

POLITICAL PARTIES ACT

I. GENERAL PROVISIONS

Political parties are due to their free establishment a symbol of democratic multi-party system as the highest values of the constitutional order of the Republic of Croatia. The legal position, conditions and process for establishment, registration, cease and financing of political parties is stipulated by this Act.

Article 2

Political parties are within the meaning of this Act the persons that politically act in accordance with the goals specified by the program and the statutes.

Article 3

Political parties' acting is public. Political parties may exceptionally exclude the public in the events provided by the party's statutes.

Article 4

Political parties may not establish their organizational units in governmental authorities, local and regional self-governing units, companies, institutions, armed forces, police and other legal entities.

Article 5

A political party is managed by its members directly and by representatives elected in management bodies as stipulated by the statutes.

II. ESTABLISHMENT AND REGISTRATION OF POLITICAL PARTIES

Article 6

A political party may be established by at least 100 adults who are the citizens of the Republic of Croatia and who have business capacity. A member of a political party may be every adult with business capacity who is a citizen of the Republic of Croatia on the same conditions provided by the statutes.

Article 7

Political parties are entered in the register. On the date of entry in the register, a political party shall obtain a status of a legal person. The register of political parties is maintained by the Ministry competent for administrative affairs. The Minister responsible for administrative affairs shall prescribe forms and manner of maintaining the register of political parties. The register of political parties is public. Political parties not registered according to provisions of this Act may not act in the region of the Republic of Croatia.

Article 8

A political party shall report the establishment and acting of its organizational units (subsidiaries, branches) to the Ministry competent for administrative affairs within a 15 days' period from the date establishment thereof. The organizational units of political parties have no capacity of a legal entity. The Minister competent for administrative affairs shall prescribe forms and procedure of reporting the establishment and acting of organizational units of political parties.

Article 9

The application for entry in the register of political parties is to be attached by:
- Protocol of operation and decisions by the party's constitutional body,

- Program and statutes,
- List of incorporators and members of management bodies,
- Names of persons authorized for representation,
- Evidence of Croatian citizenship for incorporators and members of management bodies.

Article 10

The statutes of political parties must include the provisions about:

- name and registered seat,
- party's symbol,
- representation of a party,
- goals and manner of acting,
- membership,
- organizational forms,
- management bodies, manner of their election and revocation, term of office and manner of decision-making,
- Funds for operation and work,
- Cease thereof and procedure with property in the event of cease.
- A political party must publicize its statutes following the registration in one of the daily newspapers or in the "Official Gazette".

Article 11

The request for entry in the register of political parties shall be rejected if the name is not clearly different from the names of some already registered political parties. If the Ministry competent for administrative affairs receives two or several applications for registration of a political party with the same name, the application for the registration of a political party that was the first to submit the application shall be approved. The name of a political party must be in the Croatian language. The name of a political party may be entered in the register of political parties as a name translated in one or several foreign languages, so that the name written in the Croatian language shall be first written. Besides the full name of a political party, a short name that must contain a characteristic part of the name of a political party may be used. The short name is entered in the register of political parties. The name and the short name shall be used by the political parties in the form and in contents as they are entered in the register of political parties. If besides the name or the short name in the register of political parties there is a name or a short name translated in a foreign language that is entered, the name or the short name of a political party in a foreign language may be used only together with the name in the Croatian language. The name or the short name of a political party in a foreign language must not be written with letters larger or more distinguished than the writing in the Croatian language.

Article 12

The word "Croatia" in any language and its derivatives as well as the parts of the flag and coat of arms of the Republic of Croatia, including their imitation, may be entered into the name or a symbol of a political party in the manner to emphasize the reputation and dignity of the Republic of Croatia. The name or a symbol of a political party may not contain any official state characteristic and names of other states.

Article 13

The application for entry in register of political parties must be submitted within a 15 days' period from the date of holding the Constitutional General Meeting. The Ministry competent for administrative affairs shall pass a resolution of the application for entry in the register of political parties. The resolution of entry in the register comprises the date of entry, number of register under which the entry was performed, name and registered seat of a political party.

Article 14

The Ministry competent for administrative affairs shall pass the resolution of application for entry in the register of political parties within a 30 days' period from the date of submission of duly filled in application for entry. If the Ministry competent for administrative affairs determines that the application for the entry in the register is not accompanied by all documents required within the meaning of Article 9 of this Act, or if it establishes that the program and statutes of a political party are not compliant with the provisions of this Act, the applicant applying for the registration shall be required to remove all shortcomings within a 30 days' period. If the applicant fails to remove all shortcomings within a specified period, the Ministry competent for administrative affairs shall reject the application for entry in the register of political parties.

Article 15

If the Ministry competent for administrative affairs fails to pass a resolution of entry of political parties

in the register within a period as specified in Article 14, paragraph 1 of this Act, the political party shall be deemed to be entered in the register on the next date following the expiry of that period. The provision of paragraph 1 of this Article shall not be applied in the event of Article 14, paragraph 2 of this Act.

Article 16

Political parties shall report to the Ministry competent for administrative affairs about changes to program, statutes, name, registered seat, names of persons authorized for representation, members of management bodies and cease of work of a political party within a 15 days' period from the date of changes made. The report is to be accompanied by the Protocol of operation by the highest management body and decision on accepted changes. The Ministry must pass the resolution of entry of changes to the name, registered seat and names of persons authorized for representation in the register of political parties

Article 17

If the Ministry competent for administrative affairs estimates that a certain political party, applicant applying for registration, intends to use its program for undermining free democratic order or jeopardizing the existence of the Republic of Croatia, the Ministry shall suggest initiating of a procedure for evaluation of its conformity with the Constitution before the Constitutional Court of the Republic of Croatia. The Ministry competent for administrative affairs shall cease with the procedure of passing the resolution for the entry of the political party in the register prior to passing of the decision by the Constitutional Court. The Ministry competent for administrative affairs shall reject to enter a political party in the register if the Constitutional Court of the Republic of Croatia makes a decision on unconstitutionality of its program.

III. FUNDS FOR OPERATION AND WORK OF POLITICAL PARTIES

Article 18

If political organizations generate profit during their activities, they must use the profit as non-profitable organizations.

Political parties may earn income from membership fees, volunteer contributions, publishing activity, sale of promotional material, organization of party manifestations, state budget, local and regional self-governing units' budget and any other sources permitted by regulations.

Article 19

One portion for the operation of political parties that is provided in the state budget for the next fiscal year amounts to 0.056% of funds of current budget expenses for the previous year. The funds indicated in paragraph 1 of this Article are allocated to political parties that have at least one deputy in the Croatian Parliament. The Board for Constitution, Rules of Procedure and the political system of the Croatian Parliament make a decision on allocation of funds indicated in paragraph 1 of this Article for every year, determining equal amount of funds for every deputy in the Croatian Parliament, so that every political party is entitled to funds proportionate to a number of its deputies. Every elected deputy belonging to less represented deputies ensures an entitlement for the political parties to a fee amounting of 10% of the amount envisaged for every deputy, stipulated by paragraph 3 of this Article. The allocated funds indicated in paragraph 3 and 4 of this Article are transferred to the central account of the political party in equal amounts on a quarterly basis.

Article 20

Political parties shall publicly present the origin and purpose of funds they have received during one calendar year. If a political party has acquired funds or used the funds illegally, or has failed to present them in business records and financial statements, it shall cease to be entitled to compensation of funds indicated in Article 19 of this Act for the next calendar year. Funds acquired illegally belong to state budget and according to State Budget Act of the Republic of Croatia the funds for the current year shall be allocated to charity institutions for humanitarian purposes.

Article 21

Political parties shall maintain business records and prepare financial statements according to regulations of the Government of the Republic of Croatia that stipulate the manner of maintenance of accounts for non-profitable legal entities.

Article 22

The political parties indicated in Article 19, paragraph 1 of this Act shall submit annual accounts for the

previous year to the Parliament of the Republic of Croatia. Before the annual financial accounts are delivered to the Parliament of the Republic of Croatia, they must be inspected by the State Audit Department.

IV. CEASE OF POLITICAL PARTIES

Article 23

Political parties cease to work:

1. if the competent administrative body has passed a decision on cease of a political party,
2. if it is established that they ceased to work, although double period of time has expired compared to the period of time provided by the statutes for holding meeting of the highest management body and the meeting has not been held,
3. if their acting has been prohibited by the decision of the Constitutional Court of the Republic of Croatia.

The facts indicated in paragraph 1, items 1 and 2 of this Article shall be determined by the Ministry for administrative affairs. The Resolution on cease of a political party in the events indicated in paragraph 1, items 1 and 2 of this Article shall be passed by the Ministry competent for administrative affairs. In the event indicated in paragraph 1, item 3 of this Article, the political party is removed from the register on the date of publication of the decision on prohibition of its operation.

Article 24

The Resolution passed by the Ministry competent for administrative affairs indicated in Article 13, paragraph 3, Article 14, paragraph 3, Article 17 and Article 23, paragraph 3 of this Act may not be appealed, but administrative proceedings may be initiated.

V. SUPERVISION OF ENFORCEMENT OF THE ACT

Article 25

The supervision of the enforcement of this Act is done by the Ministry competent for administrative affairs.

VI. PENALTY PROVISIONS

Article 26

Monetary penalty in Kuna equivalent from 200 to 500 DM shall be applied for punishment of violation by the political party that:

- fails to disclose the origin and purpose of funds that the political party has received during the calendar year (Article 20, paragraph 1),
- has received the funds and used them illegally or failed to disclose them in the annual financial statements (Article 20, paragraph 2). The person in charge of a political party shall be punished with monetary penalty for the violation indicated in paragraph 1 of this Article to amount from 200 to 350 DM in Kuna equivalent.

Article 27

Monetary penalty in Kuna equivalent from 70 to 340 DM shall be applied for punishment of violation by the political party that:

- has established its organizational units in state bodies, local self-governing units, companies, institutions, army, police and other legal entities (Article 4),
- it fails to report establishment and acting of its organizational units within a specified period of time (Article 8),
- fails to submit an application for the registration within a specified period of time (Article 13),
- fails to submit to the Ministry competent for administrative affairs a report about a change to the program, statutes, name, registered seat, names of persons authorized for representation, members of management bodies and report of cease of the political party within a specified period of time (Article 16). The person in charge of a political party shall be punished with monetary penalty for the violation indicated in paragraph 1 of this Article to amount from 14 to 70 DM in Kuna equivalent.

Article 28

The penalty amounts indicated in Articles 26 and 27 of this Act shall be revalued at the mean exchange rate of the Croatian National Bank on the date of charging the penalty.

VII TRANSITORY AND FINAL PROVISIONS

Article 29

Political parties shall adjust their statutes with the provisions of this Act within a six months' period from the date of effectiveness of this Act.

Article 30

The Minister competent for administrative affairs shall pass the regulations for which he is authorized by this Act within a three months' period from the date of its effectiveness.

Article 31

The Political Organizations Act shall cease to be applicable on the date of effectiveness of this Act ("Official Gazette" no. 19/90, 28/90, 59/90 and 2/91).

The Regulation of Forms and Manner of Maintaining of Register of Political Organizations ("Official Gazette" no. 27/90) shall be in effect prior to passing of the regulation indicated in Article 7, paragraph 4 and Article 8, paragraph 3 of this Act.

Article 32

This Act shall become effective on the date of publication in the "Official Gazette", and shall be applied of 1st January 1999.