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gazetted in OFFICIAL GAZETTE OF REPUBLIC OF CROATIA N^o. 70 of
July 7, 1997

THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF
REPUBLIC OF CROATIA

1209

By virtue of Article 89 of the Constitution of the Re-
public of Croatia I pass

THE RESOLUTION ON PROMULGATION OF THE
LAW RELATING TO ASSOCIATIONS

I promulgate the Law Relating Associations passed by the
House of Representatives of the Congress of the Republic of
Croatia on its meeting of June 18, 1997.

No. 081-97-1059/I
Zagreb, June 26, 1997

The President
of the Republic of Croatia
signed Franjo Tudjman, PhD

LAW RELATING TO ASSOCIATIONS

I GENERAL PROVISIONS

Field of Application

Article 1

(1) The foundation, structure, legal status and dissolu-
tion of associations as well as registration and dissolution of
foreign associations are regulated by this Law, except as other-
wise provided in a separate law.

(2) The provisions of this Law have no reference to
labor unions and employers' associations except the provisions
of Article 38, Items 4 and 5 and Article 41 of this Law as well
as to political parties and denominational unions.

Concept of Association

Article 2

(1) Association within the meaning of this Law is any
form of voluntary association of persons and legal persons resi-
dent in the Republic of Croatia that have for the purposes of
safeguarding and promotion of mutual ecological, commercial,
humanitarian, informative, cultural, ethnic and national, educa-
tional, social, professional, sporting, technical, sanitary and

hygienic, scientific and other interests and purposes, as well as their convictions, nonprofit-making, submit themselves to rules that regulate the setting up and functioning of this form of association, unless the law provides otherwise.

(2) The association is a legal person. The association is incorporated by entry in the Register of Associations.

Membership in Association

Article 3

(1) Any citizen of the Republic of Croatia having legal competence and every legal person resident in the Republic of Croatia can, on equal terms in accordance with the constitution, become member of the association.

(2) Persons without legal capacity or of restricted legal capacity can be nonactive members of the association (nominal members).

(3) The admission of members can be restricted to individuals or legal persons only by the constitution of the association.

(4) The representative of the legal person on an association shall be nominated by the authorized representative of the legal person.

(5) Aliens and legal entities with seat abroad (foreign juristic persons) can become members of the association, if it is provided in the constitution of the association, in conformity with this Law.

(6) The association is bound to keep a membership register.

ACTIVITY OF AN ASSOCIATION

Article 4

(1) The association can be engaged only in activities by means of which its purposes provided by the constitution are realised.

(2) The association is independent in achievement of purposes provided by the constitution.

(3) The association operates on a non-profit basis. If the association realizes a profit it should be appropriated exclusively to its activities and promotion of the activities of the association by means of which the purposes provided in the constitution are achieved.

Availability for Public Inspection of the Activity of the Association

Article 5

(1) The activities of the association are open to public inspection.

(2) The association is obliged to keep its members informed of its activities in the manner provided by the constitution.

(3) The way of availability for public inspection of the work of the association is provided by the constitution.

→ (4) The public can be only exceptionally excluded from the meetings of bodies in cases provided by the constitution.

Leading of the Association and their Bodies

Article 6

(1) The members lead the association directly or through their elected representatives.

(2) The association should have an assembly as the supreme body of the association and the president of the association.

(3) Beside the bodies stated in paragraph 2 of this article other bodies of the association can be provided in the constitution.

(4) A different name for the assembly as the supreme body of the association can be stipulated by the constitution.

Article 7

An alien or representative of a foreign juristic person that is member of the association can be member of the body of the association.

Union of Associations and Patterns of Organization

Article 8

(1) Two or more associations can unite into a union or communities of associations. The union or the community of the associations have legal capacity and the provisions of this Law apply mutatis mutandis thereto.

(2) The associations can become members of international associations.

(3) The association can have its patterns of organization (branch offices, branches, clubs) in conformance with the constitution.

(4) Patterns of organization of the association are without legal capacity.

(5) The association is obliged to give notice of foundation and functioning of its patterns of organization to the body of state administration at which it is entered in the register within 15 days from the day of foundation.

(6) The secretary of administration shall prescribe the the blanks and the procedure of applying for registration of foundation and of functioning of the patterns of organization of the association.

Foreign Associations

Article 9

(1) A foreign association, as defined by this Law, is an association with seat abroad, founded and registered abroad.

(2) The foreign association can, on mutual terms, against prior consent of the State Department, be engaged in its activities in the territory of the Republic of Croatia. The consent of the State Department is not an administrative act.

(3) The foreign association can be engaged in its activity in the territory of Republic of Croatia after entry in the Register of Foreign Associations kept by the Ministry of Administration.

(4) The foreign association can operate in Republic of Croatia only in conformity with this Law and other regulations that regulate the operation of associations resident in Republic of Croatia.

II FOUNDATION OF ASSOCIATIONS

Foundation of an Association

Article 10

(1) The foundation of an association requires at least ten founders.

(2) The founder can within the meaning of this Law be a citizen of Republic of Croatia of legal capacity and a legal person resident in Republic of Croatia.

(3) Naturalized alien or alien with business visa or residence permit for residence longer than a year can be founder of an association with a seat in Republic of Croatia on mutual terms.

(4) A foreign juristic person can be founder of an association on mutual terms.

Constitution of the Association

Article 11

(1) An Association has a constitution.

(2) The constitution is the basic general rule of the association adapted by the assembly of the association. Instead of the name constitution the association can also use another name.

(3) The constitution should comprise regulations concerning:

- name and seat,
- territory in which the association functions,
- representation,
- purposes,
- activities through which the purposes are to be achieved,
- realization of the availability to public inspection of the activity of the association,
- membership and membership fee,
- rights and obligations of the members and disciplinary measures,
- internal relationship,
- bodies of the association, their composition, powers, ways of decision-making, necessary qualifications of election candidates and election procedure as well as prerequisites for recall and the recall procedure, duration of mandate, responsibilities of the members,
- property and disposal of possible profit,
- ways and means of property acquisition,
- dissolution of the association and assets management in case of dissolution.

(4) The association can have its emblem, the appearance of which shall be determined in the constitution.

Name of the Association

Article 12

(1) The name should be in Croatian language and written in Latin script.

(2) The association whose aim is in protection and promotion of interests of member of ethnic and national group or minority can have beside the name in Croatian language and latin scrip its name written in the language and script of the ethnic and national group or minority.

(3) The name of the association can be, if it is provided by the constitution, entered in the Register of Association also in translation into one or more foreign languages. The name in the Croatian language should be entered in the first place.

(4) Beside its full name the association can also use a short name that should comprise the characteristic part of the name of the association.

(5) The short name should be entered in the Register of Associations.

(6) The association is obliged to use its name and short name in the form and content in which it is entered in the Register of Associations.

(7) If beside the name or short name the name or short name is entered in the Register of Associations in translation into a foreign language too, the association can use the name or short name in the foreign language only together with the name in the Croatian language.

(8) An application for registration shall be rejected if the name of association does not clearly differ at least in the seat used in the name from the name of the already registered association.

(9) If two or more applications for registration with the same name and seat used in the name are submitted with the body of state administration that keeps the Register of Associations, the application that is first filed will be accepted.

(10) If two or more associations are entered in the Register of Associations with name that does not differ from each other, the body of the state administration that is competent to do registration, shall ex officio or on application of the association that is earlier registered define a term that cannot be shorter than a month, in a decision, against which a special means of redress is unadmissible, for the association that is later registered to change its name. If the association fails to comply with this decision, a decision on striking off the association shall be issued.

Use of Certain Words

Article 13

(1) The word "Croatia" in any language and its derivatives as well as the parts of the coat of arms and flag of the Republic of Croatia can be included in the name and emblem of the association in the way that emphasizes the reputation and

dignity of Republic of Croatia against the prior authorization of the Department of Administration.

(2) The name and the emblem of the association should not contain the official name of other states and their state symbols.

(3) The name of the local self-government unit and the local government and self-government unit, its derivatives as well as its coat of arms and flag, can be included into the name and emblem of the association only against the authorization of the competent bodies of local self-government unit and local government and self-government unit.

(4) The name of the association is intended for protection and promotion of members of the ethnic and national group or minority can comprise the name of the ethnic and national group or minority, its coat of arms, flag or emblem.

(5) Words, coat of arms, flag and emblem as stated in paragraphs 3 and 4 of this article can be used in the way that emphasizes the reputation and dignity of the local self-government unit and the ethnic and national group or minority.

III REGISTRATION OF ASSOCIATIONS

Registration of Associations

Article 14

(1) The associations shall be entered into the Register of Associations.

(2) The foreign associations should be entered into the Register of Foreign Associations.

(3) The associations stated in paragraphs 1 and 2 of this Articles cannot be engaged in their activities prior to registration.

Article 15

Keeping of Register

(1) The Register of Associations is maintained by:

- District Office of Civil Service for associations that operate in the territory of a district and
- Department of Administration for associations that operate in the territory of two or more districts or in the whole territory of Republic of Croatia.

(2) The Register of Foreign Associations is kept by the Department of Administration.

(3) The Department of Administration shall proscribe by a rule the forms and the way of keeping the Register of Associations and Register of Foreign Associations.

(4) The Register of Associations and the Register of Foreign Associations are open to the public.

Entering into the Register of Associations

Article 16

(1) The registering in the Register of Associations is done on application of the founder.

Procedure on the Occasion of Application for Registration

Article 17

(1) The body of the state administration competent for registration is bound to issue a Certificate of Incorporation within 30 days from the day of filing of a proper application for registration.

(2) If the body of the state administration competent for registration establishes that the constitution is not consistent with this Law, the body shall draw the attention of the association to be registered to the mentioned fact and give a deadline for adjustment, that cannot be either shorter than 15 days or longer than 30 days.

(3) If the association to be registered does not adjust its constitution to this Law within the given period, the body of the state administration competent for registration shall issue a notice of rejection of the application for registration.

(4) The Certificate of Incorporation contains: name, seat, date of registration, registration number under which the entry is made, territory in which the association will operate, tenor of the activities of the association, ascertainment, that the association is incorporated, and the names of persons with power of representation.

(5) The District Office of Civil Service is obliged to serve the Department of Administration with the Certificate of Incorporation within eight days from the date of the Certificate of the Incorporation.

(6) The body of the state administration competent for registration is obliged to serve the body of the state administration, in whose area of responsibility the activity of the association belongs in consideration of the purposes of foundation as well as the body of the state administration competent for monitoring of public revenues with Certificate of Incorporation of the association.

(7) The copy of the constitution of the association authenticated by the body of state administration shall be served on the association.

Presumption of Registration

Article 18

(1) If the body of state administration competent for registration does not issue the Certificate of Incorporation within 30 days from the day of filing of a proper application, it shall be deemed that the association is entered in the register a day after the expiration of that period.

(2) The provision of paragraph 1 of this article does not apply in case of Article 17, paragraph 2 of this Law.

Rejection of Registration

Article 19

Application for registration shall be rejected, if the purposes and activities laid down in the constitution are prohibited by the Constitution of the state or by law.

Applications for Registration of Changes

ARTICLE 20

(1) The person with power of representation of the association is obliged to file an application for registration of changes referring to:

- constitution,
- name and seat,
- purposes and activities
- name of persons with power of representation, and
- dissolution of the association.

(2) The application for registration according to paragraph 1 of this Article is to be filed within two months from the date when the resolution about the change was adopted. The application filed after that term, except when it refers to dissolution of the association, shall be rejected by a resolution to which a special appeal is admissible.

(3) Minutes of the proceedings of the assembly and the resolution on the change, the new constitution and amendments and supplements to it, as well as proofs of nationality for the persons with power of representation are to be enclosed with the application.

(4) A Certificate of Incorporation on the Changes is to be issued.

(5) A copy of the new constitution or amendment or supplement of the constitution certified by the body of state administration competent for registration shall be served upon the association.

Entering into the Register of Foreign Associations

Article 21

(1) With the Application for Entering into the Register of Foreign Associations should be enclosed:

- Consent of the State Department as provided in Article 9, Paragraph 2 of this Law,
- Copy of the Register in which the foreign association is entered in the country of residence, not older than a month, that shows who is authorized to represent the foreign association and for which activities it is registered,
- certified translation of the Copy of the Register mentioned in subparagraph 1 of this Article into Croatian language,
- certified translation into Croatian language written in Latin script of the constitution,
- proof of the nationality of the person authorized to represent the foreign association.
- other pieces of evidence if special rules for registration of foreign associations are proscribed by a special law.

(2) The Application for entering in the Register of Foreign Associations shall be filed by the person with power of representation.

(3) The provisions of Article 17, paragraphs 1, 2 and 3, Article 18, Article 19 and Article 20 of this Law apply mutatis mutandis to foreign associations.

(4) The Certificate of Incorporation of a Foreign Association comprises: name, seat, date of registration, registration number, under which the entry is made, tenor of the activi-

ties of the foreign association, and the names of persons with power of representation.

Legal Remedies

Article 22

(1) On appeal against the Certificate of Incorporation issued by the District Office of Civil Service decide the Department of Administration.

(2) The decision issued by Department of Administration in the first as well as in the second instance is not appealable but proceedings before an administrative court can be initiated.

IV PROPERTY AND LIABILITIES OF AN ASSOCIATION

Property of an Association Article 23

(1) Financial assets which an association has acquired by membership fees, donations and gifts, organization of the games of change, its admissible activities, dotations from both state and local government budgets and funds, its immovables and movables as well as all other property rights establish the assets of the association.

(2) Amount of the means for the dotation from the budget is estimated each year at approval of budget. Criteria for establishing which associations are of interest to the Republic of Croatia adopts the Parliament of the Republic of Croatia at the suggestion of the Government of the Republic of Croatia according to programs of the associations.

(3) Provisions of the Paragraph 2 of this Article are applied mutatis mutandis to the dotations of the local self-government and government units.

Liabilities Article 24

(1) For undertaken obligations the association is liable to the extent of its property.

(2) Bankruptcy proceedings can be brought against the association.

Finance Management of the Associations

Article 25

The associations are required to keep the books of accounting and to prepare the financial statements according to regulations laying down the type of accounting practice in the nonprofit organizations.

V SUPERVISION

Supervising Authorities

Article 26

(1) Administrative supervision of the enforcement of this Law and regulations laid down by virtue of this Law has the Department of Administration.

(2) Supervision of the association activities carries out the state administration authority competent for registration and state administration authority within whose competence belong, taking into consideration the the purposes of the association, the activities of the association.

(3) Supervision of lawfulness of the finance management of the Association belongs within the competence of the state administration authority competent for public revenue.

Implementation of the Supervision

Article 27

(1) If a civil servant authorised to implement supervision of the association activities finds this Law or other regulation to be violated, he has power to take following measures:

1. order to remove the established flaws and irregularities within a fixed term,

2. file a petition for institution of proceedings relating to administrative offenses.

(2) If the established flaws and irregularities have not been eliminated within the period allowed, the state administration authority competent for registration will act in accordance with Article 28 of this Law.

(3) The civil servant of the state administration authority competent for the registration is bound to inform without delay a state administration authority within whose competence belong, taking into consideration the the purposes of the association, the activities of the association, about the measures provided in Paragraph 1 Item 2 and Paragraph 2 of this Article. If the measures provided in Paragraph 1 of this Article have been taken by a civil servant of the state administration authority within whose competence belong, taking into consideration the purposes of the association, the activities of the association, it is his duty forthwith to give notice to that effect to the state administrative authority competent for registration.

VI DISSOLUTION OF AN ASSOCIATION

Dissolution Order and Striking off the Register

Article 28

(1) The state administration authority competent for registration will issue a dissolution order:

1. if the competent authority of the association has adopted a resolution to dissolve the association,

2. if it was established that the association ceased to exist or if no assembly has been held for at least two years,

3. if it was established that the constitution does not comply with this Law,

4. if it acts contrary to the provisions of the Law and the constitution,

5. if the number of the association members has been cut down under the number required for an association to be founded.

6. if an absolute ban has been placed on its activities

7. in the case of bankruptcy.

(2) The facts provided in the Paragraph 1 of this Article are to be established by a state administration authority competent for registration ex officio.

(3) In the case provided in Item 3 Paragraph 1 of this Article the provisions of the Article 17 Paragraph 2 of this Law will be applied mutatis mutandis by the state administration authority competent for registration.

(4) A managing trustee, who will immediately assume management and control and have power of representation of the association, shall be appointed by the Resolution for Resolution issued by the body of state administration competent for registration of the association for the case of dissolution. The association trustee shall take over the property and and the records from the former bodies of the associations about which separate minutes will be drawn up. If the former bodies of the association refuse to participate in the taking over, or do not comply with the request of the trustee respectively, the trustee will draw up the minutes concerning property and records acceptance by himself. A copy of the minutes of acceptance, or taking over respectively, shall be served on the body competent for registration of the association in order to issue a Resolution for Dissolution.

5) By means of Resolution on Termination of Liquidation of Pararaph 4 of this Article it will be decided on disposal of property in harmony with the provision of Article 29 Paragraph 1 of this Law.

(6) In case that in the liquidation proceedings provided in Paragraph 4. of this Article will be ascertained that the property of the association is insufficient to settle the claims of the creditors, the liquidation proceedings will be terminated by the authority competent for registration of the association and the absolute resolution will be served on the court having jurisdiction over bankruptcy proceedings and which will carry out the proceeding ex officio.

(7) By virtue of absolute Resolution on Termination of Liquidation provided in Paragraph 4 of this Article, or termination of banruptcy proceedings provided in Paragraph 6 of this Article respectively, the association will be struck off the Register by the state administration authority competent for registration of the association.

(8) The association ceases to exist by striking off the Register according to Paragraph 7 of this Article.

Distribution of the Property of the Association in Case of Dissolution

Article 29

(1) In case of dissolution of an association, after settlement of creditors' claims and payment of litigation costs and costs of other proceedings the property shall be conveyed unto persons provided by the constitution of the association.

(2) If no person provided in Paragraph 1 of this Article is designated by the constitution the property of the association will be taken over by:

- the Republic of Croatia if the association has been registered by the Department of Administration.

- the District if the association has been registered by the District Office of Civil Service of that District.

(3) If an injunction prohibiting the activities of the association as defined by Article 32 of this Law, it will be granted by an imposing Court order supported by justified reasons regarding the circumstances of the case, the remaining assets to be handed over to a certain institution, trust or foundation having the same or similar goal as the banned association. In order to decide on handing over of the remaining assets, the court will procure needed data from competent authorities or possible beneficiary.

VII PROHIBITION OF THE ACTIVITIES OF AN ASSOCIATION

Temporary Injunction

Article 30

(1) If there is a well-founded suspicion that the association acts contrary to the provisions of the Constitution of the state or law, the state administration authority competent for registration is obliged in exercise of its office or upon request of the Prosecutor's Office having the jurisdiction over the subject matter, to issue a temporary injunction.

(2) It is the duty of the Prosecutor's Office having jurisdiction in rem to apply for a temporary injunction provided in Paragraph 1 of this Article, if it has initiated an action before court in order to prohibit the activities of the association.

(3) If the state administration authority competent for registration has issued the temporary injunction ex officio, it will promptly notify the Prosecutor's Office having jurisdiction in rem in order to initiate an action for prohibition of the association.

(4) The Prosecutor's Office is bound to decide either to initiate an action before Court for issuing an injunction prohibiting the activities of the association or to refuse the petition of the competent authority for registration.

(5) The state administration authority competent for registration has the right to file an appeal from the refusal of the petition within three days with the Prosecutor's Office of the Republic of Croatia which is bound to decide on the appeal within three days.

(6) If the appeal provided in the Paragraph 5 of this Article is dismissed, it is the duty of the authority competent for registration to override its temporary injection for prohibition of the activities of the association without delay.

(7) The temporary injunction prohibits preliminary measures against any disposal or charge of the property of the association and appoints an temporary manager having all the powers of the bodies of the association. The temporary manager is entitled to ask for assistance from the judicial authorities having jurisdiction in the subject matter and competent administrative authorities in order to perform his entrusted duties. The temporary manager is entitled to dispose of the property of association only upon an authorisation of the authorities provided in Paragraph 1 of this Article.

(8) The body of state administration competent for registration has a duty to gazette immediately in at least one daily newspaper the wording of the temporary injunction provided in Paragraph 1 of this Article.

(9) The temporary injunction can be appealed within eight days to the court of competent jurisdiction. The appeal may be filed in the name of the association by the persons with power of representation. The time for appealing shall start to run on the day of the gazetting provided in the paragraph 8 of this Article. The appeal does not suspend execution of the temporary injunction.

(10) The court shall immediately serve the state administration authority, that has temporarily prohibited the acting of the association, with the appeal provided in Paragraph 9 of this Article with enclosed exhibits to the which may brief on appeal within 3 days. This body has a duty to submit the file to the court within this term. The Court shall sit in chambers ?? OR The Court shall dispose of the case without trial.
<CONTRADICTION: s. Art. 32, para. (2) Literal translation of the last sentence: The Court shall decide in the form of a Court order by virtues of records and appeal WITHOUT taking place of HEARINGS>.

(11) If an action before the court is commenced, the temporary prohibitory injunction remains in effect until the action before the Court is lawfully completed provided that the Court has not otherwise decided on the appeal filed by the association provided in Paragraph 10 of this Article. The Court can in the course of the proceedings discharge the temporary injunction officially as well, if the Court arrives at the opinion that the discharge shall not either substantially impair the public order or/and the foundations of the legal system of the Republic of Croatia, or considerably impair the interests of the state, local self-government and administration units, members of association as well as of other persons.

Bringing an Action for Prohibitory Injunction

Article 31

(1) The Prosecutor's Office of competent jurisdiction shall bring an action for injunction prohibiting the activities of the association before the the District Court, venue laid in the place where is the seat of the association.

(2) The action shall be decided by three judges sitting in chambers ?. <s. CONTRADICTION>

Legal Procedure before the Court of First Instance

Article 32

(1) The Court shall forthwith serve the person with power of representation at the time of issuing of the Court order granting the injunction or that person can either not be serviced or is prevented duly to represent the association, any member of the association bodies with the action for injunction. If either no member of the association body can be serviced or they notify the court of having no purpot to represent the association. an Attorney of Record will be appointed by the court.

(2) The Court is bound to open a hearing on the action for injunction prohibiting the activities of an association within the period from eighth to fifteenth days after the attorney of the association has been serviced by virtue of Paragraph

1 of this Article. It is a duty of the Court to gazette the time and place of hearing in the daily press not later than the day following the day of deciding.

(3) The person with power of representation of the association is entitled to take a part in the proceedings on behalf of the association.

(4) The Court can be held and judge even if the duly summoned persons fail to appear before Court in spite of being expressly warned in the summons.

(5) The Court shall on the basis of the held trial pass a judgement either granting the injunction in order to prohibit the activities or rejecting the action.

(6) The court pronounces the judgement and makes it public immediately upon the trial.

(7) The judgement has to be in writing and a certified copy has to be delivered to the parties within three days from the day of pronouncement.

Appeal

Article 33

(1) The Federal Public Prosecutor, the person with power of representation or his substitute respectively are entitled to file an appeal from the decision of the District Court granting prohibitory injunction to the Supreme Court of the Republic of Croatia within the eight days of the day of service.

(2) The appeal from the decision on prohibition of the activities of association does not stay execution.

(3) The appeal is serviced for brief of appeal. The brief of appeal has to be submitted within 3 days.

(4) An appeal filed in due form and time will be submitted by the District Court to the Supreme Court of the Republic of Croatia along with all records within three days from receipt of the brief of appeal or from expiration of time for appealing.

(5) The Supreme Court of the Republic of Croatia is bound to dispose of the case in session within the eight days of receipt of the appeal with records.

Appropriate Application of the Provisions of Code of Criminal Procedure

Article 34

The provisions of the Code of Criminal Procedure find an appropriate application in the course of procedure for granting the prohibitory injunction unless otherwise provided by this Law.

VIII PENAL PROVISIONS

Administrative Offenses

Article 35

(1) A fine from 3.000.00 to 20.000.00 Kunas shall be imposed on an association which:

- keeps no membership register (Article 3, Paragraph 6),
 - gives no notice of foundation and activities of its patterns of organization in due time (Article 8, Paragraph 5)
- (2) A fine from 10,000.00 to 100,000.00 Kunas shall be imposed on an association which:
- performs activities contrary to the goals laid down in its constitution (Article 4 Paragraph 1)
 - does not use the name and short name in the form and wording as entered in the Register of Association (Article 12 Paragraph 6),
 - does not file an application to enter the amendments of the constitution, name, seat, goals and activities as well as the names of the persons with power of representation to the authority competent for registration (Article 20 Paragraph 2),
- (3) A fine from 1,000.00 to 10,000.00 Kunas shall be imposed on both the association and the person with power of representation of association for the offenses defined in Paragraph 1 and 2 of this Article.
- (4) A fine from 2,000.00 to 20,000.00 Kunas shall be imposed on an authorised signatory of association for starting the activities of the association prior to registration (Article 14 Paragraph 3).
- (5) A fine from 3,000.00 to 30,000.00 Kunas shall be imposed on the person either engaged in activities in the name of the association in spite of refusal of an application for registration (Article 17 paragraph 3 and Article 19) or continued to engage in activities in the name of an association after the injunction has been imposed (Article 32).

IX PROVISIONAL AND FINAL PROVISION

Transformation of the Community Organizations

Article 36

- (1) The Community Organizations continue their activities as associations after the effective date of this Law unless otherwise provided therein.
- (2) All community organization transformed into associations as of the day of effective date of this Law and subject to registration will be notified of transformation by the state administration authority competent for registration of the associations ex officio within the six months.

Adaptation of Constitution of the Association

Article 37

- (1) The association provided in Article 36 of this law, former association of individuals and associations of aliens are bound to adapt their constitutions to the provisions of this Law within six months of the effective date of this Law as well as to file an application for registration to the authority of competent jurisdiction.
- (2) Community organizations and citizens' associations, whose patterns of organization (establishments, branches, clubs) possess full juridical personality, are bound to get constitute either as an universal legal entity having no patterns of organization corresponding to legal entity or as an association or

in any other form of association provided for associations within the period of time provided in Paragraph 1 of this Article (Article 8).

(3) Provided that an association does not act in accordance with the provision of Paragraph 1 and 2 of this Article, the state administration authority competent for registration will adopt a Resolution on Dissolution and Striking the Association off the Register.

(4) Foreign Association provided in Article 9 Paragraph 2 of this Law as well as foreign associations entered in the register kept by Department of Commerce by the effective day of this Law, are bound to apply to be entered in the Register of Foreign Association within 90 days of the effective date of this Law.

(5) If the foreign associations fail to comply with the provision of the Paragraph 4 of this Article they will be deprived of their right to engage in activity in the territory of Republik of Croatia and stricken off the Register kept by Department of Commerce as well as off the Register of international Organizations in the Republic of Croatia.

Property of the Community Organizations

Article 38

(1) Immovable public property held by the community organizations by the effective date of this Law pass into ownership of the Republic of Croatia of the effective date of this Law unless otherwise provided thereto.

(2) Immovables held by voluntary fire department and acquired and built either by the contributions of the citizens or by other donations and not by the means of other public funds pass into ownership of the voluntary fire department associations of the effective day of this Law.

(3) Government of the Republic of Croatia or a competent Department appointed by the Government according to standards laid down by the Parliament of the Republic of Croatia upon the proposal of the Government of the Republic of Croatia within a year of the date of adoption of the standards by the Parliament of the Republic of Croatia may assign the immovables aquired by the Republic of Croatia upon the provision of the Paragraph 1 of this Article to the association appointed as a successor in title of the former community organization by the terms of Article 36 thereto or to one or more local self-government and government unit.

(4) Associations being successor in title of the former community organizations continue to utilize the immovables held by their predecessor in title to full extent but either to lease or to put a lien on real property as well as to sell or alienate it howsoever. The provisions of this paragraph do not apply to the leases entered prior to the effective date of this Law, provided that either the Republic of Croatia or the persons assigned the ownership by the Government of the Republic of Croatia under the Paragraph 3 thereto enter the lease as substitute for lessor.

(5) The provision of the Paragraph 4 is also applied to the immovables held by former socio-political organizations - Croatian Federation of Trade Unions and by unions registered by the first day of application of the Employment Act (Official

Gazette No. 38/95) as community organization and after that day in conformance with the provisions of that Law (hereinafter: trade unions).

(6) The trade unions provided in Paragraph 5 of this Article are given the authority to reach a mutual agreement upon the distribution of the immovables provided in Paragraph 5 of this Article within the 180 days of the effective date of this Law. Each trade union acquires the ownership of the real property assigned upon that agreement. If the trade unions reach no mutual agreement upon the distribution of those immovables within the six months upon expiry of time limits pass into ownership of the Republic of Croatia and the Government of the Republic of Croatia or a competent Department appointed by the Government will assign those immovables to trade unions provided in Paragraph 4 of this Article according to the standards laid down by the Parliament of the Republic of Croatia within a year of the date of adoption of the standards by the Parliament of the Republic of Croatia.

(7) The provisions of the paragraphs 1, 3, 5 and 6 refer neither to immovables subject to a ban by the virtue of the Law on Prohibition of Devolution of Title of Certain Public Property ("Official Gazette No. 53/90, 61/91, 25/93 and 70/93) nor to immovables held by the former socio-political organization (Communist League of Croatia, Socialist Alliance of Working People, Croatian Federation of World-War II Veterans' Organizations and Croatian Youth Association).

(8) Real property held by Matica hrvatska as well as by organizations of ethnic groups and national communities or minorities on the effective day of this Law pass into the ownership of the association appointed as a successor in title of those former community organization.

(9) The associations appointed as the successors in title of the former community organizations and trade unions registered as community organizations by the first day of application of the Employment Act are bound to serve the Government of the Republic of Croatia with the schedule of property held by themselves within the 60 days of effective date of this Law.

(10) The associations appointed as the successors in title of the former community organizations and trade unions registered as community organizations by the first day of application of the Employment Act which fail to comply with the provision of the Paragraph 9 of this Article will be deprived of their right to acquire the ownership of the immovables by virtue of the provisions of the Paragraph 3 and 6 of this Article.

(11) Movables held by former community organizations on the effective date of this Law pass into the ownership of the association appointed as a successor in title of that former community association.

Rules of register of Associations Article 39

(1) The Secretary of State Administration will bring the regulation provided in Article 8 Paragraph 6 and in the Article 15 Paragraph 3 of this Law within the thirty days of the effective day thereof.

(2) The association founded upon the former regulations as citizens' associations will be entered in the Register of Associations by virtue of this Law after the provision of Article 37 Paragraph 1 of this Law has been complied with.

Abrogated Regulations Article 40

(1) The Law on Community Organizations and Citizens' Associations ("Official Gazette No. 7/82, 5/85, 47/89 and 2/90) as well as Item 3 Paragraph 1 of the Article 1 of the law on Adoption of the Federal Law on Home Affairs applied in the Republic of Croatia as republic regulations ("Official Gazette No. 53/91) will be abrogated of the effective date of this Law.

(2) The Rules relating Blanks and Register of the Community Organizations (Official Gazette No. 34/82), Rules of Register of Citizens' Associations (Official Gazette No. 27/82), as well as the Rules relating Blanks and Register of the Foreign Organizations and the Bodies of Foreign Organizations remain in effect by the regulations provided in Article 15 Paragraph 3 of this Law will be passed.

Matters in course of Proceedings

Article 41

(1) The actions commenced by virtue of the Law on Community Organizations and Citizens' Organizations (Official Gazette No. 7/82, 5/85, 47/89 and 2/90) which have not been terminated by the effective date of this Law, will be terminated by the virtue of this Law.

(2) The provision of the Article 36 Paragraph 1 of this Law does not refer to trade unions and associations of employers registered as community organizations by the day of application of the Employment Act unless otherwise provided by this Law.

(3) The trade unions and associations of employers registered as community organizations by the day of application of the Employment Act comprised of employees, employers respectively as members and authorised to negotiate, are bound to apply to be entered into Register of Associations kept by Ministry of Labour and Social Welfare, competent District Office of Labour, Health and Human Services respectively within the 30 days of effective date of this Law.

(4) The trade unions and associations of employers registered as community organizations by the date of application of the Employment Law which fail to comply with conditions provided in Paragraph 3 of this Article are bound by the virtue of this Law to apply to be entered into Register of Associations kept by Department of Administration, competent District Office of Public Service respectively within the 30 days of effective date of this Law.

(5) The trade unions and associations of employers which fail to comply with the provisions of the Paragraph 3 or 4 of this Article will be passed the Resolution of Dissolution ex officio.

Acceptance of Records

Article 42

(1) The Department of Administration will record in the minutes the acceptance of the register and existing records related to foreign association registered by Department of Commerce as well as register and existing records related to Foreign Association registered by the Home Office within the 30 days of effective date of this Law.

(2) The Ministry of Labour and Welfare, competent District Offices of Labour, Health and Human Services, respectively will record in the minutes the acceptance of the existing records related to trade unions and associations of the employers provided in Article 41 Paragraph 3 of this Law within the 30 days of effective date of this law.

Effective date of the Law

Article 43

This Law shall take effective on the eight day upon gazetted in the Official Gazette

Ref. No.:230-01/97-01/01
Zagreb, June 18, 1997

HOUSE OF REPRESENTATIVES
PARLIAMENT OF THE REPUBLIC OF CROATIA

Chairman
of the House of Representatives
signed Academician Vlatko Pavletić

--- end of translation ---