

Ladies and Gentlemen,

Distinguished colleagues,

It is a special honour to present the topic on of role of public prosecutors outside the criminal justice system before this high and remarkable forum in the beautiful city of Sankt Petersburg, which is rightly called the Venice of North and home of high governmental bodies of the Russian Federation.

The question of the role of public prosecutors outside the criminal justice system is the subject matter of numerous recommendations of international bodies dealing with the judicial system, such as: Council of Europe, Consultative Council of European Prosecutors (CCPE), Conference of Prosecutors General of Europe, Consultative Council of European Judges (CCJE), European Commission for Democracy through Law (Venice Commission) and European Court of Human Rights.

Public prosecutors play a significant role outside the criminal justice system.

This role varies between different national legal systems: common law legal systems and continental (civil) law systems.

Although, on the international level there are no common legal standards regarding the organisation and tasks of public prosecutors outside the criminal justice system, all member States of the Council of Europe take necessary steps to ensure that public prosecutors represent the public interest with special regard to the protection of human rights and fundamental freedoms and the rule of law.

The European Court of Human Rights established certain standards concerning the role of the public prosecutor outside the criminal field:

- the right to an independent and impartial tribunal,
- the right to adversarial proceedings,
- the right of equality of arms,
- the right of access to a court
- the principle of legal certainty.

It is necessary to mentioned that these standards refer not only to the role of the public prosecutor outside the criminal field, but also in the criminal field.

The position of the State Attorney's Office in the Republic of Croatia I regulated by the Constitution of the Republic of Croatia and applicable laws that respect standards of the European Court of Human Rights.

According to the Article 121a of the Constitution of the Republic of Croatia the State Attorney's Office is an independent judicial authority authorized and obliged to act against the perpetrators of criminal offences and other offences, to take legal action to protect the property of the Republic of Croatia and to submit remedies to protect the Constitution of the Republic of Croatia and the law.

The State Attorney and the Deputy State Attorney in the performance of representation and in relations with state authorities and legal entities respects the principles of legality, competence and impartiality.

The State Attorney's Office exercises its powers on the basis of the Constitution of the Republic of Croatia, international treaties that are part of the legal order of the Republic of Croatia and the *acquis communautaire*.

The competent State Attorney's Office acts in criminal and misdemeanour cases, as well as in civil and administrative proceedings.

Subsequently, the State Attorney's Office may establish a criminal department for criminal cases and a civil-administrative department for civil and administrative cases.

When we are talking about the role of the public prosecutor's role outside the criminal field in the Republic of Croatia, the State Attorney's Office has the following competences:

The State Attorney's Office represents the Republic of Croatia in civil, arbitration and administrative proceedings, mediation procedures and in proceedings before the Constitutional Court of the Republic of Croatia and is authorised to take all legal actions as a party to the proceedings.

Exceptionally, competent State Attorney's Offices in civil and administrative cases may, on the basis of a special power of attorney, represent legal entities owned or predominantly owned by the Republic of Croatia and the institution of which it is the founder or co-founder

The State Attorney's Office of the Republic of Croatia represents the Republic of Croatia in property disputes and protects the property rights and interests of the Republic of Croatia before foreign courts and international and other bodies.

Furthermore, at the request of state authorities the competent State Attorney's Office gives a legal opinion on matters relating to property and protection of property, natural resources, real estate, things and rights of interest to the Republic of Croatia.

Moreover, by providing legal opinions on the contracts concluded by the Republic of Croatia, as one of the contracting parties, the State Attorney's Office simultaneously protects legality, ensures fair and equal treatment of all, prevents disputes, but also protects the property interests of the Republic of Croatia.

The State Attorney's Office of the Republic of Croatia also gives opinions on draft bills and other regulations relevant for the organisation and operation of the public prosecutor's office and the exercise of public prosecutor's office.

The described role of the State Attorney's Office in the Republic of Croatia reflects the legal tradition of the country and its history on one hand, and successful implementation of the standards of the European Court of Human Rights on the other hand.

The successful coexistence of the standards of the European Court of Human Rights and legal tradition of the county is the aim of each Member State of the Council of Europe. This aim can be reached not just by the normative activities but also by the fruitful exchange of best practices.

Dear colleagues, in the end, allow me to thank our Russian hosts for their hospitality and excellent organization of this event.

I am certain that discussions in this forum on various topics referring to the role and tasks of prosecution services in our countries will contribute to sharing of best practices and enhancement of independence and efficiency of prosecution services in general.

Спасибо !