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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**CROATIA**

**DRAFT AMENDMENTS TO THE COURTS ACT**

**FINAL PROPOSAL OF THE ACT ON AMENDMENTS TO  
THE COURTS ACT**

**Article 15**

After Article 86, a new Article 86a is inserted, as follows:

Article 86a

- (1) The president of a court shall be obligated to file an application for a renewal of basic security vetting of each judge every five years, starting from the date a judge assumes judicial office. The application shall be filed with the security intelligence agency via the ministry responsible for judicial affairs.
- (2) The basic security vetting renewal shall be conducted in accordance with the law governing security vetting, unless otherwise provided by this Act.
- (3) The security vetting report shall be submitted to the president of the Supreme Court of the Republic of Croatia.
- (4) The final assessment of the existence of security obstacles shall be made, on the basis of the submitted report, by a special panel of five judges of the Supreme Court of the Republic of Croatia, appointed by the General Session of the Supreme Court. The procedure of selecting members and functioning of the panel shall be governed by the Rules of Procedure of the Supreme Court of the Republic of Croatia.
- (5) Any security obstacles established shall be imparted by the president of the Supreme Court of the Republic of Croatia to the president of the court at which the judge concerned holds office, the president of the immediately superior court, the competent judicial council and the minister responsible for judicial affairs.
- (6) The procedure of filing an application for a basic security vetting renewal shall be regulated by an ordinance issued by the minister responsible for judicial affairs.

**Article 34**

- (1) For every judge appointed and holding judicial office on the date of entry into force of this Act who has not undergone a security vetting thus far or for over five years, court presidents shall file an application for basic security vetting with the competent security intelligence agency, via the ministry responsible for judicial affairs, within 60 days of the date of entry into force of the ordinance referred to in Article 15 of this Act.
- (2) The procedure of filing an application for basic security vetting, submission of security vetting reports, final assessment of the existence of security obstacles and the notification of the establishment of security obstacles shall be subject to provisions of Article 15 of this Act.