



REPUBLIC OF CROATIA
STATE ATTORNEY'S OFFICE OF
THE REPUBLIC OF CROATIA

Num: A-362/2019
Zagreb, June 7. 2019.
SLJ

Reference: Court of Justice Judgments in Joined Cases C-508/18 and C-82/19

OFFICIAL NOTE

**-in the Republic of Croatia state attorney is a judicial authority in accordance
with Article 6.1 of the Framework Decision on the EAW**

On 27 May 2019, the Court of Justice of the European Union (CJEU) interpreted in Joined Cases *OG* (C-508/18) and *PI* (C-82/19 PPU) and Case *PF* (C-509/18) the concept of "an issuing judicial authority" within the meaning of Article 6(1) Framework Decision 2002/584/JHA on the European Arrest Warrant and the surrender procedures between the Member States (EAW FD).

The State attorney in the Republic of Croatia is an "issuing judicial authority", within the meaning of Article 6(1) EAW FD, as interpreted in the CJEU judgments in Joined Cases *OG* (C-508/18) and *PI* (C-82/19 PPU) and Case *PF* (C-509/18).

Namely, the State Attorney in the Republic of Croatia is an "issuing judicial authority" due to the following reasons:

1) Pursuant to the Article 125 (1) of the Constitution of the Republic of Croatia the state attorney is an independent and autonomous judicial authority.

In the Republic of Croatia the state attorney is an independent and autonomous judicial authority authorized and obliged to act against the perpetrators of crimes and other punishable offences, to take legal action to protect the property of the Republic of Croatia and to submit legal remedies for the protection of the Constitution and the law (Article 125(1) of the Constitution of the Republic of Croatia).

2) The State Attorney issues EAW during investigation/pretrial criminal proceedings, on the basis of the court's ruling on investigative detention. This ruling court renders when all the conditions proscribed by the Criminal Procedure Act are fulfilled (there is a reasonable ground for suspicion that the suspected person committed the crime and that he/she fled).

Therefore, in the Republic of Croatia due to the autonomous and independent status of the state attorney's office, in a specific case of the issuance of the EAW, he/she cannot be directed or instructed, directly or indirectly, by the executive.

Thus, the European Court of Justice's judgments of 27 May 2019 in the cases C-508/18, 82/19 does not affect the Croatia state attorney's competence to issue European Arrest Warrant.

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