NEWSLETTER NO 64.

Of the Association of Corporate Lawyers

WHAT WAS HAPPENING DURING JULY, AUGUST, SEPTEMBER AND OCTOBER OF 2017

1. Personal Data Protection Reform

The technology development and new manners of personal data processing have resulted in the necessity to pass a new instrument to assure the protection of rights and fundamental freedoms of individuals regarding processing of their personal data. With the digital area development including the appearance of social networks and mobile applications (smart phones, social networks, mobile applications and similar), the **flow of information** comprising personal data **has significantly accelerated**. Appeared changes have resulted in passing of a new regulation that **assures equal and uniform treatment in all the European Union Member States** regarding the issue of protection of personal data that will have, as a consequence, a simpler and **equal protection of rights of all the individuals in the European Union. Within the frames of the reform of legislative frames of the protection of personal data in the European Union, a new General Data Protection Regulation – GDPR - Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 was passed on 24th May, 2016. The Regulation applies directly in the Republic of Croatia and it is obligatory for all who use personal data for business purposes.**

At the moment we are in the middle of the time period of adoption for business entities regarding implementation of the requirements from the Regulation that will fully come into force on 25th May, 2018.

GDPR introduces a range of amendments into the rules governing the protection of personal data:

• **legality, fairness and transparency of processing**: meaning that the processing should be accorded to a certain legal foundation, on the principles of fair and transparent processing, requiring that the person in question is informed on the processing procedure and its purposes, while the processor shall give all additional information to the examinee necessary to assure fair and transparent processing taking into consideration special circumstances and the context of procession of personal data; in addition, the examinee

should be informed on the procedure of making a profile and on the consequences of such profile creation;

• **Limiting of the purpose**: meaning that data should be collected with special, explicit and legal purposes and that they cannot be processed further on in the manner that is not accorded with the stated purposes; nevertheless, further processing is possible with the aim of archiving in the public interest, with the purpose of some scientific or historical research or with the statistical purposes;

• **Decrease of the data quantity**: meaning that data should be appropriate, relevant and limited to the essential regarding purposes for which they are being processed;

• **Accuracy**: meaning that data should be accurate and updated as necessary; every reasonable measure should be taken to assure immediate correction or deletion of inaccurate personal data taking into consideration purposes for which they are being processed;

• **Limitation of storage**: meaning that data shall be archived in form that enables identification of examinees only so long as necessary for purposes for which they are being processed; nevertheless, longer storage periods are possible only if personal data are going to be processes exclusively with the purpose of archiving in public interests, with the purposes of scientific or historical research or with statistical purposes applying appropriate protective measures prescribed by the Regulation;

• **Integrity and confidentiality**: meaning that data shall be processed in the manner assuring an appropriate level of security including the protection against unauthorised or illegal processing and against the case of their loss, destruction or damaging;

• **Reliability:** meaning that the processing head is responsible for application of principles and that the burden of proof is on him/her.

The General Regulation on Data Protection explains and introduces certain new rights for examinees and provides for the equal level of protection for each individual from the European Union, regardless the Member State competent for procedure in the actual case, with the exception of extraordinary situations.

The data processing head shall take appropriate measures to provide the examinee with all the data on the personal data processing aspects and on the right of the examinee to access his/her data, deletion of data, processing limitations, transferability of data, filing of an objection and regarding automatized individual making of decisions (including profiling).

Stated data should be given in a summarised, transparent, understandable and easily available from, using a clear and simple expressions, especially for each peace of information that is especially intended for children. If the examinee gives a certain requirement to realise his/her rights from the General Regulation on Data Protection to the data processing head, and the data processing head does not make any action regarding the stated requirement, the data processing head shall report the examinee on reasons due to which he/she has not acted without delay and not later than one month from the date of receipt of the requirement as well as on the possibility of filing of a complaint to the supervisory body and seeking for a legal remedy.

Personal data protection is not an absolute right, but a right that should be balanced with other rights. Therefore, the General Regulation on Personal Data Protection provides for a mechanism for respecting and balancing between the right to the protection of data and other rights.

In such a way and on the basis of the European Union law or the national law, the data processing head or operator can limit the scope of the examinee's right if such limitation respects the essence of the fundamental rights and freedoms and if it represents a necessary and proportional measure for protection of important values such as the national security, defence, public security, other important objectives of the common public interest in

the European union or in the Member State, protection of independency of jurisdiction, etc. in a democratic society.
Every such legislative measure comprises special provisions on purposes of data processing or data processing categories, personal data categories, the scope of implemented limitations, protective measures to prevent misuse and other aspects to protect the rights of individuals.
Taking into consideration the nature, scope, context and purposes of processing as well as their risks, every business entity involved into the processing of personal data should take appropriate technical and organisational measures to assure and to be able to prove that the processing is being performed in accordance with the General Regulation on Data Protection.
The General Regulation on protection of data differs from the currently valid Croatian legislation regarding the wished effectiveness of sanctioning of violations as well. Pursuant provisions of the General Regulation on protection of data every violation shall be sanctioned with administrative fines that will be pronounced alongside with or instead of other sanctions such as warning, reminder, prohibition, limitation, etc. Extraordinarily, if a smaller violation of a natural person is faced and if an administrative fine would be disproportional, the fine will not be pronounced, but a warning shall be pronounced instead.
First of all, it will be determined whether a violation exists, and then a sanction will be selected including administrative fines.
The maximum fine in the amount of Euro 10 million or 2 % of the annual turnover at the global level is prescribed for some violations (obligations of data processing head and operator and certification bodies and bodies for monitoring of codex of behaviour, whatever being the higher value, while the maximum fine of Euro 20 million or 4 % of the annual turnover at the global level is prescribed for other violations (principles of processing, examinee's rights, transmissions to third states, obligations in accordance with the national law, non-compliance with an order or right to access of the supervisory body), whatever being the higher value.
When administrative fines are being pronounced it will be taken into consideration whether such a sanction is effective, proportionate and deflective, while for determination of the amount of the actual administrative fine, eleven criteria shall be taken into consideration such as the nature, weight and duration of violation, kind of guiltiness, damage mitigation measures, previous violations, technical and organisational measures applied to data processing, etc.
The Agency for Protection of Personal Data is authorised to supervise the implementation of the Regulation and to provide for application of its provisions.
Harmonisation with the General Data Protection Regulation is very challenging. To achieve harmonisation, first of all it is important to make an overwhelming list and categorisations of data on the basis of which data can be easily browsed and continuously supervised. After that, data processing areas should be defined and an analysis of discrepancies between the current condition of the data processing and requirements of the General Data Protection Regulation should be made, an action plan should be compiled and new or potential technical and organisational measures should be identified to decrease the risk to the acceptable level and priorities should be defined enabling implementation of measures.
Finally, it is important to draw attention to the fact that the Commission of the European Union forwarded a proposal of a new Regulation on Respecting of Private Life and Protection of Personal Data in Electronic Communication and repealing Directive 2002/58 (Regulation on e-privacy) into the legislative procedure. The Draft of that Regulation supplements and details the General Data Protection Regulation, since the effective protection of communication is of a crucial importance for achievement of the freedom of speech and information as well as other linked rights, such as the right to protection of personal data or the right to thinking, consciousness and denomination.
Due to the importance of this topic for all the business entities, we will try to come to know how individual trading companies are preparing themselves, i.e. which activities they are performing to harmonise their business operations to the requirements of the Genera Data Protection Regulation in this one and in future issues of the Newsletter.

Prepared by: Iskra Gudan, LLB, Končar - Electrical Industry, Inc.

2. Harmonisation with Requirements and Recommendations for Personal Data Management Pursuant Regulation (EU) 2016/679 of the European Parliament and Council – Croatian Power Authority – the HEP Group

The regulation on protection of individuals regarding processing of personal data and free movement of such data and on repealing of the Directive (General Regulation on Protection of Data) (further on: "the Regulation") adopted by the European Commission in May, 2016 introduces significant changes in the manner of management of personal data of the European Union citizens. It was passed with the aim to bring the control of personal data back to the individual to assure an appropriate level of protection and privacy to everyone through responsible and ethical collection and processing of data.

The Regulation refers also to trading companies operating within the frames of the HEP Group. It should be said that the HEP Group is one of the most complex business systems operating currently in Croatia regardless the number of trading companies belonging to the HEP Group, the total number of employees or the diversity of business operation beginning from companies operating on the market to companies operating under the regulated conditions or, finally the number of buyers of various kinds of energy and similar.

Due to the complex and sever rules introduced by the Regulation, the European Commission has left the time period of two years to the beginning of the application of the Regulation to all the persons obliged to implement it. The stated time period expires on 25th May, 2018. Penalties for offenders of the Regulation can reach even up to 4 % of the total income of the offender's organisation. Taking the total income of the Croatian Power Authority – HEP for 2016 in the amount of HRK 14.4 billion into consideration, the maximum total height of the penalty that can be prescribed to all the companies belonging to the HEP Group pursuant this Regulation reaches amounts up to several hundreds of millions of Croatian Kunas.

HEP has initialled the harmonisation process very actively and structured the same process in such a manner that it determined the condition of processes of personal data management at the very beginning. HEP made an initial analysis of the current level of harmonisation, i.e. a snapshot of the conditions during which data were being collected and processed in various ways and the initial estimation was done on the basis of them. First of all, interviews were made with responsible officers of organisational units whose business processes were influenced most severely by the Regulation and then some organisational and technical aspects important for harmonisation were analysed then. Criteria for selection of organisational units and participants of workshops were expected; the quantity of personal data collected and/or processed by the organisational unit, risks of processing and inclusion into the protection of personal data at the legal, organisational and technological level.

The snapshot of the condition of readiness of HEP for harmonisation with the requirements of the Directive on the Protection of Personal Data found out that HEP managed personal data at a relatively satisfactory manner from the point of view of the Law on Protection of Personal Data (Official Gazette of the Republic of Croatia, NN 103/03, NN 118/06, NN 41/08, NN 130/11 and NN 106/12 – final wordings) that was still in force. That refers in the first line to the fulfilment of the obligation to register personal data bases to the Agency for Protection of Personal Data and satisfying of some formal obligations.

Results of the verification of the readiness of HEP to harmonise with the requirements of the Regulation on Protection of Personal Data showed that the level of the protection of personal data was at a level that was not satisfactory. The current situation was analysed regarding the requirements and recommendations of the Regulation that could be structured to organisational, technical and organisational and technical measures. One of very important components of those processes is certainly consciousness about changes brought by the Regulation and potential effect of those changes to everyday business operations of companies belonging to the HEP Group. Exactly that consciousness or cognition on the importance not only of the Regulation itself, but also on changes to be brought by implementation of the Regulation should be promoted, since the analysis of the current situation showed its insufficient level.

Results also showed that the majority part of the results referred to organisational measures, a smaller part to organisational and technical measures and the smallest part to the technical measures. Since we talk about very complex business processes for which extraordinary

expert knowledge is required, HEP will prepare projects for resolving of individual parts with the help of specialised counsellors. The biggest challenges of the harmonisation projects are identified in the field of integration of the system of protection of personal data within the frames of ordinary business operation and management with the personal data register, as well as in the field on management of personal requirements and complaints. Certain challenges were identified in the risk management within the frames of cyber security and incident situation management.
Results of the implementation of the harmonisation project are expected in the area of defining and identification, as well as protection, of personal data in the first line, and then in the upgrading of the information and telecommunication system. Organisational structures and processes shall have to be harmonised as a prerequisite or the final act of harmonisation with the Regulation. It is necessary to point out once again that the HEP Group has an extremely complex inner business structure based on very complex and sensitive business processes and every change, and especially an important change, shall be very carefully structured and prepared.
HEP has formed a special team consisting of the representatives of all relevant business parts of the HEP Group in which some important changes are expected and that therefore participate very actively in the process of harmonisation with the Regulation to coordinate activities on harmonisation with the Regulation.

Prepared by: Hrvoje Segedi, LLB, HEP – Generation, Ltd.

3. Harmonisation with Requirements and Recommendations for Personal Data Management Pursuant Regulation (EU) 2016/679 of the European Parliament and Council – CROATIAN TELEKOM

The Croatian Telecom - HT applies high standards of protection of personal data providing its services even today. Those standards are essentially described in Obligatory Corporate Rules for Protection of Privacy of the DT Group approved by the European Union competent bodies. Accordingly, for example, HT applies the “privacy by design” and “privacy by default” approach when creating its services, it has a special organisational unit competent for the protection of personal data, a commissioner for protection of personal data that will be obligatory only after implementation of the General Data Protection Regulation. In addition, HT works with full force on complete and timely harmonisation with obligations of the General Data Protection Regulation as well and therefore, just for example, we are going to do some further activities on the transparency and informing of our users regarding processing and protection of their personal data they entrusted with us and enable them even simpler management of their personal data. You can find more information at HT web site http://www.t.ht.hr/drustvena-odgovornost/zastita-privatnosti/#section-nav
There are also some additional rules and regulations in telecommunication business operation acting as “lex specialis”, such as e.Privacy Directive that is transposed into the Law on Electronic Communications, and that will be also changed as a part of the reform due to harmonisation with the General Data Protection Regulation. At the moment there is a Draft e.Privacy Regulation that is going to replace the Directive, but it has not been voted yet. In a certain manner all that represents for us certain challenges in implementation of the General Data Protection Regulation because we still do not have all the obligations clearly and completely defined.
In addition, we are intensively working on the harmonisation with the General Data Protection Regulation, among other things, regarding the issue of new rights of the examinees (for example the right to transmission of data, the right to oblivion, etc.), on harmonisation of agreements and cooperation with third parties and similar. HT as a part of the DT Group uses so called the Privacy Impact Assessment tool aiming to fulfil the obligation of the “Data

privacy impact assessment" from the the General Data Protection Regulation providing for safety measures (as another obligation from the General Data Protection Regulation).
Finally, HT greets so called "level playing field" that are being brought by the new European Union data protection framework, wide territory implementation and various one stop shop mechanisms.

Prepared by: Vinko Berković, LLB, Hrvatske telekomunikacije d.d. (Croatian Telecommunications Ltd.)

4. The Ninth Congress of Law Students

The association "Lawyer", a student association at the Faculty of Law of the University of Zagreb organised the Congress of Law Students the ninth year in the sequence under the mane of "National and International Aspects of Business Law" that was held at the Croatian Chamber of Trades and Crafts and in the Westin Hotel in Zagreb from 18th to 20th October.
The president of the Republic of Croatia, Kolinda Grabar Kitarović, was the official sponsor of the Congress. It is certainly an additional proof of the excellence and professionality of the project.
The topic of this year Congress was, first of all, very detailed and eventful. It enters into numerous pores of the modern business operation, not only at the general, but also at the subordinated level. Issues of business operation nowadays are huge, and legal regulation brings the essential contribution to their solutions. The world of the 21st century is followed by numerous and big changes. They are present in the business plan as well in the form of new, different form of business organisations, over the role of the banking system to the system of protection of the market competence concept and restructuring.
During three days, numerous established lecturers, from university professors, over legal practitioners to employees in state agencies and international companies, presented a range of lectures and round tables through which students had the opportunity to familiarize themselves closer with various themes regarding the business law and generally contemporary business operations viewed from the legal, economic and political perspectives. We analysed the business law issues from the following stand points:

1. Business organisations
2. Start-up companies
3. Role of banks in the contemporary business operations
4. Risks
5. International organisations
6. International commercial arbitration
7. Contemporary wave of corporate acquisitions
8. Equality of business entities in the market
9. Croatian regulations
10. European framework
11. Business ethics
12. Law on the procedure of extraordinary management in trading companies of systematic significance for the Republic of Croatia

Numerous lawyers and experts from other areas alternated in the role of lecturers among whom we would like to point out the following: academician Jakša Barbić, Prof PhD Jasnica Garašić, attorney-at-law Boris Šavorić, attorney-at-law Vladimir Batarelo, Katarina Mindoljević from the Atlantic Group, Mirta Kapural from the Agency for Protection of Market Competition and Andreja Hašček from the Croatian Agency for Supervision of Financial Services.
During three days students had the opportunity to learn and discuss issues from the domain of the commercial law and trading company law, see problems faced by entrepreneurs in Croatia and the manner the state provides for the equality of entities in the market.

Prepared by: Mario Jerak, President of the Association Lawyer

5. Novelties of Enforcement on Real Estate

The Law on Amendments of the Enforcement Law (further on: "the Enforcement Law") was published in the Official Gazette of the Republic of Croatia, NN No 73/2017 that came into force in tis majority part on 3rd August, 2017.
The Enforcement Law in its Article 80.b prescribes special conditions for determination of the enforcement on the real estate. Namely, pursuant the new legal regulation, the court would reject the proposal for enforcement on the real estate if the principal of the claim due to which settlement the enforcement is being required does not exceed the amount of HRK 20.000,00, with the exception of cases when the proposal is filed due to compulsory settlement of the claim due to legal alimony or the claim for reimbursement of damages caused by a criminal offence.
The Enforcement Law prescribes that, even if the principal of the claim due to which settlement of the enforcement is being required does exceed the amount of HRK 20.000,00, the court can reject the proposal for enforcement on the real estate if it estimates that the sales of the real estate would disturb the fair balance between the interest of the enforcement debtor and the interests of the enforcement creditor. It is prescribed for the assessment whether the righteous balance of interests of the enforcement debtor and the enforcement creditor has been disturbed that the court will take into consideration the circumstances of the case, and especially whether the value of the claim that is to be settled is inconsistently smaller than the value of the real estate on which the execution of enforcement is proposed, whether the enforcement creditor has made credible that the enforcement on other enforcement subjects were unsuccessful, i.e. that there are no other appropriate possibilities to settle the claim completely or in its majority part, whether the real estate is used for living and satisfying of the basic living needs of the enforcement debtor and whether the enforcement debtor is in the possession of some other real estate or other possibilities to satisfy his/her needs, whether the enforcement creditor has any especially justified interest for urgent settlement of the claim due to realisation of his/her own alimony or other important reasons and whether the enforcement debtor has given his/her expressed agreement with the fact that the enforcement creditor requires settlement of certain claim by selling of certain real estate in a statement integrated into a public document or certified private document.
The important things for enforcement creditors and debtors in this particular case is prescribed naturally in the transitional and final provisions of the Enforcement Law. The Enforcement Law, in its Article 44, prescribes that procedures initialled before the Enforcement Law came into force would be completed applying provisions of the old Enforcement Law (Official Gazette of the Republic of Croatia NN No 112/12, 25/13, 93/14 and 55/16 – Decision of the Constitutional Court of the Republic of Croatia).

Prepared by: Ivana Gabrić, LLB, Končar – Energy and Services, Ltd.

6. 8th International Conference "Alternative Resolution of Disputes – Cooperation of Administration and Judiciary with Economy"

The Croatian Chamber of Trade and Crafts organised the 8th International Conference under the operating title "Alternative Resolution of Disputes – Cooperation of Administration and Judiciary with Economy" that was held from 24th to 25th October, 2017. In his introductory speech, the judge of the Supreme Court of the Republic of Croatia, **Damir Kontrec**, who is also the president of the Court of Honour and the Mediation Centre at the Croatian Chamber of Trade and Crafts, said, talking about various types of resolving disputes, that the most important and the unchangeable link of that procedure just the human being. Nevertheless, the gest from the USA, a professor emeritus of legal studies, **Ethan Katsh**, from the University in Massachusetts Amherst, the director of the National Centre for Technology and Resolving of Disputes, during his introductory presentation of the history and the current situation of **On-line Dispute Resolution** (**ODR**), asked himself justifiably was the man really unchangeable? Namely, the technology has come to such a level that it resolves disputes automatically on the basis of the objections of buyers very intensively and efficiently in simple

disputes of low values for web shopping, and **Mirèze Philippe**, a special counsellor at the ICC International Arbitration Tribunal concluded that the on-line judiciary was all too possible optimistically believing in the further improvement of such a manner of resolving of disputes.
Marcel Majsan, the president of the Associatiaon e-Commerce Croatia explained that it was just the right time to start a web shop in this animated presentation on the example of extinction of retail shops, even a huge chain stores in the very USA and as a consequence, the necessity of quick and efficient resolution of disputes on line. In the same manner and on a practical example, **Anda Kostijal** from the European Consumer Centre, else the senior expert counsellor of the Ministry of Economy, Entrepreneurship and Craft of the Republic of Croatia, presented the **Online Dispute Resolution platform** as a very efficient tool for construction and reliability of the web trade. **Marijan Cingula,** a professor from the Faculty of Economy of Zagreb concluded that the ODR platform functions reliably and quickly on the basis of his research, but that the Republic of Croatia sends a message of its unsound wish for proclaimed objective of digitalisation collecting custom duties not only for goods, but also for the post to the value of the delivered shipment via web trade. On the other hand, the host of the Conference, **Suzana Kolesar,** a secretary of the Court of Honour of the Croatian Chamber of Trade and Crafts and the Mediation Centre at the Croatian Chamber of Trade and Crafts, presented the project of training of small and middle entrepreneurs “From the consumer law to the digital era”, as a concrete state incentive for cross border web trade. In addition, it was pointed out that just the Republic of Croatia co-financed directly 5 largest Croatian Mediation Centres to give bigger impetus to mediation in Croatia unburdening overburdened domestic courts that was not a practice in other European Union Member States.
The most conceivable representatives and witnesses of the On-Line Dispute Resolution systems were absolutely **James Walker**, the founder and the director of the “Resolver” from the Great Britain, the application that resolves and foresees disputes over the ODR platform and especially observant and joking **Kyle Snowdon**, director of international sales of “Tyler Technologies, Inc.” from the USA who presented the most successful stories from the modernisation of jurisdiction, such as those from the Silicon Valley, more precisely in Santa Clara where all is literarily digitalised, while Maryland is presented as the best example of efficiency of technology in the modern marker of dispute resolution.
The current development and situation of mediation in Spain, Hungary, Romania, Greece, Italy and Canada were presented. A disturbing fact for the author of this article as an ardent advocate of mediation is the fact that just the worst part of mediation was presented at this International Conference regarding not only the context of presentations, but also regarding lousy prepared lecturers. Only a little more interesting information came from Italy thanks to the fact that that is the country that has the oldest mediation procedures and from Canada where mediation has its best results. I represent the attitude that mediation as a manner of alternative dispute resolution **(ADR),** should not be presented primarily through the view of on-line dispute resolution that is only a sub type of the alternative dispute resolution bound only to the simplest consumer disputes of low values. The exception that proves the rule should be emphasised, i.e. a very practical and attractive example of functioning of on-line dispute resolution and mediation for banks to achieve a settlement with debtors in the Greek Crisis presented by **Petros Zourdoumis**, the founder of On-line Dispute Resolution Europe, the general manager of Alternative Dispute Resolution point and an associate in the National Centre for the technology of resolving of Disputes in the USA.

Prepared by: Hrvoje Herceg, LLB, Končar – Energy and Services, Ltd.

7. Some Novelties in Criminal Proceedings

The Law on Amendments of the Law on Criminal Proceedings (further on: Criminal Proceedings Law) was published in the Official Gazette of the Republic of Croatia No 7072017 whose majority part came into force on 27th July, 2017.

Changes regarding conditions for replacement of the pre-trial prison with a bail bond attracted the largest interest of the general public. Namely, pursuant the earlier governance, it was possible to replace the pre-trial prison with a bail bond under the condition that the accused or

some other person for him/her issued a bail bond for him/her and the accused promised personally that he/she would not hide and the he/she would not leave its residence without an approval, not disturb the criminal proceedings and not repeat the criminal offence. Under the stated condition the pre-trial prison could be replaced with a bail bond is the pre-trial prison was determined because 1) the accused was in flight or particular circumstances indicated to the danger of escape, 2) particular circumstances indicated the danger that the accused would destroy, change or falsify evidences or traces important for the criminal proceedings or that he/she will disturb criminal proceedings influencing witnesses, participants or compounding persons, 3 particular circumstances indicated the danger of repeating of the criminal offence or of completing of the tried criminal offence, or of committing of a harder criminal offence for which it is possible to sentence imprisonment for five or more years or harder punishment, he/she threatened with, 4) the pre-trial prison was necessary due to undisturbed operation of the proceedings for the criminal offence for which a penalty of long time imprisonment was prescribed and for which the circumstances of the committed criminal offence were especially hard.

The Criminal Proceedings Law arranges conditions for replacement of the pre-trial prison with a bail bond in a different way. The pre-trial prison can be cancelled now if the accused or some other person present a bail bond for him/her, and the accused promises personally that he/she will not hide or leave the residence without an approval. The obligation to give a statement on non-disturbance of the criminal proceedings and no committing of a new criminal offence is left and a bail bond can be defined now only if the pre-trial prison arranged because the accused in in flight or particular circumstances indicate the danger of escape.

In the explanation of the final draft of the Criminal Proceedings Law, the proposer – the Government of the Republic of Croatia stated that the proposed amendment of the institute of bail bond represent a result of legal view of the Constitutional Court of the Republic of Croatia, specifically of Decision No U-III-1451/2015 of 9th April, 2015, passed on the basis of the constitutional suite of the applicant, M. B. from Zagreb. Prof PhD Zlata Đurđević, a professor at the Department for Criminal Procedural Law of the Faculty of Law of the University of Zagreb wrote an extremely interesting article about that controversial decision under the name “Legal nature, legal frameworks and the purpose of a bail bond in a criminal proceedings: Can I survive the decision of the Constitutional Court of the Republic of Croatia (U-III-1451/2015) on cancellation of the pre-trial prison for the mayor of the town of Zagreb and refunding of the bail of his advocate”. I recommend the article to all the interested parties for this topic. (The article is published in the Croatian Criminal Law and Practice Year Book (Zagreb), Vol 22, No 1/2015 and it is available online at the link:

https://www.pravo.unizg.hr/hljkpp/2015._godina/vol._22_-_br._12015/durdevic).

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In Zagreb, October, 2017

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