

CROATIAN PARLIAMENT

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

DECISION

PROMULGATING THE ACT ON THE SECURITY INTELLIGENCE SYSTEM OF THE REPUBLIC OF CROATIA

I hereby promulgate the Act on the Security Intelligence System of the Republic of Croatia, enacted by the Croatian Parliament at its session on 30 June 2006.

Class: 011-01/06-01/26

Reg. No: 71-05-03/1-06-2

President of the Republic of Croatia
Stjepan Mesić m.p.

ACT

ON THE SECURITY INTELLIGENCE SYSTEM OF THE REPUBLIC OF CROATIA

I BASIC PROVISIONS

Article 1

(1) Under this Act, for the purpose of systematic gathering, analysis, processing and evaluation of information relevant for the national security, with the aim of detecting and preventing activities, by individuals or groups, directed: against the viability, independence, integrity and sovereignty of the Republic of Croatia, aiming at the violent overthrow of the state authority structures; threatening to violate human rights and basic freedoms established by the Constitution and the legislation of the Republic of Croatia, and to endanger the fundamentals of the economic system of the Republic of Croatia, required for reaching of decisions relevant for successful achievement of national interests in the field of national security, the following security–intelligence services are hereby established:

- Security Intelligence Agency (hereinafter: SOA),
- Military Security Intelligence Agency (hereinafter: VSOA).

(2) Facilitating cooperation between the President of the Republic of Croatia (hereinafter: the President of the Republic) and the Government of the Republic of Croatia (hereinafter: the Government), through provision of guidance for the work of security and intelligence agencies, is within the competence of the National Security Council, whereas the Council for the Coordination of Security Intelligence Services shall be responsible for the

operational coordination of the work of security intelligence agencies.

Article 2

(1) Security intelligence agencies perform the functions from their respective scope of work pursuant to: the National Security Strategy, Defence Strategy, Annual guidelines for the work of security intelligence agencies, laws, requests submitted by certain legally authorised state authority bodies, or requests by the users of the results produced by security intelligence agencies.

(2) Security intelligence agencies perform the functions from their scope of work in accordance with the Constitution of the Republic of Croatia, laws and other rules and regulations.

(3) The work of security intelligence agencies is subject to the oversight by the Croatian Parliament, the President of the Republic, the Government, the Office of the National Security Council (hereinafter: ONSC) and the Council for the civilian oversight of the security intelligence agencies.

II NATIONAL SECURITY COUNCIL, COUNCIL FOR THE COORDINATION OF SECURITY INTELLIGENCE SERVICES, OFFICE OF THE NATIONAL SECURITY COUNCIL, INSTITUTE FOR THE INFORMATION SYSTEMS SECURITY, OPERATION TECHNOLOGY CENTRE FOR TELECOMMUNICATIONS SURVEILLANCE

National Security Council

Article 3

(1) The National Security Council:

- examines and evaluates the intelligence and security threats and risks, examines matters from the scope of work of ministries and other state authorities relating to national security matters, and adopts guidelines and conclusions on how to protect and accomplish the national security interests,
- examines matters from the scope of work of security intelligence agencies, and establishes ways for the effectuation of cooperation between the President of the Republic and the Government in directing of the work of the security intelligence agencies, and approves cooperation of the agencies with the counterpart services of other countries,
- defines Annual guidelines for the work of security intelligence agencies, and passes other decisions, by means of which, the President of the Republic and the Government direct the work of security intelligence agencies and of other entities of the security intelligence system,
- defines measures to be undertaken by the President of the Republic and the Government regarding the results of the oversight of work of security intelligence agencies and other entities of the security intelligence system,
- proposes the resources required for the functioning of security intelligence agencies and other entities of the security intelligence system, secured from the State Budget,
- examines other matters relating to the functioning and the management of security intelligence agencies and other entities of the security intelligence system.

(2) The term 'entities of the security intelligence system' includes state authority bodies which, within the meaning of this Act, participate in the protection of the national security of the Republic of Croatia.

Article 4

(1) National Security Council is composed of: the President of the Republic, the Prime Minister, member of the Government responsible for national security, the minister competent for foreign affairs, the minister competent for justice, national security advisor to the President of the Republic, the Chief of the General Staff of the Armed Forces of the Republic of Croatia (hereinafter: the Armed Forces), the Director of the SOA, the Director of the VSOA, and the Head of the ONSC.

(2) The Speaker of Croatian Parliament also takes part in the work of the National Security Council.

(3) Meetings of the National Security Council are jointly convened, and matters to be discussed and decided are jointly determined, by the President of the Republic and the Prime Minister. The meetings of the National Security Council are chaired by the President of the Republic, and the decisions thereof are co-signed by the President of the Republic and the Prime Minister.

(4) In times of war or of immediate threat against the viability, independence, unity and territorial integrity of the Republic of Croatia, the Chairman of the Parliamentary Committee for the National Security Matters, the Minister competent for finances and the Minister competent for the economy also participate in the work of the National Security Council.

(5) National Security Council may also invite other persons to participate in its meetings when general state of national security in the Republic of Croatia, particularly the state of the national security in the fields of defence and domestic politics, the field of protection of human rights and basic freedoms are discussed, and in situations of large-scale natural and technological disasters, or when discussing the draft proposal of the National Security Strategy.

(6) The issues relevant for the functioning of the National Security Council shall be regulated in the Rules of Procedure.

Council for the Coordination of Security Intelligence Services

Article 5

(1) Council for the Coordination of Security Intelligence Services implements the decisions of the President of the Republic and the Prime Minister concerning the directing of the security intelligence agencies, elaborates the decisions of the National Security Council regarding the work of the security intelligence agencies and other entities of the security intelligence system, operationally coordinates the work of security intelligence agencies and other entities of security intelligence system, gives opinions on the cooperation with counterpart services in other countries, submits proposals to the National Security Council, and takes other measures with the view of improving the effectiveness and the quality of work of security intelligence agencies.

(2) Council for the Coordination of Security Intelligence Services is composed of the member of the Government responsible for the national security, as the chairman of the Council for the Coordination of Security Intelligence Services, the national security advisor to the President of the Republic, as deputy chairman, the Directors of the security intelligence agencies and the Head of the ONSC. The meetings of the Council for the Coordination of Security Intelligence Services are convened, and the agenda items to be discussed and decided, are jointly determined by the chairman of the Council for the Coordination of Security Intelligence Services and the deputy chairman. The meetings of the Council for the Coordination of Security Intelligence Services are chaired by the chairman of the Council for the Coordination of Security Intelligence Services, while the decisions are co-signed by the chairman of the Council for the Coordination of Security Intelligence Service and the deputy chairman. The agenda items for the discussions may also be proposed by the Directors of the security intelligence agencies and by the Head of the ONSC.

(3) When necessary and upon the invitation by the chairman of the Council for the Coordination of Security Intelligence Services, other persons may also participate in the meetings of the Council for the Coordination of Security Intelligence Services, in particular: Chief Public Attorney, Director of USKOK, Director of the Police, Director of the Customs, Director of the Financial Police, Director of the Anti-Money Laundering Office, the representative of the Ministry of Foreign Affairs, responsible for security matters, Director of the National Protection and Rescue Directorate, and the top officials of other adequate inspection and control authorities.

(4) The meetings of the Council for the Coordination of Security Intelligence Services shall be convened at least once a month, but may also be convened when necessary or at the proposal of the standing members of the Council for the Coordination of Security Intelligence Services, referred to in paragraph 2 of this Article.

(5) Council for the Coordination of Security Intelligence Services shall regulate the issues relevant for its own functioning in the Rules of Procedure

Office of the National Security Council

Article 6

(1) ONSC performs expert and administrative functions for the National Security Council and the Council for the Coordination of Security Intelligence Services, performs functions which facilitate the National Security Council to analyse the reports of security intelligence agencies and to evaluate the fulfilment of the objectives set for security and intelligence agencies, to evaluate the implementation of the decisions of the President of the Republic and the Prime Minister on directing of the work of the security intelligence agencies, and the functions facilitating the President of the Republic and the Prime Minister to supervise the performance of the security intelligence agencies.

(2) ONSC integrates the reports and the information received from the security intelligence agencies, drafts periodic reports covering different areas of security intelligence activity, and analyses and evaluates the security related information relevant for the national security of the Republic of Croatia and essential for the execution of

Constitutional powers of the President of the Republic and the Prime Minister

(3) At the request of the President of the Republic and the Prime Minister, the ONSC cooperates with security intelligence agencies in drafting of the strategic assessments and evaluations of the security-related developments relevant for the national security of the Republic of Croatia.

Article 7

(1) ONSC is the central state authority body responsible for determining and implementation of activities relating to the application of information security measures and the adoption of information security standards in state authority bodies in the Republic of Croatia, and for the coordination of activities with respect to the application of the information security measures and standards in the exchange of classified information between the Republic of Croatia and foreign countries and organisations.

(2) For the purpose of this Act, the term “classified information” shall mean any information marked by the competent state authority body and in accordance with the legislation regulating data secrecy protection, as secret.

(3) Information security measures and standards are applied within the framework of the security-related information-security fields: security vetting of employees, physical security, data security, information systems security, and the security of external cooperation (industrial security), and are laid down by a separate legal act regulating the area of information security.

(4) The Central register for the reception, storing and distribution of information and documents exchanged with foreign countries and organisations (hereinafter: the Central register) shall operate within the structure of the ONCS.

(5) For the performance of the functions of the Central Register, sub-registers of the Central Register shall be established within state authority bodies. Provisions of this Act, regulating the status, rights, obligations and responsibilities, and the manner of determining salaries of the employees of the ONSC, apply also to the employees of the sub-registers of the Central Register.

(6) ONSC shall issue security clearances (certificates) on the conducted security vetting of persons who in the performance of their duties have access to classified information.

(7) Certificates referred to in paragraph 6 of this Article shall also be issued for legal persons performing functions relevant for the national security of the Republic of Croatia, and at the requests of foreign countries and organisations.

Article 8

ONSC submits its annual reports and the special reports on its work, annual and special reports on the performance of the professional oversight of the work of security intelligence agencies and the Operation-Technology Centre for Telecommunication Surveillance (hereinafter: the OTC) to the President of the Republic, and the Prime Minister. The ONSC shall submit annual reports on the conducted oversight inspections to ensure the respect of rights of citizens guaranteed by the Constitution both to the Speaker of the Croatian Parliament and the Parliamentary Committee competent for national security, while special reports on professional oversight inspections shall be submitted to

the Speaker of the Croatian Parliament and the Parliamentary Committee competent for national security, when the oversight inspection is conducted at their request.

Article 9

The ONSC is not permitted to perform functions which, pursuant to the provisions of this Act, pertain to the scope of work of the security intelligence agencies and is forbidden to apply, in the performance of its functions, measures which the security intelligence agencies are authorised to use.

Article 10

(1) The work of the ONSC is managed by the Head of the Office, appointed to and relieved of his/her duty by a decision co-signed by the President of the Republic and the Prime Minister. The Head of the ONSC is appointed for a four-year term. No person may be appointed to the position of the Head of the ONSC for more than two consecutive terms.

(2) The Head of the ONSC may be relieved of his/her duty before the expiry of the mandate: at his/her own request; if he/she becomes permanently incapacitated for the performance thereof; he/she does not ensure the performance of the functions from the scope of activity of ONSC; due to the violation of the Constitution, laws and other rules and regulations, the violation of classified data secrecy, and the pronouncing of the final verdict for a criminal offence which renders him/her unworthy of the position.

(3) The Head of the ONSC is a state official within the meaning of the Act on the Obligations and the Rights of State Officials.

Article 11

The internal organisation of the ONSC, the functions of its structural units, and the approximate number of the personnel required for the performance of functions, the form and the content of the official identification card and of the official badge, and the authorisation to use them, as well as other matters relevant for the operation of the ONSC, shall be regulated by a regulation to be adopted by the Government, with the prior consent of the President of the Republic. The modus operandi, the required number of employees, with their respective job descriptions, and necessary requirements for the performance thereof, their powers and responsibilities, rights resulting from the employment, and other matters relevant for the functioning of the ONSC, shall be regulated in the Ordinance on the internal order, to be passed by the Head of the ONSC, with the approval of the National Security Council.

Article 12

To the Head and the employees of the ONSC appropriate provisions of this Act, regulating the status, the rights, obligations and responsibilities, and the manner of determining salaries of officials and employees of the security intelligence agencies (Title VII) shall apply, whereas, to matters not regulated by this Act, the Act on Civil Servants, and the Act on the Obligations and the Rights of State Officials shall apply.

Article 13

Under this Act, the Institute for the Information Systems Security (hereinafter: the IISS) is established as the central state authority performing functions in the field of information security in the state authority bodies of the Republic of Croatia.

Article 14

(1) The IISS performs functions in the fields of information systems and networks security, of security accreditations for the information systems and the networks in the state authority bodies, of handling of the crypto-materials used in the classified data exchange between the state authority bodies of the Republic of Croatia and foreign countries and organisations, and of the coordination of the prevention and the removal of problems related to the security of computer networks in the state authority bodies.

(2) IISS also conducts researches, and works on the development and testing of technologies intended for the protection of classified data, and issues certificates for the use thereof.

(3) Accreditations referred to in paragraph 1 and certificates referred to in paragraph 2 of this Article the IISS also issues pursuant to the agreements on the exchange of classified information (Security Agreements) between the Republic of Croatia and foreign countries and organisations.

Article 15

(1) The IISS is managed by the Director who is appointed to, and relieved from the position by the Government decision, at the proposal of the Council for the Coordination of Security Intelligence Agencies. The Director is appointed for a four year period, and no person may ever be reappointed.

(2) The Head of the IISS may be relieved of his/her duty before the expiry of the mandate: at his/her own request; if he/she becomes permanently incapacitated for the performance of his/her duties; he/she does not ensure the performance of the functions from the IISS scope of activity; due to violation of the Constitution, laws and other rules and regulations, violation of classified data secrecy; if he / she is pronounced the final verdict for a criminal offence which renders him/her unworthy of the position.

(3) The Director of the IISS reports on his/her work to the Head of the ONSC.

(4) Subject to the approval of the Government, the Director of the IISS appoints his/her own deputy.

Article 16

(1) Internal organisation of the IISS, functions of its structural units, and the approximate number of personnel required for the performance of the functions of the Institute shall be regulated by a regulation to be adopted by the Government at the proposal of the Director of the IISS with the consent of the Council for the Coordination of Security Intelligence Agencies.

(2) The modus operandi, the required number of employees with their respective job descriptions and necessary requirements for the performance thereof, their powers and

responsibilities, rights resulting from the employment, and other matters relevant for the functioning of the IISS not regulated by the regulation referred to in paragraph 1 of this Article, shall be regulated by the Ordinance on the internal order, to be passed by the Director the IISS, with the approval of the Government.

Article 17

To the Head and the employees of the IISS appropriate provisions of this Act, regulating the status, the rights, obligations and responsibilities, and the manner of determining salaries of the officials and the employees of security intelligence agencies (Title VII) shall apply, whereas to matters not regulated by this Act, provisions of the Act on Civil Servants, and of the Act on the Obligations and the Rights of State Officials shall apply.

Operation Technology Centre for Telecommunication Surveillance

Article 18

(1) For the purpose of activation and management of the measures of secret surveillance of telecommunication services, activity and transmissions, and in order to enable the operational/technical coordination between the legal and the natural persons operating public telecommunication network and providing public telecommunication services and access services in the Republic of Croatia, and the bodies authorised to apply measures of secret surveillance of telecommunications pursuant to this Act and the Criminal Procedure Act, the Operational Technology Centre for the Surveillance of Telecommunications shall be established (hereinafter: OTC).

(2) In cooperation with the bodies authorised for the application of measures of secret telecommunication surveillance in accordance with this Act and the Criminal Procedure Act, the OTC is authorised to supervise the work of the telecommunication services providers, i.e. their fulfilment of the obligations provided by this Act.

(3) Activation and management of secret surveillance of telecommunication services, of their activity and transmissions, the OTC conducts by means of appropriate technical interface.

Article 19

(1) Legal and natural persons referred to in paragraph 1 of Article 18 of this Act, are obliged to ensure and maintain, at their own expense, the functioning of the secret surveillance of telecommunication services, the activity and the transmissions referred to in paragraph 3, item 1 of Article 33 of this Act, as well as to maintain the communication lines towards the OTC. For the purpose of effectuation of secret surveillance, the appropriate technical equipment and program support are incorporated into the telecommunication system of the legal and the natural persons referred to in paragraph 1 of Article 18 of this Act.

(2) The legal and the natural persons referred to in paragraph 1 of Article 18 of this Act must ensure the conditions for a permanent and direct access to facilities and technical equipment, and the conditions for an autonomous application of the measures referred to in paragraph 3, item 1 of Article 33 of this Act, by means of appropriate technical

interfaces.

(3) The Ministry of Defence and the Armed Forces of the Republic of Croatia, and state authority bodies that have their own telecommunication networks, must facilitate to the OTC to apply measures of secret surveillance of telecommunications and ensure conditions for the direct access to the facilities and the technical equipment, and conditions for the autonomous application of measures.

(4) Legal and natural persons referred to in Article 1, paragraph 1 of this Act must, in cooperation with the OTC, ensure autonomous and exclusive access to the data about the actively applied measures. The competent supervisory and investigative bodies shall also be provided access to the data about the actively applied measures, in the framework of their legal powers.

(5) Legal and natural persons referred to in Article 18 of this Act are obliged to keep the secrecy of the data regarding the telecommunication transactions of the users of services, for one year.

(6) Legal and natural persons referred to in Article 18, paragraph 1 of this Act are obliged to provide, at the request of the OTC, information regarding all means of communication that have appeared at certain geographical, physical or logical location, regardless of the telecommunication (in)activity thereof, in the period of last 48 hours.

Article 20

(1) Obligations of the legal and the natural persons operating public telecommunication networks and providing public telecommunication and access services provided by this Act, relating to the function of secret surveillance, shall be regulated in a Government regulation on the obligations of legal and natural persons in field of national security in the area of telecommunications, to be adopted by the Government, at the proposal of the Council for the Coordination of Security Intelligence Agencies.

(2) Obligations of the Ministry of Defence and the Croatian Armed Forces provided by this Act, relating to the function of secret surveillance, if they operate their own telecommunication networks, shall be laid down by the Minister of Defence at the proposal of Director of VSOA.

(3) SOA and VSOA, in cooperation with other bodies authorised pursuant to the Criminal Procedure Act for the application of measures of secret surveillance of telecommunications, with the approval of the Council for the Coordination of Security Intelligence Agencies, shall adopt the rules and regulations regarding the technical requirements, the development of the appropriate technical equipment and programme support, questions relating to technical interfaces, and other matters relevant for the activation and the application of the measures of secret surveillance of telecommunications.

Article 21

(1) Functioning of the OTC is managed by the Director who is appointed to, and relieved from the position by a Government decision, at the proposal of the Council for the Coordination of Security Intelligence Agencies. The Director is appointed for a four year period, and no person may ever be reappointed.

(2) The Head of the OTC may be relieved of his/her duty: at his/her own request; if he/she becomes permanently incapacitated for the performance of the duties; if he/she does not ensure the performance of the functions from the scope of activity of OTC; due to the violation of the Constitution, laws and other rules and regulations or overstepping his/her authority, the violation of classified data secrecy, and the pronouncing of the final verdict for a criminal offence which renders him/her unworthy of the position.

(3) The Director of the OTC reports on his/her work to the ONSC.

Article 22

(1) The internal organisation of the OTC, the functions of its structural units, and the approximate number of the personnel required for the performance of the functions shall be regulated by the Regulation on the Internal Organisation to be adopted by the Government at the proposal of the Council for the Coordination of Security Intelligence Agencies.

(2) The modus operandi, the required number of employees with their respective job descriptions and necessary requirements for the performance thereof, their powers and responsibilities, rights resulting from employment, and other matters relevant for the functioning of the OTC, that are not regulated by this Act or the Regulation referred to in paragraph 1 of this Article, shall be regulated in the Ordinance on the internal order, to be passed by the Director the OTC, with the approval of the Council for the Coordination of Security Intelligence Agencies

(3) To the Head and the employees of the OTC appropriate provisions of this Act, regulating the status, the rights, obligations and responsibilities, and the manner of determining salaries of the officials and the employees of the security intelligence agencies (Title VII) shall apply, whereas to matters not regulated in this Act, the provisions of the Act on Civil Servants, and of the Act on the Obligations and the Rights of State Officials shall apply.

III SECURITY INTELLIGENCE AGENCIES **Security Intelligence Agency (SOA)**

Article 23

(1) On the territory of the Republic of Croatia, the functioning of the SOA is directed against the activities or actions aimed at threatening the Constitutional order, the safety of state authority bodies, of citizens and of the national interests through:

- terrorist acts and other forms of violence;
- the intelligence activity of foreign intelligence services, organisations and individuals;
- the organisation of extremist activities of groups and individuals;
- endangering the safety of top state officials and protected facilities and areas;
- the organised and economic crime;
- unauthorised access to protected information and communication systems of state authority bodies;
- disclosing of classified information, by state officials or the employees of state authority bodies, scientific institutions and legal persons with public authority,

- other activities aimed at endangering national security.

(2) SOA collects, analyzes, processes and assesses the political, economic, scientific/technological and security-related information concerning the foreign countries, organisations, political and economic alliances, groups and persons, especially those showing intentions, potential, concealed plans and clandestine activity directed against the national security, or other information relevant for the national security of the Republic of Croatia.

Military Security Intelligence Agency (VSOA)

Article 24

(1) VSOA is a structural unit of the Ministry of Defence intended to provide planning and implementing support to the Ministry of Defence and the Armed Forces in their performance of duties in the area of protection of viability, sovereignty, independence and territorial integrity of the Republic of Croatia.

(2) VSOA collects, analyzes, processes and assesses information on armies and defence systems of other countries, on external pressures which might influence the defence security, and on the international activities directed against the defence security of the country.

(3) On the territory of the Republic of Croatia, VSOA collects, analyzes, processes and evaluates information regarding the intentions, potentials and plans for actions by certain persons, groups and organisations in the country, the objective of which is to threaten the defence capabilities of the state, and takes measures aimed at identifying, monitoring and combating such activities.

IV FUNCTIONS AND POWERS OF SECURITY INTELLIGENCE AGENCIES

Information Gathering

Article 25

Within their respective scopes of activities security intelligence agencies gather information from publicly available sources, through communication with citizens, through requesting data from state authority bodies, local authority bodies and regional self-government, legal persons, including through access to registers and databases and to the official documentation, and by applying secret procedures and measures.

Article 26

(1) In the performance of the functions referred to in Article 24, paragraph 3, of this Act, VSOA is allowed to apply measures and procedures stipulated by this Act only against the employees or the members of the Ministry of Defence and the Armed Forces.

(2) Where, acting pursuant to the provision of paragraph 1 of this Article, VSOA learns

and assesses that the measures and the procedures stipulated by this Act should also be applied against other persons, it immediately informs the SOA thereof, and they jointly decide on further actions.

Article 27

(1) When officers of security intelligence agencies gather information through communication with citizens, making formal inquiries or requesting other forms of assistance, the officers are obliged to identify themselves by presenting their official identification cards and badges.

(2) Interviews in the official premises of the security intelligence agencies may be conducted with citizens only with their expressly stated consent. Such interviews are recorded by technical means and, by signing the minutes, citizens confirm the voluntary nature of the interviews and verify the authenticity and the integrity of the recorded conversations.

(3) Minutes and recordings of the interviews referred to in paragraph 2 of this Article shall be kept in the competent structural units of security intelligence agencies, and shall be available to the competent judiciary or oversight bodies.

(4) Where there are grounds to assume that a citizen who did not agree to the interview with officers of security intelligence agencies possesses information relevant for the national security, the security intelligence agency shall request the Ministry of Interior, or the Police, to conduct an informative interview with the citizen, in accordance with the procedure laid down by a separate legal act. If such an informative interview takes place, an officer of the security intelligence service also participates in it.

Article 28

(1) In case of reasonable doubts that foreign intelligence or security services, individuals or groups are preparing or are taking actions which might threaten the defence security of the country, the VSOA is authorised to summon for informative talks employees or members of the Ministry of Defence and the Armed Forces, and to have access into the documentation and the data kept by the Ministry of Defence and by the Armed Forces.

(2) Employees and members of the Ministry of Defence and the Armed Forces are obliged to respond to the summons referred to in paragraph 1 of this Article.

Article 29

(1) Security intelligence agencies may gather information by using the assistance of secret collaborators. Forcing anyone to become a secret collaborator is not permitted.

(2) Security intelligence agencies have obligation to protect the identity of persons registered as secret collaborators and, if necessary, ensure their physical safety and the safety of their families and the security of their property.

(3) Security intelligence agencies may contract life insurance policies for the risks that can be expected with regards to the tasks performed for the agency.

(4) A registered secret collaborator who is injured or falls ill while performing functions assigned to him/her by the security intelligence agencies, if he/she does not have any insurance on other grounds, is entitled, during the medical treatment, to the same rights

from medical insurance as if he/she were an employee of the security intelligence agency, whereas in case of disablement caused by an injury or illness incurred or contracted during the performance of the functions assigned to him/her by the security intelligence agency, he/she is entitled to the rights from the pension insurance equal to those of the employees of the security intelligence agency.

(5) Exercising of the rights referred to in paragraph 4 of this Article shall be regulated in more details in the rules of procedure to be passed by the directors of the security intelligence agencies.

(6) In cases of accidents occurring in relation to the performance of functions assigned by a security intelligence agency, resulting in death of a registered secret collaborator, his/her family is entitled to the rights referred to in Article 81, paragraphs 2 and 3, of this Act.

Article 30

Officials and employees of the state authority bodies and the of local (regional) self government bodies and of legal persons with public authority, as well as the employees or members of the Ministry of Defence and the Armed Forces, are obliged to comply with the requests of security intelligence agencies regarding the data available to them within their respective scope of activity.

Article 31

Officers of the security intelligence agencies may either have direct access into registers and databases or documentation after they have identified themselves with their official identification cards and badges, or have permanent access to computer databases, or otherwise established databases, through the use of appropriate interfaces.

Article 32

(1) State authority bodies, units of the local (regional) self-government and legal persons, as well as the members of the Ministry of Defence and the Armed forces may maintain records of all effectuated accesses to their respective databases, registers and documentation, which may include only numbers of badges or the numbers of the official identification cards of the officers of security intelligence agencies. Records of the numbers of the badges or the identity cards of the officers of security intelligence agencies shall be kept separate from other records.

(2) Officials and employees of the bodies referred to in paragraph 1 of this Article must keep the secrecy of all knowledge disclosed to them on the matters of interest of security intelligence agencies.

Article 33

(1) The SOA may apply measures of secret information gathering, which temporarily restrict certain constitutional human rights and basic freedoms. VSOA may apply measures of secret information collection only against the employees or members of the Ministry of Defence and the Armed Forces.

(2) The measures of secret information collection, which temporarily restrict certain constitutional human rights and basic freedoms, may be applied if the information can not

be obtained in any other way or the collection thereof is linked with disproportionate difficulties. In cases where choice between several different measures of secret information collection is possible, the one less invasive to constitutionally protected human rights and basic freedoms shall be applied.

(3) Measures of secret information gathering include:

1. Secret surveillance of telecommunication services, activity and traffic:

a) Secret surveillance of the communication content

b) Secret surveillance of the telecommunication traffic data (intercept related information)

c) Secret surveillance of the location of the user

d) Secret surveillance of international telecommunications.

2. Postal censorship,

3. Secret surveillance and technical recording of the interior of facilities, closed spaces and objects,

4. Secret surveillance and monitoring, with recording of images and photos of persons in the open and public spaces,

5. Secret surveillance and monitoring, with audio recording of the content of communication between persons in the open and public spaces,

6. Secret purchase of documents and objects.

Article 34

The Ministry of Defence and the Armed Forces and legal persons with public authority performing functions of postal and other deliveries must facilitate the security and intelligence agencies to implement the measures of secret information collection, and provide conditions for their direct access to facilities and technical equipment, and conditions for the autonomous application of these measures.

Article 35

Officials, or other responsible persons, and employees of legal persons, employees of state authority bodies, members of the Armed Forces, and other natural persons who possess information concerning the application of the secret information collection measures on the part of the security intelligence agencies under the provisions of Articles 33 and 34 of this Act, must keep the secrecy of such information.

Article 36

(1) Measures of secret information collection referred to in Article 33, paragraph 3 items 1 a), 2, 3 and 5 may only be applied based on a written justified warrant for the application thereof, issued by a judge of the Supreme Court of the Republic of Croatia. Judges authorised to issue written warrants for the application of secret information collection measures are selected by the President of the Supreme Court of the Republic of Croatia. The written justified proposals for the application of secret information collection measures are submitted by the Directors of the security intelligence agencies.

(2) By way of derogation from the provision of paragraph 1 of this Article, if a delay in the application of secret information collection measures would prevent the achievement of the intended objective, the beginning of application of the measures is allowed on the basis

of the order by the director of a security intelligence agency, who immediately informs thereon the competent judge of the Supreme Court of the Republic of Croatia. The competent judge shall, within 24 hours from the beginning of the application of the measure, decide whether to issue the warrant authorising the application of the measure. If the competent judge has not issued, or refuses to issue a written warrant for the application of the measure, the security intelligence agencies must terminate the application of measures and destroy the documents and media where the information collected during the application of the measure has been recorded, draft a report thereon and submit it to the competent judge of the Supreme Court.

(3) When the competent judge of the Supreme Court does not, or refuses to, issue the warrant for the application of the measures for secret information collection, he/she shall inform the ONSC about the reasons for the refusal.

(4) Proposals for the application, and warrants for the application of measures of secret information collection must include the indication of the specific measure to be applied, must indicate the natural or the legal person against whom the measure will be applied, reasons justifying the application, intended purpose and the duration of the measure. If the application of more than one measure is being proposed and allowed, information regarding each measure must be indicated. Proposals for the application and warrants for the application of the measures of secret information collection are classified. Officers and other persons taking part in the decision making process and in the application of the measures must keep the secrecy of all the information they have learned in the process.

Article 37

(1) The measures for secret information collection referred to in Article 33, paragraph 3, items 1 a), 2 and 3, of this Act may last up to four months.

(2) In cases where the extension of the measure or the application of additional measures against the same person is necessary, the decision on the approval of the warrant is taken by a council composed of three authorised judges of the Supreme Court.

(3) Prior to the approval of the warrant referred to in paragraph 2 of this Article, the council of three authorised judges of the Supreme Court may request additional justifications and reasons from the directors of security intelligence agencies, and the opinion of the ONSC on the professional justifiability of the request with respect to the applied methods and the gravity of security threats.

Article 38

(1) Application of the measures referred to in Article 33, paragraph 3 subparagraph 1 items b, c, d, and subparagraphs 4 and 6, is approved by a written and justified warrant issued by directors of the security intelligence agencies within their respective scopes of activities.

(2) The directors of the security intelligence agencies shall, on monthly basis, report to the ONSC about the issued warrants, while the reports about the measure referred to in Article 33, paragraph 3 subparagraph 6, are submitted also to the Chief Public Attorney.

Databases and the Use Thereof

Article 39

- (1) Security intelligence agencies establish and maintain databases and registers of personal data, and other records of the collected information and documents with the data related to the scope of activity of the security intelligence agencies, and other records relating to their functions and activities.
- (2) Persons acquainted with the data contained in the records of security intelligence agencies and in the documents relating to such data, must keep the secrecy thereof.

Article 40

- (1) Security intelligence agencies are obliged to inform the citizens, within 15 days upon their request, in writing, if measures of secret information collection have been applied against them, or files with their personal data are kept, and to allow them access to the collected data, at their request.
- (2) Documents inspected by the citizens must not contain information on the employees of the security intelligence agencies, or any information about the sources of the security intelligence agencies, or any third persons.
- (3) Security intelligence agencies have no obligation to act in accordance with the provisions of paragraph 1 of this Article if:
 - the information would jeopardise the fulfilment of the agency tasks,
 - the information could result in a threat to the security of another person,
 - the information could result in consequences harmful for the national security and the national interests of the Republic of Croatia.
- (4) As soon as the reasons for the implementation of paragraph 3, subparagraphs 1 and 2 of this Article cease to exist, the security intelligence agencies are obliged to act in accordance with the provisions of paragraph 1 of this Article. In cases referred to in subparagraph 3 of paragraph 3 of this Article, they do not have to act in accordance with the provision of paragraph 1 of this Article before the expiry of a 10 year period following the date of the termination of the application of the measure.

Article 41

- (1) Documents containing information with no relevance for the purpose for which they have been collected, shall be destroyed in the presence of the competent commission and a report shall be drafted thereon.
- (2) Data, documents and information collected in an illegal manner shall be destroyed within 30 days, and, within 30 days, a report shall be drafted thereon, which has to be signed by the persons who witnessed the destruction of such data, documents and information.

Security Vetting and Counterintelligence Protection

Article 42

- (1) Security vetting is conducted for the officials and the employees of security intelligence agencies, the Head and the employees of the ONSC, the Directors and the

employees of the IISS and the OTC, the chairman and the members of the Council for the Civilian Oversight of Security Intelligence Agencies, and for other persons identified in the provisions of this Act, of other acts and regulations of the Government of the Republic of Croatia in the framework of their appointment to duty or admission to service. Security vetting is also conducted for persons who are granted Croatian citizenship and for the foreigners in the Republic of Croatia, whose residence is relevant for the state security.

Article 43

When performing the functions of counterintelligence protection, VSOA in accordance with the provisions of this Act, conducts security vetting of the employees or the members of the Ministry of Defence or of the Armed Forces and of the persons who have either become or are about to become employees of the Ministry of Defence and the Armed Forces.

Article 44

Within the security vetting procedure, the person being vetted may be interviewed; other persons with links to the vetted person may also be talked to; data contained in official databases maintained by other services, institutions and authorities may be used, and measures of secret data collection may be applied as well as the polygraph testing.

Article 45

Security vetting is conducted for the Croatian and foreign, natural and legal, persons with whom the security intelligence agencies and other state authorities relevant for the national security intend to conclude contracts for the acquisition of goods or the provision of services which will enable that natural or legal person to have access to classified data or access to protected persons or facilities in a way that can influence the security of such persons or facilities.

Article 46

(1) VSOA participates in the counterintelligence protection and it safeguards the security of the protected employees or members, facilities and spaces of the Ministry of Defence and the Armed Forces, identified by the Minister of Defence; it also provides additional support by participating in the protection of other members, facilities and spaces of the Armed Forces, and it takes part in the counterintelligence protection and the safeguarding of the weapons and military equipment production intended for the Armed Forces.

(2) VSOA takes care of the counterintelligence security of the employees, or the members and the facilities of the Ministry of Defence and the Armed Forces abroad and for that purpose may cooperate with the adequate structural unit of the Ministry of Foreign Affairs responsible for security matters.

Article 47

(1) In the performance of their functions of counterintelligence protection of persons, facilities and institutions security intelligence agencies develop, in their respective areas of responsibility, security assessments of the potential security risks threatening the

protected persons and facilities, conduct security vetting of persons with access to protected persons, facilities and spaces, apply technical surveillance counter-measures in facilities and spaces, and participate in the planning, application and supervision of the technical and physical security measures.

(2) Protected persons, facilities and spaces shall be identified, and the manner in which the measures referred to in paragraph 1 of this Article are to be applied shall be defined by a separate Government regulation and the ordinance passed by the Minister of Defence for his/her area of responsibility.

Article 48

(1) In the scopes of their activities, security intelligence agencies apply technical surveillance counter-measures and conduct inspections of the facilities referred to in paragraph 2 of Article 47 of this Act, supervise the construction/technical works, the technical documentation of the facilities, installations, telecommunication and information equipment, and they take part in the planning, implementation and the supervision of technical and physical security measures used in the facility.

(2) Security intelligence agencies conduct security vetting of the persons engaged at work posts where they provide physical and technical protection, technical and information maintenance in the facilities referred to in paragraph 2 of Article 47 of this Act, and the security vetting of the legal persons and their employees, participating in the works which can influence the technical surveillance counter-measures referred to in paragraph 1 of this Article.

(3) SOA safeguards the counterintelligence security of the citizen and the institutions of the Republic of Croatia abroad, and to that end it cooperates with the corresponding structural unit of the Ministry of Foreign Affairs responsible for the security-related matters.

(4) Security intelligence agencies ensure the counterintelligence protection and safeguard the security of their own employees, facilities and objects, and of other persons, facilities and objects.

(5) Depending of the security threat assessments, the security intelligence agencies also safeguard the security of former agency employees in cases where such threats are results of their previous work in the security intelligence agencies.

Article 49

In the performance of functions referred to in paragraphs 4 and 5 of Article 48 of this Act, the employees of the security intelligence agencies exercise the rights and the powers in accordance with the legal acts regulating the area of activity and conduct of persons engaged in private provision of services in securing persons and their property.

Article 50

In line with the specific interests and needs of the SOA, a separate agreement on the cooperation between the SOA and the Ministry of Interior of the Republic of Croatia (hereinafter referred to as: MoI RoC) shall regulate the form and the manner of the SOA – MoI RoC cooperation.

Article 51

- (1) The information security functions performed by the security intelligence agencies include regular supervision of the organisation and the implementation of the prescribed information security measures in state authority bodies, and reporting to the competent state bodies on the status and the effectiveness of the stipulated information security standards in the state authority bodies, and on their possible improvements.
- (2) Security intelligence agencies perform functions relating to the security vetting of natural and legal persons referred to in paragraphs 3 and 6 of Article 7 of this Act.
- (3) Functions referred to in paragraphs 1 and 2 of this Article are performed by the SOA, with exception of those within the Ministry of Defence and the Armed Forces, which are performed by the VSOA.
- (4) At the request of security intelligence agencies, the ONSC and the IISS have the obligation to provide access to the data related to the information security, that are needed by the security intelligence agencies in the performance of functions from their respective scopes of activity.

Measures of Concealment

Article 52

When performing the functions from their scopes of activity the security intelligence agencies may implement measures of concealment of ownership of objects and legal persons, measures of concealment of true identities of their employees and of other persons, measures concealing the purpose of data collecting and, when necessary, may use services of legal and natural persons, provided in return for compensation.

Article 53

Information on the measures referred to in Article 52 of this Act, and the expenses of implementation thereof, constitute a secret, and shall be available only to the bodies and persons identified in the decision passed by the National Security Council at the proposal of the chairman of the Council for the Coordination of Security Intelligence Agencies.

Article 54

- (1) The activity and the material/financial operating of concealed legal persons is conducted according to the regulations normally applicable to that particular field of activity. No legal persons financed from the State Budget of the Republic of Croatia may be a concealed legal person. The concealed persons are established and maintained from the resources of the security intelligence agencies. Expenses incurred in such way are reported as security intelligence budgetary expenses intended for special purposes.
- (2) All assets owned by concealed legal persons are property of the Republic of Croatia, and the proceeds from such activity are used by the security intelligence agencies in the performance of their functions as funds intended for special purposes.

Reporting

Article 55

(1) All relevant information collected in their work and the assessments of the security situation the security intelligence agencies report to the President of the Republic, the Speaker of the Parliament, the Prime Minister, and the Head of the ONSC. The VSOA delivers its reports to the Minister of Defence and, in case of references to the Armed Forces, also to the Chief of the General Staff of the Armed Forces. Ministers and other state officials receive reports relating to their respective areas of responsibility.

(2) Annual reports on the activity of the security intelligence agencies are submitted to the President of the Republic, the Speaker of Croatian Parliament, the chairperson of the Parliamentary Committee competent for matters of national security, the Prime Minister and the Head of the ONSC and, at their request, the agencies also provide special reports about the national security situation in their respective scope of activity.

Article 56

(1) Where the collected intelligence indicates that a criminal act which is prosecuted ex officio, is being planned or committed, the security intelligence agencies shall notify Public Attorney's Office thereon.

(2) The notification referred to in paragraph 1 of this Article may, by way of exception, include data regarding the manner in which the information was collected.

(3) The directors of the security intelligence agencies can, in the notification referred to in paragraph 1 of this Article, suggest to the Chief Public Attorney to postpone further actions within his/her scope, if such actions might jeopardise the achievement of the objectives falling within the scope of activity of the security intelligence services, or endanger the safety of the employees and the sources of the security intelligence agencies.

Strategic Electronic Reconnaissance for the Requirements of Security Intelligence Agencies

Article 57

(1) Strategic electronic reconnaissance for the requirements of SOA and VSOA is conducted by the Electronic Reconnaissance Centre of the Armed Forces Headquarters. Planning of the strategic electronic reconnaissance for the requirements of these agencies is done by the Council for the Coordination of the Security Agencies, at the proposal of the directors of the security intelligence agencies. The Minister of Defence shall be in charge of the implementation of these plans.

(2) In the framework of the Chief Defence Inspection, the Minister of Defence has to ensure the oversight of the legality of work of the Electronic Reconnaissance Centre of the Armed Forces Headquarters, and to submit the oversight reports, drafted by the Chief Defence Inspection, to the Parliamentary Committee competent for the national security matters.

V COOPERATION OF SECURITY INTELLIGENCE AGENCIES

Article 58

- (1) The security intelligence agencies shall cooperate in the performance of their functions.
- (2) When a security intelligence agency obtains any information falling within the scope of activity of the other security intelligence agency, or when it possesses intelligence that might be relevant for the work of the other security intelligence agency it is obliged to notify it about it.
- (3) In the cases where it assesses that the performance of its functions so requires, a security intelligence agency may request from the other security intelligence agency the information regarding the persons under surveillance and the facts and documents it has at its disposal.
- (4) In case of a possible conflict of jurisdiction, the security intelligence agencies shall resolve it either in direct cooperation or within the framework of the Council for the Coordination of Security Intelligence Agencies, taking into account the common national security objectives and the work efficiency.
- (5) Where it is not possible to reach the necessary degree of cooperation, or to resolve the issues referred to in paragraphs 2, 3 and 4 of this Article, the Council for the Coordination of Security Intelligence Agencies shall notify the National Security Council on the necessity to reach the decision on the coordinated work of the security intelligence agencies.

Article 59

- (1) Based on their international commitments, the security intelligence agencies may cooperate with foreign security, intelligence and other corresponding services, through the exchange of information, equipment, through jointly conducted activities from their respective scopes, and through education of employees.
- (2) The establishment and the suspension of the cooperation with each foreign service are approved by the National Security Council on the basis of the recommendations of the directors of the security intelligence agencies and the previously obtained opinion of the Council for the Coordination of Security Intelligence Agencies.

Article 60

- (1) Security intelligence agencies may communicate to the appropriate foreign services the information on the citizens of the Republic of Croatia if they have been provided with relevant data indicating that such person is a threat to the national security of the state to which data is supplied, or to values protected by the international law. The information will not be provided if that would be contrary to the interests of the Republic of Croatia or if the protection of the interests of the person concerned is of greater value.
- (2) When the security intelligence agencies conduct security vetting requested by some foreign service or international organisation of a person seeking employment in state authorities of foreign states or in the bodies of international organisations, it shall be conducted upon the receipt of a written consent of the vetted person.
- (3) The delivered data must be entered into the records. Such data shall be accompanied by a notice indicating that they may only be used for the purpose they were provided for, and that the security intelligence agency providing the data retains its right to request feedback on how the provided information has been used.

VI ORGANISATION AND MANAGEMENT OF SECURITY INTELLIGENCE AGENCIES

Article 61

- (1) For the purpose of performance of functions falling within their scope of activity, internal structural units and services performing administrative and technical functions required by the security intelligence agencies and their structural units may be established within the security intelligence agencies.
- (2) Regional units, branch offices and temporary branch offices may be established in security intelligence agencies.

Article 62

- (1) Internal organisation of the security intelligence agencies, the scope of activities of their structural units and branch offices, the manner in which these units and offices are managed, approximate number of employees, the form, the content and the right to use the official identity card and badge, right to carry and use weapons, the internal oversight, use and management of financial and other resources, establishment of disciplinary courts, and other matters of particular relevance for the work of security intelligence agencies shall be determined by the regulation passed by the Government, with the prior approval of the President of the Republic.
- (2) Proposals for the regulations referred to in paragraph 1 of this Article are set out by the Director of SOA, with the consent of the Head of the ONSC, for SOA, and by the Minister of Defence for VSOA, with the consent of the Head of the ONSC.
- (3) Regulations on the internal structure, on the scope of activities and the management of the structural units, as well as on the approximate required number of employees of security intelligence agencies are classified and therefore not published.

Article 63

- (1) Pursuant to the regulations referred to in Article 62 of this Act, the modus operandi of the security intelligence agencies and of their structural units, the necessary number of employees, accompanied by indications of their basic functions and tasks, their job requirements, their powers and responsibilities, employment rights as well as other relevant work-related matters that are not defined by this Act or by the regulations referred to in Article 62 of this Act, shall be regulated by ordinances on the internal order of security intelligence agencies.
- (2) The Ordinance on the internal order of SOA is passed by the Director of SOA. The Ordinance on the internal order of VSOA is passed by the Minister of Defence, at the proposal of the Director of VSOA.
- (3) Ordinances on the internal order of the security intelligence agencies shall be classified and therefore not published.

Article 64

- (1) Ordinances on the security intelligence procedures applied by security intelligence agencies define in more details the procedures, measures and means applied and used in

the work, and the manner in which the planning, programming, implementation, filing and reporting are performed with respect to the functions from the scope of activity of security intelligence agencies.

(2) The Ordinance on the security intelligence procedures is passed by the Director of SOA, with the consent of the Head of the ONSC, while other subordinate legal acts defining more specifically procedures, measures and means applied in the work, and the planning, programming, implementation, recording and reporting of functions from the scope of activity of SOA, are passed by the Director of SOA. The Ordinance on the security intelligence procedures of VSOA is passed by the Minister of Defence at the proposal of the Director of VSOA and with the consent of the Head of the ONSC, while other subordinate legal acts regulating in details the procedures, measures and means applied in the work, and the planning, programming, implementation, filing and reporting of the functions from the scope of activity of VSOA, are passed by the Director of VSOA.

(3) Ordinances on the applied security intelligence procedures are classified and are therefore not to be published.

Article 65

(1) Functioning of the security intelligence agencies is managed by the directors, and when they are prevented or absent, by deputy directors. Functioning of the structural units of the security intelligence agencies is managed by assistant directors and heads of units.

(2) Directors of security intelligence agencies and their deputies are state officials within the meaning of the Act on Obligations and Rights of State Officials.

Article 66

(1) Directors of security intelligence agencies are appointed to and/or relieved from their duty by a decision co-signed by the President of the Republic and the Prime Minister.

(2) The procedure for the appointment of the directors of security intelligence agencies is initiated by the President of the Republic and the Prime Minister with the proposal candidate and the previously obtained opinion of the Parliamentary Committee competent for the national security matters. The candidate for the director of the VSOA is proposed to the President of the Republic and the Prime Minister by the Minister of Defence. The Parliamentary Committee competent for the national security matters may interview a candidate for the position of the director of a security intelligence agency.

(3) The Directors of the security intelligence agencies are appointed for a four-year term. A person may be reappointed to the position of the director of the security intelligence agency.

(4) The directors of the security intelligence agencies may be relieved of their duty before the expiry of the mandate: at their own request; if they become permanently incapacitated for the performance of their duties; if they do not implement the decisions of the President of the Republic and the Government, which direct the work of the security intelligence agencies, or they fail to implement the oversight measures; due to the violation of the Constitution, laws and other rules and regulations the abuse of powers or overstepping of authority; the violation of classified data secrecy, and if a final judgement for a criminal offence has been pronounced against them which renders them unworthy of the position.

(5) The procedure for the dismissal of directors of security intelligence agencies may be initiated by the President of the Republic, the Prime Minister and the Croatian Parliament. When the procedure is initiated by the President of the Republic, or the Prime Minister, before the final decision is reached, the opinion of Croatian Parliament may be requested. When the procedure is initiated by the Croatian Parliament on account of the established breaches of law in the functioning of a security intelligence agency or its employees, the President of the Republic and the Prime Minister shall pass the decision on the dismissal of the director of the security intelligence agency.

(6) Deputy directors of security intelligence agencies are appointed to, and relieved of duty according to the procedure, and on conditions, laid down in provisions of paragraphs 1 to 5 of this Article, but in this case the procedure is initiated at the proposal of the director of the security intelligence agency and, in the process of the dismissal of the deputy director, the opinion of the director of the security intelligence agency shall be obtained.

Article 67

(1) The internal organisation, the rules of procedure and tasking must, in the security intelligence agencies and their structural units, be organised in such a way that individual responsibility can be established at any time.

(2) Officers of the security intelligence agencies must carry out the orders of their superiors, unless they consider an order to be contrary to the law, in which case they should make their written remarks, and are then bound to carry out the repeated written order, relieved from responsibility for the possible consequences of its execution. Where an officer assesses that the execution of an order, or a repeated written order might constitute a criminal act, he/she is not bound to carry it out, but is obliged to notify immediately the chairperson of the Council for the Coordination of Security Intelligence Agencies, the chairperson of the Parliamentary Committee competent for the national security matters and the Head of the ONSC.

(3) Officers who have reported the order referred to in paragraph 2 of this Article may not be, on account of the report, submitted to any proceedings which could harm the interests of the officer in question.

VII STATUS, RIGHTS AND RESPONSIBILITIES, PROCEDURE FOR DETERMINING OF SALARIES OF STATE OFFICIALS AND EMPLOYEES OF SECURITY INTELLIGENCE AGENCIES, THE OFFICE OF THE NATIONAL SECURITY COUNCIL, THE INSTITUTE FOR THE INFORMATION SYSTEMS SECURITY AND THE OPERATIONAL TECHNOLOGY CENTRE FOR THE TELECOMMUNICATION SURVEILLANCE

Implementation of Regulations

Article 68

(1) In matters not regulated by this Act, to officials and employees of the SOA, VSOA, ONSC, IISS and OTC, provisions of the Act on Civil Servants, or the Act on the Obligations and Rights of State Officials apply, whereas to the employees of VSOA who

are in active military service, provisions of the Act on Service in the Armed Forces of the Republic of Croatia, apply.

(2) In case they are placed at disposal, civil servants and employees of VSOA are at disposal of the Government and are entitled to the rights laid down by the Act on Civil Servants, while the active servicemen are at disposal of the Ministry of Defence and of the Armed Forces, and are entitled to the rights laid down by the Act on Service in the Armed Forces.

Admission to Service

Article 69

(1) Public announcement of vacancies in security intelligence agencies is not mandatory.

(2) Persons admitted to work in security intelligence agencies, in addition to common requirements stipulated by the Act on Civil Servants, must also satisfy specific requirements for the admission and assignment to certain jobs (specific education and profession, working experience, special skills and training, special health and psychical capabilities, etc.), stipulated by the ordinances on the internal order of security intelligence agencies.

(3) Persons admitted to work in security intelligence agencies must also comply with the security requirements, which is established through a security vetting procedure. Security vetting is conducted with the approval of the person that is being admitted to service in the security intelligence agency and it covers the vetted persons' spouses and persons living with them in the same household. If the person being admitted to service does not give his/her approval for the security vetting procedure, the employment contract can not be concluded with him/her.

(4) Persons may not be admitted to service in security intelligence agencies if there are impediments to their admission to civil service.

(5) If a person was not admitted to work in security intelligence agencies due to the non-compliance with the conditions, or due to the presence of impediments to the admission, security intelligence agencies are not obliged to explain the reasons for such denial.

Article 70

(1) Decisions on the admission to service and on the assignment to a specific work-post are issued by the director of the security intelligence agency.

(2) The decision referred to in paragraph 1 of this Article shall not be forwarded to the central state administrative body competent for labour relations, except for the decision on placing of an employee at disposal of the Government.

(3) Complaints against the decisions referred to in paragraph 1 of this Article are not allowed, but administrative disputes may be initiated.

Article 71

(1) Employment of the persons who were admitted to service in security intelligence agencies as trainees may be terminated during the period of their traineeship if, in the course the traineeship, it is assessed that they do not display capabilities necessary for the

performance of work in the security intelligence agency.

(2) Complaints against the decisions on the termination of employment referred to in paragraph 1 of this Article are not allowed, but administrative disputes may be initiated.

(3) Persons hired to work in the security intelligence agencies as officers, civil servants and employees shall first be accepted to the mandatory one-year probation period.

Salaries

Article 72

Salaries of the officials and the employees of the security intelligence agencies are determined by a Government decision, in accordance with the provisions of this Act.

Article 73

(1) The salary of an official or of an employee of the security intelligence agency is composed of the basic salary amount, multiplied by the coefficient attached to specific work-posts, according to their complexity.

(2) Coefficients of the complexity of work-posts are determined by a decision on salaries, passed by the Government.

(3) The basic salary amount referred to in paragraph 1 of this Article is the basic salary determined pursuant to the rules and regulations on civil servants, increased by 0,5 % for each year of working experience.

Article 74

(1) In addition to the salary determined pursuant to the provision of Article 73 of this Act, officials and officers are entitled to bonus payments for special working conditions, risks and responsibilities.

(2) Bonus payments referred to in paragraph 1 of this Article shall be determined by the Government, as a percentage of the regular salaries received by the officials or the officers.

Rights, Obligations and Responsibilities

Article 75

(1) Officers of the security intelligence agencies are obliged to perform the work at the work posts to which they are assigned even in situations where their lives, health or property are at risk.

(2) Officers of the security intelligence agencies, if ordered by their superior officer, are obliged to perform their duties after working hours, if that is necessary for the successful and timely completion of the official duty.

(3) Officers of the security intelligence agencies, for their work referred to in paragraph 2 of this Article, are entitled to financial compensation or to days off, pursuant to the ordinance on the internal order of the security intelligence agency.

Article 76

(1) Officials and officers of the security intelligence agencies are entitled to an extended

'bonus period of pension insurance', meaning that each 12 months of actual service or employment are counted as 15, 16, 17 or 18 months of pension insurance.

(2) At the proposal of the director of a security intelligence agency, the Government shall identify work posts entitled to the extended pension insurance.

Article 77

(1) Employees of security intelligence agencies and of other bodies of the security intelligence system are forbidden membership in political parties, participation in activities thereof, acting on behalf of any political party within the security intelligence agency, or performance of any other public or professional function.

(2) Employees of security intelligence agencies are forbidden membership in executive or managing boards of companies or of corresponding bodies of other legal persons.

Article 78

Employees of security intelligence agencies are not allowed, without the approval of the Council for the coordination of security intelligence agencies, to make public statements or to make comments on the work of the service and of other bodies and persons in the field of national security, nor to disclose to unauthorised persons the information and the documents of security intelligence agencies.

Article 79

(1) Officials and employees of security intelligence agencies, and of other bodies of the security intelligence system, who had access to information and documents of the security intelligence agencies or of other bodies within the security intelligence system are obliged to keep the secrecy of legally classified information and documents, regardless of the way they were disclosed to them, until, pursuant to the same legal act, they are free from keeping the secrecy thereof.

(2) Persons referred to in paragraph 1 of this Article may not misappropriate documents belonging to security intelligence agencies or to other bodies of the security intelligence system.

(3) Violations of the provisions of paragraphs 1 and 2 of this Article are grounds for the discharge from office or the termination of employment of the officials or employees referred to in paragraph 1 of this Article.

(4) Appeals against the decision on the termination of employment, referred to in paragraph 3 of this Article, are not allowed, but an administrative dispute may be initiated.

(5) Obligation to secrecy continues after the termination of employment of the officials or employees referred to in paragraph 1 of this Article.

(6) The directors of the security intelligence agencies shall pass regulations on the classification of information, on the procedure for handling classified information, and on special measures for the protection of classified information.

Article 80

(1) Security intelligence agencies and other bodies of the security intelligence system are

obliged to maintain secrecy of the identity of employees of security intelligence agencies, secret collaborators, persons assisting the security intelligence agencies and of other sources of information, and to protect the manner in which the information is obtained.

(2) In cases where officers or secret collaborators of security intelligence agencies need to testify in the proceedings conducted by the judiciary bodies against individuals who were arrested as a result of the activity of the officers or the secret collaborators of the security intelligence agencies, the judiciary bodies are obliged to secrecy with respect to their identity.

Article 81

(1) Officers of the security intelligence agencies who, by the decision of the competent medical commission, are proclaimed unfit for the performance of their present jobs, either due to injury or illness which was incurred / appeared in the course of the performance of the functions stipulated by law and other regulations, are assigned to other functions, but retain the salary and other rights resulting from the employment, until the decision of permanent incapacity is passed.

(2) Officers who, in the performance of their functions, or due to the performance thereof, loose their lives shall be buried in the place selected by their family, at the expense of the state budget.

(3) In cases referred to in item 2 of this Article, the family of the officer is entitled to a single financial assistance in the amount of the last net salary received by the officer, multiplied by 12.

Article 82

(1) Person who is injured or contracts a disease while providing assistance to the officers of the security intelligence performing their duty, if not insured on other basis, is entitled to the same medical insurance rights during the treatment, as if he/she were employed in the security intelligence agency, whereas in case of disability resulting from an injury or a disease contracted while providing assistance to the officer, that person is entitled to the pension rights at the expense of the state budget.

(2) The family that loses one of its members while he/she has been providing assistance to the officers of security intelligence agencies is entitled to the rights referred to in items 2 and 3 of Article 81 of this Act.

Article 83

The directors of the security intelligence agencies shall appoint the commission which will establish the circumstances under which the officers or the person assisting the officers of the security intelligence agencies in the performance of their tasks, have lost their lives or contracted diseases.

Article 84

(1) If criminal proceedings have been initiated against officers of security intelligence agencies for acts committed in the performance of the functions of security intelligence agencies, the security intelligence agencies shall ensure that they receive legal assistance,

unless the proceedings were initiated based on the criminal report of the security intelligence agency.

(2) Subject to the conditions referred to in item 1 of this Article, the security intelligence agencies shall ensure legal assistance to the officers even upon the termination of their employment.

Article 85

(1) Security intelligence agencies conclude life insurance contracts for their employees, or the insurance for cases of death or work-related loss of working abilities, and the work-related property losses.

(2) Officers of the security intelligence agencies, depending on the complexity of their functions, are entitled to additional health insurance at the expense of the State Budget.

Article 86

(1) On the basis of the decision of the Minister of defence, the director of SOA or the Head of the ONSC, upon the termination of service due to the requirements of the service, the employees of the VSOA, SOA and the ONSC may exercise their right to old age pension, regardless of their age, when they have completed 30 years of the pension insurance, of which at least 15 years of the pension insurance on duties or functions where the actual work performed is counted as extended period of pension insurance, pursuant to the provisions of the Act on the Pension Insurance Rights of Active Servicemen, Police Officers and Civil Servants with Official Powers.

(2) Employees of security intelligence agencies whose employment is terminated due to the fulfilment of the conditions for the retirement are entitled to severance pay. The amount of the severance pay shall be determined in the ordinance to be passed by the Directors of the security intelligence agencies.

(3) Time spent at a work in the agencies which cease to exist pursuant to this Act, is counted as time spent at work, at adequate functions, in security intelligence agencies.

Article 87

(1) The Republic of Croatia is accountable for all damage incurred to citizens or legal persons due to illegal, deliberate or extremely careless acts of the employees of security intelligence agencies.

(2) The Republic of Croatia may demand from the employee of a security intelligence agency, who is found accountable for the damage referred to in paragraph 1 of this Article, to reimburse the damage compensation paid to the damaged party.

(3) Officer accountable for the damage may, for justified reasons, be partially or fully relieved of the obligation to reimburse the damage.

(4) Performance in extraordinary circumstances or in circumstances rendering impossible or difficult to avoid the damage, are considered to be justified reasons.

(5) The nature of the circumstances referred to in paragraph 2 of this Article is evaluated by the directors of security intelligence agencies, who issue written decisions on the partial or the full payment acquittal.

Violation of Official Duty

Article 88

(1) For the violations of official or working duty, the employees of security intelligence agencies are accountable pursuant to the Act on Civil Servants, if otherwise not stipulated by this Act.

(2) For the violation of official, or working duty, or for the disciplinary breaches or offences, the employees of the VSOA are accountable pursuant to the Act on Civil Servants or the Act on Service in the Armed Forces of the Republic of Croatia, if not otherwise stipulated by this Act.

Article 89

(1) For minor breaches of official/working duty or for disciplinary breaches committed by the employees of the VSOA the proceedings are conducted and decisions passed, at the recommendation of a superior person, by the directors of the security intelligence agencies, or persons designated by them.

(2) For major violations of the official / working duty, or for disciplinary offences, at the recommendation of the directors of the security intelligence agencies, or persons designated by them, the proceedings are conducted, and the decisions are reached by special disciplinary courts.

(3) Disciplinary courts of the first instance are composed of the president and five members, all appointed by the directors of security intelligence agencies, or by persons designated by them from among the employees of the security intelligence agencies, of whom two members and the president must be lawyers. Disciplinary courts of the first instance decide in councils of three members selected by the presidents of the courts of the first instance, separately for each individual case. The council is always chaired by a member appointed from among the lawyers, or by the president of the court.

(4) Disciplinary courts of the second instance are composed of a president and of seven members appointed by the directors of the security intelligence agencies, or by persons designated by them from among the employees of the security intelligence agencies, of whom the president and at least four members must be lawyers. Disciplinary courts of the second instance decide in a council of three members selected by the president of the disciplinary court of the second instance, separately for each individual case. The council is always chaired by a member designated from among lawyers, and it may also be chaired by the president of the disciplinary court of the second instance.

(5) Public is excluded from the proceedings against the employees of the security intelligence agencies.

Article 90

The following constitute minor breaches of official duty, in addition to minor breaches of official duty defined by the Act on Civil Servants and disciplinary breaches defined by the Act on Service in the Armed Forces of the Republic of Croatia:

- Unprofessional conduct by the employees of security intelligence agencies towards the citizens or the employees of other state authority bodies;

- Disclosing information relative to the scope of work of one structural unit of a security intelligence agency to unauthorized employees of other structural units.

Article 91

The following constitute major violations of official duty, in addition to the violations of official duty as defined by the Act on Civil Servants and the disciplinary offences as defined by the Act on Service in the Armed Forces of the Republic of Croatia:

- Irregular spending of allocated funds, or spending for unintended purposes,
- Taking, or failure to take, any action, with a view of preventing or curbing the performance of the functions of a security intelligence agency,
- Making false statements about the security intelligence community,
- Disclosing information of security intelligence agencies to unauthorized persons, regardless of its classification level,
- Taking a classified document out of the agencies' working facilities, unless authorized to do so by an immediately superior officer.

Article 92

For major violations of official duty, or for disciplinary offences, the employees of security intelligence agencies may, in addition to punishments for violations of the official duty stipulated by the Act on Civil Servants, or disciplinary punishments pursuant to the Act on Service in the Armed Forces of the Republic of Croatia, be pronounced a disciplinary punishment of termination of the employment, conditionally, in the duration of 3 to 12 months.

Article 93

When an officer is removed from service, the official identification card, the badge, weapons and all other means entrusted to him/her for the performance of his/her functions are taken away.

Relocation

Article 94

- (1) If so required for the purpose of performance of the functions, an officer may, temporarily or permanently, be relocated to another work-post in the same or a different structural unit of a security intelligence agency, in the same or another work location.
- (2) Relocations lasting up to one year are considered temporary relocations.
- (3) Permanent relocation to another work location is possible only with the consent of the officer concerned.
- (4) Appeals against decisions on relocation are not allowed, but an administrative dispute may be initiated.

Article 95

- (1) Any officer who is relocated to a place more than 50 km away from his place of residence is entitled to the rights pursuant to the Act on Civil Servants.

(2) Officer relocated at his/her own request is not entitled to the rights referred to in paragraph 1 of this Article.

Article 96

(1) Pursuant to the agreement between the directors of the security intelligence agencies, an officer may, without his/her consent, be temporarily or permanently relocated to work in another state authority body to an adequate work-post for which the same level of education is prescribed.

(2) Agreement on the relocation referred to in paragraph 1 of this Article is concluded on the basis of staff requirements in the security intelligence agencies and in other state authority bodies for workers with special professional skills and training, who meet the appropriate security requirements established in the security vetting procedure.

(3) An officer relocated to another state authority body may not be relocated to another work location more than 50 km away from his/her place of residence, without his/her personal consent.

(4) Appeals against decisions on relocation are not allowed, but administrative disputes may be initiated.

Article 97

(1) Officers of the security intelligence agencies may be sent to work abroad in the framework of cooperation with foreign security or other corresponding service, or on the basis of an international agreement.

Article 98

Directors of security intelligence agencies shall define in more details the rights, the obligations and the responsibilities of officers assigned to service to another state authority body or sent for work abroad.

Termination of Service

Article 99

(1) In addition to the cases of termination of service defined by the Act on Civil Servants, service of the officers of SOA shall be terminated if it is established that, by negligent performance of their functions or by violation of rules and regulations regulating the work of SOA, they have obstructed the performance of functions from the scope of activities of the SOA.

(2) In addition to the cases of termination of service defined by the Act on Civil Servants and the Act on Service in the Armed Forces of the Republic of Croatia, service of the officers of VSOA shall be terminated if it is established that by negligent performance of their functions or by violation of rules and regulations regulating the work of VSOA they have obstructed the performance of functions from the scope of activities of the VSOA.

(3) Obstructing the performance of functions referred to in paragraphs 1 and 2 of this Article includes overstepping one's powers or failure to exercise them, as a result of which damage is incurred to natural or legal persons, security intelligence agencies, state authority bodies or the Republic of Croatia.

(4) Decision on the termination of service in cases referred to in paragraphs 1 and 2 of this Article are passed by the directors, at the proposal of competent officers who have established the facts referred to in paragraph 3 of this Article.

(5) Appeals against decisions referred to in paragraph 3 of this Article are not allowed, but administrative disputes may be initiated.

(6) When a decision on the termination of service in the case referred to in paragraph 2 is passed by the director of the VSOA for officers who are also active servicemen, their active military status and other rights relative to the employment outside the VSOA are decided by the Ministry of Defence or by the Armed Forces.

Article 100

In addition to the cases where service of officers of SOA is terminated *ex lege*, as laid down by the Act on Civil Servants, and in addition to the cases where service is terminated to officers of VSOA *ex lege*, as laid down by the Act on Civil Servants or the Act on Service in the Armed Forces of the Republic of Croatia, the service is also terminated *ex lege*:

- when the competent body establishes that he/she has met the conditions for the retirement on account of general or professional incapacity – on the day the decision becomes final,
- when it is established that the employee has given false information at the time of admission to service - on the day when the deception is revealed,
- when an officer is convicted for a criminal offence prosecuted *ex officio*, except for the offences referred to in Title XX of the Criminal Code of the Republic of Croatia, relating to transport security - on the day when the verdict becomes final,
- if an officer refuses a legal relocation – on the day when he/she is supposed to report to duty,
- when it is discovered that the officer has acted contrary to the provision of Articles 77 and 78 of this Act – on the day the violation is revealed,
- when it is learnt that he/she has acted contrary to the provisions of Article 79, paragraphs 1 and 2 of this Act – on the day this violation is revealed.

Article 101

If the competent health commissions of the security intelligence agencies or the ONSC pronounce that an employee is incapable to continue working, then the competent expert referred to in Article 113, paragraph 1 of the Pension Insurance Act establishes that such employee is professionally or generally incapable for work in accordance with the Pension Insurance Act.

Article 102

(1) On the basis of the decision of the director of a security intelligence agency or of the Head of the ONSC, to the employees of security intelligence agencies who have completed 20 years of social insurance of which they have at least spent 10 years at duties or functions where active work is counted as prolonged period of pension insurance, and who, through an appropriate procedure, have been found incapable of further professional growth, service may be terminated due to professional incapacity for work,

with entitlement to disability pension.

(2) Appeals against decisions referred to in paragraph 2 of this Article are not allowed, but administrative disputes may be initiated.

VIII OVERSIGHT OVER THE SECURITY INTELLIGENCE AGENCIES

Article 103

The oversight over the security intelligence agencies is conducted by:

- the Croatian Parliament
- the Office of the National Security Council
- the Council for the Civilian Oversight of the Security Intelligence Agencies

Article 104

(1) The oversight of the Croatian Parliament over security intelligence agencies is conducted directly and through the Parliamentary Committee competent for the national security, and the Council for the Civilian Oversight of the Security Intelligence Agencies

(2) In the effectuation of the oversight referred to in paragraph 1 of this Article Croatian Parliament may request:

- from a security intelligence agency, reports on the actions and measures implemented by the security intelligence agency,
- from the President of the Supreme Court of the Republic of Croatia, reports on the measures of secret information gathering applied against certain persons,
- from the security intelligence agencies, reports on the implementation of the measures of secret information gathering or on the implementation of the measures of secret information gathering applied against certain persons,
- the report on whether the security intelligence agencies collect information regarding any members of the parliament or any person from their family households,

(3) In the effectuation of the oversight referred to in paragraph 1 of this Article Croatian Parliament, or the Parliamentary Committee competent for the national security may request that the ONSC submits a report and information, and/or to perform a professional inspection control over a security intelligence agency.

(4) Parliamentary Committee competent for the national security may also perform direct control of the work or security intelligence agencies.

(5) When direct control is performed by the Parliamentary Committee competent for the national security provisions of this Act regulating the professional oversight activity of the ONSC apply.

Article 105

(1) In addition to matters referred to in Article 104, paragraph 2 of this Act, to be discussed by the Committee of the Croatian Parliament competent for national security, the Committee is also authorized to summon the Directors and the officers of the security intelligence agencies to hearings regarding the illegality of the application of certain measures and actions by the agencies, to discuss the financial management of the security intelligence agencies, to review the Ombudsman's reports on the protection of the

constitutional and legal rights of citizens in the procedures undertaken by security intelligence agencies, and to look into the work of the security intelligence agencies with respect to the foreign policy of the Republic of Croatia.

(2) When the Croatian Parliament or the Croatian Parliamentary Committee competent for the National security request documentation or necessary data from either security intelligence agencies, the Council for the Coordination of the Security Intelligence Agencies or from the president of the Supreme Court of the Republic of Croatia in the case referred to in Article 104, paragraph 2, item 3, of this Act, they shall immediately notify the ONSC thereof, and invite the Head of the ONSC and the Director of the security intelligence agency concerned to be present in the meeting where matters from the scope of activity of the security intelligence agency are to be discussed.

(3) Information disclosed to the Croatian Parliament or the Parliamentary Committee competent for the national security may not include information on the persons with whom the security intelligence agency has collaborated in the performance of its functions, or information obtained from foreign intelligence of the National Security Council.

(4) The work of the Parliamentary Committee competent for the national security is chaired by a member of the Parliament, coming from the benches of the largest opposition party.

Professional Oversight over the Work of the Security Intelligence Agencies

Article 106

Professional oversight over the work of security intelligence agencies and of the OTC is preformed by the ONSC.

Article 107

(1) Within the framework of its professional oversight functions the ONSC:

- monitors and controls the legality of the work,
- monitors and controls the effectiveness and the usefulness of the work,
- controls the application of the measures of secret information gathering that restrict the basic rights and freedoms guaranteed by the Constitution,
- controls the use of financial resources,
- supervises the coordination and the cooperation between the security intelligence agencies and the corresponding services of other countries.

(2) When performing the functions referred to in paragraph 1 of this Article, the ONSC may have access to the reports and other documents of the security intelligence agencies and of the OTC, conduct interviews with the Directors and the employees of the security intelligence agencies and the OTC if that is required to establish the facts crucial for the evaluation of the legality of the work.

Article 108

(1) Security intelligence agencies are obliged to permit the officers of the ONSC, at their request, to have access to the data concerning the sources of the agency only if that is necessary for the fulfilment of the final goals of the inspection control undertaken for a specific case.

(2) In case of an explicit disagreement with the request referred to in paragraph 1 of this

Article, the Directors of the security intelligence agencies shall request the decision on the specific case to be made by the National Security Council.

Article 109

(1) When, in the performance of the functions referred to in Article 107 paragraph 1 of this Act, the ONSC establishes that actions of the security intelligence agencies have been, or are, violating the Constitution and the laws of the Republic of Croatia, the Head of the ONSC must undertake measures for immediate removal the detected irregularities, and inform thereon the President, the Prime Minister and the Speaker of Croatian Parliament, if the inspection was performed at the request of the Croatian Parliament, or of the Parliamentary Committee competent for the national security.

(2) Measures referred to in paragraph 1 of this Article, undertaken by the ONSC, shall be regulated in detail by the Regulation referred to in Article 11 of this Act.

Civilian Oversight over the Work of Security Intelligence Agencies

Article 110

(1) For the purpose of ensuring of the civilian oversight over the work of security intelligence agencies the Council for the Civilian Oversight of the Security Intelligence Agencies is established (hereinafter: the Council).

(2) The Council is composed of a chairmen and six members, all appointed by Croatian Parliament.

(3) Appointed members of the Council must have university education, and must include at least one who has a degree in law, another in political sciences and the third in electro-technical sciences.

(4) The chairmen and the members of the Council are appointed for a period of four years, and may be reappointed after the expiry of the first term.

(5) For the legality of their work, the chairman and the members of the Council are responsible to the Croatian Parliament, while the Parliamentary Committee competent for the national security is competent for the oversight over the legality of their work.

(6) Matters relevant for the work of the Council not regulated by this Act, and the performance of the administrative work, shall be regulated by a legal act of the Croatian Parliament at the proposal of the Parliamentary Committee competent for the national security.

Article 111

(1) The Council performs the following functions:

- monitors the legality of the work of security intelligence agencies,
- monitors and controls the implementation of the measures of secret information gathering that restrict the basic rights and freedoms guaranteed by the Constitution,
- delivers, in the form of an information, the obtained information and data referred to in the previous items, to the National Security Council, the Speaker of Croatian Parliament, the president of the Parliamentary Committee competent for national security, and to the directors of security intelligence agencies; and

- provides information about the procedure for the submitting of the request referred to in Article 112 of this Act.

Article 112

Council performs the functions referred to in Article 111 of this Act pursuant to the Programme adopted by the national security committee, based on the requests submitted by citizens, state authority bodies and legal persons, regarding the observed unlawful actions or irregularities in the work of security intelligence agencies, especially in cases of violations of basic freedoms and human rights guaranteed by the Constitution.

Article 113

- (1) The information regarding the conducted oversight inspection is reported to whoever had submitted that request.
- (2) In its reply to the submitted request the Council shall refer only to the remarks listed in the request.
- (3) Where, in the conducted oversight, it is established that there have been some unlawful acts, the chairman of the Council shall notify the President of the Republic of Croatia, the Speaker of Croatian parliament, the Prime Minister and the Chief Public Attorney about the results of the oversight.
- (4) At the request of the Speaker of Croatian Parliament, and at least once every six months, the chairman of the Council submits reports on the work of the Council.

Article 114

- (1) The chairman and the members of the Council are obliged to keep the secrecy of the information they have learnt while performing the functions in the Council.
- (2) The obligation referred to in paragraph 1 of this Article continues after the termination of the function in the Council.

IX RESOURCES FOR THE WORK OF SECURITY INTELLIGENCE AGENCIES, THE OFFICE OF THE NATIONAL SECURITY COUNCIL, INSTITUTE FOR THE INFORMATION SYSTEMS SECURITY AND OPERATION TECHNOLOGY CENTRE FOR THE TELECOMMUNICATIONS SURVEILLANCE

Article 115

- (1) The resources for the work of security intelligence agencies, the ONSC, the IISS and OTC are secured from the State Budget.
- (2) The resources for the work of security intelligence agencies, the ONSC, the IISS and OTC include also special resources for working premises, technical equipment, special purposes in the performance of the intelligence and counterintelligence functions, education, instruction and training of the employees of security intelligence agencies, and for measures of concealment.

Article 116

Provisions regulating functioning of state authority bodies appropriately apply to the

financial and material dealings of the security intelligence agencies. Information regarding the financial and material dealings is secret.

X TRANSITIONAL AND FINAL PROVISIONS

Article 117

(1) The Government shall pass the regulations on the internal organisation of security intelligence agencies, ONSC, IISS and OTC, and other rules and regulations stipulated by this Act, within 30 days from the date this Act enters into force.

(2) Ordinances on internal order and ordinances on the procedures for the functioning of security intelligence agencies, ordinances on the internal structure, and other ordinances of the ONSC shall be passed within 60 day following the date when this Act enters into force.

Article 118

The Director of SOA, the Director of VSOA and the Head of the ONSC shall be appointed within 15 days following the date when this Act enters into force.

Article 119

(1) The Director of the IISS shall be appointed within 30 days following the date when this Act enters into force

(2) Ordinance on the internal structure of the IISS and other ordinances regulating its work shall be passed within 60 days following the date when this Act enters into force.

Article 120

(1) On the date when this Act enters into force SOA, VSOA and IISS begin to function, and the Intelligence Agency (OA), the Counterintelligence Agency (POA) and the Military Security Agency (VSA) and the Institute for Information Security and Crypto-technology shall cease to operate.

(2) The internal structural units of OA and POA shall continue their work as the internal structural units of SOA, until the date when the Ordinance on the internal structure of SOA enters into force.

(3) On the date when this Act enters into force the employees of the Intelligence agency (OA) and the Counterintelligence Agency (POA) become the employees of SOA, while the employees of the Military Security Agency (VSA) become the employees of VSOA and, until the adoption of new Ordinance on the internal order of SOA, or of VSOA respectively, they continue performing the tasks they are performing on the day of entry into force of this Act.

Article 121

(1) The employees of the Intelligence agency (OA) and the Counterintelligence Agency (POA) and the Military Security Agency (VSA) shall continue to work at the work posts they were filling on the day when this Act enters into force, and shall keep the salary and bonuses determined by the currently applicable decisions, until new decisions are passed

on their assignment to work posts established by the ordinances on the internal order of the SOA and VSOA.

(2) Employees of security intelligence agencies may be assigned to work posts requiring education level for one degree higher than the one they have obtained, on condition that within four years following the assignment they obtain the required level of education.

(3) The employees of the SOA who refuse the assignment, and the employees of VSOA who refuse the assignment or are not offered one, will be placed at disposal of the Government, save for the active servicemen - employees of the VSOA, who are placed at the disposal of the Ministry of Defence and the Armed Forces.

Article 122

(1) On the date when this Act enters into force the facilities, equipment, devices, archives and documentation, and other resources of the Intelligence Agency and the Counterintelligence Agency shall be taken over by the SOA, of the Military Security Agency are taken over by the VSOA, and of the Institute for Information Security and Crypto-Technology are taken over by IISS, unless the President of the Republic and the Government consensually decide otherwise.

(2) Until the date when the Ordinance on the intelligence and the security procedures, and other implementing rules and regulations of the SOA and the VSOA enter into force, provisions of the currently applicable legal acts regulating the intelligence or the security procedures for the functioning of the Intelligence Agency, the Counterintelligence Agency and the Military Security Agency shall continue to apply appropriately, unless they are contrary to the provisions of this Act.

Article 123

The OTC shall be established within maximum one year from the date when this Act enters into force. Until the establishment of the OTC, the functions from the scope of the competence of the OTC will be performed by the Operational-Technology Centre for the Interception of Telecommunications of the Security Intelligence Agency.

Article 124

Provisions of paragraph 4 of this Article shall begin to apply on the date of the constitution of the new assembly of the Croatian Parliament, following the next parliamentary elections.

Article 125

(1) On the date when this Act enters into force, the Act on the Security Services of the Republic of Croatia (Official Gazette, Nos 32/02 and 38/02) shall cease to be valid.

(2) On the date when this Act enters into force the Regulation of the Government of the Republic of Croatia on the establishment of the Institute for information security and crypto-protective technology shall cease to be valid.

(3) On the day of entry into force of the Regulation referred to in paragraph 1 of Article 20 of this Act, the currently applicable Regulation on the obligations in the field of national security of the Republic of Croatia for legal and natural persons in telecommunications

shall cease to be valid.

This Act shall enter into force 30 days following its publication in the Official Gazette.

Class: 215-01/06-01/04

Zagreb, 30 June 2006

CROATIAN PARLIAMENT
SPEAKER OF THE PARLIAMENT

Vladimir Šeks, m.p.