



Strasbourg, 21 November 2006

Opinion no. 373 / 2006

CDL(2006)083
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LAW
OF THE REPUBLIC OF CROATIA
ON THE CITY OF ZAGREB

CROATIAN PARLIAMENT**1001**

Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby pass a

DECISION**ON THE PROMULGATION OF THE LAW ON
THE CITY OF ZAGREB**

I hereby promulgate the Law on the City of Zagreb, passed by the Croatian Parliament at its session held on 11 July 2001.

Number: 01-081-01-2180/2

Zagreb, 11 July 2001

President
of the Republic of Croatia
Stjepan Mesic, signed

**LAW
ON THE CITY OF ZAGREB****I. GENERAL PROVISIONS****Article 1**

This Law shall regulate the position, scope of activities and the organization of the City of Zagreb, the capital of the Republic of Croatia.

The provisions of the Law on Local and Regional Self-government shall apply to all other issues which are not regulated by this Law, which pertain to the City of Zagreb as a local self-government unit which, at the same time, has the status of a regional self-government unit.

Article 2

The City of Zagreb shall have the status of a county.

Article 3

The City of Zagreb shall have its Statute.

The Statute of the City of Zagreb (hereinafter: the Statute) shall regulate, in compliance with the law, its self-government scope of activities, its symbols, public awards, organization, powers and the mode of operation of its bodies, forms of direct decision-making on the part of citizens, co-operation with other local and regional self-government units, as well as other issues of importance for the exercise of rights and obligations of the City of Zagreb.

II. SCOPE OF ACTIVITIES OF THE CITY OF ZAGREB**Article 4**

Within its self-government scope of activities, the City of Zagreb shall perform tasks from the scope of activities of the city and the scope of activities of the county, as well as other tasks in compliance with the law.

The performance of state administration tasks stemming from the scope of activities of the state administration office in a regional self-government unit and other state administration tasks determined by special laws in the City of Zagreb shall be delegated to administrative bodies of the City of Zagreb.

While performing tasks as per Paragraph 2 of this Article, administrative bodies of the City of Zagreb shall have the powers and obligations of state administration bodies, in compliance with the law regulating the state administration system.

III. ORGANIZATION OF THE CITY OF ZAGREB

a) The City Assembly of the City of Zagreb

Article 5

The City Assembly of the City of Zagreb (hereinafter: the City Assembly) shall be a representative body of the citizens of the City of Zagreb which passes acts within the self-government scope of activities of the City of Zagreb and performs other tasks in compliance with the law and the Statute.

The City Assembly shall have 51 members.

The mode of operation of the City Assembly shall be regulated by the Standing Orders of the City Assembly, in compliance with the law and the Statute.

The City Assembly shall have a president and vice-presidents, whose number shall be determined by the Statute.

The President of the City Assembly and one of the vice-presidents may perform their duty on a professional basis, should the City Assembly so decide.

b) Executive bodies of the City of Zagreb

Article 6

Executive bodies of the City of Zagreb shall include the Mayor of the City of Zagreb (hereinafter: the Mayor) and the City Authorities of the City of Zagreb (hereinafter: the City Authorities).

Article 7

The Mayor shall act on behalf of and represent the City of Zagreb and be the holder of executive tasks in the City of Zagreb.

The Mayor shall be elected by the City Assembly from among the ranks of its members, as a rule, from among the leaders of party slates and independent slates which won mandates in the City Assembly, by a majority vote of all members of the City Assembly, in the manner and according to the procedure established by the Standing Orders in compliance with the law and the Statute.

Article 8

The Mayor shall be accountable to the Government of the Republic of Croatia when the performance of the state administration tasks delegated to administrative bodies of the City of Zagreb is concerned.

The Government of the Republic of Croatia may give orders to the Mayor in the performance of state administration tasks.

Should the Mayor not act upon orders as per Paragraph 2 of this Article, the Government of the Republic of Croatia shall appoint a state administration commissioner in the City of Zagreb (hereinafter: the Commissioner) upon the proposal of the minister competent for administrative tasks.

The Commissioner shall ensure the execution of orders of the Government of the Republic of Croatia as per Paragraph 2 of this Article and be authorised to supervise the performance of state administration tasks in administrative bodies of the City of Zagreb for a maximum of 6 months, from the day of appointment.

Upon cessation of his term of office, the Commissioner shall forward a report on the performance of state administration tasks in the City of Zagreb and on his work to the Government of the Republic of Croatia, through the Ministry of Justice, Administration and Local Self-government.

Article 9

The Mayor shall have two deputies, elected from the ranks of City Assembly members in the same manner and using the same procedure as in the case of electing the Mayor.

The Mayor shall determine in advance which one of his deputies is to replace him in case of prolonged absence or for other reasons of incapacity to perform his duty.

Article 10

The City Authorities shall perform executive tasks of the City of Zagreb.

The Mayor shall be the President, and his deputies shall be Vice-Presidents of the City Authorities.

Article 11

Members of the City Authorities may perform their duty on a professional basis, should the City Assembly decide so.

Upon Mayor's proposal, the City Assembly may decide that certain members of the City Authorities who perform their duty on a professional basis, can also occupy the position of heads of administrative bodies of the City of Zagreb, apart from those administrative bodies which perform state administration tasks exclusively.

The term of office of persons as per Paragraph 2 of this Article shall last until the cessation of their term of office as members of the City Authorities.

Members of the City Authorities who do not perform their duty on a professional basis shall be entitled to the compensation of expenses in compliance with the general act of the City Assembly.

c) Rights of persons elected to particular positions

Article 12

Persons who perform their duties on a professional basis on the basis of a decision by the City Assembly, in compliance with the provisions of this Law, shall exercise the right to a salary and other rights stemming from labour, in compliance with the law regulating local and regional self-government.

IV. ADMINISTRATIVE BODIES

Article 13

Administrative bodies of the City of Zagreb (hereinafter: administrative bodies) shall be established in order to perform tasks from the scope of activities of the City of Zagreb.

The decision on the establishment and the scope of activities of administrative bodies shall be passed by the Assembly.

Article 14

Administrative bodies shall be managed by heads of administrative bodies.

Heads of administrative bodies solely performing tasks from the self-government scope of activities of the City of Zagreb shall be appointed by the City Authorities on the basis of a public tender, except for heads of administrative bodies who perform this duty as members of the City Authorities in compliance with Article 11, Paragraph 2 of this Law.

Heads of administrative bodies which solely perform state administration tasks within their scope of activities shall be appointed by the City Authorities, with the prior consent of the competent minister, that is, director of the state administrative organization, on the basis of a public tender.

Heads of administrative bodies as per Paragraph 3 of this Article may not be members of the City Authorities.

Heads of administrative bodies shall be appointed for a term of four years and may be reappointed to the same duty.

Article 15

In the performance of tasks from the self-government scope of activities of the City of Zagreb, heads of administrative bodies shall be accountable to the Mayor and the City Authorities.

In the performance of state administration tasks, heads of administrative bodies as per Article 14, Paragraph 3 of this Law shall be accountable to the Mayor who shall, in relation to them, have the powers of the head of the state administration office in the regional self-government unit, in compliance with the provisions of the Law on the State Administration System.

In case when the Government of the Republic of Croatia, in compliance with the provision of Article 8, Paragraph 3 of this Law, appoints the Commissioner, heads of administrative bodies as per Article 14, Paragraph 3 of this Law shall be accountable to the Commissioner when the performance of state administration tasks is concerned.

Article 16

The provisions of the law regulating the rights and obligations of local senior- and lower-grade employees shall apply to the rights, obligations, responsibilities and the manner of determining salaries of senior- and lower-grade employees of administrative bodies of the City of Zagreb.

V. LOCAL SELF-GOVERNMENT

Article 17

City districts and local boards may be established in the City of Zagreb as forms of local self-government.

City districts and local boards shall be established in the manner and according to the procedure stipulated by the Statute.

Article 18

The scope of activities, responsibilities and bodies of city districts and local boards shall be regulated by the Statute, in compliance with the law.

VI. RELATIONS BETWEEN THE CITY OF ZAGREB AND THE ZAGREB COUNTY

Article 19

The City of Zagreb and the Zagreb County shall mutually co-operate for the purpose of resolving issues of common interest.

The objectives, conditions and forms of co-operation, as well as the mutual rights and obligations in the resolution of issues of common interest shall be determined by the Agreement between the City of Zagreb and the Zagreb County, in compliance with the Law on Local and Regional Self-government.

Article 20

For the purpose of resolving issues of common interest, representative bodies of the City of Zagreb and the Zagreb County shall establish a joint council (hereinafter: the Council).

The Council shall include the Mayor of the City of Zagreb and the County Prefect of the Zagreb County, as well as two members of both units, respectfully, elected by their representative bodies from among the ranks of their membership.

The Council shall be alternately chaired by the Mayor of the City of Zagreb and the County Prefect of the Zagreb County, for 3 months each.

Article 21

The assemblies, that is, the authorities of the City of Zagreb and the Zagreb County shall entrust the Council with the task of resolving certain issues stemming from their scope of activities, which are of common interest for both parties according to their assessment.

The decision as per Paragraph 1 of this Article shall be passed by a majority vote of all members of the body.

The decision of the Council passed on the basis of Paragraph 1 of this Article shall be binding for the City of Zagreb and the Zagreb County.

VII. FINANCING OF THE CITY OF ZAGREB

Article 22

The City of Zagreb shall have its revenues which shall be at its free disposal within its scope of activities.

The revenues of the City of Zagreb shall be proportional to the tasks which fall within its scope of activities, in compliance with the law.

The revenues of the City of Zagreb shall be as follows:

1. its own taxes, surtax, compensations, contributions and fees,
2. revenues from items owned by the City and from proprietary rights,
3. revenues from trading companies and other legal persons owned by the City, that is, in which the City owns a share or stocks,
4. revenues from concessions allocated by the City Assembly,
5. pecuniary penalties and seized proprietary benefit for misdemeanours stipulated by the City,
6. a share in joint taxes with the Republic of Croatia,
7. other revenues stipulated by the law.

Article 23

Revenues and expenditures of the City of Zagreb shall be established by the annual budget.

Budget funds of the City of Zagreb shall finance the performance of all tasks within the scope of activities of the City of Zagreb established by Article 4 of this Law.

VIII. INTERIM AND FINAL PROVISIONS

Article 24

Heads of administrative bodies of the City of Zagreb performing their duties at the moment of entry into force of this Law shall continue performing their duties until the appointment of heads of administrative bodies, in compliance with the provisions of this Law.

The procedure of election of heads of administrative bodies as per Article 14, Paragraph 2 of this Law shall be carried out within three months from the election of the Authorities.

Article 25

Until the organization of the City of Zagreb existing at the moment of entry into force of this Law has changed, the provisions of Article 14, Paragraphs 3 and 4 and Article 15, Paragraphs 2 and 3 of this Law shall apply to the following administrative bodies of the City of Zagreb:

- the City Office for General Administration,
- the City Office for Proprietary Affairs,
- the City Institute for Cadastre and Geodetic Affairs,
- the City Institute for the Protection of Monuments of Culture and Nature.

Article 26

The City of Zagreb shall be obliged to harmonize its Statute and other general acts with the provisions of this Law within six months from its entry into force.

Article 27

The provisions of the Law on Local and Regional Self-government shall apply to all issues not regulated by this Law which pertain to the City of Zagreb as a local self-government unit with the established status of a regional self-government unit.

Article 28

The Law on the City of Zagreb ("Official Gazette", No. 90/92, 76/93, 69/95, 14/97 and 36/98) shall cease to be valid on the day of entry into force of this Law.

Article 29

This Law shall enter into force on the day of its publication in the "Official Gazette".

Class: 015-07/01-01/01
Zagreb, 11 July 2001

CROATIAN PARLIAMENT
Speaker
of the Croatian Parliament
Zlatko Tomcic, signed