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Evaluation report on the sixth round of mutual evaluations:

"The practical implementation and operation of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime and of the Council Decision 2008/976/JHA on the European Judicial Network in criminal matters."

Report on Croatia

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1. EXECUTIVE SUMMARY

1. The on-site visit to Croatia was positive on the whole. There was good cooperation between the evaluation team and the Ministry of Justice, the General State Attorney's Office, the Ministry of the Interior and courts.

2. Croatia joined the European Union on 1 July 2013. Cooperation with Eurojust was established even before the formal accession, with the Cooperation Agreement between Eurojust and the Republic of Croatia of 9 November 2007 (which terminated upon the accession of Croatia to the European Union).

3. As a new Member State of the EU, Croatia has not yet fully implemented the Eurojust Decision under Croatian law. Nonetheless, it has to be stressed that much has already been done, taking into account the preparatory period preceding the accession and the on-site visit.

4. The Croatian desk at Eurojust is composed of the National Member and an administrative assistant, both having their regular place of work in The Hague. There is no deputy to the National Member or an Assistant to the National Member in accordance with Article 2 of the Eurojust Decision.

5. The National Member is an experienced state attorney who, before Croatia's accession, worked at Eurojust as a Liaison Prosecutor. This may also explain good cooperation between the State Attorney's Office and Eurojust.

6. Although the European National Coordination System (ENCS) has been set up it has not started functioning. At the time of the visit the Eurojust national correspondent had not yet been appointed and in fact nobody was in charge of the functioning of the ENCS. Therefore, the evaluators believe that the role of the ENCS should be defined by the national authorities.

7. Internal instructions governing exchange of information based on Article 13 of the Eurojust Decision have been issued by the Attorney General but they only require state attorneys to notify the Croatian National Member when a letter of request has been sent. This obligation is not known and respected by the other practitioners. Information is delivered by not secured emails.

8. Croatia is not a party to the 2000 MLA Convention. Therefore, all communications relating to international legal assistance go through a central body in the Republic of Croatia. The decision allowing Croatia to become a party is still awaiting the consent of the European institutions.

9. There are no national guidelines addressed both to courts and State Attorney's Offices governing the referral of cases to Eurojust and to the EJM. However, there is a procedure manual for state attorneys that explains the modalities for maintaining contacts, which also provides guidelines on how to request assistance via Eurojust.

10. At the moment there are no statistics at the national level with regard to data concerning mutual legal assistance, in particular data related to Article 13 of the Eurojust Decision.

11. The Judicial Academy is responsible for providing training for judges and state attorneys on national and EU law. To a lesser extent the Ministry of Justice and the State Attorney are also involved in training regarding mutual legal assistance. Seminars are organised to raise awareness of the role of Eurojust and the EJM. However, the evaluation team identified a need to assess and improve knowledge regarding international cooperation and the linguistic skills of Croatian practitioners, in particular judges.

2. INTRODUCTION

Following the adoption of Joint Action 97/827/JHA of 5 December 1997¹, a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime has been established.

In line with Article 2 of the Joint Action, the Working Party on General Matters including Evaluations (GENVAL) decided on 22 June 2011 that the sixth round of mutual evaluations should be devoted to the practical implementation and operation of Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime², as amended by Decisions 2003/659/JHA³ and 2009/426/JHA⁴, and of Joint Action 98/428/JHA of 29 June 1998 on the creation of a European Judicial Network⁵, repealed and replaced by Council Decision 2008/976/JHA on the European Judicial Network in criminal matters⁶.

The evaluation aims to be broad and interdisciplinary and not to focus only on Eurojust and the European Judicial Network (EJN) but rather on the operational aspects in the Member States. This is taken to encompass, apart from cooperation with prosecution services, also, for instance, how police authorities cooperate with Eurojust national members, how the National Units of Europol will cooperate with the Eurojust National Coordination System and how feedback from Eurojust is channelled to the appropriate police and customs authorities.

¹ Joint Action of 5 December 1997 (97/827/JHA), OJ L 344, 15.12.1997, pp. 7 - 9.

² Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (2002/187/JHA), OJ L 63, 2.3.2002, pp. 1-13.

³ Council Decision 2003/659/JHA of 18 June 2003 amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, OJ L 245, 29.9.2003, pp. 44-46.

⁴ Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, OJ L 138, 4.6.2009, pp. 14-32.

⁵ Joint Action 98/428/JHA of 29 June 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on the creation of a European Judicial Network, OJ L 191, 7.7.1998, pp. 4-7.

⁶ Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network, OJ L 348, 24.12.2008, pp. 130-134.

The evaluation emphasises the operational implementation of all the rules on Eurojust and the EJM. Thus, the evaluation will also cover operational practices in the Member States as regards the first Eurojust Decision, which entered into force in 2002. Experiences from all evaluations show that Member States will be in different positions regarding implementation of relevant legal instruments, and the current process of evaluation could provide useful input also to Member States that may not have implemented all aspects of the new Decision.

The questionnaire for the sixth round of mutual evaluations was adopted by GENVAL on 31 October 2011. As agreed in GENVAL on 17 January 2012, Eurojust was also provided with a questionnaire. The questionnaire to Eurojust was adopted by GENVAL on 12 April 2012. The answers to the questionnaire addressed to Eurojust were forwarded to the General Secretariat of the Council on 20 July 2012, and have been taken into account in drawing up the present report.

The order of visits to the Member States was adopted by GENVAL on 31 October 2011. Croatia was the twenty fifth Member State to be evaluated during this round of evaluations.

In accordance with Article 3 of the Joint Action, a list of experts in the evaluations to be carried out was drawn up by the Presidency. Member States nominated experts with substantial practical knowledge in the field pursuant to a written request on 15 July 2011 to delegations made by the Chairman of GENVAL.

The evaluation teams consist of three national experts, supported by two staff members from the General Secretariat of the Council and observers. For the sixth round of mutual evaluations, GENVAL agreed with the proposal from the Presidency that the European Commission, Eurojust and Europol should be invited as observers.

The experts charged with undertaking the evaluation of Croatia were Ms Laura Vaik (Estonia), Ms Vineta Lecinska - Krutko (Latvia) and Mr Roelof Jan Manschot (Netherlands). Two observers were also present: Ms Malci Gabrijelcic (Eurojust) and Mr Jose Castillo Garcia (Eurojust), together with Mr Paweł Nalewajko and Mr Sławomir Buczman from the General Secretariat of the Council.

This report was prepared by the expert team with the assistance of the General Secretariat of the Council, based on findings arising from the evaluation visit that took place in Croatia between 4 and 6 March 2014, and on Croatia's detailed replies to the evaluation questionnaire together with their detailed answers to ensuing follow-up questions.

3. GENERAL MATTERS AND STRUCTURES

3.1. General information

Mutual legal assistance

Mutual legal assistance with the Member States is based on the 1959 European Convention on Mutual Assistance in Criminal Matters. The Republic of Croatia is not a party to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 20 May 2000 (hereinafter referred to as the 2000 MLA Convention) and the Additional Protocol thereto. A decision of the Council for determining the date for the entry into force of that Convention and its Protocol must be taken unanimously by the Council on a recommendation by the Commission and after consulting the European Parliament (*see* Annex I to the Treaty of Accession of Croatia (OJ L 112/35, 24.4.2012) and Article 3(4) of the Act of Accession). A decision to this effect has not yet been taken.

That is why Croatia still does not have the convenience of direct communication based on the 2000 MLA Convention; all communications relating to international legal assistance go through a central body in the Republic of Croatia - through the Ministry of Justice. Therefore, an outgoing request has to be sent to the Ministry of Justice, which forwards it to the requested State.

At the same time, the party submitting the request (most often a competent state attorney) addresses the Ministry of Justice which distributes the letters rogatory to the competent domestic authorities.

If the execution of letters rogatory needs to be speeded up, the Croatian National Member would be addressed. As a rule, the request is sent through a secure connection (secure email link at the Office of the State Attorney General of the Republic of Croatia to the National Member who establishes the necessary contacts with the national desk of the requested State).

Conduct of criminal proceedings

The police carry out criminal investigations acting upon the Criminal Procedure Act, Police Powers and Duties Act, and the Protocol on the joint work between the police and the State Attorney's Office. The recently introduced reform of criminal proceedings significantly changed the position of the police and state attorney in the investigation of criminal offences.

In addition to the so-called “police investigations” which can be carried out independently, the police also act upon the orders of the state attorney. Thus, some police officers act as police investigators, i.e. as the “extended arm” of the state attorney in the investigation of certain crimes. The role of the police with regard to the new Criminal Procedure Act should therefore be viewed through the prism of prosecutorial investigation and most evidentiary actions are undertaken on the basis of orders received from state attorneys.

In the case of criminal offences prosecuted *ex officio*, the state attorney has the right and duty to undertake inquiries into the criminal offences and to supervise the police when carrying out certain investigations in order to collect information relevant to the initiation of the prosecution.

In the course of the criminal investigation, after being informed that a criminal offence has been committed, the police act pursuant to the provisions of the Police Powers and Duties Act and the rules based on that Act. It regulates police actions prior to notification of the state attorney. At the start of the investigation the police must notify the state attorney immediately or at the latest within 24 hours of undertaking the action.

When the police carry out the inquiries ordered by the state attorney on the basis of the relevant provisions, they do not act independently but are obliged to follow the orders of the state attorney and to report on the actions taken as well as those they intend to take. Thus, in the case of an investigation ordered by the state attorney, the latter has the right but also the duty to continually monitor the investigation imposed on the police while the police are obliged to execute the order or request of the State Attorney with regard to monitoring the investigation.

An important aspect of the new system of investigation is that the police are focusing their activities on detecting the offence and offender as well as investigating the criminal offences according to the state attorney's order. The police are losing the role they played in the process of collecting evidentiary facts at the stage relating to the detection of crime and criminal prosecution. This is especially important at the stage of the preliminary proceedings when it is necessary to undertake evidentiary actions which must not be delayed.

The criminal prosecution begins by entering the criminal charges in the register, or any action or measure restricting personal rights and liberties taken by the state attorney, investigator or police; and is aimed at clarifying the suspicion that a person has committed a criminal offence. The criminal prosecution ends with a decision of the state attorney or other authorised prosecutor not to prosecute or by a court decision.

Once a court has been sent an accusation, it conducts criminal proceedings until the final decision is taken on the guilt of the person concerned. The courts are independent.

3.1.1. Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust and Council Decision 2009/426/JHA on the strengthening of Eurojust

The Agreement between Eurojust and the Republic of Croatia of 9 November 2007 was the legal base for participation of the Republic of Croatia in the work of Eurojust before its accession to the European Union.

This agreement provided a legal basis for the exchange of information between Eurojust and the Croatian authorities and allowed the appointment of the Croatian Liaison Prosecutor at Eurojust.

Since, on the day following the date of accession the provisions of the Agreement automatically terminated, Croatia has incorporated into domestic law provisions governing cooperation with Eurojust.

The Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, as amended by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust (hereinafter referred to as the Eurojust Decision), has been transposed into Croatian law by Articles 12-12.f of the Act on Judicial Cooperation in Criminal Matters with Member States of the European Union (Official Gazette No 91/10, 81/13 and 124/13). The Act entered into force on 1 July 2013, on the date of the accession of Croatia to the European Union.

The Act contains provisions on the objectives and authorities of Eurojust, the procedure for designating the National Member to Eurojust, the national member of Eurojust's Joint Supervisory Body and the national coordinating system of Eurojust and their rights and obligations.

The appointment of the National Member is governed by the Rules on the appointment of a National Member for the Republic of Croatia to Eurojust (Official Gazette No 85/13). The rules provide for an obligation to fulfil his/her duties in accordance with Council Decisions 2002/187/JHA and 2009/426/JHA.

3.1.2. Council Decision 2008/976/JHA on the European Judicial Network

In accordance with Decision No 568/2009 of the European Parliament and of the Council of 18 June 2009, which provides a possibility for a State to participate as an observer in meetings of the EJM contact persons, as well as in meetings of all members of the network, the Republic of Croatia was granted the status of observer in the network, in preparation for the date of its accession to the European Union when it would become an active and equal member of the European Judicial Network.

Participation of the Croatian authorities in cooperation with the European Judicial Network is governed by Article 11 of the Act on Judicial Cooperation in Criminal Matters with the Member States of the European Union (ZPSKS-EU). The provision entitles the minister competent for judicial matters to designate within the ministry the contact persons for the European Judicial Network in criminal matters. The president of the referential court must also designate contact persons in the courts competent for judicial cooperation, and the Attorney General of the Republic of Croatia must designate contact persons in the competent State Attorney's Offices.

EJN contact points must undertake the requisite measures for the purpose of facilitating direct contacts between competent domestic judicial authorities and the competent judicial authorities of other Member States with a view to enhancing judicial cooperation between EU Member States in the execution of the judicial body's decision.

EJN contact points are in particular obliged to provide assistance to domestic and foreign judicial authorities, at their request, in determining the competent judicial authorities for the execution of the judicial decision.

3.2. Implementation of the Eurojust National Coordination System

3.2.1. Eurojust National Coordination System (ENCS)

Croatia has set up the ENCS. According to Article 12.f of the Act on Judicial Cooperation in Criminal Matters with the Member States of the European Union, the ENCS consists of the following stakeholders:

- national correspondent for the EJN in criminal matters,
- national contact persons for the network for joint investigation teams,
- national contact persons for the European network for persons responsible for genocide, crimes against humanity and war crimes,

- national contact persons based on Council Decision 2007/845/JHA concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from crime,
- national contact person for the anti-corruption network based on Council Decision 2008/852/JHA,
- the national correspondent for Eurojust for terrorism matters.

There are no contact points for OLAF or EUROPOL.

Although the national correspondent for the EJNI was appointed as a member of the ENCS, no other EJNI contact point has been represented in the composition of the ENCS.

3.2.2. *National correspondents*

At the time of the visit, the Republic of Croatia had not appointed a national correspondent for Eurojust.

3.2.3. *Operation of the ENCS and connection to the CMS*

The ENCS is not connected to the CMS. According to the Croatian authorities, it is necessary to provide the technical preconditions for establishing such a connection. Furthermore, the National Member of Croatia had not at the time of the visit been granted access to the CMS according to the information provided by the Croatian authorities. Eurojust, however, informed the evaluation team that access had been granted on 20 February 2014.

At the time of the visit it was not clear who is responsible for the functioning of the ENCS and what role had been allocated to the ENCS within the Croatian system. No meetings of the ENCS had been organised at the time of the evaluation.

Persons designated under Article 12.f of the Act on Judicial Cooperation in Criminal Matters with the Member States of the European Union are fulfilling their duties related to ENCS during their working hours.

3.2.4. Cooperation of the ENCS with the Europol national unit

On a daily basis, the national correspondent for the EJM in criminal matters contacts the Europol and SIRENE office in order to obtain relevant information to effectively issue/execute European Arrest Warrants (EAW).

3.3. National desk at Eurojust

3.3.1. Organisation

Currently, the national desk consists of the National Member and an administrative secretary.

The current National Member was appointed on 30 September 2013 and had previously been acting as Liaison Prosecutor for Croatia at Eurojust.

3.3.2. Selection and appointment

The National Member is designated in accordance with the Rules on the appointment of a National Member for the Republic of Croatia to Eurojust (Official Gazette No 85/13).

The Minister for Justice designates the National Member, on the proposal of the Attorney General of the Republic of Croatia, following an application procedure among deputies of the Attorney General of the Republic of Croatia. The National Member thus has the status of deputy State Attorney General of the Republic of Croatia.

The National Member is appointed to Eurojust for a term of office of four years. The term of office at Eurojust may be extended. The National Member has diplomatic status with all its rights and obligations during his term of office at Eurojust.

An Assistant to the National Member is appointed by the Attorney General of the Republic of Croatia for a period of six months and has the status of deputy county or municipal State Attorney. An Assistant may be reappointed for the same duty. However, Croatia has not used the possibility of appointing an Assistant to the National Member.

It was noted that there is no legal basis in Croatian legislation for the appointment of the deputy National Member in accordance with Article 2 of the Eurojust Decision.

The Rules neither provide for the possibility of appointing judges specialised in criminal law as members of the national desk (to become the National Member or his/her deputy). This possibility is essential whereas the role of the investigating judge in the Croatian legal system plays an important role in the criminal investigation and since he cannot take orders from a prosecutor.

3.3.3. Powers granted to the national member

3.3.3.1. General powers

In general the powers of the National Member are confined to the duties of the Attorney General, which are regulated in the Criminal Procedure Act and the Act on the State Attorney's Office (Article 35, paragraphs 4 and 5). However, taking into account the role of the National Member at Eurojust specific tasks are also provided for in the Rules on the appointment of a national member for the Republic of Croatia to Eurojust and in the Act on Judicial Cooperation in Criminal Matters with Member States of the European Union.

Under Article 12.b of the Act on Judicial Cooperation in Criminal Matters with Member States of the European Union, the National Member at Eurojust has the obligation to:

- a) participate in the work of the Eurojust College and the activities related to management and work of Eurojust,*
- b) conduct the exchange of information between Eurojust and the Republic of Croatia,*

- c) perform all the tasks required by the Eurojust College, Eurojust president, i.e. team presidents, including the obligation to maintain contacts with the European Commission and the European Parliament, 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 the request of the domestic judicial authorities with a view to coordinated execution of the request for international legal assistance.*

For the purpose of meeting the Eurojust objectives, the National Member has the power to:

- a) access 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) request from domestic judicial authorities, on behalf of Eurojust, proceedings in accordance with Article 12(4) of this Act and submit information required to enforce special evidence procedures or other procedures for criminal prosecution purposes.

The National Member has the obligation to report on a regular basis to the Attorney General of the Republic of Croatia on his work.

3.3.3.2. Access to national databases

The deputy Attorney General has access to all databases which concern criminal prosecution. Thus, the National Member is granted access to the following databases:

- criminal records;
- misdemeanour records;
- database at the State Attorney's Office (CTS);
- database of "war crimes" at the State Attorney's Office;
- records of final decisions on conducting the investigations;
- records of the confirmed indictments.

3.3.4. Access by the national desk to the restricted part of the Case Management System (CMS)

At the time of the visit, the National Member had not been granted access to the CMS according to the information provided by the Croatian authorities.

In the opinion of the Croatian authorities, access should be provided as soon as possible to allow the National Member and an administrative secretary to work on the cases.

At the time of the visit, there were no rules in place in Croatian law governing who may have access to the CMS and under what conditions.

3.4. EJM contact points

3.4.1. Selection and appointment

Before accession to the EU on 1 July 2013, the Republic of Croatia had appointed five contact points (two contact points at Zagreb County Court, two contact points at the Ministry of Justice and one contact point at Rijeka County Court). After Croatia's accession to the European Union, the Act on Judicial Cooperation in Criminal Matters with EU Member States (ZPSKS-EU) came into force in Croatia and created a normative framework for the appointment of the EJM contact point and his/her action.

According to Article 11(1) of the ZPSKS-EU, the following officials are empowered to designate contact persons for the EJM:

- the minister competent for judicial matters within the Ministry,
- the president of the competent court within the courts competent for judicial cooperation, and
- the Attorney General of the Republic of Croatia within the competent State Attorney's Offices.

Pursuant to Article 11 of ZPSKS-EU, the Minister for Justice designated two contact points at the Ministry of Justice (one of them is a "tool correspondent"), the State Attorney General of the Republic of Croatia designated three contact points at the State Attorney's Office of the Republic of Croatia (one of them is a "national correspondent"), and presidents of the County Courts designated one contact point at each court (a total of 15 contact points). Thus, the Republic of Croatia as an EU Member State has 20 EJM contact points.

The ZPSKS-EU does not prescribe any criteria for selecting and appointing contact points. However, from practical experience, persons were appointed who have adequate specific knowledge (knowledge of foreign languages and knowledge of the legal framework for requesting/providing mutual legal assistance, as well as the *acquis communautaire* in the field of criminal justice cooperation) and who have working experience in matters of mutual legal assistance/judicial cooperation in criminal matters.

3.4.2. Practical operation of the EJM contact points in Croatia

Since 2005, EJM contact points for the Republic of Croatia have participated in EJM plenary meetings, and, as part of their job, provided assistance to EJM contact points for other Member States.

In the period from 1 July 2013, EJM contact points took part in the meeting of national correspondents held on 22 October 2013, and in the 41st Plenary Meeting held in Vilnius from 19 to 20 November 2013. Furthermore, on 13 January 2014, a national meeting of EJM contact points was held at which they were informed about their obligations pursuant to Article 11 of ZPSKS-EU and relevant Decisions of the Council of the EU, as well as the conclusions adopted at the above-mentioned meeting of national correspondents and at the plenary meeting. At the same time, procedures in specific cases were determined and conclusions were adopted regarding the following

issues: the need to hold workshops on the European Judicial Network and its tools, the necessity to promptly organise English language courses, the need to set up an EJM website in Croatian and prepare appropriate materials which would enable the EJM Registry to set up an EJM website with tools that would be applicable for the Republic of Croatia (especially the Atlas, Compendium and Fiches Belges).

The EJM contact points pointed out that it is necessary to organise a regional meeting at which the contact points from the Republic of Croatia and the neighbouring EU countries (such as Austria, Hungary, Slovenia) would discuss practical issues, especially problems in the implementation of the European Arrest Warrant (EAW) and forms of "classical" international legal assistance in criminal matters.

3.5. Conclusions

3.5.1. Formal (legislative) implementation process

- The Cooperation Agreement between Eurojust and the Republic of Croatia of 9 November 2007 (which terminated upon the accession of Croatia to the European Union) was the foundation for the participation of the Republic of Croatia in the work of Eurojust.
- The Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, as last amended by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust, has been transposed into Croatian law by Articles 12 – 12.f. of the Act on Judicial Cooperation in Criminal Matters with Member States of the European Union which entered into force on 1 July 2013.
- However, during the visit the evaluation team realised that some provisions of the Eurojust Decision still needed to be transposed into national law (*inter alia* regarding the composition of the national desk and of the ENCS).

- At the time of the evaluation visit, the Ministry of Justice indicated that a draft law was under preparation with a view to amending provisions of the Act on Judicial Cooperation in Criminal Matters in order to fully implement the Eurojust Decision.

3.5.2. Division of prosecution tasks between police and prosecutor's office

- According to the new Criminal Procedure Act, the state attorney has a central position in the preliminary proceedings; his powers are further extended but his obligations are also increased. It is especially important to transfer and carry out the investigation which has so far been under the jurisdiction of the investigating judge.
- As the state attorney cannot carry out alone the criminal investigation as regards the collecting of evidence, in addition to the police the investigator follows instructions given by state attorney.
- The central role of the investigator is reflected through the authority undertaking the evidentiary activities. In most cases, in the interests of the prosecution but also due to the risk of delay, such actions will need to be carried out before the criminal proceedings begin. The investigator is very limited in taking evidentiary actions on his own initiative.
- If a police officer carries out the investigative activities based on the state attorney's order, it should be done according to the provisions of the Criminal Procedure Act referring to this evidentiary action and he appears only in the role of the investigator and not of the police officer.

- The criminal procedure begins at the moment the ruling on conducting the investigation issued by the state attorney or the court becomes final, confirmation of the indictment when it was not preceded by an investigation, ordering a trial based on private lawsuits in an abbreviated procedure, or taking a decision on issuance of a criminal warrant.
- After issuing the ruling to conduct the investigation, the state attorney undertakes and orders actions he deems necessary for the successful conduct of the proceedings. The evidentiary actions are carried out by the state attorney or investigator upon his order.
- The criminal prosecution ends with a decision by the state attorney or other authorised prosecutor not to prosecute or by a court decision.

3.5.3. The national desk at Eurojust

- The national desk consists of the National Member and an administrative secretary.
- Article 12.a of the Act on Judicial Cooperation in Criminal Matters with Member States of the EU provides the legal basis for appointing an Assistant to the National Member. Since Croatia has not appointed an Assistant, the composition of the Croatian desk at Eurojust does not yet comply with the requirements of Article 2 of the Eurojust Decision.

- It was also noted that the implementing law provides that the term of office of an Assistant be limited to six months, with the possibility of renewal after that period. According to the evaluators, Croatia could consider adding to the composition of its national desk at Eurojust by also appointing a deputy National Member. However, a deputy and an assistant to the National Member should be appointed for a longer period of time than only six months to become a real reinforcement for the National Member. It should be noted that there is no legal basis in the Croatia legislation for the appointment of the deputy National Member which is also mandatory in accordance with Article 2 of the Eurojust Decision.
- The procedure in place allows the Minister for Justice to appoint the National Member upon a motion of the Attorney General. An Assistant to the National Member may be appointed by the Attorney General himself. According to the evaluators, the solutions in force with regard to the composition of the national desk limit the possibility of appointing a judge.
- The National Member, although appointed on 30 September 2013, is an experienced prosecutor who keeps in constant and direct contact with the state attorneys, judges and EJM contact points.
- According to the practitioners met, cooperation between the National Member and the EJM contact points in Croatia is excellent. According to the Croatian authorities, cooperation between the National Member and relevant contact points in Croatia is at a high level. The EJM contact points are aware of the role of the National Member and contact him when it appears necessary.
- According to Croatian law, the National Member has a right to request judges to carry out the work on MLA. However, the National Member in his capacity as a deputy State Attorney can issue orders to the state attorneys only. "Classical" MLA cases and "topic" cases have priority.

- The National Member for Croatia at Eurojust has the powers prescribed in Article 12.c of the Act on judicial cooperation in criminal matters with Member States of the European Union which generally entitle him to facilitate judicial cooperation. In his capacity as national competent authority, he retains all his powers as deputy State Attorney General of the Republic of Croatia.
- It should be noted, however, that the National Member has not thus far been granted the full powers provided for in Article 9b of the Eurojust Decision (ordinary powers). In addition, the powers prescribed in Articles 9c and 9d of the Eurojust Decision were not transposed into national law since they were considered by the Croatian authorities to be contrary to the fundamental principles of the domestic criminal justice system.

3.5.4. Implementation of the ENCS

- The ENCS has been established by the Act on Judicial Cooperation in Criminal Matters with the Member States of the European Union. Article 12.f of the ZPSKS-EU determines the composition of the ENCS in Croatia.
- The members of the ENCS had been appointed shortly before the visit. As a consequence, no meetings of the ENCS had been held and thus the ENCS was not fully operational. In the opinion of the experts, Croatia has no practical experience relating to the functioning of the ENCS and the aim of the ENCS needs to be further defined.
- In line with Article 12(2) of the Eurojust Decision, all national correspondents have been appointed but not for Eurojust.

- In the opinion of the evaluators, a person responsible for the functioning of the ENCS should be appointed.
- No EJM contact point except for the national correspondent for the EJM is a part of the ENCS. In the opinion of the evaluators, at least one other EJM contact point should be included in the composition of the ENCS.
- The evaluation team noted that, although not provided for by the Eurojust Decision, the Croatian member of the Joint Supervisory Body of Eurojust is also part of the ENCS.
- There is no secure connection between the ENCS and the CMS.

3.5.5. Connection to the CMS

- During the evaluation visit, the Croatian authorities explained that the National Member was not given access to the Eurojust CMS at the time of his appointment. According to information provided by Eurojust, access to the CMS was finally granted to the National Member of Croatia with the launch of the latest release of the CMS on 20 February 2014.

3.5.6. EJM

- The EJM Council Decision has been transposed into Croatian law by Article 11 of the ZPSKS-EU.
- The EJM contact points in Croatia are located in the courts competent for judicial cooperation, in the Ministry of Justice and in the competent State Attorney's Offices.
- The law does not prescribe the criteria for selecting and nominating contact points. However, in practice, they are officials with an adequate knowledge of foreign languages and mutual legal assistance.
- The Croatian local authorities considered that perhaps there should be fewer contact points in Croatia, taking into account the small size of the country.

4. EXCHANGE OF INFORMATION

4.1. Exchange of information from judicial and law enforcement authorities to Eurojust

4.1.1. *Databases relevant for the information exchange with Eurojust*

The data stored on the following databases are used to exchange information with Eurojust:

- criminal records;
- misdemeanour records;
- database at the State Attorney's Office (CTS);
- database of "war crimes" at the State Attorney's Office;
- records of final decisions on conducting the investigations;
- records of confirmed indictments.

According to the assessment made by the Croatian authorities, data from the above-mentioned records are sufficient for efficient cooperation with Eurojust.

4.1.2. *Obligation to exchange information under Article 13(5) to (7)*

The obligation to provide information in accordance with Article 13 of the Eurojust Decision was transposed into Croatian law by Article 12(4) and Article 12.b(2) of the ZPSKS-EU. Pursuant to these provisions, judicial authorities are obliged to submit the information necessary to achieve the objectives of Eurojust, at the request of both the College of Eurojust and the national members.

Prior to the entry into force of the Act on Judicial Cooperation in Criminal Matters with the Member States of the European Union, the Agreement between Croatia and Eurojust of 2007 was applied, pursuant to which the Liaison Prosecutor was authorised to ask the local judicial authorities for information on specific requests. According to Article 5(6) of the Agreement between the Republic of Croatia and Eurojust, the Liaison Prosecutor could directly contact the competent authorities of the Republic of Croatia.

It was clear to the evaluation team that the State Attorney's Office gets on well with the National Member and the information set out in this Article is exchanged. With regard to courts, the evaluation team realised that those judges they met were not aware of the existing obligation provided for in Article 13. In the opinion of the evaluators, practical guidelines addressed to practitioners could clearly identify who is obliged to transmit the information under Article 13 of the Eurojust Decision and under what circumstances.

*4.1.3. Application of obligation to exchange information under Article 2 of Council Decision
2005/671/JHA*

The Anti-Terrorism Department, within the General Crime, Anti-Terrorism and War Crimes Sector of the Criminal Police Directorate at the Police Directorate of the Ministry of the Interior of the Republic of Croatia is the competent authority for the exchange of data in the Republic of Croatia pursuant to Article 2 of Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences.

The Department has access to data relating to investigations of terrorist crimes and, in accordance with Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (EUROPOL), it has powers to exchange such data with Europol. The above-mentioned administrative unit is authorised and in practice fully implements the exchange of data listed in Article 4 of Council Decision 2005/671/JHA.

With reference to the obligations set out in Article 2(2) of Council Decision 2005/671/JHA, Croatia established the ENCS and appointed the national correspondent for terrorism matters in charge of coordination and compliance with the obligations set out in Article 2(2) and (5) of Council Decision 2005/671/JHA.

4.1.4. Channels for information transfer to Eurojust

The competent state attorney delivers information (and requests) to the State Attorney's Office, which are subsequently forwarded to the National Member at Eurojust. Thereby the different means of communication are used: e-mail, fax or post (when delivering documentation which could not be delivered by electronic means). Moreover, these means of communication quite often are not secured.

4.1.5. Exchange of information on the basis of Article 13(5) to (7) of the Eurojust decision

Due to the fact that the Republic of Croatia only appointed the National Member on 30 September 2013, practical details and statistical data are not yet available.

At the time of the visit, Croatia did not use the Article 13 templates developed by Eurojust. This seems to be too complicated for practitioners.

4.2. Feedback by Eurojust

After receiving a request from the competent state attorney or from a judge, the information is provided as soon as possible. The information on steps taken is forwarded regularly, in particular if the case was opened during the College of Eurojust and set up in the CMS, or if there is a need for further consultations on “level 2” or “level 3”.

Likewise, sometimes there is a need to request additional information, before a certain step is taken. Therefore, the responses are not provided automatically, but regular communication in response to a request is in place.

4.2.1. *Qualitative perception of the information flows between Eurojust and Croatia*

The Croatian authorities find the flows of information between Eurojust and the competent Croatian authorities useful.

4.2.2. *Practical or legal difficulties encountered when exchanging information with Eurojust*

Nothing to be reported.

4.2.3. *Suggestions for improving the information exchange between Croatia and Eurojust*

Nothing to be reported.

4.2.4. *The E-POC project*

Croatia does not participate in the E-POC IV project.

4.3. **Conclusions**

- The obligation to transmit information to Eurojust in accordance with Article 13(5) to (7) of the Eurojust Decision does not seem to have been transposed into the Act on Judicial Cooperation in Criminal Matters with the Member States of the European Union (by Articles 12(4) and 12b(2)).
- It should be noted that during the evaluation visit the Croatian authorities indicated that both state attorneys and courts are obliged to transmit that information to Eurojust, but no evidence was provided regarding the obligation to transmit such information to Eurojust.
- At USKOK, the evaluation team was informed that internal instructions of the Attorney General's Office required state attorneys to transmit to Eurojust the information provided for in Article 13(5) to (7) of the Eurojust Decision. It was also stated that this information was normally transmitted to Eurojust by e-mail.
- In the opinion of the evaluators, clarification needs to be given to practitioners as to who is in charge of transmitting to Eurojust the information set out in Article 13 of the Eurojust Decision and under what circumstances. Issuing practical guidelines on that issue to practitioners (i.e. courts) could be a solution.
- The national desk at Eurojust was not yet, at the time of the visit, in a position to use the Article 13 form automatic import functionality of the CMS.

5. OPERATIONAL ASPECTS

5.1. Statistics

The Croatian authorities keep relevant statistics regarding their cooperation with Eurojust.

Keeping statistics on contacts with Eurojust falls within the competence of the State Attorney's Office. The contacts had been delivered through the Liaison Prosecutor from 22 September 2009 and they had been filed as special ("E") records within the State Attorney's Office.

When studying the statistics given below, it should be borne in mind that the Republic of Croatia became a member of the European Union on 1 July 2013, that the National Member was designated on 30 September 2013 and his previous activity was Liaison Prosecutor from 2010 to 30 June 2013 and from 30 September to 31 December 2013.

Cases referred to Eurojust

Year	Number of cases
2010	35
2011	68
2012	75
2013	123

Cases opened at Eurojust

Year	Number of cases
2010	11
2011	14
2012	5
2013	3 + 9

5.2. Practical experience in relation to Eurojust

Mostly cases relating to economic crime (criminal acts of corruption) and drug trafficking are referred to Eurojust. Most frequently the cases are forwarded at an early stage of the criminal proceedings (pretrial stage or during investigation).

Given that these cases are connected with identification and confiscation of assets and that the suspects are in detention from the beginning of the proceedings, these procedures are usually urgent.

These cases have both a bilateral and multilateral dimension.

5.3. Allocation of cases to Eurojust, the EJM or others

5.3.1. Cases related to the tasks of Eurojust acting through its national members (Article 6)

The Croatian authorities reported that Croatia reacts promptly to the requests from Eurojust and all necessary actions are taken to comply with the requests as a matter of urgency. In the previous period, there was only one case in which a problem occurred in the execution of the request due to a different interpretation of a regulation in Croatia.

In two cases requests took longer to meet, due to the complexity of the requirements: freezing of assets and the exercise of “third party” rights in regular proceedings.

5.3.2. Requirements for cooperation between Croatian national authorities and Eurojust

There are no national guidelines addressed to both courts and state attorney's offices governing the referral of cases to Eurojust. However, there is a procedure manual for state attorneys that explains the modalities for updating contacts, which also provides guidelines on how to request assistance via Eurojust. It is issued to facilitate the work of state attorneys. The judges met were not familiar with its content.

In general Eurojust is contacted when the case is directly connected with the exercise of legal assistance. The EJM should be used if specific information is needed with regard to issuing an MLA request.

All correspondence sent abroad is very formal and forms part of the file. Furthermore, there is also an “E” file (marked as “confidential”) which is filed within the State Attorney’s Office in which every request referring to the “National Member” is filed. This is regulated by the *Rules of procedure of state attorneys*.

If contact details for persons or legislation are required, these requests are also recorded in the register and there are formal records of them.

5.3.3. Cases related to the powers exercised by the national member (Article 6)

- POWERS GRANTED AT NATIONAL LEVEL (ARTICLE 9A);

The Croatian authorities reported that the powers granted previously to the Liaison Prosecutor and currently to the National Member were sufficient for successful performance of their duties. Granted powers have not encountered any obstacle in the effective handling of cases in any respect.

- ORDINARY POWERS (ARTICLE 9b);

According to Article 12.c of the ZPSKS-EU, the National Member may collect data and forward them to Eurojust and national members of the other Member States when required for carrying out requests for MLA and the recognition and execution of the decisions issued by domestic judicial bodies.

In the case of rejection of the request or partial execution of the request, i.e. the decisions issued by Member State authorities, the National Member may, in accordance with Croatian law, require domestic judicial authorities to take the necessary actions for the purpose of proceeding in line with the request and the decision respectively.

The National Member may, at the request of 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 issued by the judicial authorities of the Member States,
- c) request that the competent State Attorney's Office of the Republic of Croatia submit an application to the investigating judge to conduct special evidence procedures of supervised transport for the purpose of enforcing a coordinated supervised delivery.

- POWERS EXERCISED IN AGREEMENT WITH A COMPETENT NATIONAL AUTHORITY (ARTICLE 9C) AND POWERS EXERCISED IN URGENT CASES (ARTICLE 9D (B));

The powers laid down in Articles 9c and 9d of the Eurojust Decision have not been granted to the National Member as they are considered contrary to the fundamental principles of the domestic criminal justice system. The National Member at Eurojust has the powers set out in Article 12.c of the ZPSKS-EU.

- DEROGATORY ARRANGEMENTS, IF APPLICABLE (ARTICLE 9E);

The ZPSKS-EU has created legal framework for the National Member in cases referred to in Article 9c and 9d of the Eurojust Decision. According to Article 12.c(3c) of the ZPSKS-EU, the National Member may, at the request of the national members of other Member States, request that the competent State Attorney's Office of the Republic of Croatia submit an application to the investigating judge to conduct special evidence procedures of supervised transport for the purpose enforcing a coordinated controlled delivery. According to the Criminal Proceeding Act, only the investigative judge upon request of the competent State Attorney can order such measures. There is no possibility that the national member at Eurojust orders conduct of the special investigative measure, as this would be opposite to the principle of legality which is eminent to the criminal justice system of the Republic of Croatia.

5.3.4. *Cases related to the tasks of Eurojust acting as a College (Article 7)*

Croatia did not report any experience in this regard.

5.4. Practical experience related to coordination meetings

5.4.1. *Qualitative perception*

According to the Croatian authorities, coordination meetings are the best way to achieve direct cooperation, and the best thing which Eurojust can offer. They allow for direct contacts between practitioners, discussion about the follow-up of the case concerned and the speeding-up of procedure in urgent cases. However, they also have disadvantages. This applies when cases are not well prepared and it is not clear exactly what is expected from any State, or if the Member States call prematurely for coordination meetings, when there is no recorded criminal activities in their area.

In addition, the organisation of the coordination meetings does not take into consideration the difficulties encountered by the representatives from the Republic of Croatia in adjusting to the agenda due to problems with communications (arrivals/departures). Lack of convenient flight connections means that participants have to leave the coordination meetings before 12.00 in order to arrive on time at the airport. In this way, the original purpose of the coordination meetings loses its expediency.

In relation to “topics” opened by National Members at Eurojust, it was considered by the Croatian authorities that they should only relate to operational cases.

So far, no coordination meeting has been carried out upon Croatian request (although requested). Nonetheless, the Croatian representative has been invited to participate in some, organised by the other national desks.

5.4.2. *Role of the ENCS*

Croatia participated only in the meetings convened by the other national desks. Nonetheless, it has not been found necessary to involve the ENCS in the coordination meetings.

5.5. Use of the On-Call Coordination (OCC)

Croatia did not report any experience with regard to the functioning of the OCC (except for test calls in order to establish the system).

According to the Croatian authorities, the system has not shown sufficient value to justify its existence. On the contrary, it has many disadvantages - regarding security, for example. There is no sufficient mechanism to check whether the identity of the person calling is genuine, and that he/she has the capabilities and powers for secure exchange of data, especially in urgent cases. All national members are available 24/7.

State attorneys have all the necessary contact details in the manuals of procedure, explaining how the National Member can be contacted.

Therefore, according to the Croatian authorities, the OCC is completely redundant.

5.6. Experience of cases relating to cooperation between the ENCS and the Europol national unit

Nothing to be reported.

5.7. Conclusions

- The evaluators noticed that few statistics exist at the central national level. It is therefore difficult to draw conclusions about the effectiveness of the current situation in the area of international cooperation in criminal matters in Croatia. It is highly recommended by the evaluators that such statistical systems be created.
- The statistics which do exist show a certain level of involvement of the national desk in mutual legal assistance, considering the date of accession and the previous activity of the Liaison Prosecutor
- No major issues were encountered in Croatia with respect to the allocation of cases to Eurojust or the EJM. The General State Attorney Office has developed a handbook which provides information on when to allocate cases to Eurojust and to the EJM.
- Therefore, amongst the practitioners met, state attorneys seem to have more knowledge about referral of cases to Eurojust or to the EJM than judges.
- Not all powers specified in Article 9b of the Eurojust Decision have been granted. In addition, the powers prescribed in Article 9c and 9d of the Eurojust Decision were not transposed into national law since they were considered to be contrary to the fundamental principles of the domestic criminal justice system.

- By amending the above-mentioned Rules and allowing judges to become members of the national desk, it would be possible to execute MLA requests via orders coming from a judge to his/her peers in Croatia. Therefore, for the time being, Article 9c-9d cannot be properly implemented in Croatian legislation since the National Member, as a deputy State Attorney, lacks the capacity to "order" that, for example, investigative measures be taken by judicial authorities other than state attorneys.
- The Croatian representatives have not asked to hold a coordination meeting. Nevertheless, the Croatian authorities regard the coordination meetings as the best way to achieve direct cooperation and the best service which Eurojust can offer.
- However, it was also pointed out that occasionally the coordination meetings are not well prepared, and it is not clear exactly what is expected from the participating State. In addition, representatives of some Member States are called prematurely to such coordination meetings.
- According to the Croatian authorities, the OCC is completely redundant since the National Member is available 24/7.

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6. COOPERATION

6.1. Cooperation with EU agencies and others

The Croatian authorities consider cooperation on the "operational level" as the most useful kind, in particular involving the exchange of specific information.

They stressed that national legislation regarding the relationship with other agencies (which may influence the subsequent admissibility of evidence in criminal proceedings) should be respected.

Cooperation with the police of other countries is carried out through the usual channels of international police cooperation (Interpol, Europol, SELEC), as provided by bilateral and multilateral agreements, and through liaison officers. In accordance with the Agreement with the Ministry of Finance, the Customs Administration and the Ministry of the Interior have joint liaison officers at SELEC.

6.2. Cooperation with third States

6.2.1. *Policy with respect to the involvement of Eurojust*

Before its accession, Croatia was considered by the EU Member States as a third country. The Cooperation Agreement between Eurojust and the Republic of Croatia of 9 November 2007 which terminated upon the accession of Croatia to the European Union was the foundation for the participation of the Republic of Croatia in the work of Eurojust. It provided a legal basis for the exchange of information between Eurojust and the Croatian authorities and allowed the appointment of a Croatian Liaison Prosecutor at Eurojust.

Therefore, the Croatian authorities experienced the benefits of cooperation with Eurojust. Cooperation between Eurojust and third countries is regarded as very important.

6.2.2. Added value of Eurojust involvement

According to the Croatian authorities, the EU needs more frequent connections with third countries from South America and Asia. Therefore, it is important to have at least a "contact person" in those countries, so that if cooperation is needed, it may be achieved in a swift and efficient manner.

6.3. Practical experience of the EJM

6.3.1. Cooperation between the Croatian member and the EJM

The National Member has been in constant, direct contact with the state attorneys, judges and the EJM correspondent and the EJM contact points. According to Croatian law, the National Member has the right to give instructions to the competent judicial authorities and to submit the information required. The National Member, in his capacity as a deputy State Attorney, can issue orders to the state attorneys only but not to judges.

The overall assessment by the Croatian authorities of the National Member's activity is positive. Cooperation between the National Member and the correspondents in Croatia is excellent. It is considered to be at a high level and the EJM contact points are aware of the role of the National Member and contact him when there is a need.

6.3.2. Resources allocated domestically to the EJM

The contact person for the EJM, the national representative (national correspondent) and the representative for technical issues (Tool Correspondent) perform their tasks within their regular workplace, and they do not have any specific financial or other resources.

The EJM contact points are located in courts, State Attorney's Offices and in the Ministry of Justice.

6.3.3. Operational performance of EJM contact points

The Croatian EJM contact points contact all relevant authorities within the Republic of Croatia in order to respond to requests sent by their counterparts from the EU. For example, some EJM contact points are also entitled to urge the other contact points to speed up the procedure or to deliver relevant documentation available to that authority. The contact point at the State Attorney's Office provides data from contact points at the Ministry of Justice or a competent county court.

The EJM contact points have established contact with the EJM contact points for other EU Member States on the occasion of the execution of EAWs. For example, a contact point at the Bjelovar County Court contacted the State Attorney's Office in Gothenburg via e-mail with the aim of executing a EAW issued by the Bjelovar County Court, i.e. for the purpose of executing a prison sentence. Also, a contact point at Pula County Court contacted an EJM contact point in Romania with regard to the execution of the EAW issued by the competent Romanian authorities, in order to establish the identity of a wanted person.

Furthermore, in the period from 1 July 2013 to the date of the visit, a contact point at the State Attorney's Office of the Republic of Croatia established contact with EJM contact points in 18 cases. In those cases, different forms of assistance were requested: speeding up requests for "minor" and "major" international legal assistance such as obtaining approval for criminal prosecution within the meaning of Article 14 of the European Convention on Extradition (1957), delivery of information on legal regulations, information on case law, delivery of documentation necessary for decision-making in the procedure for take-over of criminal prosecution, i.e. execution of the EAW. In most cases, these contacts were established with EJM contact points in the nearby Member States (Republic of Austria, Republic of Slovenia and Federal Republic of Germany); all those contact points responded promptly and the responses provided were very detailed.

Likewise, in the period from 1 July 2013 to the date of the visit, contact points in the Ministry of Justice established contacts with EJM contact points in 39 cases, in which different modalities of assistance were requested, such as: delivery of information on legal aspects, information on case law, delivery of documentation, speeding up requests for "minor" and "major" international legal assistance; all those contact points responded promptly.

During an investigation, the State Attorney's Offices are competent to issue a MLA request while the courts execute the MLA.

Croatia is not a party to the 2000 MLA Convention. Therefore, mutual legal assistance is based on the 1959 Convention. According to the Croatian authorities, this resulted in the centralisation of transmission of the MLA requests via the Ministry of Justice as a central contact point for correspondence. In addition to the official channel (Ministry of Justice), copies of MLA requests are sent via the National Member in order to accelerate their execution.

However, Croatia is also a party to the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 8 November 2001. According to the evaluators, the solutions offered therein could provide a legal basis for direct contact between judicial authorities. This would, however, require Croatia to change its declaration appointing the Ministry of Justice as a central authority to be sent letters rogatory. Moreover, Article 53(1) of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders of 19 June 1990 (the 1990 Schengen Convention) could also form such a legal basis.

6.3.4. Perception of the EJM Website and its tools

Within the Ministry of Justice a contact person is designated with the status of Tool Correspondent. Maintaining and updating data on the EJM website is the competence of the Ministry of Justice. Since the ongoing migration of existing web addresses of the EJM in criminal matters (<http://www.ejm-crimjust.europa.eu/>) on the E-justice domain, the Republic of Croatia has not yet been able to access the back office of the website <https://www.ejm-crimjust.europa.eu/admin> and the Croatian Tool Correspondent has not yet been able to independently update the existing data on the contact points.

The data presented on the EJM website, as well as the site tools, have so far facilitated and speeded up the work of the local competent authorities in cases of international legal assistance, i.e. the provision of relevant data on the competent authorities of other Member States and its positive legal regulations. The users consider the EAW wizard and Library applications especially useful in their everyday work.

However, the local competent authorities maintain that the data on that website are not updated in a timely manner (for example, some persons listed as EJM contact points for the Republic of Croatia are no longer contact points, and the newly-appointed contact points are not listed), and that the website should be translated into Croatian, which would make it much easier to use.

6.4. Conclusions

- The Croatian authorities acknowledged the benefits of their cooperation with Eurojust before Croatia's accession to the EU and encourage Eurojust to continue concluding cooperation agreements and extending its network of contact points in third States.
- The EJM contact points were appointed in courts, State Attorney's Offices and within the Ministry of Justice, allowing for the most important stakeholders involved in MLA requests to contact their counterparts in the other Member States.
- The National Member is considered to grant significant support to domestic authorities in terms of mutual legal assistance. According to the practitioners met, he has a high level of knowledge and the EJM contact points are aware of the National Member's role and contact him when there is a need.
- Croatia has built up a centralised system for transmission of MLA requests which is based on the international obligations resulting from the 1959 Convention. Croatia has not yet ratified the 2000 MLA Convention and awaits a decision in this regard from the relevant EU bodies.

- According to the evaluators this process should be accelerated to allow Croatia to establish direct contact with the relevant judicial authorities in the other EU countries. Nonetheless, it should also be pointed out that Croatia, being a party to the Second Protocol to the 1959 Convention which already allows for direct contacts, has declared that its Ministry of Justice is the central authority to be sent all letters rogatory. Article 53(1) of the 1990 Schengen Convention could also be used.
- Regularly updating the information concerning Croatia in the EJM tools is one of the tasks of the EJM Tool Correspondent. No particular issues were identified in this respect.
- The most frequently used EJM tool is the Judicial Atlas. The Croatian authorities indicated that the information included therein does not seem to be updated. This is however the responsibility of the Croatian Tool Correspondent.
- Practitioners reported difficulties relating to the length and quality of translation of letters of request received from other Member States. It was mentioned that some Member States send such requests only in the original language or provide poor translations of requests.

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7. SPECIAL INVESTIGATIVE TECHNIQUES - PRACTICAL EXPERIENCES

7.1. Controlled deliveries (Article 9d(a))

Pursuant to the Croatian Criminal Procedure Act, controlled transportation and delivery is authorised by an order of a competent court. In operational terms, transport and delivery are carried out by the police with supervision and reporting by a competent state attorney.

However, the procedure described above is limited to the domestic criminal procedure. Controlled deliveries are not regarded as a form of international legal assistance provided by local judicial authorities. Croatian legal regulations (the Act on International Legal Assistance in Criminal Matters) do not regulate this form of legal assistance, and the Republic of Croatia had reservations regarding Article 18 of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters covering controlled deliveries.

7.2. Participation of national members in joint investigation teams (Article 9f)

At the time of the visit, Croatia had participated in one JIT. The said JIT was established with Austria and Finland and functioned from 2010 to 2012. Linguistic problems were raised with regard to the holding of the operational meetings. The need to translate a large amount of procedural documents was one of the main challenges identified in that JIT. In particular, the translation of documents - for example, from Finnish to Croatian - as well as their further use posed difficulties.

At that time Croatia was not an EU Member State. Therefore, Croatia could not have used the funds granted by the EU.

The setting up of a JIT is governed by the Act on the State Attorney's Office. According to this Act, JITs are established by the decision of the State Attorney's Office of the Republic of Croatia upon an agreement concluded with competent authorities of one or more Member States. The National Member of Croatia must be included in the communication and establishment of a JIT. His role is of great importance.

Croatia reported no experience with regard to participation of experts from Europol in JITs.

Participation of representatives from Eurojust is regarded valuable as it may facilitate faster and more efficient data exchange.

7.3. Other special investigative techniques (SITs)

Croatia has been involved in cooperation with regard to special investigative techniques. The technique in question was "supervision and technical recording of telephone conversations and other remote communications", and for this purpose the necessary court orders were exchanged and decisions were taken on measures. This is a very frequent form of cooperation, especially in cases under the jurisdiction of the Office for the Suppression of Corruption and Organised Crime (USKOK). The Croatian authorities reported having good experience in this respect.

Nonetheless, it was mentioned that not all Member States have a standard way of storing these data. Thus, in one case it was impossible to receive the original documents on these measures (even after a considerable time lapse of over a year), and this resulted, firstly, in the cancellation of a detention order against an individual charged with serious criminal offences, and then his subsequent flight and the impossibility of conducting the criminal proceedings.

In the cases when such measures (and results) were requested from the Republic of Croatia, the requests were complied with within a period of two weeks.

In Croatian law, there is no legal basis in domestic legislation for this form of legal assistance since the Act on International Legal Assistance in Criminal Matters does not regulate legal assistance through the implementation of special evidence-collecting procedures. Special evidence-collecting procedures are governed by the Criminal Procedure Act and assistance was provided to foreign judicial authorities through the meaningful application of those procedures in the USKOK cases described above, and the legal loophole was thus to some extent bridged. However, the utilisation of results of the evidence-collecting procedures carried out in this manner in another State - as legally obtained evidence - is questionable because they were not obtained as part of the procedure of providing international legal assistance; instead, due to the existence of a legal loophole, the domestic authorities carried out those actions as part of the domestic criminal proceedings, the aim of which is not to provide legal assistance to another State, but to identify and locate the perpetrator of a criminal offence and provide evidence in the 'domestic' proceedings.

7.4 Conclusions

- According to Croatian law, controlled deliveries are not considered to be an instrument of judicial cooperation. However, it should be considered if other legal bases could be used, such as the Palermo Convention, awaiting accession to the 2000 MLA Convention.
- The Croatian authorities reported that they participated in one JIT at the time when Croatia was not yet a Member State. The former Liaison Prosecutor for Croatia at Eurojust was involved in that JIT.
- At that time, although it would have been desirable to receive funding from Eurojust, Croatia was not eligible under the applicable rules as it was not a Member State.

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- In the opinion of the evaluators, it would be useful to ensure regular training for practitioners in JITs and awareness of the support offered by Eurojust for this purpose. The Commission should secure EU funding for JITs through Eurojust.
- Croatia provides cooperation with regard to special investigative techniques. The legal basis for such cooperation is set out in the Criminal Procedure Act.
- USKOK is involved in executing requests for SITs. In the opinion of the evaluators, the way in which the Office is organised and functions should be regarded as best practice.

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8. TRAINING AND AWARENESS RAISING

8.1. Promoting the use of Eurojust and the EJM

8.1.1. Training

The Croatian authorities reported that all officials (and the state attorney's advisors) have a procedure manual for state attorneys in which instruments of international cooperation are explained, including the EJM and Eurojust. In addition, the procedure manual includes all contact information and forms relating to the relevant application. However, the evaluation team recognises that the procedure manual is only binding for state attorneys but not for judges.

At least twice a year, meetings are held for all state attorneys in the Republic of Croatia to give a regular presentation of Eurojust's work. The aim is to introduce the work of Eurojust and the EJM, but also a practical way of showing participants how to use Eurojust and the EJM.

As an example, in 2013 one workshop on MLA in criminal matters for 48 participants, five workshops on judicial cooperation in criminal matters in the EU for 88 participants and two workshops on judicial cooperation in criminal matters for 20 participants were organised.

At the beginning of 2014, a workshop was organised by the Judicial Academy for 70 courts' and state attorney's judicial advisors at which the work of Eurojust was presented. The Croatian representatives believe that all judicial advisors as well as judges and officials of the Ministry of Justice who work on issues of international cooperation will be familiar with the work of Eurojust.

The National Member and the national correspondent for the EJM are directly involved in such training and they give the lectures.

The Croatian authorities intend to hold these presentations at least twice a year at the level of State Attorney's Offices.

A marketing meeting (seminar) is planned in 2015.

8.1.2. Other measures

The State Attorney's Offices are familiar with the work of Eurojust and the EJM, while judges need additional training. The Croatian authorities recognise the need to organise seminars/workshops which will inform judges about the EJM and Eurojust, as well as to compile a manual which would facilitate the best use of the advantages that the EJM and Eurojust provide.

In the case of a particular file or issue, there is always the possibility of direct contact with the National Member or the EJM national correspondent, by officials in the State Attorney's Office or within the Ministry of Justice. Since the Republic of Croatia is a "small country" this objective can be achieved by direct contacts.

The practitioners met by the evaluation team pointed out the need to organise more linguistic training for all practitioners, not only those working in the capital.

8.2. Specific training for national members and EJM contact points

There is no "specific training" organised for the National Member and the EJM contact points.

Prior to Croatia's entry into the EU, the Liaison Prosecutor delegated by Croatia to Eurojust had held his position at Eurojust for four years, attended marketing and strategic meetings, and participated in numerous conferences on the subject of Eurojust's work (also as a lecturer). During that time he took the usual "training" at Eurojust.

EJN contact points were invited to conferences and meetings, and a number of workshops are held for training purposes.

8.3. Conclusions

- Training courses for practitioners in judicial cooperation in criminal matters are organised by the Judicial Academy. State Attorney's Offices are also involved in the organisation of training.
- In order to raise awareness of the specific aspects of judicial cooperation in criminal matters, a procedure manual for state attorneys has been issued. However, the manual is binding only for state attorneys. Therefore, in the opinion of the evaluators it would be useful to present its content also to judges.
- The evaluation team had the impression that the National Member had done much to promote the use of Eurojust. It was mentioned several times that the National Member participates personally in national training sessions.
- However, it was found that knowledge of Eurojust and the EJN was not so widely spread among judges. They prefer to contact either state attorneys or the Ministry of Justice to receive relevant information on mutual legal assistance.
- The same applies to knowledge of foreign languages in the case of both state attorneys and judges. Language training (English) is organised rarely and involves travelling to the capital.
- Therefore, the evaluators believe that further training courses on MLA, Eurojust and the EJN are needed in order to raise awareness among practitioners.

9. OBSERVATIONS

9.1. Overall assessment

The evaluation of Eurojust and the EJM in Croatia was positive on the whole.

The evaluation was well organised and conducted. It enabled the team to meet the most important stakeholders involved in judicial cooperation in criminal matters. Meetings were organised with representatives of the Ministry of Justice (Department for extradition and mutual legal assistance in criminal matters), Judicial Academy, Customs Office, Office for the Suppression of Corruption and Organised Crime, State Attorney's Office, Ministry of the Interior (Criminal Police Department), County Court in Varaždin, County State Attorney's Office in Varaždin.

The evaluation team particularly appreciated the welcome by the deputy Minister of Justice at the start of the visit. The evaluators were given the opportunity to talk to a large number of high-ranking officials from the Croatian central authorities as well as with practitioners, including public state attorneys, judges and police officers. The presence of the National Member gave undeniable added value to the visit.

The core aspects of the relevant legislative framework seem to be already in place but some regulations need to be improved.

The ENCS has been established but it needs to start functioning. Croatia still needs to define the role of the ENCS with regard to its readiness to provide cooperation with Eurojust and the EJM.

The assistance provided by Eurojust is generally perceived as positive by the Croatian authorities and considered necessary in the context of judicial cooperation in criminal matters. The important role played by Eurojust in the coordination of cross-border criminal investigations and prosecutions was particularly acknowledged by the Office for the Suppression of Corruption and Organised Crime (USKOK) which has jurisdiction over the entire territory of the Republic of Croatia, as well as by a local County Court and a County State Attorney's Office where the evaluation team held meetings.

The powers of the National Member at Eurojust should be strengthened in the national legislation. At the time of the visit, the National Member, according to the Croatian authorities, did not have access to the CMS but according to the information given by Eurojust the problem seems now to have been resolved.

The EJM functions well and no major problems have been investigated in terms of allocation of cases to Eurojust or to the EJM. However, the competent authorities (police officers and judges) should receive training on the competences of Eurojust and the EJM so that in case of necessity the competent authorities know whom to contact. At the moment representatives from the Ministry of Justice and the State Attorney's Office are the only ones well-informed about the role and competences of Eurojust and the EJM.

9.2. Further suggestions from Croatia

According to the Croatian authorities, Eurojust has a truly central role in judicial cooperation within the EU. The possibility of bringing together all persons essential for judicial cooperation in one place is invaluable. The exchange of information and requests between competent persons has never been faster than through Eurojust.

The EJM speeds up mutual legal assistance by making possible the timely provision of relevant data (data on competent authorities, legal regulations and case law). Meetings organised by the EJM are considered important since they make it possible to establish direct contacts and exchange experience, as well as to solve practical problems (for example, in workshops organised at plenary sessions). In the opinion of the Croatian authorities, the organisation of regional meetings would substantially contribute to making work on cases of international legal assistance easier, as a large part of the cases require cooperation with a certain number of nearby countries.

According to the Croatian authorities, the role of Eurojust should be additionally delimited from the EJM's role, with Eurojust being in charge only of operational work in complex cases, and EJM dealing with cases of “general crime” which involve cooperation by two EU Member States.

According to the opinion presented by the Croatian authorities, the number of “topic” (and “general topic”) cases should be drastically reduced and given over to the EJM. It should be taken into account that small EU countries have sparse representation, and therefore national members themselves have to respond to numerous questions, often including rather obscure questionnaires, which requires a lot of time. National members spend far too much time on redundant “administrative tasks”. Their objective should be operational work, and only 10 % of time should be spent on administrative issues.

The Croatian authorities pointed out that if Eurojust wishes to increase the value it offers, it should consider the possibility of using more serious instruments, in addition to “non-binding opinions”.

9.3. Perception of the evaluation process with regard to the subject under review

Croatia has transposed Council Decision 2009/426/JHA into national law (Act on Judicial Cooperation in Criminal Matters), while minor errors were spotted (such as partial implementation of some provisions such as the terms of nomination of the deputy National Member, powers of the National Member, rules on transmission of information set out in Article 13 of the Eurojust Decision, etc.).

Nonetheless, perception of cooperation with Eurojust and the EJM is generally positive.

During the meetings, both the Croatian desk at Eurojust and appreciation of the support provided in the operational work were frequently mentioned. The practitioners met by the team appreciated the involvement and extensive knowledge of the National Member, underlining his readiness to provide advice and help in speeding up MLA requests. The work of the Liaison Prosecutor for Croatia at Eurojust was also acknowledged. During the period from 1 January 2010 until 30 June 2013, he opened 33 cases at Eurojust and he received requests by national desks at Eurojust in 301 cases (including cases between 30 September and 31 December 2013). The practice of sending a Liaison Prosecutor to Eurojust before joining the EU should be regarded as a good example which should be used by States applying for EU membership.

However, it was also noted that since Croatia only acceded to the European Union on 1 July 2013 and the National Member was only appointed on 30 September 2013, the number of cases opened at Eurojust is still very low (nine cases in 2013 since the appointment of the National Member for Croatia). This is also explained by the fact that Croatia is not yet a party to the 2000 MLA Convention and the Protocol thereto and all communication relating to international legal assistance goes through the Ministry of Justice. Accession to the Convention will allow direct contacts between Croatian and EU magistrates and will thus reduce the central role of the Ministry of Justice, especially, but not only, in the EAW area. It will become unnecessary to send and receive all MLA requests through the Ministry of Justice.

Despite the central role of the Ministry of Justice in mutual legal assistance it is difficult to precisely assess the operability of the Croatian system in this respect due to lack of statistics and reliable information on the number of letters rogatory received/issued.

Training about Eurojust, the EJM and how to use the EJM web page should be extended to all practitioners involved in mutual legal assistance. The language training which is currently available for practitioners in the capital should be provided also in other cities of Croatia.

Cooperation between the Police and State Attorney's Office is at a high professional level and functions in a very satisfactory manner. However, the activity of the State Attorney's Office with regard to issuing the manual in the field of judicial cooperation and the role and competence of the EJM and Eurojust which is an example of good practice should also be provided for police officers and judges.

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10. RECOMMENDATIONS

As regards the practical implementation and operation of the Decisions on Eurojust and the European Judicial Network in criminal matters, the expert team involved in the evaluation of Croatia has been able to satisfactorily review the system in Croatia. Overall, the working principles and legal framework of the system are very robust and functional and the various actors know their roles and responsibilities.

Croatia should conduct a follow-up review of the recommendations given in this report 18 months after the evaluation and report on progress to the Working Party on General Affairs, including Evaluations (GENVAL). The results of this evaluation should also, at some point, be examined by the Working Party on Cooperation in Criminal Matters (COPEN).

The evaluation team thought it fit to make a number of suggestions for the attention of the Croatian authorities. Furthermore, based on the various good practices, relevant recommendations to the EU, its institutions and agencies, Eurojust in particular, are also put forward.

10.1. Recommendations to Croatia

In order to transpose fully the Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, as last amended by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust, into Croatian law and to ensure its practical application, Croatia should:

- 1) create a legal basis for the appointment of a deputy National Member and amend the national legislation to also enable the appointment of a judge as deputy National Member; (cf. 3.3.2 and 3.5.3)

- 2) amend the national legislation in order to bring it into line with Article 2 of the Eurojust Decision, including by providing that the deputy and an Assistant to the National Member can be appointed for longer period of time preferably as long as the National Member; (cf. 3.3.2 and 3.5.3)
- 3) fully transpose Article 9b of the Eurojust Decision into national law; (cf. 3.3.3.1, 3.5.3 and 5.7)
- 4) consider implementation of Articles 9c and 9d of the Eurojust Decision in the event of appointing an (examining) judge as a deputy National Member; (cf. 3.3.3.1, 3.5.3, 5.3.3 and 5.7)
- 5) appoint a national correspondent for Eurojust and supplement the composition of the ENCS by appointing at least one other EJM contact point; (cf. 3.2.1 and 3.5.4)
- 6) define the role of the ENCS and initiate the work of the ENCS; (cf. 3.2.3 and 3.5.4)
- 7) set up a secure connection with the Eurojust CMS and subsequently connect the Croatian ENCS members to the CMS; (cf. 3.2.3 and 3.5.4)
- 8) transpose the obligation to transmit information to Eurojust in accordance with Article 13(5) to (7) of the Eurojust Decision into national law and ensure that, besides state attorneys, it also applies to courts; (cf. 4.1.2 and 4.3)

9) encourage among national authorities the proper application of Article 13 of the Eurojust Decision by issuing practical guidelines both for state attorneys and courts and via the provision of training; (cf. 4.1.2 and 4.3)

10) organise at the national level the collection of the statistical data concerning mutual legal assistance, in particular data related to Article 13 of the Eurojust Decision; (cf. 5.1, 5.7 and 9.3)

11) ensure proper training of practitioners on JITs and awareness of the support offered by Eurojust for this purpose; (cf. 7.2 and 7.4)

12) secure a budget for making available language training for practitioners, in particular those involved in mutual legal assistance; (cf. 8.1.2 and 8.3)

13) organise training courses for practitioners once the 2000 MLA Convention and its Protocol enter into force and on rules regarding allocation of cases to Eurojust or the EJM for practitioners involved in MLA requests (including judges and police officers); (cf. 5.7, 8.1.1, 8.3 and 9.3)

10.2. Recommendations to the European Union, its institutions and agencies, and to other Member States

1. The Member States should appoint national members, deputies and assistants with adequate professional experience and seniority/authority in the field of judicial cooperation in criminal matters having jurisdiction within the entire territory of their country; (cf. 3.3.1, 5.1 and 9.3)

2. The Member States should issue guidelines on judicial cooperation in criminal matters including information on when to refer a case to Eurojust or an EJM contact point and distribute them to all practitioners involved in international cooperation in criminal matters; (cf. 5.3.2 and 5.7)

3. The Member States should analyse problems linked to the speed and quality of the translation of documents and requests exchanged in the field of judicial cooperation in criminal matters and submit proposals aimed at remedying these; (cf. 6.4 and 7.2)

4. The Member States should consider the establishment and functioning of the Office for the Suppression of Corruption and Organised Crime (USKOK), dealing with specific types of crime such as corruption and economic crime, as best practice; (cf. 7.4)

5. The European institutions should accelerate the procedure for the adoption of the Council Decision determining the date for the accession of Croatia to the 2000 MLA Convention and its Protocol; (cf. 6.3.3 and 6.4)

6. The Commission should secure EU funding for JTs through Eurojust; (cf. 7.4)

10.3. Recommendations to Eurojust/the EJM

1. The technical conditions for giving access to the CMS to national members of new Member States of the EU should be in place from the date of accession to the EU; (cf. 3.3.4 and 3.5.5)

2. Eurojust should set up the secure connection with the Eurojust CMS and subsequently connect the Croatian ENCS members to the CMS; (cf. 3.5.4)
3. Eurojust should ensure that the technical conditions for the Article 13 form automatic import functionality of the CMS is in place for national members of new Member States from the date of accession to the EU; (cf. 3.3.4 and 4.3)
4. Eurojust should improve the Article 13 form with a view to making it more user-friendly and simple, since it is too complicated for the average practitioner in the Member States; (cf. 4.1.5 and 4.3)
5. Eurojust should prepare guidelines for the opening of “topics” at Eurojust; (cf. 5.4.1)
6. Eurojust and the EJM should prepare criteria for determining which requests are to be referred to Eurojust and which to the EJM contact points; (cf. 5.7)
7. Eurojust should prepare the guidelines on coordination meetings, including the requirements for convening a coordination meeting, the planning, conduct and follow-up to such a meeting; (cf. 5.7)
8. Eurojust should examine the possibilities of providing assistance in resolving the problems linked to the speed and quality of the translation of MLA requests; (cf. 6.4)
9. Eurojust should further strengthen relations with third States by extending its network of contact points and by proposing the creation of new cooperation agreements; (cf. 6.2.1 and 6.2.2)
10. EJM should keep the judicial tools available on the EJM website regularly updated, in particular the Judicial Atlas; (cf. 6.3.4 and 6.4)
11. Eurojust should enhance that third States participating in JITs involving other Member States are eligible for funding provided that Eurojust national members are invited to participate in those JITs; (cf. 7.2 and 7.4)

ANNEX A: PROGRAMME FOR THE ON-SITE VISIT AND PERSONS INTERVIEWED/MET

Monday, 3 March

Arrival of delegation

19.00 - Dinner

Tuesday, 4 March

10.00 – 10.45 - Introductory meeting with representatives of all relevant institutions at the Ministry of Justice

10.45 – 11.00 - Coffee break

11.00 – 12.30 - General discussion on the questionnaire

12.30 – 14.00 - Lunch break

14.00- 14.30 - Meeting with representatives of Judicial Academy at the Ministry of Justice

14.30 – 15.30 - Meeting with the representatives of Ministry of Finance and Customs at the Ministry of Justice

Wednesday, 5 March

10.00 – 11.00 - Meeting at the Office for the suppression of corruption and organised crime

11.00 – 11.15 - Coffee break

11.15 – 12.30 - Continuation of meeting

12.30 – 14.00 - Lunch break

14.00 – 16.00 - Meeting with prosecutors of the Prosecutor General's Office regarding the questionnaire (part of questionnaire that was fulfilled by our national member at EUROJUST and national correspondent for EJN)

Thursday, 6 March

09.30 -11.00 - Meeting at the Ministry of the Interior (Service for international cooperation)

11.00 – 12.00 - Departure to Varaždin

12.00 – 13.15 - Lunch break

13.15 – 14.30 - Meeting at the County Court in Varaždin

14.45 – 16.00 - Meeting at the County State Attorney's Office in Varaždin

16.00 – Departure to Zagreb

Friday, 7 March

10.00 – 11.00 - Final meeting with representatives of all relevant institutions at the Ministry of Justice of Republic of Croatia

Departure of delegation to Zagreb Airport

ANNEX B: PERSONS INTERVIEWED/MET

Meetings 4 March 2014

Venue: Ministry of Justice

Person interviewed/met	Organisation represented
Ms Sandra Artuković Kunšt,	Deputy Minister of Justice
Ms Maja Kovač	Service for Mutual Legal Assistance and Judicial Cooperation in Criminal Matters
Mr Slobodan Čalić	Department for Mutual Legal Assistance in Criminal Matters
Ms Lovorka Cvetičanin	Department for Mutual Legal Assistance in Criminal Matters
Ms Tamara Mišerda	Service for Mutual Legal Assistance and International Cooperation in Criminal Matters
Ms Anamarija Barać	Department for Judicial Cooperation in Criminal Matters
Ms Vesna Kadić Komadina	Customs Service
Ms Ivana Javor	Customs Service
Ms Andrea Posavec Franić	Judicial Academy
Ms Nela Popović	Judicial Academy

Meetings 5 March 2014

Venue: Office for Suppression of Corruption and Organised Crime and the General State Attorney's Office of the Republic of Croatia

Person interviewed/met	Organisation represented
Ms Sani Ljubičić	Deputy Director of the Office for Suppression of Corruption and Organised Crime, Department for International Cooperation and Joint Investigations Helsinki District Prosecutors' Office
Ms Nataša Đurović	Deputy Director of the Office for Suppression of Corruption and Organised Crime, Department for Suppression of Corruption and Public Relations
Ms Danka Hržina	Senior State Attorney's advisor, also a national correspondent for the EJN
Mr Mladen Bajić	General State Attorney of the Republic of Croatia
Mr Dragan Novosel	First Deputy General State Attorney
Mr Josip Čule	Deputy General State Attorney and National Member at Eurojust
Ms Davorka Čolak	National contact for EJN for genocide, crime against humanity and war crimes

Meetings 6 March 2014

Venue: Ministry of the Interior (Service for international cooperation)

Person interviewed/met	Organisation represented
Mr Dalibor Jurić	Sector for Support of the Crime Police
Mr Gordan Franjić	Department of Europol
Ms Dijana Sadarć	Department of SIRENE
Mr Mladen Pemper	Service for Terrorism
Ms Daria Drakulić	police official and representative of the Republic of Croatia in GENVAL
Mr Dean Savić	Service for Organised Crime
Mr Zoran Filipović	Service for Suppression of Corruption and Organised Crime
Mr Dražen Rastović	Service for Drug Crime
Mr Krešimir Sikavica	Service for Financial Crime and Corruption
Mr Zoran Hitrec	Service for Special Crime Business

Venue: County Court in Varaždin

Person interviewed/met	Organisation represented
Ms Snježana Hrupek-Šabijan	President of the County Court in Varaždin
Ms Biserka Plesničar	judge at the County Court

Venue: County State Attorney's Office in Varaždin

Person interviewed/met	Organisation represented
Ms Biserkom Šmer Bajt	County State Attorney of Varaždin

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Person interviewed/met	Organisation represented
Ms Darinka Brđanović	Deputy County State Attorney of Varaždin

Meetings 7 March 2014

Venue: Ministry of Justice

Person interviewed/met	Organisation represented
Mr Ivan Crnčec	Assistant Minister in the Directorate for European Union and International Cooperation
Ms Maja Kovač	Service for Mutual Legal Assistance and Judicial Cooperation in Criminal Matters
Mr Slobodan Čalić	Department for Mutual Legal Assistance in Criminal Matters
Ms Lovorka Cvetičanin	Department for Mutual Legal Assistance in Criminal Matters
Ms Tamara Mišerda	Service for Mutual Legal Assistance and International Cooperation in Criminal Matters
Ms Anamarija Barać	Department for Judicial Cooperation in Criminal Matters

ANNEX C: LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

LIST OF ACRONYMS, ABBREVIATIONS AND TERMS	CROATIAN OR ACRONYM IN ORIGINAL LANGUAGE	ENGLISH
CMS	-/-	Eurojust Case Management System
EAW	-/-	European Arrest Warrant
EJN	-/-	European Judicial Network
JIT	-/-	Joint Investigation Team
MLA	-/-	Mutual Legal Assistance
OCC	-/-	On-call Coordination
USKOK	-/-	Office for the Suppression of Corruption and Organised Crime
ZPSKS-EU	-/-	Act on Judicial Cooperation in Criminal Matters with EU Member States

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