7 of this Act, if during the execution of the decision on the confiscation of assets the Republic of Croatia suffers expenses it considers high or extraordinary, it may propose sharing of expenses to the issuing State, along with detailed specification.,

(3) If the domestic authority receives the request on the confiscation of assets or objects issued by the domestic court, within the meaning of paragraph 2 of this Article, from the decision executing State, it shall forward it to the ministry competent for finances for competent proceeding.

(4) The costs of the transfer of a person for the purpose of the execution of the judgment imposing imprisonment or measures including deprivation of liberty shall be borne by the Member State issuing the judgment.“

Article 14

In Article 14, paragraph 1 is amended to read:

„(1) Any interested party, including bona fide third parties, that has certain title to property for which an order freezing property or evidence, a European evidence warrant or a confiscation order has been issued, may submit an appeal against the decision on the recognition and execution of these decisions in order to preserve its legitimate interests, in accordance with domestic law on criminal procedure“.

Paragraphs 2 and 3 are deleted.

Paragraph 4, now becoming paragraph 2, is amended to read:

„(2) The submission of the appeal against the decision on the recognition of the European evidence warrant or the decision on the confiscation of property or objects, shall postpone its execution and submission of objects until the end of the appeal procedure, while the appeal against the decision on the acknowledgement of an order freezing property or evidence shall not postpone its execution.“

In previous paragraph 5, now becoming paragraph 3, the text:„the confiscation order“ shall be replaced with the following text:„the confiscation decision“.

Previous paragraph 6 shall become paragraph 4.

Article 15

In Article 15 words: „confiscation order“ are replaced by the words: „ confiscation decision“, whereas the word: „order“ is replaced by the words: „these orders“.

Article 16

In Article 16 words: „confiscation order“ are replaced by the words: „ confiscation decision“.

Article 17

Article 17 is amended to read:

„(1) For offences other than those listed in the Article 10 of this Act, competent domestic authority can issue the European arrest warrant for criminal offences punishable by a custodial sentence for a maximum period of at least one year or more, or where a final sentence has been passed for a custodial sentence of at least four months.

(2) Competent domestic authority can issue the European arrest warrant for the purposes of conducting a criminal prosecution in cases where a detention order has been made.

Article 18

In Article 18, item 3, following the words “article 2, item 8”, the comma is deleted, and the words “and articles” are added.

Article 19

Article 19 is amended to read:

„(1) In addition to the means of receiving the foreign judicial decisions referred to in the Article 5 of this Act, the European arrest warrant may be received and transmitted through the secure telecommunication system of the European Judicial Network in criminal matters.

(2) The European arrest warrant issued by a competent judicial authority will be sent through the national S.I.Re.N.E office by issuing an alert in the Schengen Information System (SIS) in order to execute the European arrest warrant issued for this person if the whereabouts of the person are unknown

(3) Such an alert will be accompanied by the information referred to in the Article 18 of this Act shall be equivalent to the European arrest warrant.

(4) If it is not possible to call the services of the Schengen Information System (SIS) via the national S.I.Re.N.E office, the competent judicial authority may receive and transmit the European arrest warrant via the INTERPOL.“

Article 20

Article 20 is amended to read as follows:

“(1) Except for the offences listed in Article 10 of this Act, the competent court shall execute a European arrest warrant for acts punishable on the basis of national law of the issuing State for the maximum period of at least one year or longer or for which a final prison sentence has been rendered or a measure including deprivation of liberty for a period of at least four

months, subject to the condition that those acts constitute an offence under domestic law, whatever the constituent elements or however they are described.“

(2) The court shall refuse to recognise a European arrest warrant in the following cases:

1. If the European arrest warrant has been issued for the offence which is covered by amnesty in the Republic of Croatia, and where a domestic court has jurisdiction under the law,
2. If the court has been informed that the requested person has already been finally sentenced by a Member State in respect of the same offence provided that the sentence has been served or is currently being served or it may no longer be executed under the law of the sentencing Member State,
3. If the requested person has not reached the age of 14 at the time the offence was committed,
4. If the offence stipulated in Article 17 paragraph 2 of this Act to which the European arrest warrant refers does not constitute a criminal offence under domestic law. In relation to fiscal offences, the execution of a European arrest warrant shall not be refused solely on the ground that domestic law does not impose the same kind of tax or duty or does not contain the same provisions regarding taxes, duties, customs or exchange regulations as well as the law of the issuing State,
5. If the person who is the subject of the European arrest warrant is being prosecuted in the Republic of Croatia for the same offence for which the European arrest warrant has been issued, unless the State Attorney and the authorised institution of the issuing State have agreed that criminal proceedings shall be conducted by judicial authority of the issuing State,
6. If domestic judicial authority has decided not to prosecute for the offence for which a European arrest warrant has been issued because the suspect has fulfilled the obligations imposed on him or her as a condition to cease prosecution,
7. If the prosecution or the execution of sanction is statute-barred according to domestic law, provided that Croatian judicial authorities have jurisdiction for that offence under the domestic criminal law,
8. If the court has been informed that the requested person has already been finally sentenced by a third State in respect of the same offence provided that the sentence has been served or is currently being served or it may no longer be executed under the law of the sentencing Member State.”

Article 21

In Article 21 paragraph 1 the words: “A court may, taking into account the principles of efficient co-operation, expediency and the right to a fair trial, decide whether it will execute or refuse to execute the European Arrest Warrant” shall be replaced with the following words: “The court may, taking into account the principles of efficient co-operation, expediency and the right to a fair trial, refuse to execute the European Arrest Warrant.”

Items 1, 2, 4, 5, 6 and 7 shall be deleted whereby the former items 3 and 8 shall become items 1 and 2.

Article 22

In Article 22 paragraph 2 shall be deleted.

Article 23

Paragraph 22a shall be inserted after paragraph 22 and it shall read:

“Surrender of nationals”

Article 22a

(1) If a European arrest warrant has been issued for the purpose of prosecution and the requested person is a national of the Republic of Croatia residing in the Republic of Croatia, the court shall impose as a condition for the execution of such warrant that the requested person is returned to the Republic of Croatia in order to serve the sanction passed against him or her in the issuing State, in case such person consented to serve the sentence in the Republic of Croatia.

(2) If the European arrest warrant has been issued for the purpose of execution of a custodial sentence or a measure including deprivation of liberty, where the requested person is a Croatian national residing in the Republic of Croatia who consented to serve the sentence in the Republic of Croatia, the court shall postpone deciding upon the European Arrest Warrant. In order to resume the execution of sanction, the court shall request documentation from the issuing State. After the decision about resuming the execution of sanction becomes final, the court shall refuse the execution of the European Arrest Warrant.”

Article 24

Article 23 is amended to read as follows:

“(1) The police may, according to their authorities regulated by the law on police procedure, arrest the person for whom a European arrest warrant has been issued and surrender such person to detention supervisor. A copy of the European arrest warrant or a warning from Schengen Information System and its translation pursuant to Article 9 of this Act shall be submitted to the authorised county State Attorney.

(2) After he/she receives the detention notification from detention supervisor, the State Attorney shall interrogate the detainee and he/she shall, unless supervision measures are determined, order the police to bring the detainee within 48 hours from the arrest before the authorised investigating judge who shall decide upon investigative prison and upon initiating the surrender procedure.

(3) When the authorised county State Attorney's Office receives a European Arrest Warrant, it shall verify whether such warrant contains all data pursuant to Article 18 of this Act. If the warrant is incomplete or is not accompanied by the translation in accordance with Article 9 of this Act, the State Attorney's Office shall impose a reasonable time limit to the authority issuing the European Arrest Warrant, no longer than seven working days, to provide the translation, or additional information required to initiate the execution of the European Arrest Warrant.

(4) The State Attorney shall submit the documentation stipulated in paragraph 3 of this Article to the county court for the authorised procedure.

(5) The competent State Attorney shall represent the issuing State in the proceedings before the court initiated on the basis of the European Arrest Warrant.”

Article 25

In Article 24, paragraphs 1 and 2 are amended to read:

“(1) The State Attorney shall inform the person for whom the European arrest warrant has been issued of its contents and the basis for the issuance of the European Arrest Warrant, the possibility of consenting to the surrender to the issuing State and expressing renunciation of the application of the speciality rule referred to in Article 38, paragraph 1 of this Act. At the hearing deciding about the investigating prison, the investigating judge shall determine whether the person has been advised of his/her right to defence counsel, a court interpreter, his/her right to request a defence counsel in accordance with the provisions of domestic criminal procedural law and he/she shall also advise such person that he/she shall not be obliged to provide testimony in the procedure based on the order. Unless the person has been advised of the rights mentioned herein, the judge shall invite the State Attorney to do so. Upon the request of requested person, the court shall assign a defence counsel based on the criteria stipulated by domestic law for the appointment of defence counsel to the defendant against whom the indictment has been brought.

(2) When a requested person has been arrested for the purpose of execution of a European Arrest Warrant, such person shall have a defence counsel already at first hearing. Immediately upon the arrest, and prior to the first hearing, the arrested person shall be provided with written advice, in the language which the arrested person understands, regarding the rights stipulated in paragraph 1 of this Article as well as regarding the right to an appeal against the decision on investigating prison for surrender, the right to obtain an insight into the case file, the right to inform the consular institution or a person appointed by the arrested person about the arrest, the right to emergency medical service and he/she shall be informed about the longest period of investigating prison for surrender stipulated by the law. Unless a written advice is available in the language which the arrested person understands, he/she shall be instructed of such rights orally, whereas the written advice composed in the language he/she understands shall be submitted subsequently, within the shortest possible period.

In paragraph 3 the word "Judge" shall be replaced with the words "State Attorney".

Article 26

After Article 24 the title is inserted, as well as Articles 24a and 24b as follows:

“Procedure before investigating judge”

Article 24a

(1) Upon the request of State Attorney, in the procedure of executing a European Arrest Warrant, the investigating judge shall set a hearing aimed at deciding upon the investigating prison in accordance with domestic law.

(2) If the person to whom a European arrest warrant refers expressed his/her consent to surrender which was entered in State Attorney's minutes, the investigating judge shall, upon determining that the consent to surrender complies with Article 27 of this Act, render the decision pursuant to Article 28 of this Act.

(3) The investigating judge shall inform the parties when the hearing about the decision regarding the investigating prison shall be held.

The procedure before judicial panel outside the trial

Article 24b

(1) Upon determining investigating prison, unless the person to whom a European arrest warrant refers consented to surrender, the investigating judge shall submit the documentation

stipulated in Article 23 paragraph 4 of this Act to judicial panel of the competent county court outside the trial.

(2) Upon receiving the documentation, the president of judicial panel outside the trial shall set the panel session within eight days, should the requested person be in investigating prison.

(3) The State Attorney, the requested person and his/her defence counsel if any as well as the interpreter if required, shall be invited to the session. Prior to the beginning of the session the requested person may declare that he/she consents to surrender and request such information to be entered in the minutes. In such case, the panel shall render the decision stipulated in Article 28 of this Act.

(4) At the beginning of the session, the president of the panel shall make sure the requested person has received and understood the advice on rights. If not, the president of the panel shall order the State Attorney to provide such person with the necessary advice on rights.

(5) The State Attorney shall list the base for the issuance of a European Arrest Warrant, the criminal offence on which the warrant is based as well as the reasons for its issuance and he/she shall suggest the recognition and execution of such warrant. The State Attorney shall furthermore provide the opinion about the basis of prolonged investigation prison or supervision measures in case they were ordered for the requested person.

(6) The requested person and his/her defence counsel shall provide their opinion regarding the statements stipulated in the European arrest warrant and they shall provide the reasons for objecting to surrender, and they may indicate the reasons for refusing the surrender stipulated in Articles 20 and 21 of this Act, as well as the evidence by which they substantiate their statements. The requested person may consent to surrender at the session of judicial panel outside trial whereupon the panel shall act in the way stipulated in paragraph 3 of this Article.

(7) Should the evidence pointed to by the parties at the panel session be provided and submitted, the president of the panel shall postpone the session and immediately set a new one, no later than ten working days. If the parties failed to propose submitting the evidence, the president of the panel shall close the session, upon which the panel shall withdraw for deliberation and to reach decision regarding the investigating prison and the surrender of the requested person.

Article 27

In Article 25, paragraph 1 is amended to read:

“(1) Should the State Attorney during the interrogation of requested person who is a national of the Republic of Croatia determine that such person enjoys the immunity in the Republic of Croatia, he/she shall request the immunity to be waived.”

In paragraph 2 the word "court" shall be replaced with the words: "State Attorney".

In paragraph 3, after the word "Article" the following words shall be inserted: "28 i, and the word "court" shall be replaced with the words: "State Attorney".

Article 28

In Article 26, paragraph 1 is amended to read:

“(1) In order to execute the decision on surrender, during the procedure based on a European arrest warrant the measures in compliance with domestic rules shall be applied to the requested person, which shall ensure the surrender.”

In paragraph 2, after the word: “judge” the following words shall be added: “upon the proposal of State Attorney.”

Article 29

In Article 28 after paragraph 2, paragraph 3 is inserted to read as follows:

“(3) The decision referred to in paragraph 2 of this Article shall be submitted to the requested person, his or her defence counsel and the State Attorney who may appeal within three days. The decision on the appeal shall be rendered within three days by the judicial panel outside the trial.”

Article 30

In Article 29 paragraph 7 after the word "order" the full stop shall be deleted and the following words shall be added: “and national S.I.Re.N.E. office”.

Article 31

In Article 30 paragraph 2 is amended to read:

“(2) Should the court determine that in relation to the same person the prerequisites for the surrender based on a European arrest warrant have been met and for the extradition based on a third State request, the decision on the surrender or extradition shall be rendered by the minister authorised for judicial matters. The provisions regarding the consented surrender and simplified extradition shall not be applied in this case.”

Article 32

In Article 32 paragraph 2 shall be deleted.

Former paragraphs 3, 4, 5 and 6 shall become paragraphs 2, 3, 4 and 5.

In the former paragraph 6 that becomes paragraph 5, the words: “domestic courts” shall be replaced with words: “domestic authorised institutions”.

Article 33

In Article 36 paragraph 1 is amended to read:

“(1) Should the State Attorney receive a European arrest warrant for a person who has been extradited to the Republic of Croatia from a third State under the condition that the speciality rule is respected, he/she shall inform the authorised institution of the issuing State thereof with a purpose of obtaining the consent of the third State to surrender such person.”

In paragraph 2, after the word "Article" the following words shall be inserted: „28 and“, and the word "court" shall be replaced with the words: “State Attorney”.

Article 34

In Article 39 after paragraph 1, paragraph 2 is inserted to read as follows:

“(2) Should the State Attorney receive a European arrest warrant for a person who has been extradited to the Republic of Croatia from another Member State under the condition that the speciality rule is respected, he/she shall inform the authorised institution of the issuing State

thereof with a purpose of obtaining the consent of the Member State from which the Republic of Croatia received such person.”

Article 35

Article 44 is amended to read as follows:

„(1) The institution authorised under domestic law shall issue the order freezing property or evidence located in another Member State with a purpose of providing evidence or enabling subsequent confiscation of the property for the purpose of criminal proceedings conducted in the Republic of Croatia.

(2) The State Attorney’s Office issuing the order for a temporary confiscation of items or on the basis of whose proposal the court rendered the decision to ensure confiscation of the proceeds of crime shall forward such decisions to the State Attorney’s Office of the Republic of Croatia for further processing.

(3) The State Attorney’s Office of the Republic of Croatia shall fill in a receipt whose standard form constitutes an integral part of this Act (Annex 2) and it shall verify the accuracy of its contents and submit it together with the order or decision to the authorised institution of the Member State for which it justifiably believes it holds the items or property, or provides a residence for a natural person or a seat for a legal entity which possesses such items or property.

(4) Should the order stipulated in paragraph 2 of this Article be invalidated, and the decision stipulated in such paragraph be abolished or modified, the State Attorney's Office of the Republic of Croatia shall be obliged to notify the authorised institution of the executing State via secure means of communication suitable for printing, provided that the executing State consents to such manner of communication.

Article 36

In Article 47 paragraph 1 the word “may“ shall be replaced with the word “shall“, and the words: “taking into account the principles of efficient co-operation, expediency and right to a fair trial decide whether it shall execute or” shall be deleted.

In item 1, after the word "order" and the comma the following words shall be inserted: "and the issuing State has not within the prescribed period, no longer than seven working days submitted a completion or correction,

Item 2 shall be deleted, whereby the former items 3 and 4 shall become items 2 and 3.

New paragraph 2 shall be inserted after paragraph 1 as follows:

“(2) The Court may refuse to recognise the order freezing property or evidence should the immunity or a benefit prevent the execution of order.”

Former paragraphs 2, 3 and 4 shall become paragraphs 3, 4 and 5.

Article 37

In Article 50 paragraph 1 the words: “from Article 7 paragraph 2” shall be replaced with the words: “from Article 5 paragraph 1 Subparagraph 2”.

Article 38

The title of Chapter V is amended to read:

“Decision on confiscating property or items”

Article 39

Article 63 is amended to read as follows:

“Except for criminal offences stipulated in Article 10 of this Act, the competent court shall recognise, and domestic judicial authority shall implement the execution of decision on confiscation of property or items for all punishable acts stipulated by domestic law, regardless of legal description or legal qualification of punishable act stipulated in the received decision, which shall be executed in accordance with domestic law.”

Article 40

In the title above Article 64 the word “order” is replaced by the word “decision”.

Paragraphs 1 and 2 are changed to read as follows:

(1) Upon receiving a decision on the confiscation of property or item of property made by a foreign judicial authority from the competent State Attorney referred to in Article 5, paragraph 1, item 3 of this Act, if there are no reasons referred to in Article 65 or Article 67 of this Act, the competent court shall recognise it without any further formality. After the decision on confiscation has final force and effect and becomes enforceable, its execution shall be carried out in accordance with domestic law.

(2) If the order applies to the confiscation of an item of property, the court may confiscate its grant equivalent instead of the item of property, if the competent State Attorney presents consent of the issuing State for such confiscation, and its execution shall be done in accordance with the provisions of the law regulating the enforcement procedure”.

In paragraph 3 the words “confiscation order” are replaced by the words “decision on confiscation”, while the word “court” is replaced by the words “competent State Attorney”.

In paragraph 4 the words “confiscation order” are replaced by the words “decision on confiscation”, while the word “order” is replaced by the word “decision” and the word “competent” is added before the word “court”.

Article 41

The title above Article 65 and Article 65 are amended to read:

“Reasons for Refusal to Recognise a Decision

Article 65

(1) The court shall refuse to recognise a decision on the confiscation of property or item of property:

1. if the certificate within the meaning of Article 73, paragraph 2 of this Act has not been enclosed or is manifestly incorrect, or is clearly not in accordance with the decision, and the issuing State has not transmitted a completed or corrected certificate within a reasonable time;
2. if the execution of the decision would be contrary to the principle *ne bis in idem*;

3. if the offense which the decision refers to is not a criminal offense in accordance with domestic law. For fiscal offenses the execution of the order shall not be denied solely on the ground that domestic law does not impose the same type of tax or duty or it does not contain the same provisions on taxes, duties and customs and currency conversion as the law of the issuing State;

(2) The court may, abiding by the principles of efficient co-operation, expediency and right to a fair trial, refuse to recognise and execute the decision on confiscation of property or item of properties;

1. if the execution of the decision on confiscation is prevented by immunity or privilege in accordance with domestic law;

2. if the execution of the decision on confiscation is prevented by rights which third parties have acquired in good faith on the basis of domestic law;

3. if it is evident from the certificate within the meaning of Article 73, paragraph 2 of this Act that the person, against whom the decision on confiscation has been issued, did not appear in person in the proceedings resulting in the decision on confiscation, unless the certificate specifically states how in accordance with the requirements prescribed by the national law of the issuing State:

a) the person concerned was informed timely and personally of the time and place of the proceedings resulting in the issuing of the decision on confiscation, or that they've received official notification thereof in such a way that it is clear that the person concerned had knowledge of the time and place of the proceedings and had been informed of that a decision on confiscation may be issued in their absence in case of their failure to attend the proceedings,

b) the person concerned was represented in the proceedings by an authorised defence counsellor or a defence counsellor appointed by the court,

c) the person concerned, after being served the decision on confiscation issued in their absence along with an instruction that they have the right to a retrial or an appeal, on the basis of which proceedings may be held, in which they shall have the right to participate and in which the facts found shall be reassessed and new evidence presented, which might lead to a revision of the order concerned, stated expressly that they do not dispute the decision on confiscation issued in their absence, or has not requested a retrial or transmitted an appeal within the stipulated time limit;

4. if the decision on confiscation relates to criminal offences which have been committed in whole or in part in the territory of the Republic of Croatia;

5. if the decision on confiscation relates to criminal offences which have been committed outside the territory of the issuing State and domestic law prohibits prosecution for the same acts if they have been committed outside the territory of the Republic of Croatia;

6. if the execution of the decision on confiscation is barred by statutory time limitations in accordance with domestic law, provided that the acts fall within the jurisdiction of the Republic of Croatia”.

Article 42

In Article 66, paragraph 1 the words: “decision on confiscation” are replaced by the words: “decision on confiscation”, while the word “order” is replaced by the word “decision”.

Paragraph 2 is changed and reads as follows:

“(2) Notifications and supplementary information referred to in paragraph 1 of this Article the court must request when it establishes the existence of reasons specified in Article 65, paragraph 1, item 1 and paragraph 2, items 2, 3 and 4 of this Act”.

In paragraph 3 the word “Court” is replaced by the words: “State Attorney”, and the word “order” is replaced by the word “decision”.

Article 43

The title above Article 67 and Article 67 are amended to read:

“The Postponement of the Execution of a Decision on Confiscation

Article 67

(1) The competent State Attorney, when taking into account the urgency of matter and the possibility of making the confiscation impossible or significantly impeded, may postpone the execution proceedings:

1. if there is a risk that the total value derived from its execution will exceed the amount specified in the decision on confiscation because of the simultaneous execution of the decision on confiscation in more than one Member State,
2. if within the meaning of Article 14 of this Act a legal remedy has been used against the decision on confiscation,
3. where the execution of the decision on confiscation might interfere with ongoing criminal proceedings which are conducted in the Republic of Croatia, for the time the court deems necessary,
4. where the property or item of property is already being confiscated in the Republic of Croatia which are the subject of the decision.

(2) If the execution proceedings have been postponed, the State Attorney shall suggest the implementation of measures prescribed by domestic law to ensure property for the purpose of the execution proceedings.

(3) The State Attorney referred to in Article 5, paragraph 1, item 3 of this Act shall forthwith notify the authority issuing the decision on the postponement of the execution, including the reasons for the postponement, and, if it is possible, the expected duration of the postponement within the meaning of paragraph 1, items 2 through 4 of this Article, through a secure channel capable of producing a written record, with the condition that the issuing State accepts such transmission.

(4) When the reasons for postponement have ceased to exist, the State Attorney shall forthwith suggest the continuance of the execution proceedings to execute the decision on confiscation of property or item of property and notify the issuing authority thereof by the means referred to in paragraph 3 of this Article.”

Article 44

The title above Article 68 and Article 68 are amended to read:

“Multiple Decisions on Confiscation

Article 68

With due consideration to all the circumstances of the case, while especially taking into account was the property to be confiscated ensured, as well as the seriousness of the criminal offence, the location where the criminal offence took place and the date of issue and

transmittance of the decision, the State Attorney shall, through application of domestic law, decide on the sequence of execution of

1. two or more decision on confiscations concerning an amount of money, which have been issued against the same natural or legal person, when that person does not have sufficient means to allow all the orders to be executed,

2. two or more decision on confiscations concerning the same specific item of property".

Article 45

Article 69 is amended to read:

“(1) The competent State Attorney shall execute the recognized decision on confiscation issued by a foreign authority in accordance with domestic law.

(2) If the person to whom the decision on confiscation refers to provides proof of partial or complete confiscation in another State to the State Attorney referred to in Article 5, paragraph 1, item 3 of this Act, the State Attorney shall notify the issuing authority thereof. Any part of the amount that is recovered pursuant to the decision on confiscation in another State shall be deducted from the full amount for which the decision on confiscation was issued.

(3) The State Attorney shall execute the decision on confiscation issued against a legal person in accordance with domestic law.”

Article 46

Article 70 is amended to read:

“When the authority issuing the decision on confiscation transmits a notification on the decision ceasing to be enforceable to the State Attorney referred to in Article 5, paragraph 1, item 3 of this Act, through a secure channel capable of producing a written record whose authenticity can be established, the State Attorney shall suggest to the court to terminate the execution proceedings started on the reasons of the decision on recognition referred to in Article 64 of this Act”.

Article 47

In Article 71, paragraph 1 the words: “confiscation order” are replaced by the words: “decision on confiscation”.

In paragraph 2 the words: “executing the confiscation order” are replaced by the words: “execution of the decision on confiscation” and in item 2 the word “order” is replaced by the word “decision”.

After paragraph 2, paragraph 3 is added which reads:

“(3) Property which cannot be disposed of within the meaning of paragraph 2 of this Article remains at the disposal of the Republic of Croatia”.

The current paragraph 3 becomes paragraph 4.

The current paragraph 4 which becomes paragraph 5 is amended to read:

“(5) The confiscated property shall be disposed of on the basis of the provisions of paragraphs 1 through 3 of this Article, unless the Republic of Croatia makes a different agreement with the issuing State”.

Article 48

Article 72 is amended to read:

“The State Attorney shall immediately notify the issuing authority, through a secure channel capable of producing a written record and provided that the issuing State accepts such transmission, of:

1. any refusal to recognise or execute the decision on the confiscation, together with the reasons for such a decision,
2. about the impossibility to execute the confiscation order in total for the reasons referred to in Article 68, Article 69, paragraph 2, or Article 16 of this Act,
3. about the execution of the decision on confiscation,
4. about the application of alternative measures pursuant to Article 69, paragraph 4 of this Act”.

Article 49

The title above Article 73 and Article 73 are amended to read:

“Transmission of Decisions on Confiscation of Property”

Article 73

(1) The State Attorney, within whose area of competence, in accordance with domestic law, is the initiation of the execution of the decision on confiscation of property in another state, shall forward that decision to the State Attorney’s Office of the Republic of Croatia for further proceedings.

(2) The State Attorney’s Office of the Republic of Croatia shall fill out a certificate whose standard form is an integral part of this Act (Appendix 4) and verify the accuracy of its content and forward it with the decision on confiscation of property to the competent authority of the Member State in which it has reasonable reasons to believe that the natural or legal person to whom the decision refers has property or income.

(3) If on the basis of paragraph 2 of this Article it is not possible to determine which Member State is competent for the execution of the decision by the domestic court, the State Attorney’s Office of the Republic of Croatia shall transmit the decision to the competent authority of the Member State where the person against whom the confiscation order has been issued is normally resident or has its registered seat”.

Article 50

In the title above Article 74 the word “order” is replaced by the word “decision”.

In paragraphs 1 and 2 of this Article the words: “The court referred to in Article 5, paragraph 1 of this Act” are replaced by the words: “The State Attorney’s Office of the Republic of Croatia” and the words: “confiscation order” are replaced by the words “decision on confiscation”.

Article 51

The title above Article 75 and Article 75 are amended to read:

“Consequences of Transmitting the Decision on Confiscation”

Article 75

(1) The State Attorney competent for starting an execution on the basis of a decision on confiscation of property may start the execution proceedings in the Republic of Croatia regardless of the fact that the decision has already been transmitted to the competent authority for execution of one or more Member States in accordance with this Act”.

(2) If the decision on confiscation of an amount of money has been transmitted to the competent authority of one or more Member States, the total value derived from its execution may not exceed the amount specified in the decision on confiscation.

(3) The State Attorney’s Office of the Republic of Croatia shall immediately notify, through a secure channel capable of producing a written record provided that the executing State accepts such transmission, the competent authorities of all the Member States to which the decision on confiscation was transmitted:

1. that there is a risk that execution beyond the amount specified in the confiscation order may occur, as well as when the risk referred to has ceased to exist,

2. that all or part of the confiscation order has been executed in the Republic of Croatia or in another executing State, specifying the amount for which the confiscation order has not yet been executed,

3. that after the transmission of a confiscation order, the person concerned has paid voluntarily any sum of money, which should therefore be deducted from the amount specified in the confiscation order”.

Article 52

The title above Article 76 and Article 76 are amended to read:

“Lifting the Execution of a Decision on Confiscation”

Article 76

The State Attorney’s Office of the Republic of Croatia shall immediately notify the executing authority of any decision or measure lifting the execution of the decision on confiscation, through a secure channel capable of producing a written record provided that the executing State accepts such transmission”.

Article 53

In Article 77, paragraph 1 the Words: “referred to in Article 7, paragraph 3” are replaced by the words: “referred to in Article 5, paragraph 1, item 4”, and the words “and execute” are deleted.

In paragraph 2 the words “and execute” are deleted.

Paragraph 3 is added which reads:

“(3) On the execution of financial penalty the provisions are applied which are valid when executing financial penalties imposed according to domestic law”.

Article 54

Article 79 is deleted.

Article 55

In Article 80, paragraph 1 is amended to read:

“(1) The court shall refuse to recognise and execute a decision on financial penalty if:

1. the certificate referred to in Article 87, paragraph 2 of this Act is not submitted, is incomplete or manifestly does not correspond to the decision, and the issuing State did not submit a completed or corrected certificate within a reasonable time,
2. that for the same offence the same person has already been convicted and sentenced by the domestic court or the court in another Member State and the decision of the other Member State has been executed,
3. that the decision refers to acts referred to in Article 77, paragraph 2 of this Act which does not constitute an offence under domestic law,
4. the financial penalty is below EUR 70.00 or the equivalent to that amount at the rate of exchange obtaining on the date the decision on financial penalty was brought.

In paragraph 3, items 1, 2 and 10 are deleted.

The current items 3, 4, 5, 6, 7, 8 and 9 become items 1, 2, 3, 4, 5, 6 and 7.

In paragraph 3 the words: “items 3, 7, 8 and 9” are replaced by the words: “1, 5, 6 and 7”.

Article 56

In Article 84 after the words “paragraph 1” the words: “item 4” are added, and item 1 is deleted.

The current items 2, 3, 4 and 5 become items 1, 2, 3 and 4.

Article 57

In Article 87, paragraph 1 at the beginning of the sentence before the word “court” the word: “Municipal” is added, and the words: “referred to in Article 5, paragraph 1” are replaced by the words: “referred to in Article 7, paragraph 3, item 2”.

In paragraphs 2 and 3 the words: “referred to in Article 5, paragraph 5, item 1” are replaced by the words: “referred to in Article 7, paragraph 3, item 2”.

Article 58

In Article 89 paragraph 1 is deleted.

The current paragraph 2 which becomes paragraph 1 is amended to read:

“(1) The court referred to in Article 5, paragraph 1, item 5 of this Act shall recognise a judgment imposing a custodial sentence or any measure involving deprivation of liberty for acts which constitute a criminal offence under domestic law, regardless of the statutory description and the legal classification of the offence in the received judgment”.

The current paragraph 3 becomes paragraph 2.

Article 59

Article 90 is deleted.

Article 60

In Article 91, paragraph 1 the words: “referred to in Article 7, paragraph 4 of this Act” are deleted.

Article 61

Article 94 is amended to read:

“(1) The court shall refuse to recognise the judgement if:

1. the certificate referred to in Article 103, paragraph 1 of this Act is incomplete or manifestly does not correspond to the judgment and has not been completed or corrected by the issuing State within a time limit no longer than seven working days;
2. the criteria set out in Article 91, paragraph 1, items 1 and 2 of this Act are not met;
3. execution of the sentence would be contrary to the principle of *ne bis in idem*;
4. the offence from the transmitted judgement does not constitute a criminal offence under domestic law. For fiscal offences the execution of a judgement shall not be refused on the reason that domestic law does not impose the same kind of tax or duty or does not contain the same type of rules on taxes, duties and customs and exchange regulations as the law of the issuing State;
5. the sentence has been imposed on a person who has not reached the age of 16.

(2) The court may, taking into account the principles of efficient co-operation, expediency and right to a fair trial, refuse to recognise the judgment and enforce the sentence if:

1. the execution of the sentence is statute-barred according to domestic law;
2. the sentenced person has immunity under domestic law which makes it impossible to enforce the sentence;
3. at the time the judgment was received by the court, less than six months of the sentence remain to be served;
4. according to the certificate within the meaning of Article 103, paragraph 1 of this Act, the sentenced person concerned did not appear personally in the proceedings resulting in the judgment, unless the certificate states that, in accordance with the procedural requirements of the issuing State:
 - a) the sentenced person was informed personally of the time and place of the hearing resulting in the rendering of the judgment, or that they received official notification thereof in such a way that it is clear that the person concerned had knowledge of the time and place of the hearing, and had been informed of the possibility of a judgment being rendered in his or her absence in the case of a failure to attend the hearing;
 - b) the sentenced person was represented in the hearing by an authorised defence counsellor or a defence counsellor appointed by the court;
 - c) the sentenced person, after being served personally with the judgment rendered in their absence, along with an instruction that they have the right to a retrial or an appeal, on the basis of which proceedings shall be held in which they shall have the right to participate, in which the facts found shall be reassessed and new evidence presented, which might lead to a revision of the judgment concerned, stated expressly that they do not dispute the judgment rendered in their absence, or has not requested a retrial or submitted an appeal within the stipulated time limit,

5. the issuing State, upon a request made by the Republic of Croatia, does not consent to criminal sanctions being carried out over the person convicted for whom it has requested a recognition and execution of its judgement in relation to an offence committed prior to the transfer, and which has not been encompassed by the transmitted judgement;

6. the sentence imposed a measure of psychiatric or health care or another measure involving deprivation of liberty which cannot be executed in the Republic of Croatia in accordance with domestic law;

7. the judgment relates to offences which under domestic law are regarded as having been committed wholly or for a major or essential part within the Republic of Croatia, or in a place equivalent to its territory, and in relation to those offences, the court shall take into account the specific circumstances of the case, and in particular whether a major or essential part of the conduct in question took place in the issuing State.

(3) In the cases referred to in paragraph 1, items 1, 2 and 3, and paragraph 2, items 5, 6 and 7 of this Article, before deciding not to recognise the judgment and enforce the sentence, the court shall consult the competent authority of the issuing State and shall where appropriate ask it to supply additional information”.

Article 62

In Article 103, paragraph 1 the words: „referred to in Article 5, paragraph 1” are replaced by the words: “referred to in Article 7, paragraph 2, item 2”.

In paragraph 2 after the third sentence, the sentence:

“A judgment with a certificate shall be transmitted to only one executing State at any one time” is added.

Article 63

Article 104 is deleted.

Article 64

In Article 109, paragraph 2 the words: “court referred to in Article 5, paragraph 1” are replaced by the words: “ministry competent for judicial matters”.

Article 65

In Article 110 the words: “referred to in Article 5, paragraph 1” are replaced by the words: “referred to in Article 7, paragraph 3, item 2 of this Act”.

Article 66

In Article 112 after paragraph 1, a new paragraph 2 is added which reads:

“(2) The court referred to in Article 5, paragraph 1, item 5 of this Act, shall recognise a judgement or a decision on probation or an alternative sanction also for acts which constitute an offence under domestic law, regardless of the statutory description and the legal classification of the offence in the received decision.

The current paragraph 2 becomes paragraph 3.

Article 67

Article 113 is deleted.

Article 68

Article 114, paragraph 1 is changed and reads as follows:

“The court referred to in Article 5, paragraph 1, item 5 shall transmit the decision with final force and effect on the recognition of a foreign court decision with which probation measures, alternative sanctions or granting conditional release from serving the sentence or any measure involving deprivation of liberty to the competent probation office and shall supervise its execution”.

Article 69

In Article 115, paragraph 1 the words: “After receiving a foreign judgement or probation decision the court referred to in Article 5, paragraph 1 of this Act shall verify that” are replaced by the words: “After the competent court receives a foreign judgement or probation decision it shall verify if”.

Article 70

In Article 118, paragraphs 1, 2 and 3 the words “referred to in Article 113 of this Act” are deleted.

Article 71

In Article 120 after item 3 a new item 4 is added which reads:

“the fourth offence referred to in Article 113, paragraph 1 of this Act on which the judgment or probation decision is based does not constitute an offence under domestic law. The recognition and execution of the judgement or probation decision in relation to fiscal offences shall not be refused on the reason that domestic law does not impose the same kind of tax or duty or does not contain the same type of rules on taxes, duties and customs and exchange regulations as the law of the issuing State”.

The current item 4 becomes item 5.

Article 72

In Article 121, paragraph 1 item 1 is deleted.

The current items 2, 3, 4, 5, 6 and 7 become items 1, 2, 3, 4, 5 and 6.

Article 73

In Article 122, paragraph 3, item 3 the words: “except for the offences referred to in Article 10 of this Act” are deleted.

Article 74

In Article 123, paragraph 1 the words: “The court which is pursuant to Article 7, paragraph 5 and Article 114, paragraph 2” are replaced by the words: “The court referred to in Article 5, paragraph 1, item 5”.

Article 75

In Article 126, paragraph 1 the words: “the court competent for the execution of the probation measures or alternative sanctions on the basis of Article 7, paragraph 5 and Article 114, paragraph 2” are replaced by the words: “court referred to in Article 5, paragraph 1, item 5”.

Article 76

In Article 128, paragraph 1 is amended to read:

„(1) The competent authority which brings a judgment imposing probation measures or alternative sanction shall transmit the judgment or probation decision to the competent authority referred to in Article 7, paragraph 2 of this Act for the purpose of forwarding the judgment or probation decision to:

1. the competent authority of the Member State in which the sentenced person is lawfully and ordinarily residing, in cases where they have returned or want to return to that State;
2. the competent authority of the Member State other than the Member State referred to in item 1 of this paragraph upon the request of the sentenced person provided that the State in question consents to such forwarding.“

In Article 2, the word „court“ is replaced by the words: „competent authority“

Article 77

In Article 129, paragraph 1, the words: „The court referred to in Article 5, paragraph 1 of this Act” are replaced by the words: “Domestic competent authority”.

Paragraph 2 is deleted.

Former paragraph 3 becomes paragraph 2.

Article 78

In Article 130, paragraph 1 is amended to read:

“(1) When the competent authority of the executing State notifies the domestic authorities of the final force and effect of the decision imposing the forwarded judgment or probation decision, they cease to be competent for the execution of probation measures or alternative sanctions imposed by those decisions and for taking any subsequent decisions referred to in Article 122.”

In item 1, paragraph 2, the words: „the court referred to in Article 5, paragraph 1 of this Act“ are replaced by the words: „domestic competent authority“.

Article 79

In the title above Article 131 the words „domestic court“ are replaced by the words: „competent authorities“.

In Article 131, paragraph 1, the words: „The court referred to in Article 5, paragraph 1 of this Act“ are replaced by the words: „Domestic competent authority“.

Article 80

„Title VIII.a – Recognition and Enforcement of Precautionary Measures“ and Articles 131.a to 131.s are added after Article 131 which read:

„Title VIII. a

RECOGNITION AND ENFORCEMENT OF SUPERVISION MEASURES

Scope

Article 131.a

The provisions of this Title shall apply to the recognition and execution of judgments of foreign judicial authorities imposing supervision measures to a person who has permanent or temporary residence in the territory of the Republic of Croatia, or stay, and has agreed to return to the Republic of Croatia while the criminal proceedings are being conducted and to the forwarding of judgments of domestic judicial authorities imposing supervision measures to the person lawfully and ordinarily residing in the territory of the Member State and has agreed to return to that Member State.

Types of Supervision Measures that shall be Recognized and Enforced by Domestic Competent Authorities

Article 131.b

The county court within whose territory the person has permanent or temporary residence or stay, shall recognize and submit to implementation the execution of the judgement of the competent authorities of the issuing State containing the following supervision measures:

- 1) house arrest and prohibition of changing the address for the delivery of calls, except with prior notification to the competent authority of the State of execution,
- 2) prohibition of visiting a certain place or area,
- 3) prohibition of leaving a certain area along with temporary revocation of travel and other documents for crossing the State border,
- 4) obligation to regularly report to a particular person or government body,
- 5) restraining order prohibiting the person from approaching a particular person,
- 6) prohibition of establishing and maintaining contact with a particular person,
- 7) prohibition to engage in certain business activities,
- 8) prohibition of driving a motor vehicle along with temporary revocation of the license to operate the motor vehicle.

Reception of Foreign Judgments on Supervision Measures

Article 131.c

(1) When the competent State Attorney's Office referred to in Article 5, paragraph 1, item 6 of this Act, receives a decision on supervision measures issued by the competent authority of the issuing State along with a signed certificate whose contents are verified, through a secure communication tool that has a printing option and whose authenticity can be verified, it shall forward the decision to the competent court referred to in Article 131.b of this Act.

(2) If the certificate submitted together with the judgment is incomplete or manifestly does not correspond to the judgment submitted, the State Attorney's Office referred to in paragraph 1 of this Article shall set a time limit for the submission of the amendment or corrigendum by the competent authority of the issuing State, which may not be longer than 15 working days.

The court shall postpone the adoption of the decision until the amendment or corrigendum to the certificate is submitted.

(3) The competent court, if it deems necessary, may request the submission of the original or a certified copy of the decision, as well as of the original certificate submitted together with the judgment.

Time Limits for the Recognition of a Foreign Judgment on Supervision Measures

Article 131.d

(1) When the competent court receives the judgment on supervision measures accompanied by a certificate, it shall immediately institute proceedings for the recognition of that judgment and issue a decision on the recognition of the judgment of a foreign judicial body imposing supervision measures referred to in Article 131.b of this Act within 15 working days from receiving the decision, and forward it for the purpose of execution after rendering a final decision.

(2) The time limit referred to in paragraph 1 shall be extended by a further 15 working days if an appeal has been submitted against the decision on recognition of a foreign judgment.

(3) As defined in Article 131.c, paragraph 1 of this Act, the competent court shall inform the competent authority of the issuing State if, due to exceptional circumstances, it could not issue the decision on recognition of the submitted judgment on supervision measures within the time limits specified in paragraphs 1 and 2 of this Article, stating the reasons for it as well as the expected time limit in which the decision shall be issued and rendered final.

Reasons for Non-Recognition of the Foreign Judgment on Supervision Measures

Article 131.e

(1) The court shall refuse to recognise the supervision measures if:

a) the certificate referred to in Article 131.c of this Act, submitted together with the judgment on supervision measures, is incomplete and manifestly not in accordance with that judgment or if an amended or corrected certificate was not received not even within the time limit referred to in Article 131.c, paragraph 2 of this Act.

b) the person who has permanent or temporary residence, or stay, in the Republic of Croatia, has not returned to the territory of the Republic of Croatia after the issuance of the judgment on supervision measures in the issuing State,

c) the competent court has not agreed to receive the judgment on supervision measures for the purpose of execution from the issuing State for a person that does not have permanent or temporary residence or stay in the territory of the Republic of Croatia,

d) the decision of the competent authority of the issuing State contains a supervision measure that was not stipulated by Article 133 in items 1-8 of this Act,

e) the recognition of a foreign judgment on supervision measures would infringe the *ne bis in idem* principle,

f) if statute of limitation has run out for criminal prosecution according to national law, and domestic judicial bodies are competent for the prosecution of the crime, according to national law,

g) the person to whom the supervision measures refer enjoys immunity according to national law,

h) the person to whom the supervision measures refer has not reached the age of 14,

i) in case of breaches of supervision measures against the person to whom these measures refer, it is not possible to execute the European arrest warrant for reasons stipulated in Article 20 and Article 21, paragraph 1 of this Act.

(2) Before issuing a decision on non-recognition of a foreign judgment on supervision measures for reasons stipulated in items a) to e) and item i) of paragraph 1 of this Article, the competent court shall turn to the competent authority of the issuing State and, if necessary, request without delay the submission of additional information indispensable for the issuing of the decision.

(3) If the court recognizes the foreign judgment on supervision measures although circumstances from paragraph 1, item i) of this Article exist, in case of breaches of supervision measures against the person to whom the measures refer the court shall not apply the provisions from Title II of this Act.

(4) Notwithstanding the provision referred to in item c), paragraph 1 of this Article, the competent court may agree to submit the decision on supervision measures brought by the competent authority of the issuing State for a person who does not have permanent nor temporary residence in the Republic of Croatia, if this person resided at least one year in the Republic of Croatia before the decision was issued in the issuing State because of family or business connections.

Adjustment of Supervision Measures

Article 131.f

(1) When the competent State Attorney's Office referred to in Article 5, paragraph 1, item 5 of this Act receives a foreign judgment on supervision measures that are not stipulated by domestic law, it shall notify the competent authority of the issuing State of the measures that may be imposed in accordance with the provisions of domestic law and their longest duration. If the competent authority of the issuing State does not revoke the certificate together with which the judgment on supervision measures was submitted within 10 days of submission of this notification, the competent State Attorney's Office shall submit the foreign court judgment to the competent court for the purpose of recognition.

(2) The court shall issue a decision on the recognition of the foreign judgment and impose supervision measures on the basis of domestic law in such a way that they correspond to those imposed in the issuing State as much as possible.

(3) The supervision measure imposed on the basis of domestic law shall not be stricter than the corresponding measure imposed in the issuing State.

Extension of Enforcement of Supervision Measures

Article 131.g

(1) If the competent authority of the issuing State issues a decision on the extension of the duration of supervision measures, by which neither the scope nor the type of supervision measure has not been changed, the court shall recognize the foreign judgment on the extension of supervision measures without determining whether there are reasons under Article 131.e of this Act.

(2) If the decision of the competent authority of the issuing State from paragraph 1 of this Article has changed the type and scope of the measure in relation to the judgment recognized earlier, the court shall:

a) adjust the measure to domestic law by applying the provision referred to in Article 131.f, paragraph 1 and 2 of this Act,

b) refuse the recognition of the judgment on changed supervision measures if the judgment of the competent authority of the issuing State contains a supervision measure not stipulated by Article 131.b, items 1-8 of this Act.

(3) The maximum length of the imposed supervision measure under domestic law shall be indicated in the decision which recognized the judgment of the competent authority of the issuing State on the extension of the duration of supervision measures.

(4) In accordance with domestic law, the competent court shall request a notification from the competent authorities of the issuing State on the further necessity of execution of those measures with regard to the circumstances of the case in which the measures were imposed.

(5) Upon the request of the competent authority of the issuing State, the court shall enable the establishment of a video conference connection, in case the foreign competent authority must question the person to whom the measures refer before issuing the judgment on the extension of the duration of supervision measures.

(6) The judgment on supervision measures issued by the competent authority of the issuing State does not prevent the initiation of criminal proceedings before the competent domestic authorities against the person to whom the measures of the foreign authority refer, for another crime.

Notifications to the Competent Authority of the Issuing State

Article 131.h

The competent court shall, without delay and using any means that leave a written record, notify the competent authority of the issuing State on the following:

a) that the person against which the supervision measures were imposed has changed their permanent residence,

b) that the person cannot be found in the territory of the Republic of Croatia after the judgment on supervision measures and the certificate in the standard form have been submitted,

c) that an appeal has been submitted against the decision on recognition of the foreign judgment on supervision measures,

d) that the decision on recognition of the foreign judgment on supervision measures has been rendered final and that its execution has been initiated,

e) that the supervision measures imposed by the foreign judgment have been adjusted to supervision measures stipulated by domestic law,

f) decision on non-recognition of the foreign judgment under reasons referred to in Article 131.e, paragraph 1 of this Act and non-execution of the execution of supervision measures from this judgment,

g) breaches of supervision measures and other circumstances that could affect the decision on extension, amendment and annulment of supervision measures or the issuance of an arrest warrant or decision with the same effect, on a standard form (Appendix 11).

Competence for the Execution of Supervision Measures

Article 131.i

(1) The supervision measures shall be executed by the competent authorities, after the decision on recognition of the foreign judgment on supervision measures is rendered final.

(2) The competent court shall transfer the competence for the execution of supervision measures to the competent authority of the issuing State if:

a) the person to whom the supervision measures refer reports their lawful and ordinary residence outside of the Republic of Croatia,

b) the issuing State revokes the certificate together with which the judgment on supervision measures was submitted, within the meaning of Article 131.c, paragraph 1 of this Act,

c) if the competent authority of the issuing State has amended the judgment and imposed supervision measures that were not stipulated by Article 131.c, item 1-8 of this Act, and the domestic court refused to recognise them,

d) if, according to domestic law, the longest possible duration of supervision measures has elapsed,

e) if the domestic competent authority has decided to terminate the execution of supervision measures due to non-submission of the requested judgments referred to in Article 131.j of this Act by the competent authority of the issuing State.

(3) In the cases referred to in paragraph 2 of this Article, the domestic competent authority shall consult the issuing State in order to avoid interruptions in the application of supervision measures.

Silence of the Competent Authorities of the Issuing State

Article 131.j

(1) When the competent authority of the issuing State does not respond to the submitted notifications of the domestic competent authority on breaches of supervision measures from the recognized judgment issued by that authority, the domestic court shall invite the competent authority of the issuing State to submit the decision regarding the notification within 10 working days.

(2) If the competent authority of the issuing State does not submit the decision on the extension of the duration of supervision measures or the notification on the necessity of further execution of supervision measures within the meaning of Article 131.g, paragraph 4 of this Act by virtue of the office, the domestic court shall request the submission of such a decision within the time limit referred to in paragraph 1 of this Article, along with a warning that the further execution of supervision measure shall be suspended if the decision is not submitted.

(3) If the competent authority does not submit the requested decision or the notification on the necessity of further execution of supervision measures within the meaning of Article 131.g, paragraph 4 of this Act after the expiration of the time limit referred to in paragraph 1 of this Article, the domestic competent authority shall abolish the supervision measures and notify the issuing State on this matter, for the purpose of transferring the competence for the execution of measures to that State.

Surrender of a Person

Article 131.k

When the competent authority of the issuing State issues the European Arrest Warrant, a surrender procedure shall be initiated before the competent court, pursuant to the provisions of Title II (European Arrest Warrant) of this Act, only if the judgments of the foreign authority have been issued in accordance with the conditions for issuing the European Arrest Warrant.

Forwarding Decisions on Supervision Measures

Article 131.l

(1) The competent authority referred to in Article 7, paragraph 3 of this Act shall forward the decision on the imposed supervision measure to the competent authority of the Member State in which the person against which the measures were imposed has a lawful and ordinary residence. The person against which the supervision measures were imposed shall give their consent for the record that they shall return to the executing State with the warning that if they do not report to the competent authority in the executing State, remand prison shall be ordered against that person.

(2) Except to the competent authority within the meaning of paragraph 1 of this Article, the competent authority may forward the decision on the imposed supervision measures to the competent authority of another Member State at the request of the person to whom the measures refer if the authority of that other State agrees to this and if the person gives their consent within the meaning of paragraph 1 of this Article.

(3) Along with the decision on the imposed supervision measures, the competent authority referred to in paragraph 1 of this Article shall submit a signed certificate whose contents are verified on a standard form (Appendix 10) through a secure communication tool that has a printing option. The original decision on the supervision measures and the original certificate shall be submitted to the executing State at its request.

(4) The competent authorities shall execute the measures imposed by the domestic judicial body until they receive the notification from the competent authority of the executing State on the recognition of the judgment imposing the supervision measures.

(5) The competent authorities shall communicate directly on the course of execution of the imposed supervision measures.

Contents of the Certificate and Mode of Determining the Executing State

Article 131.m

(1) The measures referred to in items 1-6 of Article 131.b of this Act shall be stated in the certificate referred to in Article 131.l, paragraph 3 of this Act and, if the executing State is ready to execute them, also the measures referred to in items 7 and 8 of the same article.

(2) The competent authority referred to in Article 7, paragraph 3 of this Act shall state the following in the certificate:

a) time limits for retrial on those measures,

and

b) the total estimated duration of supervision measures depending on the determined circumstances of the concrete case.

(3) The decision on the supervision measures together with the certificate shall be forwarded once to only one executing State.

Withdrawal of the Certificate

Article 131.n

(1) If the execution of supervision measures in the executing State has not yet begun, the domestic competent authority may withdraw the certificate when the competent authority of the executing State submits the information on the longest duration of supervision measures according to law of that State or a decision by which the supervision measures were amended in accordance with the law of the executing State.

(2) The decision on the withdrawal of the certificate shall be immediately communicated to the executing State, and no later than 10 working days from receiving the mentioned notification or decision.

Extension of the Duration of Supervision Measures and Other Subsequent Decisions

Article 131.o

(1) Before the expiration of the time limit referred to in Article 131.m, paragraph 2, item b) of this Act, the domestic competent authority shall submit the decision on the extension of the duration of supervision measures by virtue of the office, if those measures are still necessary regarding the circumstances of the case, along with the certificate from Article 144 of this Act in which they shall state the expected additional length of their duration.

(2) Pursuant to the provisions of domestic law and respecting the circumstances of the concrete case, as well as the report of the competent authority of the executing State on breaches of supervision measures or other decisive circumstances, the domestic competent authority may, besides extending the duration of supervision measures within the meaning of paragraph 1 of this Article:

- a) abolish the supervision measures,
- b) amend the supervision measures,
- c) order remand prison and issue an all points bulletin or the European Arrest Warrant, about which it shall inform the competent authority of the executing State without delay.

(3) The domestic competent authority shall notify the competent authority of the executing State without delay if an appeal has been submitted against the decision referred to in paragraphs 1 and 2 of this Article.

(4) Before issuing a decision within the meaning of paragraphs 1 and 2 of this Article, the domestic competent authority may, in accordance with the provisions of domestic and international law or the law of the European Union, request the establishment of a video conference connection with the competent authority of the executing State for the purposes of questioning the person against which the supervision measures have been imposed.

(5) Failure to submit the decision referred to in paragraphs 1 and 2 of this Article neither by virtue of the office nor upon the request of the competent authority of the executing State within a specified time limit, may result in suspension of the execution of the supervision measures in the executing State and return of the execution of those measures to the domestic competent authority.

Effect of Remand Prison and Arrest Warrant on the Decision on Supervision Measures

Article 131.p

The execution of supervision measures ceases with ordering remand prison and issuing an order for the issuance of an all points bulletin in accordance with domestic law. When the domestic competent authority issues a European Arrest Warrant, it shall institute proceedings within the meaning of Title II (European Arrest Warrant) of this Act.

Mutual consultation and exchange of information

Article 131.r

(1) The competent authorities of issuing and executing States shall consult one another before sending a certificate and judgment imposing supervision measures, with the purpose of facilitating efficient and undisturbed implementation of those measures as well as in cases of

serious violations of the measures imposed.

(2) within the meaning of paragraph 1 of this Article, the competent authorities shall exchange all useful information, in particular:

a) the data for establishing the identity and residence of the person to whom the supervision measures refer,

b) the data from criminal records, in accordance with national and international provisions.

(3) When deciding on supervision measures, the domestic competent authority shall appreciate the notifications of the competent authority of the executing State on the potential danger the person to whom the supervision measures refer poses in relation to victims and the general public.

Costs of Executing Supervision Measures

Article 131.s

Except for costs arise in the territory of the issuing State, the costs of executing supervision measures are borne by the executing State.“.

Article 81

After Article 132, a title and Article 132.a are added which reads:

„Execution of the European Arrest Warrant

Article 132.a

Proceedings that are being conducted on the date of effect of this Act on the basis of an application of an EU Member State for the extradition of a person for which the European arrest warrant was issued, shall be completed according to the provisions of national law by which the extradition procedure is regulated.

If proceedings on the basis of an application of an EU Member State concerning the extradition of a person for which the European arrest warrant was issued are not instituted on the date of effect of this Act, Title II of this Act shall be applied.

The European arrest warrant shall be executed in relation to crimes committed after August 7, 2002.“

Article 82

This Act shall be published in the *Official Gazette of the Republic of Croatia*, and shall enter into force on the date of the accession of the Republic of Croatia to the European Union.