



The 50th European Presidents' Conference in Vienna

2021 Annual Country Report of the Croatian Bar Association

Introduction

The 2021 annual report gives an overview of major activities, developments and challenges that impacted the functioning of the legal profession in the Republic of Croatia. It also provides statistics on the number of lawyers and trainees admitted to the Croatian Bar Association ("CBA").

Organizational Developments

During 2021 the CBA held its regular presidential elections for the 2021-2024 period. Mr Josip Šurjak was elected for a second term of office. Under Mr Šurjak's guidance the CBA decided to put a stronger emphasis on a more constructive approach of the CBA at the national and the international level. The activities for the upcoming period are therefore aimed at enhancing the CBA's participation in national legislative reforms aimed at upholding the rule of law and the protection of human rights as well as ensuring an expert exchange of relevant practices with its international counterparts. Bearing in mind the need to keep up with the evolving trends of the labour market and IT technologies, the CBA is also encouraging young lawyers to contribute to the modernisation of the CBA. Along these lines, in 2021 the CBA invested significant financial resources and introduced modern IT solutions to ensure the digitalization of the CBA's operational functioning and to contribute to a more swift and effective provision of services to lawyers.

Major Challenges Faced by the Legal Profession

During 2021, the Croatian Bar Association strengthened its efforts aimed at providing an adequate response to several major challenges faced by the legal profession, notably the adverse impacts of the earthquake that struck Zagreb and the Banovina area as well as lingering consequences of the COVID-19 pandemics.

Although the COVID-19 pandemic continued to pose serious challenges to the CBA's regular work it has managed to carry out its regular meetings and activities to ensure an effective functioning of the legal profession.



In particular, the CBA took a series of financial and capacity building measures to ensure support to lawyers practising in earthquake-struck areas. On this note, the CBA donated significant financial resources (approx. EUR 130.000,00) and mobile housing units to people in need, including lawyers to ensure regular functioning of their everyday work. In addition, the CBA put in place practical solutions enabling lawyers to obtain IT equipment under favourable conditions. It has also made sure that free legal aid was given to people applying for home reconstruction.

In addition, the CBA carried out a set of activities to address the pressing concerns of lawyers such as the protection of physical integrity of lawyers on court premises due to their poor state of repair, the inability to obtain State benefits for self-employment and the prevention of unauthorized promotion of legal services.

Contributions to Legislative Reforms

The CBA upscaled the dialogue with the Ministry of Justice and Administration with a view to ensuring that legislative reforms regarding the legal profession are in line with current trends and relevant international instruments. In particular, the CBA proposed to the Ministry of Justice and Administration to schedule regular meetings to reinforce the flow of expert knowledge. The CBA furthermore set up dedicated in-house working groups to identify legislative shortcomings and propose amendments to pieces of legislation relevant for the legal profession.

One of the major legislative activities regarding the legal profession in 2021 was the adoption of the amendments to the Legal Profession Act. The novelties aim at, inter alia, facilitating lawyers licensed by competent Bar Associations in the European Union to practice law in the Republic of Croatia on a permanent or a temporary basis. The amendments delineate conditions for practicing law and the scope of rights and obligations. In doing so, the CBA has taken on board the relevant EU Directives warranting freedom of movement of persons and services on account of the market liberalization by establishing the right balance between the market opening and preserving the legal profession and consumer rights. The changes moreover motivated the CBA to prepare amendments to the Attorney's Fees Act that would provide for the possibility to stipulate the fee in a more flexible manner.

In addition, the members of the CBA submitted, proposals to the amendments to the Civil Procedure Act (regarding the re-institution of the stay of proceedings, mandatory scheduling of hearings on a three-month basis, stay of deadlines for receiving court's documents during summer and winter holidays) and to the Public Procurement Act (regarding the issue of providing legal services in public procurement proceedings by legal practitioners who are not lawyers). The members of the CBA are also taking part in drafting the Act on Lobbying that will make way for lawyers to provide lobbying services in a regulated and a transparent manner.

The CBA members furthermore carried out a deep dive analysis of the issues stemming from the excessive length of civil proceedings to detect the root causes, engage in a constructive dialogue with relevant stakeholders and propose legislative



amendments aimed at ensuring that civil proceedings are brought to an end without delay.

It is also important to highlight the CBA's participation in drafting the National Plan for the Development of the Justice System for the 2021 - 2027 period that will contribute to effective administration of justice.

Outreach Activities

Despite the COVID-19 measures that restricted the possibility of face-to-face dialogues, the CBA invested additional efforts to organise and take part in activities tailored to the needs of the legal profession. In that respect, the members of the CBA participated in a workshop hosted by the Croatian Academy of Science on the impact of the Covid-19 pandemics on the work of lawyers. The CBA delegation furthermore participated in a high-level event marking the opening of the new national centre for providing free legal aid, including by lawyers. The purpose of the centre is to ensure equal access to national and international bodies to all citizens regardless of their economic background.

Under the auspices of the USA Embassy in Croatia, lawyers were given an opportunity to gain insight on how to promote entrepreneurial life cycle principles in their work. The CBA moreover appointed a focal point for the Ombudswoman's Office to strengthen the protection of human rights by ensuring that public authorities take into account her recommendations. Lawyers were also able to raise their knowledge on standards regarding fighting bribery in international business transactions through a conference hosted by the OECD.

As regards the CBA's participation in international activities regarding the protection and the promotion of the legal profession, it is highlighted that CBA contributed to the Periodical Review of the Republic of Croatia on the implementation of the International Covenant on Civil and Political Rights on topics related to providing free legal aid by the CBA and awareness raising activities enhancing the expert knowledge of lawyers on the protection of human rights.

The CBA moreover contributed to the dialogue with the Council of Europe on the need to introduce the European legal instrument for the protection of lawyers bearing in mind the importance of preserving the independence and impartiality of the legal profession guaranteed by the Constitution of the Republic of Croatia. The CBA's members also attended the signing of the Memorandum of Understanding between the Council of Europe and the CCBE. They furthermore participated in a high-level conference on the benefits, challenges, and development of the e-communication in the Croatian justice system hosted by the Council of Europe.

The European Commission moreover organised a conference on the rule of law with a special emphasis on the impartiality of disciplinary proceedings against lawyers. It was attended by CBA's members who expressed their concerns on the lack of public availability of the domestic courts' case-law that places an excessive burden on the regular work of lawyers.



The CBA also marked the European Lawyer's Day by bringing together prominent representatives from the Ministry of Justice and Administration and from the highest courts in Croatia.

Statistics

The available statistical data indicate that on 11 May 2022 there were a total of 4996 lawyers actively licensed to practice law in the Republic of Croatia with additional 13 lawyers licensed to practice law under the profession of their domicile country other than Croatia and 1565 trainees.

Yours faithfully,

PRESIDENT



Josip Šurjak