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2024 Rule of Law Report Country Chapter on the rule of law situation in Croatia

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2024 Rule of Law Report

The rule of law situation in the European Union

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ABSTRACT

The level of remuneration increased for judges, state attorneys and court staff, and legislation to set objective remuneration criteria is expected in 2024. Efforts to maintain and improve the integrity of judges and state attorneys continued. The Government plans to present in 2024 a broader set of amendments to the Law on the State Attorney's Office which would include removing the legal basis for periodic security checks on all state attorneys. Following discussions around the election of the new State Attorney General, there were questions as to the selection procedure and whether it offers sufficient safeguards to ensure the autonomy of that position. The level of perceived judicial independence increased, while remaining very low. Electronic communication increased between courts and users and further initiatives are being taken to close the digitalisation gap in the justice system. Despite having implemented several measures to reduce the length of court proceedings, backlogs and length of proceedings remain a serious concern.

Legislation on lobbying was adopted and laws on bribery of foreign public officials were strengthened. Steps were taken to make the investigation and prosecution of corruption offences more efficient, while a revision of the Criminal Procedure Code and the Law on the specialised anti-corruption prosecution service remain outstanding. Investigations, prosecutions and convictions of corruption, including at high-level, continued. Anti-corruption authorities continued to optimise their resources. The State Electoral Commission and State Audit Office encountered less irregularities in the implementation of political party financing rules. Croatia is raising awareness on the new whistleblower's legislation. Some measures have been taken to detect and prevent corruption in public procurement, which remains a high-risk area.

The legal framework provides safeguards for media freedom and pluralism as well as the right to information. Concerns about the political independence of the Council for Electronic Media and the public service broadcaster HRT persist. HRT also faces criticism regarding potential conflicts of interest. There are positive developments as regards the safety of journalists on which authorities and journalists' representatives have concluded a cooperation agreement. While media ownership information is available, some challenges remain as regards ownership transparency. The framework for a fair and transparent allocation of state advertising raises concerns both at national and local level and no steps were taken to strengthen it. Awareness raising efforts continue on the issue of strategic lawsuits against public participation (SLAPPs) targeting journalists, which remain a concern. Although journalists are exempt from the offence of disclosure of information from ongoing criminal investigations, there is still strong criticism from stakeholders, and efforts continue to be made to address it.

The new Law on Better Regulation Policy Instruments introduced a strengthened framework on impact assessment and evaluation, and additional standards for public consultations. New Law on Administrative Disputes includes measures to encourage the swift implementation of administrative courts' judgments. Some further steps were made on the follow-up to the People's Ombudsperson's recommendations, while some challenges on access to information remain. There has been a gradual shift towards the multiannual funding of civil society organisations, while the new National Plan for Creating an Enabling Environment remains outstanding.

RECOMMENDATIONS

Overall, concerning the recommendations in the 2023 Rule of Law Report, Croatia has made:

- Significant progress on continuing structural efforts to address the remuneration of judges, state attorneys and judicial staff, taking into account European standards on resources and remuneration for the justice system.
- Significant progress on adopting comprehensive legislation in the area of lobbying, including on persons with top executive positions, and set up a public register of lobbyists.
- Some progress to increase the efficiency of investigations and prosecution of corruption offences, but not on revising the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organised Crime, as set out in the Anti-Corruption Strategy.
- No progress on advancing with strengthening the framework for a fair and transparent allocation of state advertising, by establishing clear criteria, good practices and oversight measures to guarantee the effective functioning of the public tender procedure for local and regional media.
- Some further progress on the recommendation to make further efforts to address the issue of strategic lawsuits against public participation targeted at journalists, including by reviewing the legal provisions on defamation and encouraging wider use of procedural rules that allow dismissing groundless lawsuits, taking into account the European standards on the protection of journalists.
- Some further progress was made on further improving the follow-up to recommendations and ensuring a more systematic response to information requests of the Ombudsperson.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Croatia to:

- Revise the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organised Crime, in line with the Anti-Corruption Strategy, so as to further increase the efficiency of investigations and prosecution of corruption offences.
- Step up efforts to strengthen the legal framework and oversight mechanisms to ensure a fair and transparent allocation of state advertising at national, regional and local level, including the public tender procedure.
- Continue efforts to address the issue of strategic lawsuits against public participation targeted at journalists, including by reviewing the legal provisions on defamation and encouraging wider use of procedural rules that allow dismissing groundless lawsuits, taking into account the European standards on the protection of journalists.
- Further improve the follow-up to recommendations and ensure a more systematic response to information requests of the Ombudsperson.

I. JUSTICE SYSTEM

Croatia has a three-tiered justice system, with courts of general and specialised jurisdiction. The first instance courts of general jurisdiction, dealing with civil and criminal cases, are composed of municipal courts (34), while the county courts (15) are the second instance courts of general jurisdiction, with some competences as first instance courts. The courts of specialised jurisdiction comprise nine Commercial and four Administrative courts at first instance, and the High Criminal Court, the High Misdemeanour Court, the High Commercial Court and the High Administrative Court at second instance. The Supreme Court deals with all types of cases. The Constitutional Court conducts constitutional review. An independent State Judicial Council ensures the autonomy and independence of the judiciary¹. The State Attorney's Office (DO) is an autonomous, independent judicial body. It acts as the prosecution service, and undertakes legal actions for the protection of state property and applies legal remedies for the protection of the Constitution and laws. Each State Attorney's Office is headed by a State Attorney. The State Attorney General is the head of the State Attorney Office of the Republic of Croatia (DORH), as the highest state attorney office. The powers over appointment and career of state attorneys and deputy state attorneys rest with the State Attorney's Council, while the powers over representation and management rest with the State Attorney General². The State Attorney's Council is an independent self-governance body tasked with ensuring the autonomy and independence of the State Attorney's Office³. Croatia participates in the European Public Prosecutor's Office (EPPO). The Croatian Bar Association is an independent, self-governing professional organisation, which is in charge of disciplinary proceedings regarding lawyers⁴.

Independence

The level of perceived judicial independence in Croatia continues to be very low both among the general public and companies. Overall, 23% of the general population and 28% of companies perceive the level of independence of courts and judges to be 'fairly or very

¹ The State Judicial Council is a judicial self-governance body with 11 members, 7 judges elected by their peers, 2 university professors of law and 2 members of Parliament, 1 of whom is from the opposition. They are elected for a four-year term and can be re-elected once. The Council appoints/dismisses judges and court presidents, decides on the immunity, transfer and external activities of judges, conducts disciplinary proceedings and decides on the disciplinary responsibility of judges. The Council also participates in training of judges, adopts a methodology for evaluating judges, and verifies asset declarations of judges.

² Figures 55-57, 2019 EU Justice Scoreboard; Figure 54, 2020 EU Justice Scoreboard, and Figures 55-56, 2021 EU Justice Scoreboard.

³ The State Attorney's Council is a prosecutorial self-governance body with 11 members, seven deputy state attorneys elected by their peers, two university professors of law and two members of Parliament, one of whom is from the opposition. They are elected for a four-year term and can be re-elected once. The Council's mandate includes the appointment, dismissal and transfers of state attorneys, decisions on external activities, on objections to evaluations, and participation in trainings. The Council also keeps personal records and verifies the asset declaration of state attorneys and deputy state attorneys, as well as conducting disciplinary proceedings and deciding on the disciplinary responsibility of deputy state attorneys.

⁴ The Assembly of the Bar elects, in accordance with the Statute of the Croatian Bar Association, the Disciplinary Court (which consists of at least five members and decides on more serious violations and appeals against Disciplinary Councils' decisions), and the Higher Disciplinary Court (which consists of at least five members and decides on appeals against Disciplinary Court's decisions). The Executive Board of the Bar elects Disciplinary Councils, which consist of three members and decide on less serious violations.

good' in 2024⁵. Among the general public, this figure has slightly increased in comparison with 2023 (22%), but it is slightly lower than in 2020 (24%). The perceived judicial independence among companies has increased in comparison with 2023 (18%) as well as with 2020 (16%). The main reasons cited by the general public and by companies for the perceived lack of independence of courts and judges are the perception of interference or pressure from the Government and politicians, and interference or pressure from economic or other specific interests, respectively⁶. More detailed surveys to identify the underlying reasons of different stakeholders for the continuously low level of perceived judicial independence are not available⁷.

The Government plans to present in 2024 a broader set of amendments to the Law on the State Attorney's Office which would include removing the legal basis for periodic security checks on all state attorneys. The 2022 Rule of Law Report had recommended Croatia to 'reconsider the newly introduced periodic security checks conducted by the National Security Agency on all judges and state attorneys by ensuring their integrity based on other existing mechanisms, taking into account European standards on judicial independence and autonomy of prosecutors and the opinion of the Venice Commission'⁸. The 2023 Rule of Law Report found that there was significant progress regarding the 2022 recommendation since the periodic security checks on judges were removed by way of a Constitutional Court decision⁹ and amendments were being drafted to remove them regarding state attorneys¹⁰. While the relevant provision introducing the periodic security checks on all state attorneys remains in force¹¹, no security checks were conducted on state attorneys based on this provision¹². The Government plans to remove the legal basis for periodic security

⁵ Figures 51 and 53, 2024 EU Justice Scoreboard, and Figures 50 and 52, 2022 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

⁶ Figures 52 and 54, 2024 EU Justice Scoreboard.

⁷ The last comprehensive survey of court users and professionals on the accessibility and quality of the court services was in 2015. See Figure 45, 2017 EU Justice Scoreboard, Figure 49, 2018 EU Justice Scoreboard, Figure 42, 2019 EU Justice Scoreboard, Figure 42, 2020 EU Justice Scoreboard, Figure 37, 2021 EU Justice Scoreboard, Figure 40, 2022 EU Justice Scoreboard, Figure 39, 2023 EU Justice Scoreboard, and Figure 41, 2024 EU Justice Scoreboard showing that in 2016-2023, no surveys were conducted. 48% of the companies in Croatia are either fairly or very confident that their investments are protected by the law and courts in the Member State. 28% of the surveyed companies see the quality, efficiency or independence of justice as one of the main reasons for concern about investment protection in the country. Figures 55 and 56, 2024 EU Justice Scoreboard.

⁸ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 2. The Venice Commission found that the reform was not justified and that the existing Croatian legislation already provided for a wide array of mechanisms to ensure integrity of the judicial corpus, for example: (i) annual asset declarations which are checked by the State Judicial Council; (ii) annual assessments by the court presidents (regarding the minimum output and the behaviour of the judge concerned); (iii) the possibility of disciplinary proceedings; (iv) the possibility of criminal liability (judges only enjoy functional immunity); and (v) the existing possibilities for security checks. Venice Commission opinion (CDL(2022)005), para. 36.

⁹ On 7 February 2023, the Constitutional Court annulled the provisions of the Law on Courts which introduced the periodic security checks on judges. Judgment of the Constitutional Court of 7 February 2023, *U-I-2215/2022*. Considering positive developments in 2023, the 2023 Rule of Law Report did not take over the 2022 recommendation to reconsider the security checks.

¹⁰ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, pp. 4-5.

¹¹ Article 99.a of the Law on State Attorney's Office, adopted by Parliament on 11 February 2022.

¹² Information received from the Ministry of Justice and Public Administration and from the State Attorney's Office in the context of the country visit to Croatia.

checks on all state attorneys as part of a broader set of amendments to the Law on the State Attorney's Office¹³.

Efforts to maintain and improve the integrity of judges and state attorneys continued.

In 2023, competent bodies continued to conduct investigations and proceedings regarding judges and state attorneys in reaction to allegations of misconduct and criminal acts. The State Judicial Council received 52 requests to initiate criminal proceedings regarding judges¹⁴ and, at the request of competent authorities, started 12 disciplinary proceedings regarding judges¹⁵. Additionally, the State Judicial Council continued exercising its control function over the external activities of judges¹⁶. On 14 March 2024, Parliament adopted amendments to the Law on Courts, which introduced some additional rules on external activities of judges with the aim of improving their impartiality¹⁷. In 2023, the State Attorney's Council received three requests from competent authorities to start disciplinary proceedings regarding state attorneys¹⁸. Making full use of the electronic registers (IT tools) and dedicated human resources¹⁹, the State Judicial Council and the State Attorney's Council verified all incoming asset declarations of judges and state attorneys, respectively, following the submission of the annual updates, where only few irregularities were identified²⁰.

¹³ Input from Croatia for the 2023 Rule of Law Report, p. 3, and information received from the Ministry of Justice and Public Administration in the context of the country visit to Croatia.

¹⁴ In 2 cases, the State Judicial Council approved pre-trial detention of judges, while in 32 cases this request was denied. Written contribution from the State Judicial Council in the context of the country visit to Croatia.

¹⁵ These disciplinary proceedings were initiated on request from competent authorities such as court presidents as the State Judicial Council decides on disciplinary sanctions and cannot initiate the proceedings itself. The number of initiated disciplinary proceedings in 2023 was lower than in 2022 when 22 disciplinary proceedings were initiated (23 in 2021, 13 in 2020). In 2023, the State Judicial Council issued 5 sanctions (16 in 2022, 13 in 2021, 1 in 2020), including 4 fines and 1 reprimand (in 2022: 4 dismissals, 1 conditional dismissal, 2 fines and 9 reprimands). Written contribution received from the State Judicial Council following the country visit to Croatia.

¹⁶ In 2023, the State Judicial Council received 76 requests from judges regarding external activities, all of which it approved (in 2022: also 76 requests, 64 of which were approved, remaining were allowed according to the law). Written contribution received from the State Judicial Council in the country visit to Croatia.

¹⁷ The amendment to article 91 of the Law on Courts prohibited participation of judges in the work of the courts of honour, and in disciplinary proceedings in professional chambers and associations.

¹⁸ In 2023, the State Attorney's Council started, on request from competent authorities, three disciplinary proceedings (one in 2022) and issued three reprimands (in 2022: one dismissal and two reprimands). Information received from the State Attorney's Council in the context of the country visit to Croatia.

¹⁹ Improving the IT tools and resources of both Councils by the beginning of 2022 was a milestone under the Recovery and Resilience Plan, which Croatia successfully fulfilled. The Council adopted the Council Implementing Decision of 28 July 2021 on the approval of the assessment of the recovery and resilience plan for Croatia, under which the Milestone no. 214 states: 'Electronic tools and adequate administrative capacities shall be in operation for the State Judicial Council [...] and the State Attorney's Council [...], in order to improve the quality of the work of both Councils. Their human resources shall be increased by 50% compared to 2021 baseline (by recruiting at least 4 persons) and the linking the DSV and the DOV to the common land registry and cadastre (ZIS) and tax administration information system, shall be implemented in order to establish an effective mechanism for verifying the asset declarations of state officials'. The Commission found the milestone to be satisfactorily fulfilled on 10 November 2022. Communication to the Commission on the positive preliminary assessment of the second payment request of Republic of Croatia pursuant to Regulation (EU) 2021/241, C(2022)8209 final.

²⁰ Based on the land registry data, the State Judicial Council identified nine cases where judges did not report all real estate they owned. However, since these were minor omissions, it did not issue any sanctions. In one case based on a journalist's request, the Council approached the tax authority to verify judge's assets from

Following discussions around the election of the new State Attorney General, there were questions as to the selection procedure and whether it offers sufficient safeguards to ensure the autonomy of that position. In view of the expiry, on 26 May 2024, of the State Attorney General's term of office, the State Attorney's Council, following the procedure set in law, transmitted to the Government the names of four candidates deemed to have met the eligibility check²¹. After the parliamentary committee hearings, the Government proposed a candidate to Parliament, where he was elected, on 7 February 2024 as the new State Attorney General, and assumed his position on 27 May 2024. On 15 February 2024, the President of the High Criminal Court in agreement with the President of the Supreme Court, submitted a complaint against the elected candidate for violation of the Code of Judicial Ethics²², which was rejected unanimously by the Council of Judges at the High Criminal Court on 22 May²³. This led to a wider public debate on the elected candidate, as well as whether the procedure for the selection of the State Attorney General offers sufficient safeguards to ensure the autonomy of the position²⁴. Under the current procedure, the State Attorney's Council publishes the vacancy, checks whether the applications meet the conditions and transmits the eligible candidates to the Government but does not give an opinion on the candidates. In the procedure of appointing a Prosecutor General, advice on the professional qualification of candidates should be taken from relevant persons, such as representatives of the legal community (including prosecutors) and of civil society²⁵. GRECO expressed similar concerns and called for decisive involvement of the State Attorney's Council²⁶. According to European

2019, when the asset declarations were not yet online. The State Attorney's Council used the IT tools and their updated functionalities. Information received from the State Judicial Council and the State Attorney's Council in the context of the country visit to Croatia.

²¹ Four candidates applied, following the publication of the public call on 29 November 2023: an attorney, the current deputy State Attorney General, a deputy County State Attorney, and a judge at the High Criminal Court. State Attorney's Council, Press release: Four applications to the public call received, 5 January 2024. According to Article 25 of the Law on the State Attorney's Office, the State Attorney Council only performs an eligibility check and does not issue any opinion on the candidates. According to Article 23 of the same law, the competent committee of Parliament must give an opinion on the candidates prior to the selection. Investigative journalists published reports about alleged contacts between one of the candidates proposed by the State Attorney Council, a sitting judge at the High Criminal Court, and a high-ranking Government official and one other individual, investigated or indicted for corruption offences. Following these publications, on 5 February 2024, the President of the Supreme Court expressed concerns about the information that was unearthed on the selected candidate and stated he will commence the appropriate proceedings to clarify the situation, which could mean possible disciplinary proceedings against the selected candidate in his role as a judge. N1 news portal, Supreme Court is requesting documentation on Turudić, 5 February 2024.

²² Supreme Court, Press release of 15 February 2024.

²³ High Criminal Court, Press release: The Council of Judges of the High Criminal Court made a decision on a complaint to initiate a procedure for violation of the Code of Judicial Ethics, 23 May 2024. .

²⁴ The revelations also gave rise to opposition parties' demonstrations on 17 February 2024 in Zagreb against the election of the candidate to the post of the State Attorney General.

²⁵ Venice Commission, Report on European Standards as regards the independence of the Judicial System: Part II – the prosecution Service, para. 35.

²⁶ GRECO in its 2018 Evaluation Report found that its 2014 recommendation (ix) to Croatia to "consider reviewing the procedures of selection, appointment and mandate renewal of the Prosecutor General in order to increase their transparency and minimise risks of improper political influence" has been dealt with in a satisfactory manner. However, GRECO stressed that despite the 2018 legislative amendments "further transparency and objectivity assurances are to be infused in the system of selection and appointment of the Prosecutor General". GRECO stated that it "specifically called for decisive involvement of the State Prosecutorial Council. With the new law, the State Prosecutorial Council is merely given a depositary role." GRECO also encouraged the authorities to "further advance in their efforts to increase the transparency and minimise risks of improper political influence in the appointment of the Prosecutor General." GRECO,

standards, the method of appointment of the Public Prosecutor General should be such as to gain the confidence of the public and the respect of the judiciary and the legal profession²⁷. Statements on the State Attorney General's competence to decide on attribution of cases between national prosecutors and the EPPO gave rise to a public debate²⁸.

The Court of Justice considered the internal procedural mechanism to avoid inconsistencies in a court's case-law incompatible with the principle of effective judicial protection²⁹. The High Commercial Court asked the Court of Justice to rule on a practice in courts of second instance whereby the registrations judge, when finding a judgment inconsistent with other judgments or the 'legal position' previously accepted at that court, may stay the delivery of the adopted judgment and request that a section meeting be convened. The section meeting is able to put forward a 'legal position' that is binding on all judicial panels belonging to the section³⁰. The Court of Justice ruled that such a practice of the registrations judge is incompatible with the requirements inherent in the right to effective judicial protection³¹. It also set out several conditions that a procedural mechanism aiming to avoid or resolve conflicts in case-law would need to observe to be compatible with Article 19(1) of the TEU³².

Fourth Evaluation Round, Second Compliance Report – Croatia, 7 December 2018, GrecoRC4(2018)14, paras. 33-38. According to the Government, the 2022 amendments to the Law on the State Attorney's Office contributed to further implementation of GRECO recommendation for a more decisive involvement of the State Attorney's Council, taking into account that the Constitution determines the roles of Government and Parliament in the appointment process.

²⁷ Venice Commission, Report on European Standards as regards the independence of the Judicial System: Part II – the prosecution Service, para. 34, Opinion No. 9 (2014) of the Consultative Council of European Prosecutors to the Committee of Ministers of the Council of Europe: European norms and principles concerning prosecutors, p. 79, para 56. For a comparative perspective on the procedures for appointment of Prosecutors General, see Figure 62, 2023 EU Justice Scoreboard.

²⁸ European Public Prosecutor's Office, Press release – Croatia: 29 suspects arrested in investigation involving University of Zagreb, 8 November 2023; European Public Prosecutor's Office, Press release - Croatia: EPPO conducts new searches in investigation into University of Zagreb, 16 February 2024. According to the Government, EPPO has the right to investigate cases in Croatia, however, in that particular case, national prosecutors should be competent to investigate, as EU funds have not been used. Croatian Government, Press release: There is no pressure on the EPPO. We stand for the legal spending of European funds that the Government fought for, 11 March 2024. Croatian Government, Press release: Plenković: We are in the largest investment cycle in education in the history of Croatia, worth EUR 2.5 billion, 2 May 2024.

²⁹ Court of Justice of the European Union, judgment of 11 July 2024, Joined Cases C-554/21 Hann-Invest, C-622/21 Mineral-Sekuline and C-727/21 Udruga Khl Medveščak Zagreb.

³⁰ See Figure 57, 2022 EU Justice Scoreboard, which specifies in footnote that there are in Croatia registration judges on each county court and on the High Commercial Court, the High Misdemeanour Court, the High Administrative, the High Criminal Court and the Supreme Court, which register the judgments after which they can be notified to the parties, and may alert a judge/chamber on a deviation from existing 'legal position' and propose to discuss the divergence at a section meeting pursuant to Article 40 of the Law on Courts, in order to issue a decision of the section which is binding on all judges in the court. It should be noted that the Law on Courts expressly provided that 'legal positions' were binding on all courts, including judges at 1st instance courts, until the 2013 amendments adapted the provision before Croatia's accession to the EU.

³¹ Para. 69.

³² Paras. 74-80. The Court considered incompatible with the right to an effective judicial protection national legislation which allows a section meeting to compel, through a 'legal position', a panel to alter the content of its decision which it previously adopted, even though that section meeting also includes judges other than those belonging to that panel or persons from outside the court before whom the parties do not have the opportunity to put forward their arguments. Para. 79.

Quality

The Supreme Court adopted guidelines to improve communication about the work of the judiciary, following up on the People's Ombudsperson's recommendation. The 2023 Rule of Law Report found that the communication about the work of the judiciary could be improved, as most courts have dedicated staff for communicating with the public but press events to present the regular work of courts and state attorney's offices were not common³³. On 25 September 2023, following up on the People's Ombudsperson's recommendation³⁴, the Supreme Court adopted 'Guidelines for communication of the judiciary with the public' to contribute to the timely, accurate and transparent communication about the content and meaning of decisions for which there is public interest³⁵. The Guidelines are addressed primarily to the spokespersons and information officers at the courts. Developing communication skills in the courts was also a target under the Recovery and Resilience Plan, which Croatia successfully fulfilled in April 2024³⁶.

Following difficult discussions and negotiations, significant progress was achieved on the level of remuneration of judges, state attorneys and judicial staff, and legislation to set objective remuneration criteria is expected in 2024. The 2023 Rule of Law Report recommended Croatia to 'continue structural efforts to address the remuneration of judges, state attorneys and judicial staff, taking into account European standards on resources and remuneration for the justice system'³⁷. The 2023 Report found that legislative amendments adopted in June 2023 brought the salary base of judges and state attorneys, when taken together with the 2019 increase, slightly above the 2009 level³⁸. These amendments were agreed with representatives of judges as a first measure, with the expectation that additional regulatory changes would follow by the end of 2023 to address the outstanding need for defining objective criteria for adjusting salaries of judges and state attorneys, such as indexation³⁹. As no further measures were initially introduced, in January 2024 the judges,

³³ Furthermore, despite improvements, the level of perceived judicial independence in Croatia has remained, since 2016, very low both among the general public and companies. Figures 51 and 53, 2024 EU Justice Scoreboard.

³⁴ The People's Ombudsperson stated in its recommendation that the Justice Academy should, in cooperation with the media, conduct training of journalists on the work of the judiciary. The Ombudsperson stressed that in addition to courts' press releases, more structured communication with the media could contribute to the delivery of accurate and complete information to the public. People's Ombudsperson, 2022 Report, p. 128.

³⁵ Supreme Court, Guidelines for communication of the judiciary with the public in line with the Action plan for 2022-2024 based on the Strategy for the Prevention of Corruption 2021-2030, 25 September 2023, and Contribution from the Supreme Court to the 2023 Rule of Law Report, p. 19.

³⁶ The Council adopted the Council Implementing Decision of 28 July 2021 on the approval of the assessment of the recovery and resilience plan for Croatia, under which the Target no. 217 states: 'Six new training programmes shall be completed as part of the judicial training programme for judicial officials and officers of the judicial authorities in the Judicial Academy: Developing different skills (management and management skills for court presidents, court management for heads of court administration and communication skills for court staff – three programmes). [...]'. The Commission found the target to be satisfactorily fulfilled on 29 February 2024. Communication to the Commission on the positive preliminary assessment of the fourth payment request of Republic of Croatia pursuant to Regulation (EU) 2021/241, C(2024)1439 final.

³⁷ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 2.

³⁸ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 7.

³⁹ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, pp. 7-8.

with the support of state attorneys, conducted a warning strike⁴⁰. In February 2024, negotiations with the Government resumed⁴¹ and led to an agreement to increase the salary base of judges and state attorneys by 11,5%. On 14 March 2024, Parliament adopted the amendment to the Law on Judicial Officials' Salaries and Other Material Rights⁴². Apart from the increase of the salary base, the law adjusted the coefficients for judges and state attorneys at different instances and prescribed additional material rights⁴³. However, representatives of judges stated that whilst the increase adjusted their salaries to inflation, they expected a more thorough revision of the law in 2024, to introduce objective remuneration criteria, such as indexation⁴⁴. As regards the remuneration of judicial staff, the situation led to an eight-week strike in summer 2023, which ended after an agreement with the Government on a 12% salary increase⁴⁵. As the level of remuneration of judges, state attorneys and judicial staff was increased, and a law setting objective remuneration criteria is expected in 2024, significant progress was achieved regarding the recommendation made in the 2023 Rule of Law Report.

The use of electronic communication systems between courts and users increased and further initiatives are being taken to close the digitalisation gap in the justice system.

According to the 2024 EU Justice Scoreboard, the digitalisation of the justice system further improved in all areas but a few⁴⁶. After having integrated all remaining courts into the unified

⁴⁰ According to information from the Association of Judges, more than 85% of judges participated in the warning strike that lasted from 22 January until 2 February 2024. Association of Judges, Press release: of 28 January 2024. During the warning strike, judges could postpone non-urgent hearings and judicial decisions, as detailed in the Instruction of the President of the Supreme Court of 22 January 2024. In January 2024, the Association of Judges addressed a complaint to the European Commission raising concerns on respect for judicial independence due to the remuneration situation.

⁴¹ Association of Croatian Judges, Press release: The judges' warning strike will end on 2 February 2024.

⁴² This will lead to an increase of monthly salaries by about EUR 790 gross.

⁴³ Revised Article 8 of the law added annual end of year holidays allowance, child allowance, holiday allowance and right to paid systemic medical exam.

⁴⁴ Association of Croatian Judges, Press release: Amendment to the Law on Judicial Officials' Salaries and Other Material Rights announced, 27 February 2024.

⁴⁵ According to the Government, the Law on Salaries in the Civil Service and Public Services (entered into force on 1 January 2024) and the Regulation on job titles, job requirements and salary calculation coefficients (entered into force on 1 March 2024) significantly increased coefficients for the job positions of civil servants and public employees in courts. For example, the salary calculation coefficient of court reporters in judicial bodies was 0.990 before the reform of the salary system, is now 1.44, which represents an increase of approximately 46%. This position is taken as an example, because the largest number of administrative staff (civil servants and public employees) occupy it. Written contribution from the Government in the context of the country visit to Croatia and input from Croatia for the 2024 Rule of Law Report, p. 1. The strike was held from 5 June until 26 July 2023. The Supreme Court on 19 June 2023 ruled that the strike was legal. Supreme Court, Press release: The Supreme Court has ruled - the strike of court officials and employees is legal, 20 June 2023. During the court staff strike, the President of the Supreme Court stated that the justice system was on the verge of collapse, as 870 court staff left their positions in the first half of 2023, while 1 166 positions remained unoccupied – also due to low attractiveness of court staff jobs; Supreme Court, Press release: Judicial system on the verge of collapse - mass departure of officials, 3 July 2023. On 26 June 2023, the Supreme Court President addressed an open letter to the Prime Minister on way to resolve the remuneration situation of judicial staff. Supreme Court (2023), Letter from President of Supreme Court to the Prime Minister, 26 June 2023.

⁴⁶ Figures 42-50, 2024 EU Justice Scoreboard. Except for electronic communication in prosecution service (Figure 46) and the online access to published judgments by the general public (Figure 49), the electronic tools incrementally improved in all other areas.

‘e-Communication’ system⁴⁷, efforts have intensified to deploy electronic communication tools in different areas, particularly in criminal justice. The implementation of the Recovery and Resilience Plan is well underway and includes several milestones, targets and investments related to the digitalisation of justice⁴⁸. Efforts are under way in relation to another investment under the Recovery and Resilience Plan, which aims to further upgrade the court case management e-File system, especially its module on e-Communication. The system is connected to the e-Citizens and the e-Authorisation systems, in which legal persons will be able to independently register⁴⁹. In 2023, the overall use of the ‘e-Communication’ system increased among most of the professional users, as well as among citizens and legal persons⁵⁰. To increase the publication of first and second instance court judgments, which remains very limited⁵¹, on 14 March 2024 Parliament adopted amendments to the Law on Courts, which provide for the obligation to publish all court decisions on a special website with prior anonymisation, to ensure compliance with the rules on the protection of personal data⁵². The development of an IT solution for automatic and semi-automatic anonymisation, using artificial intelligence, is underway⁵³. The Ministry of Justice and Public Administration is preparing the public procurement regarding the introduction of audio recording in courtrooms to increase transparency⁵⁴.

Efficiency

The overall number of pending cases and the length of trials in most cases increased. According to the 2024 EU Justice Scoreboard, the backlogs and length of proceedings remain a serious concern, particularly in litigious civil and commercial cases, where backlog is the

⁴⁷ Only misdemeanour cases are not yet integrated (handled before Municipal Courts), as there is no legal basis in national law for their inclusion. Written contribution from the Ministry of Justice and Public Administration in the context of the country visit to Croatia, and 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 7.

⁴⁸ Croatia submitted two payment requests in 2023, corresponding to 61 milestones and targets in the plan. The third payment request was disbursed in December 2023 (EUR 700 million net amount in grants) and included the satisfactory fulfilment of milestone 229 C2.5. R1-I6 (All courts of first instance are equipped and meet the conditions for hearing remotely). The fourth payment request was disbursed in April 2024 (EUR 162.5 million net amount in grants) and included the satisfactory fulfilment of milestone 218 C2.5 R1 (Adoption of amendments to the legislative framework in the area of justice with the new Non-contentious Procedure Act).

⁴⁹ The system will be redesigned, navigation and displays will be improved, and it will be connected to the e-Signature, the e-Seal and the e-Fees systems. This investment is due to be completed by 31 December 2024. Input from Croatia for the 2024 Rule of Law Report, pp. 7-8.

⁵⁰ In 2023, the electronic communication among companies and legal professionals (e.g., court experts, insolvency administrators, court interpreters, state attorneys) measured by the number of exchanged electronic documents further increased by 2% and 7%, compared to 2022, respectively (nearly 1,1 million documents were exchanged by companies alone). Among lawyers, it slightly decreased, but remained sizeable at nearly 3,1 million documents exchanged in 2023. Among citizens, the use increased to around 21 000 documents exchanged (up from 19 000 in 2022). Written contribution from Ministry of Justice and Public Administration in the context of the country visit to Croatia.

⁵¹ Figure 49, 2024 EU Justice Scoreboard.

⁵² Input from Croatia for the 2024 Rule of Law Report, p. 8.

⁵³ Input from Croatia for the 2024 Rule of Law Report, p. 8. Publication of new judgments is planned for January 2025, while the already published and anonymised judgments will be transferred. Written contribution from the Ministry of Justice and Public Administration in the context of the country visit to Croatia.

⁵⁴ Input from Croatia for the 2024 Rule of Law Report, p. 8.

largest in the EU⁵⁵. Despite improvements in some types of cases, backlogs and length of proceedings, in most cases, increased, which remains a serious concern. In 2023, the average length of proceedings in the first instance courts remained among the longest in the EU and increased to 1 334 days in litigious commercial cases (1 187 in 2022) and to 764 days in litigious civil cases (709 in 2022)⁵⁶. However, the average length of proceedings decreased in first instance criminal cases before municipal courts (776 days in 2023, down from 1 054 in 2022) and before county courts (808 days in 2023, down from 965 in 2022). In bribery cases, the average length of proceedings before first instance courts also decreased in 2022 to 532 days (down from 632 days in 2021)⁵⁷. End 2023, the overall number of pending cases increased (compared to 2022) before municipal, commercial and administrative courts⁵⁸. However, the Supreme Court and the High Commercial Court again saw a large decrease in pending cases and a slight decrease in the average length of case processing⁵⁹. In 2023, the total number of oldest pending cases (10 years and older) further decreased (by 8%)⁶⁰. Croatia has implemented several measures to reduce the length of court proceedings⁶¹.

⁵⁵ The data for 2022 show particular challenges in litigious civil and commercial cases and all non-criminal cases (Figures 5, 12, 13 of the 2024 EU Justice Scoreboard), although the positive sign is that in 2022, the clearance rate in litigious civil and commercial cases and the non-criminal cases were the highest and second highest in the EU, respectively (Figures 10 and 9, 2024 EU Justice Scoreboard).

⁵⁶ All data on average length of proceedings are from the written contribution from the Ministry of Justice and Public Administration in the country visit to Croatia.

⁵⁷ Figure 23, 2024 EU Justice Scoreboard.

⁵⁸ By 4% in Municipal Courts, 27% in Commercial Courts, and by 59% in Administrative Courts. In High Criminal Court, High Administrative Court and in County Courts, the pending cases increased only slightly.

⁵⁹ In 2023, pending cases in Supreme Court decreased by 37%, and average length of proceedings was 556 days (590 in 2022). In High Commercial Court, pending cases decreased by 23% and average length remained stable at 223 days. Written contribution from the Ministry of Justice and Public Administration in the context of the country visit to Croatia.

⁶⁰ From 1 752 pending cases (end 2022) to 1 606 cases (end 2023). However, the number of pending cases older than 7 years increased to 3 807 (from 3 742 end 2022).

⁶¹ The draft Law on Service of Judicial Documents, adopted by the Government on 30 November 2023, aims at speeding up and streamlining proceedings for the service and receipt of judicial documents⁶¹. A secure online platform with connections to other Member States was set up to easily find courts and competent authorities in criminal matters and to quickly exchange evidence and requests. Further measures include milestone 220 "New Framework Benchmarks for the work of judges adopted and an active judicial case management tool introduced". The Commission found the milestone to be satisfactorily fulfilled on 12 June 2024. Communication to the Commission on the positive preliminary assessment of the fifth payment request of Republic of Croatia pursuant to Regulation (EU) 2021/241, C(2024) 4170 final.

II. ANTI-CORRUPTION FRAMEWORK

The Ministry of Justice and Public Administration is the central corruption prevention body, with a dedicated Sector for Preventing Corruption. There is a government Council for the Prevention of Corruption⁶² and a Parliamentary Council for the monitoring of the implementation of the Strategy for Combating Corruption⁶³. A specialised National Police Office for the Suppression of Corruption and Organised Crime (PNUSKOK) works hand in hand with the prosecutor's Office for the Suppression of Corruption and Organised Crime (USKOK). They prosecute corruption and organised crime cases in first instance county courts in Zagreb, Split, Osijek and Rijeka, with the High Criminal Court acting as the appellate court for these cases. The Commission for the Resolution of Conflicts of Interest (CRC) has competences to prevent corruption and strengthen the integrity of public officials, such as the supervision of asset declarations. The State Commission for Supervision of Public Procurement Procedures is an independent tribunal responsible for reviewing appeals regarding public procurements. The People's Ombudsperson is managing reports made by whistleblowers.

The perception among experts and business executives is that the level of corruption in the public sector remains high. In the 2023 Corruption Perceptions Index by Transparency International, Croatia scores 50/100, ranks 23rd in the European Union and 57th globally⁶⁴. This perception remained relatively stable⁶⁵ over the past five years. The 2024 Special Eurobarometer on Corruption shows that 92% of respondents consider corruption to be widespread in their country (EU average 68%) and 60% of respondents feel personally affected by corruption in their daily lives (EU average 27%)⁶⁶. As regards businesses, 85% of companies consider that corruption is widespread (EU average 65%) and 61% consider that corruption is a problem when doing business (EU average 36%)⁶⁷. Furthermore, 33% of respondents find that there are enough successful prosecutions to deter people from corrupt

⁶² A government advisory body composed of 24 representatives of public institutions and 7 non-governmental organisations. It is mandated to monitor the implementation of Action Plans, with the assistance of the Sector for Preventing Corruption of the Ministry of Justice and Administration, and to design, improve, systematically monitor and evaluate national-level strategic and operational documents related to preventing corruption.

⁶³ This is a permanent working body of Parliament, comprised of 11 members: its President (from the ranks of the opposition), 4 members of Parliament, as well as 6 members appointed through a public call representing employers, trade unions, civil society organisations, academia, media, and experts.

⁶⁴ Transparency International (2024), Corruption Perceptions Index 2023. The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

⁶⁵ In 2019, the score was 47, while in 2023, the score was 50. The score significantly increases/ decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

⁶⁶ Special Eurobarometer 548 on Citizens' attitudes towards corruption in the EU (2024). The Eurobarometer data on citizens' corruption perception and experience is updated every year. The previous data set is the Special Eurobarometer 534 (2023).

⁶⁷ Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024). The Eurobarometer data on business attitudes towards corruption as is updated every year. The previous data set is the Flash Eurobarometer 524 (2023).

practices (EU average 32%)⁶⁸, while 18% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 31%)⁶⁹.

The implementation of the first action plan for 2022-2024 under the Anti-Corruption Strategy is well on track. On 17 August 2023, the Government adopted the Report on the implementation in 2022 of the Action Plan 2022-2024, which has a total of 206 activities. Of the 42 activities to be implemented in 2022, 29 activities were carried out, 8 activities were partially implemented and 5 continue to be implemented. Implemented activities include, among others, the development of guidelines for employers for the effective application of the Law on the Protection of Persons who report irregularities and Systemic overview of all provisions regarding conflict of interest and the list of public officials to whom they apply⁷⁰. The implementation of the action plan remained on track in 2023, with 21 of the 43 planned activities implemented, 8 activities partially implemented, and 14 activities continue to be implemented⁷¹.

Croatia strengthened its legislation on bribery of foreign public officials. As noted in the 2023 Rule of Law Report, Croatia committed to taking legislative action in the context of its accession to the Organisation for Economic Co-operation and Development (OECD)⁷². On 28 September 2023, Parliament adopted legislation that extends the scope of bribery offences to foreign public officials and representatives, extends the scope of liability of legal persons, and raises sanction levels for legal persons. A legal person may now be fined up to 10% of their total annual turnover obtained in the business year preceding the judgment. Finally, an explicit prohibition on the deduction of bribes on profit tax was introduced⁷³. On 30 October 2023, Croatia became a member of the OECD Working Group against Bribery in International Business Transactions and on 21 January 2024, the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions entered into force for Croatia⁷⁴.

Investigations, prosecutions and convictions of corruption, including at high-level, continued. The specialised anti-corruption police (PNUSKOK) and prosecution (USKOK) continued to report that in 2023 their cooperation worked well, also with the EPPO⁷⁵, which investigated 13 corruption offences in 2023⁷⁶. In 2023, 747 corruption offences were reported

⁶⁸ Special Eurobarometer 548 on Citizens' attitudes towards corruption in the EU (2024).

⁶⁹ Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024).

⁷⁰ Croatian Government, Report for 2022 on the implementation of the Action Plan for the period from 2022 to 2024 accompanying the Strategy for the prevention of Corruption for 2021-2030, 17 August 2023. There are more activities included in the Action Plan that are explained later in this report. CRC, Systemic overview of provisions on conflict of interest, 8 December 2023.

⁷¹ Written contribution from the Ministry of Justice and Public Administration in the context of the country visit to Croatia.

⁷² 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 12.

⁷³ Input from Croatia for the 2024 Rule of Law Report, p. 28-30. The OECD Working Group against Bribery notes that more implementation is needed regarding the tax deductibility prohibition. The Working Group considered that Croatia's legislation largely conforms to the standards of the Convention, subject to some issues which will be followed up during Croatia's Phase 2 evaluation. OECD (2023) Implementing the OECD Anti-Bribery Convention in Croatia Phase 1, p. 23.

⁷⁴ Input from Croatia for the 2024 Rule of Law Report, p. 27.

⁷⁵ Information received from PNUSKOK and USKOK in the context of the country visit to Croatia, and contribution from EPPO for the 2024 Rule of Law Report.

⁷⁶ EPPO, Annual report 2023, p. 21. This concerns almost 16% of all cases investigated by EPPO in 2023.

by PNUSKOK to the USKOK (1 187 in 2022)⁷⁷. The offence of abuse of position and authority continues to be the most reported offence and involves the most material damage⁷⁸. The 2023 Report of the State Attorney's Office⁷⁹ shows that the number of suspects of corruption offences in 2023 slightly increased⁸⁰ and that the number of criminal investigations remained stable⁸¹. In 2023, the State Attorney's Office indicted, after investigation, 121 persons, compared to 178 in 2022 (while there were 69 in 2021 and 84 in 2020)⁸². In the same period, the courts continued to deliver more judgments than in past years⁸³. High-level corruption cases continued to be well represented among investigated and finalised corruption court cases, including a case involving a former State Secretary⁸⁴. There were also charges brought against dozens of public officials for abuse of office and trading in influence in 2023, as well as some charges against judges⁸⁵ and police officers⁸⁶. Several suspects in high-level corruption were convicted to imprisonment, including a former head of the former Prime Minister's Office⁸⁷. In terms of public perception, civil society organisations are of the opinion that political white-collar corruption is one of the main reasons why the public in Croatia has a negative perception on the fight against corruption⁸⁸. They agree with PNUSKOK and USKOK, who consider that preventive measures – such as

⁷⁷ The statistics in PNUSKOK count criminal offences, not number of cases or suspects like USKOK. A single suspect may have committed several offences. Written contribution from PNUSKOK in the country visit to Croatia.

⁷⁸ In 2023, all criminal notifications from PNUSKOK on corruption concerned the alleged material damage (to the public authorities or to the private entities) in the amount of EUR 4,5 million (EUR 32,6 million in 2022). There were 813 counts of abuse of office in 2022 and 588 in 2023, which represented 68% and 78% of the total reported offences, respectively. Written contribution from PNUSKOK following the country visit to Croatia.

⁷⁹ State Attorney's Office, 2023 Report, 28 April 2024, pp. 212-215.

⁸⁰ In 2023, the State Attorney's Office received criminal notifications regarding 1 491 alleged suspects of corruption offences (up from 1 165 in 2022 and 1 366 in 2021), representing 83% of the total criminal notifications received by USKOK. As in the past, the State Attorney's Office submits that the vast majority of the criminal notifications in 2023 were dismissed (1 354) as they were mostly submitted by citizens without much evidence and made in the context of legal proceedings of which they did not like the outcome.

⁸¹ In 2023, investigations were opened concerning 128 persons, compared to 130 in 2022, 135 in 2021, 108 in 2020 and 142 in 2019.

⁸² In addition, 9 persons were indicted without prior investigation (3 in 2022).

⁸³ There were judgments concerning 179 persons in 2023 and 182 in 2022, which is considerably more than the 67 in 2021 and 92 in 2020. Out of the 179 final judgments in 2023, 118 were convictions for corruption (i.e., conviction rate of 66%, compared to 84% in 2022 and 88% in 2021). As regards the sanctions for corruption offences, out of 47 persons who received a prison sentence in 2023 (65 in 2022, 36 in 2021, 31 in 2020), for 28 persons prison sentence was changed into work for the public good (24 in 2022), with another 71 persons receiving conditional sentences (87 in 2022, 19 in 2021 and 47 in 2020). State Attorney's Office, 2023 Report, 28 April 2024, p. 212.

⁸⁴ Input received from Croatia for the 2024 Rule of Law Report, p. 30. In a case against four former ministers and a mayor, the High Criminal Court ruled on 7 December 2023 that the Zagreb County Court has to provide better reasoning on why it dismissed the defence's request to exclude evidence. Index, The High Criminal Court takes an important decision in favor of Plenković's former ministers, 7 December 2023.

⁸⁵ Input received from Croatia for the 2024 Rule of Law Report, p. 30-31. In July 2023, USKOK indicted three judges in cases related to Croatian football manager Zdravko Mamić, Index, Indictment filed against Mamić and the Osijek judges, 7 December 2023.

⁸⁶ Information received from PNUSKOK in the context of the country visit to Croatia.

⁸⁷ Input received from Croatia for the 2024 Rule of Law Report, pp. 31-33.

⁸⁸ Information received from Human Rights House Zagreb, Centre for Democracy and Law Miko Tripalo and GONG in the context of the country visit to Croatia.

awareness-raising, increased transparency, and digitalisation – are more effective than sanctions in reducing corruption⁸⁹.

There has been some progress to improve the efficiency of investigation and prosecution of corruption offences. The 2023 Rule of Law Report recommended Croatia to ‘revise the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organised Crime, as set out in the Anti-Corruption Strategy, so as to increase the efficiency of investigations and prosecution of corruption offences’⁹⁰. The Anti-Corruption Strategy envisages revisions to the Criminal Procedure Code and the Law on the USKOK, as well as increasing the capacity of the specialised prosecution, also with a view of ensuring the completion of proceedings within a reasonable timeframe. The amendments would ensure the completion of proceedings within a reasonable timeframe⁹¹. The Ministry of Justice and Public Administration explained that legislative amendments on domestic violence were prioritised over this revision of the Criminal Procedural Code⁹². Nevertheless, Croatia did take other measures with the aim of reducing the length of court proceedings and the average length of court proceedings in bribery cases decreased⁹³. In 2023, the length of investigations led by the state attorneys in USKOK was overall reduced. The percentage of USKOK cases⁹⁴ where the investigation was finished within six months or sooner decreased, but so did the percentage of cases lasting more than a year⁹⁵. Therefore, there has been some progress on the implementation of the recommendation made in the 2023 Rule of Law Report.

Anti-corruption authorities continue to optimise their resources⁹⁶. On 1 February 2024, USKOK was employing 32 out of 34 state attorney positions, but it was unable to fill most of

⁸⁹ Information received from PNUSKOK and USKOK in the context of the country visit to Croatia.

⁹⁰ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p 2. The Recovery and Resilience Plan contains a target which requires Croatia to reduce the average length of court cases (i.e. adjudication) for corruption and organised crime offences by the end of June 2026. The Council adopted the Council Implementing Decision of 28 July 2021 on the approval of the assessment of the recovery and resilience plan for Croatia, under which the Target no. 238 states: ‘Reduction by 200 days of the average length of court cases for corruption and organised crime offences compared to Q1/2021 (999 days)’. The target is part of tenth payment request, hence it has not yet been assessed by the Commission.

⁹¹ The Anti-Corruption Strategy envisages revisions to the Criminal Procedure Code and the Law on the USKOK, as well as increasing the capacity of the specialised prosecution, also with a view of ensuring the completion of proceedings within a reasonable timeframe.

⁹² Information received in the context of the country visit to Croatia from the Ministry of Justice and Public Administration. In 2022, working groups were established for the preparation of the amendments to the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organized Crime.

⁹³ See the efficiency data in section ‘Efficiency’ under I. Justice system. Despite a decrease (from 632 days in 2021, to 532 days in 2022), in 2022, the average length at first instance courts when dealing with bribery cases was third longest in the EU. Figure 23, 2024 EU Justice Scoreboard.

⁹⁴ Whereas USKOK is competent in corruption and organised crime, the vast majority of its cases concern corruption offences.

⁹⁵ Information received from USKOK in the context of the country visit to Croatia, and State Attorney’s Office, 2023 Report, p. 177. Cases where where the investigation was finished within six months or sooner: 16% in 2023 (compared to 25 % in 2022 and 35% in 2021). More investigations were finished within a year, namely about 57% in 2023 (29% in 2022, 40% in 2021). This significantly reduced the percentage of cases lasting more than a year, which amounted to 27%, compared to 46% in 2022 (and 25% in 2021)

⁹⁶ Under its Recovery and Resilience Plan, Croatia should by June 2024 increase, compared to 2020, its staff budget for employees of anti-corruption bodies in the justice system with 10% and increase by 20% the budget for computer services and IT equipment for anti-corruption authorities in the judicial system, see Council Implementing Decision of 28 July 2021 on the approval of the assessment of the recovery and

its administrative vacancies – also due to the limited attractiveness of these administrative positions⁹⁷. Furthermore, no one applied for the position of head of USKOK in 2023, and the position was finally filled on 28 May 2024⁹⁸. Both USKOK and PNUSKOK hope that the expected increase in salaries⁹⁹ will ease the situation and attract more applicants to vacant posts¹⁰⁰. In 2023, the financial resources of the Commission for the Resolution of Conflicts of Interest (CRC) further increased, even though it remained challenging to fill all open vacancies. Throughout 2023 and into 2024, the CRC continued developing an IT platform that would allow it to exchange data with other state registers so as to facilitate the verification of asset declarations¹⁰¹. However, the CRC notes that it remains difficult, if not impossible, to fulfil its obligation for an annual verification of all asset declarations with available human resources¹⁰². This is partly due to the fact that not all submitted data can be verified yet through the abovementioned IT system and that the procedures to draft a report on asset declarations are complicated¹⁰³. In response, the CRC plans to prioritise the verification of declarations, starting with a random sample of high-level officials, ranging from the executive, parliament, as well as local and regional-level officials. In addition, the CRC will continue to pursue citizen complaints and media information, as appropriate¹⁰⁴.

Although codes of ethics are in place at almost all levels of the administration and government, their practical application, in particular through requests for guidance, is limited. In 2023, no requests were made to the Committee on the Constitution, Rules of

resilience plan for Croatia, targets no. 235 and 236. The targets are part of sixth payment request, hence they have not yet been assessed by the Commission.

⁹⁷ Information received from DORH and USKOK in the context of the country visit to Croatia.

⁹⁸ In April 2023, the USKOK director resigned due to personal reasons and the State Attorney General appointed an acting director. In September 2023, there were no applications for the vacancy of the USKOK director, and a new competition is planned once the next State Attorney General assumes office from 26 May 2024 onwards (see above, the section on ‘Independence’ under I. Justice systems). USKOK considered that the high level of responsibility and risk of negative press could have been the reasons for the absence of applications for the post of USKOK director.

⁹⁹ See above, section on ‘Quality’ under I. Justice system.

¹⁰⁰ Information received from USKOK and PNUSKOK in the context of the country visit to Croatia. Low remuneration and high workload were reported in 2023 as greatest challenges to attract and retain staff, see 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, pp. 8-9, pp. 14-15.

¹⁰¹ The IT platform that would allow it to exchange data with other state registers it is still not operational due to the technical reasons. Information received from the CRC in the context of the country visit to Croatia. Another IT tool will help officials declare their assets, particularly by pre-filling data that the Government already has, such as tax and land registry data. The tool should be finalised by mid-2024, in line with the national Recovery and Resilience Plan, see 2022 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 15; Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Croatia of 28 July 2021, Milestone no. 241. The milestone is part of sixth payment request, hence it has not yet been assessed by the Commission.

¹⁰² All (between 3 500 and 4 000) obliged entities have to declare their assets once a year in January, when taking up duties, ending duties and one year thereafter. See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, pp. 15-16.

¹⁰³ In September 2023, it was by information from journalists that the CRC discovered that a Minister failed to declare profits from his stake in a company. The CRC explained that an investigator must first draft a complete report for submission to the official that is the object of the report, wait for their reply and then draft the final report. More practical problems were described in 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 15-16. There are no plans to amend the 2021 Law on the Prevention of Conflicts of Interests.

¹⁰⁴ Information received in the context of the country visit to Croatia from the CRC. The CRC imposed a sanction of EUR 5 300 in that case. NGO GONG, Press release: Gong to the Commission: Check the highest level officials first, 22 December 2023.

Procedure and Political System in relation to alleged breaches of the parliamentary Code of Ethics¹⁰⁵. As regards the 2022 Code of Conduct for State Officials in Executive Bodies¹⁰⁶, the Implementation Council did not receive any request to provide its opinion on compliance with the Code in 2023, but it did provide training on the Code to most of the officials covered by it¹⁰⁷. The CRC remains the body in charge in relation to conflicts of interests and can open a case at any time. On 19 April 2024, members of the Council for the Implementation of the Code of Conduct for State Officials in Executive Bodies participated in a meeting with CRC members, where cooperation between the two bodies and joint education on the topic of conflict of interest prevention were discussed¹⁰⁸. The number of opinions that the CRC provided to public officials decreased to 214 in 2023, compared to 706 in 2022 (which was a threefold increase compared to 2021)¹⁰⁹. At local level, codes of conduct were adopted by all but one local and regional administration. In June 2024, the Government submitted to Parliament amendments to the Law on Local and Regional Self-Government Officials and Employees, which includes an obligation on local officials to sign a declaration of absence of conflict of interests at the start of their work, just like the Civil Service Act adopted in December 2023¹¹⁰. As regards the police, a new Code of Ethics for Police Officers entered into force in December 2023, and a handbook was published in March 2024, illustrating the Code of Ethics with concrete examples¹¹¹.

With the adoption of the new law on lobbying, significant progress was made regarding the introduction of comprehensive legislation in this area. The 2023 Rule of Law Report recommended Croatia to ‘adopt comprehensive legislation in the area of lobbying, including on persons with top executive positions, and set up a public register of lobbyists’¹¹². The law on lobbying was adopted on 14 March 2024 and will enter into force on 1 October 2024. It regulates lobbying, the organisation, content and manner of keeping a lobby register, restrictions on lobby activities and sets rules on the verification, enforcement and penalties

¹⁰⁵ Information received from the Parliament Secretariat in the context of the country visit to Croatia. Violations of the Code of Ethics are not subject to sanctions. According to information received from the Parliamentary National Council for Monitoring Anti-corruption Strategy Implementation in the context of the visit to Croatia, the Code lacks effectiveness as it does not contain clear obligations or means of enforcement.

¹⁰⁶ For more details, see 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 16-17. The Recovery and Resilience Plan contains a milestone which requires Croatia to adopt the code of ethics for parliamentarians and a code of ethics for officials in the executive bodies. See the Council Implementing Decision of 28 July 2021 on the approval of the assessment of the Recovery and resilience plan for Croatia, Milestone 234. The Commission found the milestone to be satisfactorily fulfilled on 12 June 2024. Communication to the Commission on the positive preliminary assessment of the fifth payment request of Republic of Croatia pursuant to Regulation (EU) 2021/241, C(2024) 4170 final.

¹⁰⁷ As of March 2024, 17 out of 89 officials covered by the Code did not undergo the first training provided by the Council. The Council implemented its rules of procedure and became operational in April 2023. It can provide an opinion at the request of the official, its immediate superior, or at the request of the Office of the Prime Minister. Between July 2023 and February 2024, the Implementation Council held four information sessions with subjects of the Code of Conduct about its purpose and application, their obligations as well as the role of the Implementation Council. Information received from the Implementation Council in the context of the country visit to Croatia.

¹⁰⁸ Information received from the Ministry of Justice and Public Administration in the context of the country visit to Croatia.

¹⁰⁹ Information received from the CRC in the context of the country visit to Croatia. In 2023, the Commission made, both in public and close meetings, 226 decisions to initiate procedures (56 in 2022), 102 decisions not to initiate a procedure (51 in 2022), and reached 204 final decisions (59 in 2022).

¹¹⁰ Input from Croatia for the 2024 Rule of Law Report, pp. 21-22.

¹¹¹ Input from Croatia for the 2024 Rule of Law Report, pp. 21-22, update 2 April 2024, p. 4.

¹¹² 2023 and 2022 Rule of Law Reports, Country Chapter on the rule of law situation in Croatia, p. 2.

for violations of the law. An electronic lobby register is to be managed by the CRC, which will be reinforced with five staff. The CRC is to maintain a temporary register until the end of 2024 with existing tools and resources¹¹³. The register will contain data on the lobbyists and not on the meetings that took place. Lobbyists are required to report annually to the CRC on their activities, including who they meet, but they will not be made public. Lobbied persons must disclose important meetings with third parties through the website of the authority in which the official holds office, and through social networks¹¹⁴. The law prohibits the lobbying of public bodies by a person who held office in that body for 18 months upon termination of office. This cooling-off period is limited to managerial positions and to legal persons with which the body had a business relationship or conducted supervisory functions over it during their term of office¹¹⁵. Therefore, there has been significant progress on the implementation of the recommendation made in previous years.

The State Electoral Commission and State Audit Office encountered fewer irregularities in the implementation of political party financing rules. Political actors¹¹⁶ are obliged to submit their financial reports, which are made available online on the web-page of the State Electoral Commission¹¹⁷. The State Electoral Commission informed the State Attorney's Office of 71 cases where political actors had not submitted the annual accounts for 2022 (248 for 2021, 194 for 2020) and decided in 41 cases (61 for 2021, 40 for 2020) to temporarily suspend the disbursement of the funds. It issued 29 decisions (50 for 2021) on forfeiture of the payment of part of the funds for regular annual funding because these 27 individuals and 2 parties did not submit by the end of 2023 the annual accounts for 2022¹¹⁸. In 2022, the State Audit Office carried out financial audits of 48 political parties (5 less than the previous year) and 5 independent representatives, for which it issued 266 recommendations regarding irregularities (350 in 2021)¹¹⁹. However, as in previous years, less than half of the State Audit

¹¹³ Information received from the Ministry of Justice and Public Administration and the CRC in the context of the country visit to Croatia.

¹¹⁴ The Code of Conduct for State Officials in Executive Bodies does not define precisely what 'important meetings' are, leaving it to the discretion of the reporting person, which could lead to the situation in which the public and anti-corruption authorities do not have a complete overview of contacts with lobbyists. The OECD guidelines on lobbying, as revised in 2024, recommend making publicly available online and easily accessible, in an open data format that is reusable for public scrutiny, timely, comprehensive and detailed information on all lobbying activities.

¹¹⁵ Article 23 of the Law on Prevention of Conflicts of Interest prohibits the legal person to appoint or employ the public official within the same time-frame.

¹¹⁶ Political actors are political parties, independent representatives and members of representative bodies of local and regional self-government units elected from a list of a group of voters.

¹¹⁷ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, pp. 16-17.

¹¹⁸ Annual reports of 2021 and 2022 of the State Electoral Commission, published on 5 January 2023 and 8 January 2024. The decrease could be explained by the awareness-raising activities on the applicable rules and the fact that political actors are getting more used to the online application; information received from the Ministry of Justice and Public Administration in the context of the country visit to Croatia.

¹¹⁹ The State Audit Office informs the State Attorney's Office and submits all documentation on all established violations of the Law. The State Audit Office had again a decrease in the number of employees compared to the previous year, mostly due to retirement (with 296 employees in total in 2022, and 282 in 2023). They were able to hire 5 new employees through transfer because the foreseen 20 posts were blocked by Decision of the Government which prohibited new employment in all state administration bodies. In 2024, the State Audit Office could hire 15 more employees. Information received from the State Audit Office in the context of the country visit to Croatia.

Office's recommendations from 2021 had been implemented by the authorities to which they were addressed by the end of 2022¹²⁰.

Croatia is raising awareness about the new whistleblower legislation. With the revision of the law in 2022, more irregularities were reported that year to the Ombudsperson¹²¹. Both the number of external and internal reports stabilised in 2023¹²². In January 2024, Croatia started, a national media campaign to raise awareness of existing anti-corruption mechanisms, including protection mechanisms for persons reporting irregularities and the harmfulness of corruption¹²³. The Ombudsperson's Office held three training courses for judges and prosecutors on the application of the 2022 Law and a guide on whistleblowing will be published in the first half of 2024. In 2023, the Office organised two workshops for persons designated to receive reports ("confidential persons") and their deputies¹²⁴. New rules on the method of providing emotional support to whistleblowers were adopted in September 2023, which govern how to provide emotional support to whistleblowers and other persons entitled to it under the Law¹²⁵.

Some measures have been taken to detect and prevent corruption in public procurement, which remains a high-risk area of corruption. The Flash Eurobarometer on Businesses' attitudes towards corruption in the EU shows that 21% of companies in Croatia (EU average 27%, last year 26%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years¹²⁶. Media reports about alleged irregularities in public procurement continued, including on the practice of fraudulent competing bids and artificial splitting of public contracts¹²⁷. Police and state

¹²⁰ Information received from the State Audit Office in the context of the country visit to Croatia. Reports are available on <https://www.revizija.hr/>.

¹²¹ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 18.

¹²² 57 external reports in 2023, compared to 53 in 2022, and 38 internal reports in 2023, compared to 37 in 2022; the private sector seems to use more internal reporting whereas the public sector tends to make more external reports directly to the Ombudsperson. People's Ombudsperson, 2023 Report, 29 March 2024, pp. 231 and 234, and information received from the Ombudsperson in the context of the country visit to Croatia.

¹²³ The campaign includes the organisation of a conference and other events on a topic in this field, roundtables for central and local government officials and representatives of NGOs. As part of the campaign, during January 2024, education on preventing corruption was held in 15 high schools in Zagreb, Split, Rijeka and Osijek. Input from Croatia for the 2024 Rule of Law Report, p. 24 and p. 51. Croatia's Recovery and Resilience Plan contains a milestone which requires Croatia to evaluate the effects of the national information campaign against corruption by end June 2025. See the Council Implementing Decision of 28 July 2021 on the approval of the assessment of the recovery and resilience plan for Croatia, Milestone 239. The milestone is part of the eighth payment request, which is not yet due to be assessed by the Commission, hence it has not yet been assessed by the Commission.

¹²⁴ Input from Croatia for the 2024 Rule of Law Report, p. 24. The analysis of the implementation of the Law on the Protection of Persons who report Irregularities in State-owned Legal Persons showed that respondents mainly called for further education of persons designated to receive reports and for awareness raising on the necessity of reporting irregularities among staff and on their rights as whistleblowers. Information received from the Ministry of Justice and Public Administration in the context of the country visit to Croatia.

¹²⁵ An external company was procured in June 2024 to implement the legislation on emotional support to whistleblowers. The support should be operational soon after initial training for the providers on the relevant legislation. Information received from the Ministry of Justice and Public Administration in the context of the country visit to Croatia.

¹²⁶ Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024).

¹²⁷ Forbes, "How to fix the public procurement system, through which 10 billion euros pass annually?", 23 February 2024.

attorneys continued to identify public procurement, the energy sector¹²⁸, and regional and local government authorities as sectors with a high risk of corruption, which are by their nature also more difficult to investigate. A new central IT system (e-HZZO) is operational from June 2024, which will increase supervision within the health system, particularly regarding the management and monitoring of the flow of funding in line with the healthcare services provided and the monitoring of waiting lists¹²⁹. The State Commission for the Supervision of Public Procurement Procedures (DKOM) continued reviewing appeals regarding decisions on public procurement procedures in its role as an independent tribunal¹³⁰. Its financial resources increased in 2024 approximately by 10%. The mandate expired for two out of nine members (of which one deputy president in September 2023) and Parliament has not appointed new members yet¹³¹. As a result, out of three councils solving appeals only two councils are operational. This may affect average time needed to address appeals in the future. However, the number of appeals decreased further to 712 in 2023 (885 in 2022) and the “e-appeal system”, operational since 2023, has reduced paper communication and sped up the procedure in general. This led to a further decrease of the share of public procurement procedures reviewed by the State Commission to only 3,6% of all published procedures in 2023 (down from 4,8% in 2022, 6,8% in 2021 and 7,2% in 2020)¹³². Among the likely reasons for this situation, the increase of the review fees in October 2022 has been mentioned, when it also became mandatory to introduce appeals electronically¹³³.

¹²⁸ As an example of a trend of high-profile cases in the recent years, in July 2023, USKOK entered the premises of Hrvatska Elektroprivreda (HEP), the national power company, because it was discovered that HEP was buying gas at higher prices and selling it cheaply. Index, Investigation into HEP because of the huge gas affair, 11 July 2023. In 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 13, alleged criminal offences involving the energy companies INA (involving damage of EUR 133 million) and JANA F were mentioned.

¹²⁹ Input from Croatia for the 2023 Rule of Law Report, p. 26.

¹³⁰ State Commission for Supervision of Public Procurement Procedures is not responsible for ex-post monitoring of the implementation of the public procurement. It also does not supervise situations where public procurement procedures were not used. In 2024, media reported on a case where the Director of HRT, the public service media, awarded EUR 717 000 to his former company without any public procurement procedure, despite the Commission for Resolution of Conflicts of Interests warning of a high corruption risk.

¹³¹ Candidates have been interviewed, but the Government made no proposal for appointment to Parliament. Information received from DKOM in the context of the country visit to Croatia. The 2022 Rule of Law Report found that safeguards for the State Commission’s independence, particularly regarding the appointment and discipline of the members of the State Commission, could be further improved. In the current system, candidates are proposed for appointment to Parliament by the Government following a public vacancy, without the involvement of an independent body. Parliament is also responsible for potential disciplinary measures. Recommendation CM/Rec(2010)12 of the Council of Ministers of the Council of Europe, paras. 66 and 69. According to EU law, the requirement of independence means that the disciplinary regime regarding judges must display the necessary guarantees in order to prevent that the regime is used as a system of political control of the content of judicial decisions.

¹³² Written contribution from DKOM following the country visit to Croatia. 2023 Rule of Law Report, Country Report on the rule of law situation in Croatia, p. 19.

¹³³ Information received from DKOM in the context of the country visit to Croatia.

III. MEDIA PLURALISM AND MEDIA FREEDOM

The Croatian legal framework on media freedom and pluralism and the access to information is based on the Constitution and sectoral legislation¹³⁴. This includes notably the Electronic Media Act, last revised in 2021, and the Media Act, the revision of which has been expected for some time. In December 2023, a National Plan for the Development of Culture and Media for the period from 2023 to 2027 was adopted¹³⁵, including among its objectives the overall improvement of the situation of journalists and media, fostering pluralism, and providing effective support to the media sector. The plan was accompanied by an Action Plan for the Development of Culture and Media for the period from 2023 until 2024¹³⁶ proposing measures in support of these objectives.¹³⁷

The Agency for Electronic Media enjoys independent financing but there are calls for changes to its appointment process to further strengthen its independence. The Agency for Electronic Media continues to play a major role in managing funds for the promotion of media pluralism. While the independent financing of the agency remains ensured, observers and stakeholders continue to doubt the political independence of the Council for Electronic Media, considering its appointment by the parliamentary majority¹³⁸. Longstanding calls by journalist associations, supported by civil society stakeholders, to strengthen the independence of the Agency and its Council continue¹³⁹; this is done also in the light of plans to establish a joint independent media regulator for electronic media and the press, which is currently not regulated by the Agency for Electronic Media¹⁴⁰. The 2024 Media Pluralism Monitor indicator on the independence and effectiveness of the media authority continues to indicate a medium risk¹⁴¹.

While media ownership information is publicly available, some challenges remain as regards transparency of beneficial ownership. While the revised Electronic Media Act requires that ownership information of electronic media publications be made publicly available via the registry of the Agency for Electronic Media, reports point to gaps regarding the coverage of the registry¹⁴². In addition, stakeholders continue to point out that in certain cases the underlying ownership structures of media may remain hidden, notwithstanding the requirement of the Electronic Media Act to back-up the information in the registry with extracts from the register of ultimate beneficial ownership¹⁴³. The 2024 Media Pluralism

¹³⁴ Article 38 of the Croatian Constitution.

¹³⁵ National Plan for the Development of Culture and Media for the period from 2023 to 2027.

¹³⁶ Action Plan for the Development of Culture and Media for the period from 2023 until 2024.

¹³⁷ Croatian Journalists' Association, Working document of new Media Act – unacceptable; Contribution from the Civil Liberties Union for Europe for the 2024 Rule of Law Report, p. 19. Croatia ranks 48th in the 2024 Reporters without Borders World Press Freedom Index compared to 42nd in the previous year.

¹³⁸ Euromedia Ownership Monitor, Croatia - Country report 2023. Contribution from the Civil Liberties Union for Europe for the 2024 Rule of Law Report, pp. 17-18.

¹³⁹ Croatian Journalists' Association, Working document of new Media Act – unacceptable; Contribution from the Human Rights House Zagreb and Centre for Democracy and Law Miko Tripalo, pp. 12-13; Contribution from the Civil Liberties Union for Europe for the 2024 Rule of Law Report, pp. 17-18.

¹⁴⁰ Action Plan for the Development of Culture and Media for the period from 2023 until 2024.

¹⁴¹ 2024 Media Pluralism Monitor, pp. 12-13.

¹⁴² Euromedia Ownership Monitor (2023), Croatia - Country report 2023; Contribution from the Human Rights House Zagreb and Centre for Democracy and Law Miko Tripalo for the 2024 Rule of Law Report, p. 14; Contribution from the Civil Liberties Union for Europe for the 2024 Rule of Law Report, p. 20.

¹⁴³ Contribution from the Civil Liberties Union for Europe for the 2024 Rule of Law Report, p. 20. Information received from the Croatian Journalists' Association in the context of the country visit to Croatia.

Monitor continues to indicate a medium risk for the transparency of media ownership, as in the previous year¹⁴⁴. Under the Recovery and Resilience Plan the Government has committed to set up an information system to publish information on ownership of all types of media in a single register¹⁴⁵. The project has been launched by the Agency for Electronic Media and is currently in development¹⁴⁶. The rules on media concentration remain the same since the 2022 Rule of Law Report¹⁴⁷.

The framework for a fair and transparent allocation of state advertising raises concerns and there has been no progress to strengthen it. The 2023 Rule of Law Report recommended Croatia to ‘advance with strengthening the framework for a fair and transparent allocation of state advertising, by establishing clear criteria, good practices and oversight measures to guarantee the effective functioning of the public tender procedure for local and regional media’¹⁴⁸. Based on the latest available data covering the year 2022, the register of the Agency for Electronic Media on funds spent under this provision includes information from 41 public authorities and institutions as well as predominately state-owned companies, which is indicating substantial gaps in the reporting by the concerned entities¹⁴⁹. While the law requires such funds to be distributed based on a public call including relevant criteria, it does not specify these criteria or any procedural safeguards¹⁵⁰. Since the introduction of the provision in 2021, concerns have been raised by stakeholders regarding the fair and transparent allocation of the concerned funds¹⁵¹. They often refer to close links

¹⁴⁴ 2024 Media Pluralism Monitor, p. 14.

¹⁴⁵ Currently, ownership information for audiovisual and digital media is available via a public register managed by the Agency for Electronic Media, while the information for print media is gathered by the Chamber of Commerce. The Council adopted Council Implementing Decision of 28 July 2021 on the approval of the assessment of the recovery and resilience plan for Croatia, under which the Milestone no. 27 states: ‘[...] a system of media fact-checking shall be set up by the Electronic Media Agency, including the development of procedures and rules, the creation of registers and the strengthening of the digital competence capacities of fact-checkers, as well as the development of technological programmes, platforms and media communication systems [...]’. The milestone is part of the tenth payment request and has not yet been assessed by the Commission.

¹⁴⁶ Information received from the Agency for Electronic Media in the context of the country visit to Croatia.

¹⁴⁷ As reported in the 2022 Rule of Law Report, the revision of the Electronic Media Act ended the prohibition of vertical concentration between broadcasters and operators. A provider of media services and electronic publications whose total annual revenue has reached 40% of all providers is considered to have reached a dominant role in the market, and is then prohibited amongst others from acquiring new licences or concessions and launching new electronic publications. 2022 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, pp. 19-20.

¹⁴⁸ 2023 and 2022 Rule of Law Reports, Country Chapter on the rule of law situation in Croatia, p. 2. The referred procedure was introduced by the amendments to the Electronic Media Act in 2021 as an addition to the requirement for public authorities and institutions as well as predominately state-owned companies to spend a minimum of 15% of their annual funds earmarked for the promotion of their services or activities for advertising in regional or local television or radio programmes or electronic publications. In the 2023 Rule of Law Report, the Commission concluded that no further progress was made on the implementation of the recommendation. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, pp. 21-22.

¹⁴⁹ Taking into consideration that for 2020 and 2021 the register contained respectively 123 and 188 entries and that the overall number of potentially concerned entities is assumed to be around 1 180. Information received from the Agency for Electronic Media in the context of the country visit to Croatia.

¹⁵⁰ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 21.

¹⁵¹ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, pp. 21-22; Information received from the Croatian Newspaper Publishers’ Association, the Trade Union of Croatian Journalists and the Croatian Journalists’ Association in the context of the country visit to Croatia; Contribution from the

between local governments and regional or local media and the lack of independent and critical coverage at local level because of the strong financial dependency of such media on state advertising¹⁵². In this context, clear criteria, good practices and oversight measures are missing to guarantee the effective and transparent functioning of the allocation procedure¹⁵³. Furthermore, stakeholders continue to see concerns regarding the allocation of state advertising to media outlets at national level¹⁵⁴. In this regard, the Euromedia Ownership Monitor report points to a lack of transparency concerning state advertising practices around conferences organised by ministries and government agencies and the related media coverage¹⁵⁵. In January 2024, a criminal investigation into an alleged case of corruption involving a public official allegedly misusing advertising funds led to the dismissal of that official and the relevant Minister¹⁵⁶. While the investigation is ongoing¹⁵⁷, stakeholders expressed concern that this may not be an isolated case¹⁵⁸, raising further questions regarding the fair and transparent allocation of state advertising. While certain municipalities are reported to have adopted good practices suggested by journalist representatives to ensure objective and transparent procedures under the public tender procedure¹⁵⁹, no measures were taken by the Government regarding the fair allocation of state advertising. Therefore, there has been no progress on the implementation of the recommendation made in the previous years.

Public service broadcaster HRT faces criticism regarding potential conflicts of interests and the perceived lack of political independence. An internal HRT audit conducted in 2023 found substantial irregularities regarding its business with an external service provider¹⁶⁰, raising questions as regards the administration and accountability of the public service broadcaster¹⁶¹. The conduct of business with the external service provider was subject to two

Human Rights House Zagreb and Centre for Democracy and Law Miko Tripalo for the 2024 Rule of Law Report, p. 14.

¹⁵² Contribution from the Civil Liberties Union for Europe for the 2024 Rule of Law Report, p. 26; Osservatorio Balcani Caucaso Transeuropa (2024), Croatia, the assault on the local press.

¹⁵³ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, pp. 21-22.

¹⁵⁴ Information received from GONG in the context of the country visit to Croatia; Contribution from the Human Rights House Zagreb and Centre for Democracy and Law Miko Tripalo for the 2024 Rule of Law Report, pp. 13-14; 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 22.

¹⁵⁵ Euromedia Ownership Monitor (2023), Croatia - Country report 2023.

¹⁵⁶ In the case, the official, adviser to a minister, allegedly offered to allocate advertising funds from state owned companies to a media company in return for a part of the advertising money. Telegram (2024), 'This is unreal. Media racket exposed, and the Government assures the EU that state advertising in the media is great for us.'

¹⁵⁷ USKOK (2024), 'An investigation was launched against the defendant due to suspicion of "extracting" money from a TV station.'

¹⁵⁸ Information received from the Trade Union of Croatian Journalists and the Croatian Journalists' Association in the context of the country visit to Croatia; Contribution from the Human Rights House Zagreb and Centre for Democracy and Law Miko Tripalo for the 2024 Rule of Law Report, p. 13.

¹⁵⁹ Osservatorio Balcani Caucaso Transeuropa (2024), Croatia, the assault on the local press.

¹⁶⁰ The internal audit was requested in April 2023 by the HRT Supervisory Board and in September 2023, the State Attorney's Office started an investigation on the basis of its findings. Telegram (2024), 'We came to a scandalous audit finding on HRT: they illegally pay out millions and declare it a business secret'.

¹⁶¹ According to reports, HRT had continued to award contracts to the former company of its Director General without public tender, setting aside internal advice regarding a potential conflict of interest. Telegram (2024), 'We bring a discovery that would make the entire administration fly in every regulated country: HRT paid 1.25 million euros to the former company of its boss without a tender'; Telegram (2024), 'Fantastic HRT. The supervisory board confirmed Telegram's scandalous revelations about director Šveb but blamed the former administration for everything'.

opinions of the Commission for Conflict of Interests (CRC)¹⁶². In March 2024, in another case, the CRC fined the HRT Director General for irregularities in payments concerning the Director General himself¹⁶³. Regarding the financing of HRT, the public service broadcaster is predominantly financed by a monthly fee collected from households¹⁶⁴. In December 2023, the Government and HRT agreed on an annex on the HRT programming for 2023-2027 to close gaps in the financing of HRT with additional funding from the state budget¹⁶⁵. There continue to be some concerns regarding the political independence of HRT as the existing framework gives the parliamentary majority a strong influence over the public service broadcaster¹⁶⁶. The 2024 Media Pluralism Monitor indicator on the independence of public service media shows a medium risk¹⁶⁷.

Certain delays persist regarding access to information and public documents, and the processing of requests from journalists. The legal framework ensuring access to information and public documents is in place¹⁶⁸. As reported in previous Rule of Law Reports, stakeholders point to delays in the processing of requests by public authorities in certain cases¹⁶⁹. In 2023, 24 complaints and 30 appeals from journalists concerning access to information were received by the Office of the Information Commissioner¹⁷⁰. The Office of the Information Commissioner continues its activities to raise awareness among journalists on the rules and procedures in place. The 2024 Media Pluralism Monitor indicator on the protection of the right to information shows a medium risk¹⁷¹.

Authorities and journalists' representatives have concluded a cooperation agreement to further improve the safety of journalists. Since the 2023 Rule of Law Report, the Council of Europe's Platform to promote the protection of journalism and safety of journalists has registered seven alerts relating to events in Croatia, and the Mapping Media Freedom platform – 17 alerts¹⁷². Overall, journalist representatives continue to consider that police

¹⁶² The CRC assessed the conditions under which the HRT Director General could approve business contracts with an external service provider, a media company, which he used to co-own. CRC, Opinion M-136-21, 29 October 2021; CRC, Opinion M-19-22, 21 January 2022.

¹⁶³ Telegram (2024), 'The Commission for Conflict of Interest confirmed Telegram's discovery: the scandalous head of HRT paid himself fees that did not belong to him'.

¹⁶⁴ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 22.

¹⁶⁵ Annex to the contract between HRT and the Republic of Croatia for the period from 1 January 2023 to 31 December 2027; Information received from HRT in the context of the country visit to Croatia.

¹⁶⁶ Contribution from the Civil Liberties Union for Europe for the 2024 Rule of Law Report, pp. 22-23.

¹⁶⁷ 2024 Media Pluralism Monitor, p. 20.

¹⁶⁸ Changes to the Right to Access Information Act entered into force in June 2022, aiming to improve and harmonise practices concerning requests for access to information. In addition, specific provisions concerning journalists are included in the Media Act. See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 23.

¹⁶⁹ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 23. Contribution from the Croatian Journalists' Association to the 2024 Rule of Law Report, p. 22; Contribution from the Human Rights House Zagreb and Centre for Democracy and Law Miko Tripalo for the 2024 Rule of Law Report, p. 15.

¹⁷⁰ Information Commissioner, Report for 2023, pp. 15 and 51. In 2022, there were 23 complaints and 43 appeals from journalists. Information Commissioner, Report for 2022, pp. 20 and 72.

¹⁷¹ 2024 Media Pluralism Monitor, p. 12.

¹⁷² Council of Europe, Platform to promote the protection of journalism and safety of journalists, Croatia. Mapping Media Freedom, Croatia (as of 25 June 2023). Including in relation to verbal attacks by politicians against journalists and media outlets as well as physical attacks and threats. Mapping Media Freedom (2023) and (2024); Contribution from the Civil Liberties Union for Europe for the 2024 Rule of Law Report, p. 29.

authorities react appropriately in cases of attacks or threats against journalists¹⁷³. In September 2023, the Ministry of the Interior signed an agreement with the Croatian Journalists' Association and the Croatian Journalists' Union on the cooperation of police authorities and journalists¹⁷⁴. The objective of the agreement is to foster mutual understanding, and to ensure a safe environment for journalists, particularly when covering public events or protests. The agreement is accompanied by two implementing protocols: one on the behaviour of the police, journalists, and media workers at public gatherings¹⁷⁵, and the other on the behaviour of the police in the context of criminal offences committed against journalists and other media workers in connection with the performance of media activities. While the practical impact of these protocols will need to be established over time, they highlight the willingness of the authorities and journalists' representatives to improve the safety of journalists.

Although journalists are exempt from the offence of disclosure of information from ongoing criminal investigations, there is still strong criticism from stakeholders, and efforts continue to be made to address it. In June 2023, the Government submitted amendments to the Criminal Code to Parliament to introduce a criminal offence regarding the unauthorised disclosure of information from ongoing criminal investigations¹⁷⁶. The Government considered these changes necessary to prevent leaks from investigations during non-public pre-trial procedures¹⁷⁷. Journalist associations and other stakeholders strongly criticised these plans, voicing concerns that the proposed changes would risk impacting investigative journalism and more generally the free media coverage of important matters of public interest, such as corruption cases¹⁷⁸. Moreover, concerns were raised that the new criminal offence could expose journalists to investigations and risk impacting the protection of journalistic sources¹⁷⁹. As a reaction, at the beginning of 2024, the amendments were further revised to expressly exempt journalists and disclosures that are predominantly in the public interest from the scope of the new criminal offence¹⁸⁰. Notwithstanding these changes to the draft, journalists' representatives continued to express criticism of the amendments based on the potential implications for journalists¹⁸¹. On 14 March 2024, Parliament adopted

¹⁷³ Information received from the Croatian Journalists' Association in the context of the country visit to Croatia.

¹⁷⁴ Written contribution from the Ministry of Culture in the context of country visit to Croatia.

¹⁷⁵ The objective of the protocol is to improve the mutual cooperation between the police, journalists and other media professionals in the context of public gatherings, notably by improving communications and establishing a specific space for media professionals at such gatherings.

¹⁷⁶ Input from Croatia for the 2024 Rule of Law Report, pp. 36-37.

¹⁷⁷ Input from Croatia for the 2024 Rule of Law Report, p. 38.

¹⁷⁸ Croatian Journalists' Association (2023), Croatian Government proposes a law of dangerous intentions; Information received from the Croatian Newspaper Publishers' Association and civil society organisations in the context of the country visit to Croatia.

¹⁷⁹ Croatian Journalists' Association (2023), Public consultation: HND strongly opposes Article 307a of the Criminal Code.

¹⁸⁰ Paragraph 2 of the proposed Article 307a of the Criminal Code, expressly stipulates that a person performing journalistic work cannot be neither the perpetrator nor the participant (persons who aid or abet) in the commission of the criminal offense referred to in paragraph 1 of that Article, Additionally, on 14 March 2024, Parliament adopted amendments to the Code on Criminal Procedure which, among others, prescribe the obligation to warn all participants in a criminal case that the unauthorised disclosure of the content of an inquiry and evidentiary actions carried out during non-public pre-trial procedures constitutes a criminal offence. Input from Croatia for the 2024 Rule of Law Report, pp. 37-38.

¹⁸¹ Croatian Journalists' Association (2024), HND's open letter to citizens about the dangers of changes to the Criminal Code. The letter was co-signed by the editors of 19 Croatian media outlets. Free speech organisation "Article 19" stated that the amendments represent a disproportionate interference with freedom

the amendments to the Criminal Code, which exempted journalists and included a public interest exemption. Envisaged amendments of State Attorney's Office Act would in more detail elaborate the provisions on communication by the state attorney's offices on cases of public interest in accordance with the recommendations of the Council of Europe¹⁸².

There was some further progress on addressing the issue of strategic lawsuits against public participation (SLAPPs) targeting journalists, with improved awareness of the issue. The 2023 Rule of Law Report recommended Croatia to '[m]ake further efforts to address the issue of strategic lawsuits against public participation targeted at journalists, including by reviewing the legal provisions on defamation and encouraging wider use of procedural rules that allow dismissing groundless lawsuits, taking into account the European standards on the protection of journalists'¹⁸³. A survey conducted among media by the Croatian Journalists' Association in 2024 counted 752 active lawsuits against journalists and the media in Croatia (compared to 945 in 2023, 951 in 2022 and 905 in 2020)¹⁸⁴. While it is difficult to compile exact statistics and not all of these cases may qualify as SLAPPs, the data show that lawsuits against journalists continue to be an issue¹⁸⁵. In May 2024, preliminary results of a new granular research which examined at more than 1 333 court judgments involving journalists, found that more than 40% fulfilled at least one criterion for SLAPP¹⁸⁶. It also found that civil court proceedings in which relatively high damages were sought prevailed¹⁸⁷. At the same time, the number of new or prominent cases seems to have decreased, providing some signs of improvement¹⁸⁸. An analysis of the Ministry of Justice, Public Administration and Digital Transformation of civil and criminal cases for 2023 showed that out of the total number of cases closed in 2023, the SLAPP actions could be subject to 39 cases of which 8 criminal cases and 31 civil cases. Out of the 31 civil cases, 12

of expression and media freedom. Article 19, Press release: "Croatia: Scrap plan to criminally penalise disclosure of 'non-public' information", 13 June 2024.

¹⁸² Written contribution from the Ministry of Justice, Public Administration and Digital Transformation in the context of the country visit to Croatia.

¹⁸³ 2023 and 2022 Rule of Law Reports, Country Chapter on the rule of law situation in Croatia, p. 2. In the 2023 Rule of Law Report, the Commission concluded that some progress was made on the implementation of the recommendation.

¹⁸⁴ 21 media replied to the survey, while last year, when 945 active lawsuits were reported, 30 media replied. HND, Press release: 'At least 752 active lawsuits weighing EUR 4.1 million, and in 1 333 cases adjudged – 40% were pure SLAPP', 24 May 2024; 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 24.

¹⁸⁵ Contribution from the Civil Liberties Union for Europe for the 2024 Rule of Law Report, p. 31. Coalition Against SLAPPs in Europe (2023), SLAPPS: A Threat to Democracy Continues to Grow. The mapping of the Coalition Against SLAPPs in Europe (CASE) indicated that Croatia is among the EU countries with a notable cases of SLAPP lawsuits (with one of the highest number of cases in relation to its population).

¹⁸⁶ The research covered judgments delivered from 2016 to 2023. Out of the 40% indicated, more than 50% fulfilled several (more than one) criteria for SLAPP. Centre for Democracy and Law Miko Tripalo and Croatian Journalists' Association, Research Fighting SLAPP in Croatia, May 2024.

¹⁸⁷ In most cases, relatively high amounts were demanded: in half of the cases over EUR 5 000. By analysing court decisions, it was possible to identify the so-called "serial" plaintiffs, 12 of them, who frequently file lawsuits against the media and journalists, often with the same arguments. The length of civil court proceedings was high: 1 326 days on average (1 557 days on average for those ending with a judgment). According to the same research, plaintiffs often initiate multiple civil proceedings against the same defendant/journalist, and sometimes, in addition to the civil proceedings, they also initiate criminal proceedings. Centre for Democracy and Law Miko Tripalo and Croatian Journalists' Association, Research Fighting SLAPP in Croatia, May 2024.

¹⁸⁸ Information received from the Trade Union of Croatian Journalists and the Croatian Journalists' Association in the context of the country visit to Croatia.

were finally completed while others were non-final. Out of the 8 criminal cases, 6 are final and 2 are non-final¹⁸⁹. The expert working group on the issue of SLAPPs targeting journalists, established by the Ministry of Culture and Media in 2021, continues to raise awareness on the topic¹⁹⁰. However, there have been no changes to the legal framework to address the issue. Stakeholders continue to see a need to decriminalise defamation¹⁹¹. The 2024 Media Pluralism Monitor indicator on journalistic profession, standards, and protection indicator shows a high risk¹⁹². In its Action Plan for the Development of Culture and Media for the period from 2023 until 2024, the Ministry of Culture and Media lists among the envisaged measures a mechanism for the early recognition and dismissal of SLAPPs, which however has not yet been implemented¹⁹³. Overall, only some further progress has been made on the implementation of the recommendation made in the 2023 Rule of Law Report.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

Croatia has a unicameral parliamentary system of government, in which the Constitutional Court can carry out *ex-post* constitutional reviews, including in concrete cases based on a constitutional complaint. Draft laws can be tabled by any member of Parliament or the Government. The People's Ombudsperson, who is responsible for the promotion and protection of human rights and freedoms and fulfils the role of the National Human Rights Institution, the Information Commissioner, and the Ombudsperson for Gender Equality¹⁹⁴, which fulfils the role of the equality body, are all independent bodies that play a role in the system of checks and balances.

The new Law on Better Regulation introduced a comprehensive overhaul of impact assessments and evaluations, and additional standards for public consultations. On 15 December 2023, Parliament adopted the Law on Better Regulation Policy Instruments, which entered into force in January 2024. The new law introduces an obligation to carry out a regulatory impact assessment for each legislative proposal with stipulated exceptions to the procedure, a simplification from two-step to one-step regulatory impact assessment procedure, and a new instrument for the evaluation of regulations (replacing the *ex-post* regulatory impact assessment)¹⁹⁵. The law also sets additional standards for the public consultation process, which must last for 30 days in case of draft laws and, based on jurisprudence and practice, lists exemptions from the public consultations¹⁹⁶. The 2023 Rule

¹⁸⁹ Written contribution from the Ministry of Justice, Public Administration and Digital Transformation in the context of the country visit to Croatia.

¹⁹⁰ Input from Croatia for the 2024 Rule of Law Report, p. 33.

¹⁹¹ Information received from the Trade Union of Croatian Journalists and the Croatian Journalists' Association in the context of the country visit to Croatia.

¹⁹² 2024 Media Pluralism Monitor, p. 12.

¹⁹³ Action Plan for the Development of Culture and Media for the period from 2023 until 2024. Input from Croatia for the 2024 Rule of Law Report, p. 33.

¹⁹⁴ It should be noted that the mandate of the Ombudsperson for Gender equality can be terminated if his/her annual report is rejected in the Parliament.

¹⁹⁵ Input from Croatia for the 2024 Rule of Law Report, p. 37. The Recovery and Resilience Plan contains a milestone which requires Croatia to adopt amendments to the Act on Regulatory Impact Assessment. See the Council Implementing Decision of 28 July 2021 on the approval of the assessment of the recovery and resilience plan for Croatia, Milestone 151. The Commission found the milestone to be satisfactorily fulfilled on 12 June 2024. Communication to the Commission on the positive preliminary assessment of the fifth payment request of Republic of Croatia pursuant to Regulation (EU) 2021/241, C(2024) 4170 final.

¹⁹⁶ According to the Government, exceptions to the obligation to carry out the consultation procedure are provided for only when certain types of legislation are adopted, which cannot be influenced due to their

of Law Report found that in 2022, the number of public consultations via the e-Consultation portal increased significantly (to 1 028)¹⁹⁷. In 2023, there were 822 consultations, which was similar to 2021 (823)¹⁹⁸. The length of consultations increased to 21 days on average (19 in 2022, 21 in 2021)¹⁹⁹. The share of received comments that remained unanswered is still considerable at 21% (22% in 2022, 7% in 2021)²⁰⁰. The Public Ombudsperson addressed a recommendation to the Government authorities to provide a greater number of reasoned replies to comments²⁰¹. Civil society organisations stated that public consultations continue to be held *pro forma*, with only acknowledgement of the comments made by the public²⁰². The quality of law-making and the frequent changes in legislation remain a significant cause for concern about the effectiveness of investment protection among companies in Croatia²⁰³. In December 2023, the project to upgrade and expand the e-Consultations portal to local and regional self-government units was concluded. The upgraded portal was launched on 16 May 2024, opening the possibility for the local and regional self-government units to conduct their consultations via the portal. As regards the legislative process, the share of laws adopted by urgent procedure in Parliament has decreased to 26%, the lowest level in more than a decade²⁰⁴.

On 1 January 2024, Croatia had 27 leading judgments of the European Court of Human Rights pending implementation, an increase of one compared to the previous year²⁰⁵. At that time, Croatia's rate of leading judgments from the past 10 years that

nature or by the reasons for their adoption. Input from Croatia for the 2024 Rule of Law Report, p. 37. On 15 February 2024, the Government adopted the Regulation setting the methodology for impact assessments, evaluating legislation, and conducting public consultations Croatian Government, Press release: Government adopts Regulation for implementing the Law on Better Regulation Policy Instruments, 15 February 2024.

The Government Legislation Office conducted a number of workshops to assist in the implementation of the new law. Information received from the Government Legislation Office in the context of the country visit to Croatia.

¹⁹⁷ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, p. 25.

¹⁹⁸ Written contribution from the Government Legislation Office in the context of the country visit to Croatia.

¹⁹⁹ Information received from the Government Legislation Office in the context of the country visit to Croatia.

²⁰⁰ In 2023, a total of 6 441 individuals and legal entities participated. Altogether, 325 representatives of civil society organisation took part in public consultations and submitted 2 314 comments (out of total 19 931 comments). Written contribution from the Government Legislation Office in the context of the country visit to Croatia.

²⁰¹ People's Ombudsperson (2023), Report for 2022, 4 April 2023, p. 22, repeated in the Report for 2022, 29 March 2024, p. 12.

²⁰² Written contribution prepared by the Human Rights House Zagreb and Centre for Democracy and Law Miko Tripalo with contributions from Croatian Journalist Association, Centre for Peace Studies, Rainbow Families Croatia, Zagreb Pride, Udruga RODA, Youth Initiative for Human Rights – Croatia, GONG, Green Action, DKolektiv, Center for peace, non-violence and human rights and Croatian Platform for International Citizen Solidarity-CROSOL in the context of the country visit to Croatia.

²⁰³ In Croatia, 32% of companies perceive the frequent changes in legislation or concerns about quality of law-making process as a reason for the lack of confidence in investment protection (compared to 30% in 2023). Figure 56, 2024 EU Justice Scoreboard. According to the 2024 Survey of the Business Environment in Croatia by the American Chamber of Commerce in Croatia, the quality of legislation is the third main area in which respondents noticed the biggest deterioration in the preceding 5 years (32% of the respondents). AmCham Croatia, Survey of the Business Environment in Croatia 2024, March 2024, p.8.

²⁰⁴ In 2023, Parliament adopted 26% of laws using the urgent procedure (52% in 2022, 31% in 2021, 51% in 2020, 47% in 2019, 39 in 2018, 46% in 2017, 77% in 2016, 73% in 2015, and 81% in 2014). Written contribution from Parliament Secretariat Office in the context of the country visit to Croatia.

²⁰⁵ The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee's practice to group

remained pending was at 28% (compared to 29% in 2023) and the average time that the judgments had been pending implementation was 3 years and 4 months (compared to 2 years and 8 months in 2023)²⁰⁶. As regards the respect of payment deadlines, on 31 December 2023 there were 2 cases in total awaiting confirmation of payments (compared to 6 in 2022)²⁰⁷. On 1 July 2024, the number of leading judgments pending implementation had increased to 28²⁰⁸.

New Law on Administrative Disputes includes measures to encourage the swift implementation of administrative courts' judgments. On 14 March 2024, Parliament adopted a new Law on Administrative Disputes, which is part of the Recovery and Resilience Plan²⁰⁹. The new law aims to encourage a more proactive approach to conducting administrative court trials, to improve procedural discipline of both parties and to shorten the length of proceedings. To this end, the law introduces a pilot-judgment procedure to be applicable when in five or more first-instance administrative court cases the subject of the claim is of the same legal and factual nature²¹⁰. Furthermore, the law stipulates a new enforcement procedure when state authorities refuse to implement a final judgment of the administrative court or implement it in a wrong way. In this special procedure, the administrative court would be able to fine the head of the administrative body with up to 30% of annual gross salary (approximately EUR 5 000, enforceable via the Public Payments Agency FINA) until the judgment is implemented or as a fine for wrong implementation²¹¹.

Some further progress was made on the follow-up to the People's Ombudsperson's recommendations, while challenges on access to information remain. The Public Ombudsperson's Office fulfils the role of the National Human Rights Institution and is accredited with A-status²¹². The 2023 Rule of Law Report recommended Croatia to 'further improve the follow-up to recommendations and ensure a more systematic response to information requests of the Ombudsperson'²¹³. In October 2023, the Government's Office for Human Rights and Minority Rights sent a questionnaire to all relevant authorities enquiring about the implementation of the recommendations from the Ombudsperson's report for

cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.

²⁰⁶ All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2024. See the Contribution from the European Implementation Network for the 2024 Rule of Law Report, p. 2.

²⁰⁷ Council of Europe (2024), Supervision of the execution of judgments decisions of the European Court of Human Rights – 17th Annual Report of the Committee of Ministers – 2023, p. 137.

²⁰⁸ Data according to the online database of the Council of Europe (HUDOC).

²⁰⁹ See the Council Implementing Decision of 28 July 2021 on the approval of the assessment of the recovery and resilience plan for Croatia, Milestone 218. The Commission found the milestone to be satisfactorily fulfilled on 29 February 2024. Communication to the Commission on the positive preliminary assessment of the fourth payment request of Republic of Croatia pursuant to Regulation (EU) 2021/241, C(2024)1439 final.

²¹⁰ Input from Croatia for the 2024 Rule of Law Report, p. 41.

²¹¹ Articles 154 and 155 of the new Law on Administrative Disputes.

²¹² According to the Principles relating to the Status of National Institutions (The Paris Principles).

²¹³ 2023 and 2022 Rule of Law Reports, Country Chapter on the rule of law situation in Croatia, p. 2. The 2023 Rule of Law Report found that some progress was made on implementing the 2022 recommendation.

2022²¹⁴. According to the Government, the analysis of the questionnaire has shown that 61% of recommendations given in 2022 have been implemented, are being implemented or are in the implementation plan²¹⁵. In 2023, according to the Ombudsperson, the implementation of recommendations remained stable, as around 44% of all recommendations given in 2022 have either been already implemented or are in the process of being implemented²¹⁶. As regards the access to information, according to the Government, in 2023, the Ombudsperson submitted a written request for data from the Information System of the Ministry of the Interior for five cases on the treatment of irregular migrants, which the authorities transmitted²¹⁷. However, according to the Ombudsperson's Office, they

continued to experience some challenges when asking for direct access to relevant data from the Ministry's protected information system²¹⁸. Therefore, there was some further progress achieved regarding the recommendation made in 2023 Rule of Law Report. In 2023, the Ombudsperson's budget increased, and two new employees are to be hired in 2024²¹⁹.

There has been a gradual shift towards the multiannual funding of civil society organisations, while the new National Plan for Creating an Enabling Environment still remains outstanding. The civic space in Croatia is considered to be narrowed²²⁰. The previous Rule of Law Reports²²¹ followed the preparatory steps towards adoption of the National Plan, which intends to further improve the legal, financial and institutional support system for the activities of civil society organisations. Since the publication of the 2023 Rule of Law Report, the relevant Working Group tasked with developing the National Plan met three more times and 'technically completed' the draft for internal governmental consultation, which has not progressed further²²². According to the Governmental authorities, the lack of adoption of the new National Plan has not undermined the financing of civil society

²¹⁴ Altogether 32 questionnaires were sent to 14 ministries, governmental offices, state inspectorate, judicial academy, social services, Bar Association, public service media HRT, and two local governments, among others. Input from Croatia for the 2024 Rule of Law Report, p. 40. The questionnaire enabled the analysis of the implementation on two grounds: quantitative self-assessment and revaluation of the quantitative results based on qualitative results, i.e., description of the implementation. Written contribution from the Government in the context of the country visit to Croatia.

²¹⁵ Written contribution from the Government in the context of the country visit to Croatia. The analysis was published in the Report on Implementation of the Ombudsperson's Recommendations in March 2024.

²¹⁶ People's Ombudsperson, 2023 Report, 29 March 2024, p. 312. 2022 Ombudsperson Report found that around 46% of all recommendations given in the 2021 Ombudsperson's Report have either already been implemented or are in the process of being implemented.

²¹⁷ Written contribution from the Ministry of the Interior following the country visit to Croatia.

²¹⁸ In July 2023, during the common visit with the UN Subcommittee on the Prevention of Torture, the authorities granted access to all data regardless the form, while during the other two visits which Ombudsperson's Office conducted alone the data were provided after a written request weeks after the visit (for the visit in April 2023), and during the December 2023 visit request to print out the data from the information system was denied (on that occasion, Police did not offer to provide information if requested in writing and the Ombudsperson's Office did not request it in that form). Information received from the Ombudsperson's Office in the context of country visit to Croatia.

²¹⁹ Input from Croatia for the 2024 Rule of Law Report, p. 15, and information received from the Public Ombudsperson's in the context of the country visit to Croatia.

²²⁰ Rating given by Civicus, Croatia; ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

²²¹ 2023, 2022, 2021 and 2020 Rule of Law Reports, Country Chapters on the rule of law situation in Croatia.

²²² Input from Croatia for the 2024 Rule of Law Report, p. 43, and Information received from the Government Office for cooperation with the CSOs in the context of the country visit to Croatia.

organisations²²³. According to the Government, in 2023, the funding trend shifted from short-term support towards multiannual systematic and continuous financing²²⁴. Some civil society organisations raised as a challenge the increasing administrative burden in applying for funds as well as the prioritisation in funding²²⁵.

²²³ Information received from the Government Office for cooperation with the NGOs in the context of the country visit to Croatia.

²²⁴ According to the Government, national funding for key projects was secured for the period from the completion of ESF-funded projects to the beginning of implementation of the new ESF+ projects. Based on Public Payment Agency-FINA's financial report for 2022, 164 out of 50 000 of associations were blocked, which is 8% less than in 2021, which, according to the Government, shows that there is more available funding. Written contribution from the Government Office for cooperation with the NGOs following the country visit to Croatia.

²²⁵ Some civil society pointed out that funding is primarily focused on supporting civil society organisations that provide social services, rather than organisations contributing to better public policy management, monitoring reforms in the rule of law, combating corruption, and enhancing transparency; written contribution prepared by the Human Rights House Zagreb and Centre for Democracy and Law Miko Tripalo with contributions from Croatian Journalist Association, Centre for Peace Studies, Rainbow Families Croatia, Zagreb Pride, Udruga RODA, Youth Initiative for Human Rights – Croatia, GONG, Green Action, DKolektiv, Center for peace, non-violence and human rights and Croatian Platform for International Citizen Solidarity-CROSOL following the country visit to Croatia.

Annex I: List of sources in alphabetical order*

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Annex II: Country visit to Croatia

The Commission services held virtual meetings in January and February 2024 with:

- Agency for Electronic Media
- American Chamber of Commerce - Croatia
- Association of Judges (Judge Damir Kontrec)
- Bar Association
- Centre for Democracy and Law Miko Tripalo
- Centre for Peace Studies
- Commission for the Resolution of Conflicts of Interest
- Constitutional Court
- Croatian Journalists' Association
- Croatian Newspaper Publishers' Association
- GONG
- Government's Legislation Office
- Government's Office for Cooperation with NGOs
- Government's Office for Human Rights and Rights of National Minorities
- HRT – Croatian Radio and Television (Director General Robert Šveb)
- Human Rights House
- Ministry of Culture and Media
- Ministry of Justice and Administration
- Office of the Information Commissioner
- Office of the Public Ombudsperson
- Parliamentary National Council for Monitoring Anti-Corruption Strategy Implementation
- PNUSKOK - specialised anti-corruption police
- Secretariat of the Parliament
- State Attorney's Council
- State Attorney's Office (including USKOK-specialised anti-corruption prosecution)
- State Audit Office
- State Commission for Supervision of Public Procurement Procedures
- State Judicial Council
- Supreme Court (President Radovan Dobronić, LL.M.)
- Trade Union of Croatian Journalists

* The Commission also met the following organisations in a number of horizontal meetings:

- Amnesty International EU
- Centre for Democracy and Technology Europe
- Centre for European Volunteering
- Civil Liberties Union for Europe
- Civil Rights Defenders
- Civil Society Europe
- Culture Action Europe
- Democracy Reporting International
- European Centre for Non-Profit Law

- European Civic Forum
- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- International Federation for Human Rights
- International Planned Parenthood Federation
- International Press Institute
- Irish Council for Civil Liberties
- JEF Europe
- Open Society Foundations
- Philanthropy Europe Association
- PICUM
- Reporters Without Borders
- SOLIDAR
- Transparency International EU