

Pursuant to Article 25(2) of the Civil Servants Act (as published in the official journal of the Republic of Croatia, *Narodne novine*, no. 92/2005, 107/2007 and 27/2008), the Government of the Republic of Croatia has, at its session of 25 March 2011, adopted the following

CODE OF ETHICS

FOR CIVIL SERVANTS

I. GENERAL PROVISIONS

Scope of the Code of Ethics

Article 1

The Code of Ethics for Civil Servants (hereinafter, the Code of Ethics), shall set forth the rules of conduct for civil servants and the ethical principles governing the dealings of civil servants in the performance of their official duties.

Content of the Code of Ethics

Article 2

This Code of Ethics shall contain the ethical principles to be observed by civil servants in the performance of their service.

Personal conduct of civil servants

Article 3

The ethical principles set forth in this Code of Ethics shall be the principles adopted by civil servants as their own principles and personal criteria of conduct.

Civil servants shall apply those ethical principles in their dealings with each other and with the public, in their attitude toward work, and in their relation to the governmental bodies where they perform their duties.

Purpose of the Code of Ethics

Article 4

The purpose of this Code of Ethics shall be to promote ethical and moral principles and values in the conduct of civil servants acting in their official capacity, with a view to achieving the common weal and public interest, as well as public confidence in the civil service.

II. ETHICAL PRINCIPLES

Application of ethical principles

Article 5

In the performance of their duties, civil servants shall apply civil service principles and the ethical principles governing the conduct of civil servants, as stipulated by the Civil Servants Act, this Code of Ethics and other regulations.

Respect for the integrity and dignity of citizens and civil servants

Article 6

Civil servants shall, within the scope of their competence, ensure the exercise of rights by, and respect for the integrity and dignity of, citizens and other civil servants, according neither discrimination nor favour with respect to age, nationality, ethnic or social origin, language or race, political or religious conviction or preference, disability, education, social status, gender, marital or family status, sexual orientation or any other grounds.

Civil servants shall be entitled to protection against harassment, i.e. any behaviour which has the purpose or effect of violating the dignity of civil servants and creates an intimidating, hostile, degrading or offensive environment.

Civil servants shall be entitled to protection against sexual harassment, i.e. any behaviour constituting verbal, non-verbal or physical conduct of a sexual nature, which has the purpose or effect of violating the dignity of civil servants and governmental employees and creates an intimidating, hostile, degrading or offensive environment.

Protection of personal reputation and the reputation of the civil service

Article 7

In the performance of their official duties, civil servants shall protect their personal reputation, the reputation of the civil service and public confidence in the civil service.

In the pursuit of their private affairs, civil servants shall not use any official designation nor exercise any authority stemming from their civil service posts.

Conduct of civil servants during public appearances

Article 8

When appearing or acting in public as representatives of their respective governmental bodies in any form whatsoever, civil servants shall express the views of such governmental bodies in keeping with the relevant legislation, the powers vested therein, their professional knowledge and this Code of Ethics.

When expressing any views of their respective governmental bodies or any personal views, civil servants shall be mindful of the reputation of the civil service and their personal reputation.

When appearing in public other than as representatives of their government bodies, but with any reference whatsoever to matters falling within the jurisdiction of such bodies or to any

tasks of the posts they hold, civil servants shall not disclose any information that may harm the reputation of the civil service and undermine public confidence in the work of governmental bodies, or if the disclosure of such information would constitute a breach of their duty to keep official secrets or contravene other legally protected interests of citizens and legal persons.

When appearing in public other than as representatives of their government bodies and with no reference to the civil service or the jurisdiction of the governmental bodies where they are employed, civil servants shall require no approval from the chief officials of their respective governmental bodies for their media appearances, but shall, in such appearances, be mindful of the reputation of the civil service and their personal reputation.

Prohibition of financial or other gains and the avoidance of conflicts of interest in the civil service

Article 9

In the performance of their civil service duties, civil servants shall not abuse their authority and position in order to acquire any financial or other gains for themselves or any other natural or legal person.

Civil servants shall not use any official information concerning the activities and operations of the governmental bodies where they are employed for unauthorized purposes, nor shall they disclose any official secrets that may come to their knowledge during the performance of their duties.

Civil servants shall not exploit their position to influence any decision of the legislature, executive or judiciary, or the adoption of any political decision.

III. DEALINGS OF CIVIL SERVANTS WITH CITIZENS

Conduct of civil servants in their dealings with citizens

Article 10

In their dealings with citizens, civil servants shall behave in a professional, impartial and civil manner.

In performing their official duties, civil servants shall apply their professional expertise so as to assist citizens in the exercise of their rights, acting in compliance with the principles of constitutionality, legality and the protection of the public interest.

Conduct of civil servants in their dealings with persons with special needs and uninformed clients

Article 11

Civil servants shall exercise particular care in their treatment of persons with disabilities and other persons with special needs.

In performing their official duties, civil servants shall render assistance to uninformed clients.

IV. DEALINGS AMONG CIVIL SERVANTS

Conduct of civil servants in their dealings with other civil servants

Article 12

Dealings among civil servants, i.e. all forms of communication among civil servants, shall rest upon mutual esteem, trust, cooperation, civility, accountability and patience.

Application of ethical principles in dealings among civil servants

Article 13

In performing their duties, civil servants shall exchange opinions and information on particular professional matters with a view to advancing the common good of the civil service as a whole.

Acting in compliance with their ethical principles in their dealings among themselves, civil servants shall not impede each other in the performance of their official duties.

Responsibility of senior civil servants for the application of ethical principles

Article 14

Senior civil servants shall encourage other civil servants to perform their civil service duties expertly and efficiently, to appreciate, respect and cooperate with each other, and to deal with citizens properly.

V. APPOINTMENT OF ETHICS COMMISSIONERS

Procedure for the appointment of ethics commissioners

Article 15

In each governmental body, its chief official shall appoint an ethics commissioner from among civil servants.

A governmental body may also appoint several ethics commissioners, depending on its organizational structure and requirements.

In the event of a prolonged absence of the ethics commissioner, the chief official of the governmental body shall appoint a deputy ethics commissioner, who shall assume the powers and duties of the absent commissioner pending his/her return.

A civil servant sentenced for a breach of official duty cannot be appointed as ethics commissioner.

Content of decisions on the appointment of ethics commissioners

Article 16

Each governmental body shall deliver its decision on the appointment of its ethics commissioner to the central governmental administrative body responsible for civil service relations within 15 days from the date of such appointment..

The decision specified in paragraph (1) of this Article shall contain the following details: the full name of the ethics commissioner; the post to which he/she has been assigned; and his/her telephone number and e-mail address.

The governmental body shall forthwith release written notice of any change in the details specified in paragraph (1) of this Article to the central governmental administrative body responsible for civil service relations.

Each governmental body shall post its decision on the appointment of its ethics commissioner on its website and notice board.

VI. RIGHTS AND OBLIGATIONS OF ETHICS COMMISSIONERS

Responsibility of ethics commissioners for the promotion of ethical conduct

Article 17

Ethics commissioners shall monitor the application of this Code of Ethics in their respective governmental bodies, promote ethical conduct in dealings among civil servants and their dealings with citizens, receive complaints lodged by civil servants and citizens regarding unethical conduct and practices on the part of civil servants, conduct procedures to examine whether such complaints are well-founded, and maintain records of all complaints received.

Each ethics commissioner shall complete a training programme for ethics commissioners, conducted by the central governmental administrative body responsible for civil service relations.

VII. SUBMISSION OF COMPLAINTS

Procedure for the submission of complaints about the conduct of civil servants

Article 18

Citizens, legal persons and civil servants may address ethics commissioners with their complaints against the conduct of any civil servant which they deem contrary to the provisions of this Code of Ethics.

Complaints specified in paragraph (1) may be lodged in writing or orally, through a free hotline service operated by the central governmental administrative body responsible for civil service relations, or via e-mail.

Where any complaint is received by the chief official of a governmental body or an officer of the central governmental administrative body responsible for civil service relations, he/she shall forthwith refer such complaint to the competent ethics commissioner.

VIII. PROCEDURE TO EXAMINE THE MERIT OF COMPLAINTS

Implementation of the procedure to examine the merit of a complaint

Article 19

The ethics commissioner shall conduct a procedure to examine whether any complaint has merit and prepare a report thereof for the chief official of his/her body.

The ethics commissioner shall, within 30 days from the receipt of any complaint, conduct a procedure to examine whether such complaint has merit, prepare a response to the complainant, and deliver it to the chief official of his/her body.

The ethics commissioner shall be obliged to undertake a procedure to examine whether any complaint has merit even when such complaint is anonymous.

Evidence used in procedures to examine whether complaints have merit

Article 20

When conducting a procedure to examine whether a complaint has merit, the ethics commissioner shall seek a written statement from the civil servant against whom such complaint has been lodged, statements from other civil servants having any direct knowledge of the substance of such complaint and reports from the relevant authorities in the event of any suspicion of possible criminal offences, and shall take any other action as may be required to establish the facts.

The ethics commissioners shall provide the chief official of his/her body with a written report on the procedure undertaken to examine whether any such complaint has merit, and shall prepare a draft response to the complainant.

In the event of any doubt as to whether or not a particular conduct of a civil servant constitutes a violation of this Code of Ethics, the ethics commissioner shall seek an opinion from the Ethics Commission.

Proceedings against civil servants on the basis of findings derived from procedures to examine whether complaints have merit

Article 21

Should the ethics commissioner, on the basis of evidence gathered, find that the allegations contained in any complaint are well-founded, his/her report to the chief official of his/her relevant body shall include a proposal for appropriate procedures and actions to be taken.

Based on the report delivered by the ethics commissioner, the chief official of the relevant body may, subject to the nature and severity of the violation in question, instigate proceedings for a breach of official duty or give the concerned civil servant a written warning of his/her unethical conduct and the need to comply with the provisions of this Code of Ethics.

Deadline for the delivery of a response to the complainant

Article 22

The chief official of the relevant governmental body shall give a response to the complainant within 60 days after the date when the complaint was received and notify him/her of any actions taken.

The complainant shall be entitled to lodge a complaint to the Ethics Commission within 30 days after the date on which the deadline for the delivery of a response to the complaint expires or, where the complainant is not satisfied with the response provided by the chief official of the relevant governmental body, after the date on which he/she receives the response to his/her complaint.

Complaints regarding unethical conduct on the part of ethics commissioners

Article 23

The governmental body shall forward any complaint regarding unethical conduct on the part of its ethics commissioner to the Ethics Commission within 15 days from the date of its receipt.

The Ethics Commission shall, within 60 days from the date of the receipt of any such complaint, give the complainant a response to his/her complaint and notify thereof the chief official of the relevant governmental body.

Should the chief official of the relevant government body, based on a report delivered by the Ethics Commission on the procedure undertaken to examine whether any such complaint has merit, find that the ethics commissioner has committed a breach of this Code of Ethics, he/she shall proceed in compliance with the provision of Article 21(2) hereof..

Complaints regarding unethical conduct of civil servants acting as the chief officials of governmental bodies

Article 24

The governmental body shall forward any complaint regarding unethical conduct on the part of a civil servant acting as its chief official to the Ethics Commission within 15 days from the date of its receipt.

The Ethics Commission shall, within 60 days from the date of the receipt of any such complaint, give the complainant a response to his/her complaint and deliver a report thereon to the Government of the Republic of Croatia.

IX. PROTECTION OF ETHICS COMMISSIONERS

Independence of ethics commissioners in their work

Article 25

Ethics commissioners shall not be called to account for the performance of their duties nor shall they be put at any disadvantage in relation to other civil servants for that reason.

At the request of the ethics commissioner, the chief official of the relevant governmental body shall release the ethics commissioner from the performance of any other tasks of the post to

which he/she has been otherwise assigned as long as he/she is engaged in the procedure to examine whether any complaint has merit.

The ethics commissioner may submit a complaint to the Ethics Commission regarding unethical conduct on the part of other civil servants in their dealings with the ethics commissioner.

The Ethics Commission shall give the ethics commissioner a response to his/her complaint within 60 days from the date of its receipt and notify thereof the chief official of the relevant governmental body.

X. CENTRAL GOVERNMENTAL ADMINISTRATIVE BODY RESPONSIBLE FOR CIVIL SERVICE RELATIONS

Tasks related to application of the Code of Ethics

Article 26

The central governmental administrative body responsible for civil service relations shall monitor the application of this Code of Ethics and perform the following tasks:

- keep abreast of international standards in the field of ethical conduct and make proposals for the enhancement of ethical standards in line with international practice;
- receive complaints lodged by civil servants, governmental employees and citizens regarding unethical conduct on the part of civil servants;
- maintain a record of all complaints received and maintain data on all procedures undertaken to examine whether such complaints are well-founded;
- cooperate with the Ethics Commission;
- give instructions and explanations to ethics commissioners;
- monitor the situation and propose regulations governing the ethical conduct of civil servants;
- maintain a record of ethics commissioners appointed by governmental bodies;
- maintain a record of the implementation of training programmes for ethics commissioners;
- participate in the preparation of training programmes for civil servants in the field of ethical conduct;
- once a year, but not later than 31 January of the current year, prepare a report on complaints lodged regarding unethical conduct on the part of civil servants in governmental bodies and post it on its website.

Hotline service for the receiving complaints regarding unethical conduct by civil servants

Article 27

The central governmental administrative body responsible for civil service relations shall operate a daily hotline service to receive citizen complaints regarding any unethical conduct on the part of civil servants contrary to this Code of Ethics.

The number of the free hotline service specified to in paragraph (1) of this Article shall be posted on the website of the central governmental administrative body responsible for civil service relations.

XI. ETHICS COMMISSION

Independent body responsible for promoting ethical principles in the civil service

Article 28

The Ethics Commission shall be an independent working body giving its opinions on the content and application of this Code of Ethics and promoting ethical principles and standards in the civil service.

Composition of the Ethics Commission

Article 29

The Government of the Republic of Croatia shall, pursuant to its decision, appoint the members of the Ethics Commission for a four-year term.

The Ethics Commission shall be composed of six members, three of whom shall be appointed from among the ranks of civil servants, two from among union representatives and one from among non-governmental organizations.

The members of the Ethics Commission shall elect their chairperson from among their ranks.

Right to remuneration for work in the Ethics Commission

Article 30.

The chairperson and the members of the Ethics Commission shall be entitled to pecuniary remuneration for their work in the Ethics Commission. The amount of such remuneration shall be set by the Government of the Republic of Croatia.

Decision-making by the Ethics Commission

Article 31

The Ethics Commission shall be independent in its decision-making.

The Ethics Commission shall establish its methods of work, operation and voting by its rules of procedure.

Seat of the Ethics Commission

Article 32

The Ethics Commission shall have its seat at the Office for Social Partnership in the Republic of Croatia.

The Social Partnership Office in the Republic of Croatia shall perform office work and other administrative tasks for the purposes of the Ethics Commission.

Responsibilities of the Ethics Commission

Article 33

The tasks of the Ethics Commission shall be:

- to respond to complaints lodged by citizens, legal persons and civil servants in cases where they have failed to receive any response thereto within 60 days after the submission thereof or where the complainant is not satisfied with the response;
- to conduct procedures to examine whether complaints regarding the conduct of ethics commissioners, those regarding the conduct of civil servants acting as the chief officials of governmental bodies, and those lodged by ethics commissioners regarding the unethical conduct of other civil servants in their dealings with such ethics commissioners are well-founded;
- to provide complainants responses to their complaints;
- to issue opinions regarding the content and application of this Code of Ethics;
- to monitor the application of regulations in the field of ethical conduct by civil servants and propose amendments thereto; and
- to promote ethical standards in the civil service.

XII. PUBLIC ACCESSIBILITY OF THE CODE OF ETHICS

Publication of the Code of Ethics

Article 34

This Code of Ethics shall be published in the official journal of the Republic of Croatia, *Narodne novine*.

This Code of Ethics shall be displayed on the notice boards of all governmental bodies.

This Code of Ethics shall be posted on the website of the Government of the Republic of Croatia and the websites of all governmental bodies.

XIII. SPECIAL CODES OF ETHICS

Specific segments of the civil service and the adoption of special codes of ethics

Article 35

When so required by the specific nature of particular segments of the civil service, the chief officials of governmental bodies may, subject to approval from the Government of the Republic of Croatia, adopt special codes of ethics.

The codes of ethics specified in paragraph (1) of this Article shall be aligned with the provisions of this Code of Ethics.

The codes of ethics specified in paragraph (1) of this Article shall be published on the websites of the relevant governmental bodies.

XIV. TRANSITIONAL AND FINAL PROVISIONS

Incumbent members of the Ethics Commission

Article 36

The Ethics Commission appointed pursuant to the Code of Ethics for Civil Servants (as published in *Narodne novine*, no. 49/2006 and 134/2008) shall proceed with its work until the expiry of the term for which it was appointed.

The regular procedure for the appointment of members of the Ethics Commission shall be initiated not later than 60 days before the expiry of the term of office of the incumbent members.

Alignment of the Rules of Procedure of the Ethics Commission

Article 37

The Ethics Commission shall align its Rules of Procedure with the provisions of this Code of Ethics within 30 days after the entry into force hereof.

Completion of pending procedures

Article 38

Procedures instigated as a result of complaints lodged regarding any conduct of civil servants contrary to the Code of Ethics and received prior to the entry into force of this Code of Ethics shall be completed in accordance with the legislation heretofore in force.

Superseded legislation

Article 39

As of the date of its entry into force, this Code of Ethics shall supersede the Code of Ethics for Civil Servants (as published in *Narodne novine*, no. 49/2006 and 134/2008).

XV. ENTRY INTO FORCE

Article 40

This Code of Ethics shall enter into force on the eighth day following the date of its publication in the official journal of the Republic of Croatia, *Narodne novine*.

Class: 023-03/11-03/01
Reg. no.: 5030106-11-1
Zagreb, 25 March 2011

Jadranka Kosor, LL.B. (*m.p.*)
Prime Minister