

1 Recommendations for fighting transnational bribery in Croatia

This chapter summarises the recommendations covered in the report for fighting transnational bribery in Croatia.

In light of this report's analysis, Croatia is recommended to take the following steps to strengthen its legal and enforcement framework for fighting foreign bribery:

1. With respect to the foreign bribery offence, Croatia could:
 - i. Take steps to ensure that the offence's intent requirement is sufficiently broad to cover typical foreign bribery transactions, in particular bribery committed through intermediaries.
 - ii. Expand the definition of a foreign public official, including to persons who hold legislative office in or who exercise a public function for a foreign country; employees of foreign state-owned or controlled enterprises; and officials of all public international organisations, including those in which Croatia is not a member.
 - iii. Ensure that the definition of a foreign public official is autonomous and does not require proof of foreign law.
 - iv. Clarify that the definition of a foreign country includes "all levels and subdivisions of government, from national to local", as well as any organised foreign area or entity, such as an autonomous territory or a separate customs territory.
2. With respect to the liability of legal persons for foreign bribery, Croatia could take steps to ensure that liability can result from all acts of foreign bribery, and not only those that result in an "illegal property gain" to the legal person.
3. Regarding sanctions for foreign bribery, Croatia could:
 - i. Increase the maximum fines available against natural and legal persons for foreign bribery.
 - ii. Take steps to ensure that the sanctions imposed against natural and legal persons in practice are effective, proportionate and dissuasive.
 - iii. Maintain detailed statistics on the sanctions, including on the amount of fines, as well as on confiscation and debarment that have been imposed in domestic and foreign bribery cases.
4. With respect to foreign bribery enforcement, Croatia could:
 - i. Enhance enforcement of the domestic and foreign bribery offences against natural and legal persons whenever appropriate.
 - ii. Take steps to reduce delay in criminal proceedings in corruption cases.
5. Regarding international co-operation in foreign bribery cases, Croatia could:
 - i. Provide a broad range of MLA, including coercive measures, in foreign bribery-related civil or administrative proceedings against a legal person to a foreign state whose legal system does not allow criminal liability of legal persons.
 - ii. Ensure that MLA is not refused because of *ne bis in idem* in cases in which criminal proceedings in Croatia have been discontinued on grounds other than the merits.
 - iii. Ensure that cases that are declined for extradition solely on grounds of nationality are submitted to prosecution.
6. Regarding the non-tax deductibility of bribes, Croatia could enact an explicit, legally binding provision prohibiting such deductions.



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