

Report on the rule of law in the Republic of Croatia
for the purposes of preparing the Annual Report of the European Commission
on the rule of law in the Member States of the European Union

The report was prepared following the Questionnaire sent to the European Union Member States by the European Commission, and based on the contributions submitted by the competent authorities. It builds on the information submitted by the Republic of Croatia to the European Commission in previous reports for the purpose of preparing Annual Reports on the rule of law in the European Union for the years 2020, 2021, 2022 and 2023.

I. Justice System

1. Please provide information on measures taken to follow up on the recommendations received in the 2023 Report regarding the justice system

Recommendation: 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.

Concerning judicial staff, in the previous period the Government of the Republic of Croatia significantly increased salaries of civil servants and employees in judicial bodies by passing decisions on salary supplements, coefficients for salary calculation, and by increasing the salary calculation base.

At the beginning of July 2023, the Decision on the payment of a temporary supplement to salaries of civil servants and employees and servants and employees in public services¹ with coefficients from 0.631 to 1.867 entered into force. The aforementioned Decision covers more than 96% of civil servants and employees in judicial bodies. Of 7,272 civil servants and employees in judicial bodies who were paid a temporary supplement (of EUR 100, 80 or 60), 6,316 of them were entitled to a supplement of EUR 100 for full-time work. The average net salary in judicial bodies for civil servants and employees with prescribed coefficients from 0.631 to 1.867 was EUR 758, and after the adoption of the abovementioned Decision of the Government of the Republic of Croatia, it was increased to EUR 854, which is an average increase of EUR 96 (13%).

Furthermore, with the aim of improving the material status of civil servants and employees in the judicial system, at the end of July 2023, the Government adopted the Decision on the payment of salary supplements to civil servants and employees in judicial bodies². The Decision provides payment of a salary supplement in the amount of 12% for civil servants and employees in judicial bodies whose designated job complexity coefficients amount to up to 2.30.

Further, it should be pointed out that the job complexity coefficients for civil servants and employees in judicial bodies increased over four intervals. In 2019, for 70% of civil servants and employees in judicial bodies, coefficients increased by 9%, in 2022 coefficients for IT employees in judicial bodies and also the lowest coefficients for civil servants and employees increased, and in 2023 coefficients for administrative clerks - court registrars and administrative

¹ Official Gazette 65/23

² Official Gazette 87/23

clerks - state attorney's registrars increased by almost 8%. In addition to the aforementioned increases in job complexity coefficients, the salary base also increased by approximately 33% in the same period.

As a result, salaries increased by 32% for most civil servants and employee's posts in judicial bodies, administrative clerks - court registrars and administrative clerks - state attorney's registrars.

With the aim of establishing a comprehensive and fairer salary system in Croatia, the reform of the salary system in the civil service and public services is underway. Evaluating job posts using unique standard criteria will ensure the implementation of the principle of equal pay for equal work and will eliminate the current practice that job posts where the same or similar work is performed, but in different state bodies or public services, are paid differently.

The aforementioned will also increase salaries for certain job posts for which salaries were very low until now, including salaries of civil servants and employees in judicial bodies.

The reform of the salary system is one of the most important reform processes in the public administration, which is linked to the adoption of a new system of promotion in the state administration, and also the introduction of a new centralised employment system, i.e. better management of human resources in the civil service, which also includes judicial bodies.

The reform of the salary system is foreseen by the National Recovery and Resilience Plan 2021-2026 (NRRP) - C2.2. R2 – New models of salaries and work in the civil service and public services, with investment C2.2 R2 I1 - Improvement of salary system in state administration and public services, HRM (human resources management) system and COP (Centralised Payroll system), as a part of it.

Regarding judicial officials, the answer to question 8 is relevant.

A. *Independence*

2. Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

Relevant information has been provided in previous written contributions of the Republic of Croatia.

Additionally, in the Official Gazette 142/23 of 29 November 2023,³ the State Attorney's Council (SAC), on the basis of Article 25, paragraph 1 of the State Attorney's Office Act, published a public call for the appointment to the position of State Attorney General of the Republic of Croatia with a deadline for application of 30 days, given that the mandate of the current State Attorney General expires on 26 May 2024.

3. Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents, and prosecutors (incl. judicial review)

³ Official Gazette 67/18, 21/22

Relevant information has been provided in previous written contributions of the Republic of Croatia.

4. Promotion of judges and prosecutors (incl. judicial review)

Relevant information has been provided in previous written contributions of the Republic of Croatia.

5. Allocation of cases in courts

Relevant information has been provided in previous written contributions of the Republic of Croatia.

6. Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

In relation to the relevant information provided in previous written contributions of the Republic of Croatia, the following changes have been introduced:

Based on the State Attorney's Council Act⁴, the SAC adopted the following rules: the Rules on the method of conducting and evaluating interviews in the procedure for appointing deputy state attorneys⁵, the Rules on the method of conducting a written knowledge test and evaluation of written papers of candidates for Deputy Attorney General of the Republic of Croatia and deputy county state attorneys, who are not judicial officials⁶, and the Rules on the content and method of conducting psychological testing⁷.

7. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity, and criminal/civil (where applicable) liability of judges (incl. judicial review)

Following the information already provided in previous contributions of the Republic of Croatia, the Constitutional Court of the Republic of Croatia (CCRC), on 7 February 2023, abolished the provisions of the Act on the Amendments of the Courts Act⁸, which prescribed periodic basic security checks for all judges. The CCRC also annulled the amendments to the State Judicial Council Act which introduced a new disciplinary offense in the event that a current judge refuses to give consent to the National Security Agency to conduct a security check.

In 2023, the State Judicial Council (SJC) initiated 10 disciplinary proceedings against judges. Fines were imposed in three cases, judges were acquitted in four cases, the procedure was suspended in five cases, and 19 disciplinary proceedings are ongoing.

⁴ Official Gazette 67/18, 126/19, 80/22

⁵ Official Gazette 39/23

⁶ Official Gazette 39/23

⁷ Official Gazette 39/23

⁸ Official Gazette, 21/22

Appeals were filed to the CCRC against the decisions on disciplinary liability in three cases. The appeal was rejected in one case, while the procedures before the CCRC against other two decisions on disciplinary liability are still ongoing.

Forty requests for authorisation to initiate criminal proceedings against judges were received, of which three requests were accepted, 24 were dismissed, one was rejected, and 12 are ongoing.

In regard to the periodic security checks of deputy state attorneys, which are prescribed by the amendments to the State Attorney's Office Act⁹, amendments to the Act by which they will be abolished are currently being drafted.

In 2023, the SAC resolved with final decisions three disciplinary procedures (two received in 2023 and one from the previous period), and one procedure that started in 2023 is still ongoing.

8. Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

In relation to the salaries of judicial officials, the Act on Amendments to the Salaries of Judges and Other Judicial Officials¹⁰ entered into force on 1 July 2023. These amendments prescribe an increase in the base for calculating salaries of all judicial officials by 13.004% and an increase in the coefficient for calculating salaries of judicial officials in the first-instance judicial bodies from 3.54 to 4.21. This Act was agreed upon with the representatives of judicial officials and represents the initial step in additional improvement of the material status of judicial officials. From September 2016 to date, average salaries of municipal court judges increased by 64.87%, those of county court judges by 34.05%, those of high court judges by 35.14%, and those of Supreme Court judges by 42.48%.

Independently from this Act, the established Working Group consisting of judges and deputy state attorneys from all levels of judicial bodies held a meeting on 3 November 2023. The core task of the Working Group is to define an appropriate solution for the complete regulation of the salary system for judges and deputy state attorneys, which includes indexation of the base for salary calculation and the introduction of salary grades for judicial officials in the first-instance judicial bodies, as well as other material rights of judicial officials.

9. Independence/autonomy of the prosecution service

Relevant information has been provided in previous written contributions of the Republic of Croatia.

10. Independence of the Bar (chamber/association of lawyers) and of lawyers

Relevant information has been provided in previous written contributions of the Republic of Croatia.

11. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

⁹ Official Gazette 21/22

¹⁰ Official Gazette 71/23

Relevant information has also been provided in previous written contributions of the Republic of Croatia. Additionally, the proposal of the Act on Amendments to the Courts Act was accepted in the first reading in the Croatian Parliament on 30 November 2023. This proposal of the Act stipulates the obligation to publish all court decisions by which the proceedings were concluded on a special website with prior anonymisation and compliance with the rules on personal data protection. This will increase the transparency of the judicial system.

Furthermore, in September 2023 the Supreme Court drafted the "Guidelines for the Communication of the Judiciary with the Public"¹¹ to define, standardise and improve the communication of judicial bodies (judicial officials and servants) with the public so that the public would be acquainted accurately, timely and transparently with the content and meaning of decisions for which there is public interest.

B. Quality of justice

12. Accessibility of courts (e.g. court/legal fees, legal aid, language)

Relevant information has been provided in previous written contributions of the Republic of Croatia.

13. Resources of the judiciary (human/financial/material)

The SJC currently has six employees. In addition, within the framework of fulfilling the key stage 214 of the NRRP - Secured electronic tools and appropriate administrative capacities for the SJC and SAC, one employee of the Ministry of Justice and Public Administration was transferred to the SJC to carry out verification of asset declarations.

The SAC had four permanent employees and one fixed-term employee on 30 November 2023.

One employee of the Ministry of Justice and Public Administration, for the purpose of fulfilling the key stage 214 of the NRRP, was temporarily transferred to the SAC for the entire 2023 to carry out verification of asset declarations.

The SAC is currently in the process of simple procurement and establishing an information system for e-office operations.

The Ministry of Justice and Public Administration works intensively on improving the judicial infrastructure through various available sources of funding and various scopes of interventions to ensure greater accessibility, efficiency, and transparency of the judicial system. Currently, 31 construction sites are open in the Republic of Croatia¹².

¹¹ <https://www.vsrh.hr/EasyEdit/UserFiles/normativni-akti/2023/smjernice-za-komuniciranje-pravosudja-s-javnoscju.pdf>

¹² Furnishing of the newly built building for the needs of the Municipal Court in Split is in progress. The works were completed in summer 2023. The court is expected to move into the new premises at the beginning of 2024. The value of the investment is EUR 12,246,606.61 and it was financed through the Norwegian grant and funds from the State Budget.

In Gospić, the project of establishing the central registry of land registers of the Republic of Croatia is being carried out. The value of the project is EUR 3.75 million, financed by a loan from the World Bank. This project will free

14. Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

Relevant information has also been provided in previous contributions of the Republic of Croatia.

In 2023, the Judicial Academy held 42 workshops for 652 attendees in areas related to the rule of law:

1. Hate crimes and hate speech (one-day workshops, target group: judges, state attorneys, advisors in judicial bodies, police officers)
2. Ethics for civil servants (one-day workshops, target group: civil servants in the judiciary)

up storage space in the courts and create additional prerequisites for the digital functioning of land registers. The completion of the works is expected at the end of 2023.

Implementation of the 2nd phase of the reconstruction of the building of the Crikvenica Municipal Court - Permanent Service Senj worth EUR 1.17 million is underway. The end of works is expected in the first quarter of 2024. In November 2023, the works within the 1st phase of refurbishment and energy efficiency improvement of the Municipal Civil Court in Zagreb were completed; an investment valued at EUR18,118,430.18.

After two devastating earthquakes that struck the area of Zagreb and the area of Sisak-Moslavina County, based on the priorities and possibilities of implementation, the following works are underway: The Justice Square in Zagreb - building A - Municipal Criminal Court Zagreb - full restoration is in progress. Completion of the works is planned for the 2nd quarter 2024. The value of the project is EUR 3.48 million; The first phase of the constructive restoration of the Justice Square in Zagreb - building B - EPPO - works have been completed. The building is in a *roh bau* condition. In 2024, the plan is to launch a tender for the continuation of the complete renovation works with an estimated value of EUR 2.5 million; The first phase of the constructive restoration of Amruševa - Petrinjska is underway. The completion of works is expected in the 4th quarter of 2023. After that, the plan is to launch a tender for the continuation of works for the full restoration with an estimated value of EUR 15 million; The first phase of the restoration of the State Attorney's Office of the Republic of Croatia is underway. The completion of works is expected in the 4th quarter of 2023. After that, it will be necessary to launch a tender for full restoration with an estimated value of EUR 5 million; Full restoration of the High Commercial Court building - the completion of works is expected in the second quarter of 2024. The value of the project is EUR 2.25 million; Full restoration of the Sisak Municipal Court, Petrinja Permanent Service. The completion of works is expected by the end of 2023. The value is EUR 2.19 million; Full restoration of the Sisak County Court. The completion of works is expected by the end of 2023.

In order to improve the judicial infrastructure, reconstruction works are also being carried out through the project "Implementation of energy efficiency measures to renovate old facilities of judicial bodies", an activity under the NRRP. The restoration of several court buildings is underway (the Municipal Court in Koprivnica, the County Court in Slavonski Brod, the Municipal Court in Đakovo, the Municipal Court in Čakovec, the Permanent Services of Municipal Courts in Vrbovec, Slatina, Klanjec, Daruvar, Donja Stubica, Našice, Čazma, Donji Miholjac and Delnice, the Commercial Court in Osijek). The completion of the restoration works on all buildings is planned by the end of the 2nd quarter 2024. The total estimated value of the works is EUR 12.65 million.

As part of the NRRP, the construction of the Justice Square in Zagreb is also underway - the project documentation has been prepared, the building permit for the construction of the new complex is to be obtained, the removal of the existing buildings on the site has been carried out, and the public procurement for the works on the new complex is in progress. Construction work is planned to begin in the first quarter of 2024. The estimated value of the works is EUR 147.5 million.

3. Application of the Code of Ethics (one-day workshops, target group: judges, state attorneys, advisors in judicial bodies)
4. Protection of the rights of victims of criminal offenses (one-day workshops, target group: judges, state attorneys, advisers in judicial bodies, police officers)
5. Rights of defendants in misdemeanor proceedings in view of the practice of the European Court of Human Rights (ECtHR) (one-day workshops, target group: judges, state attorneys, advisors in judicial bodies)
6. The right to the freedom of expression and the right to respect for private life from the European Convention on Human Rights (ECHR) (one-day workshops, target group: judges, state attorneys, advisors in judicial bodies)
7. Gender perspective in the judiciary: stereotypes and prejudices (one-day workshops, target group: judges, state attorneys, advisors in judicial bodies)
8. Promotion of the right to diversity and the fight against intolerance and hatred (one-day workshops, target group: judges, state attorneys, advisors in judicial bodies)
9. Suppression of money laundering and financing of terrorism (one-day workshops, target group: judges, state attorneys, advisors in judicial bodies)
10. Protection of Reporters of Irregularities Act (one-day workshops, target group: judges, state attorneys, advisors in judicial bodies)
11. Suppression of human trafficking (one-day workshop, target group: judges, state attorneys, advisors in judicial bodies, police officers, employees of the Department for Victim and Witness Support)
12. Ways of communicating with the media and social networks (one-day workshops, target group: judges, state attorneys, heads of judicial bodies and spokespersons)
13. Media monitoring and reporting on the work of the judiciary (one-day workshop, target group: journalists and editors)

The Judicial Academy, in cooperation with the Office of the Representative of the Republic of Croatia before the European Court of Human Rights and the Council of Europe, implemented a project from the Technical Support Instrument of the European Commission's Directorate General for Structural Reform Support entitled "Promotion of the Rule of Law and Fundamental Rights through High-Quality Online Trainings in the Croatian Judiciary". The project ended in September 2023.

The project covered the following topics: 1. The relationship between the right to freedom of expression (Art. 10 of the ECHR) and the right to private life (Art. 8 of the ECHR) in the ECtHR practice; 2. Rights of victims and injured parties; 3. *Ne bis in idem*; 4. Independence of judges; 5. Substance of the right to a fair trial; 6. The right to peaceful enjoyment of possessions and the application of the principle of proportionality in the judicial practice of the European Court of Human Rights (Article 1 of Protocol No. 1 of the ECHR); 7. Application of Article 6 of the ECHR in proceedings before administrative courts; 8. Procedural obligations under Articles 2 and 3 of the ECHR and the rights of victims and injured parties; 9. Hate crimes - in the light of the practice of the courts of the Republic of Croatia and the ECtHR; 10. Rights of victims of domestic violence - legal framework (criminal law and misdemeanor aspect) and the ECtHR practice; 11. Family-law protection of children in the practice of domestic courts and the practice of the ECtHR.

A number of activities intended for the prison system and probation aimed at strengthening knowledge, skills, and expertise in performing everyday activities were carried out. Some of the activities included professional training of officers in the field of application of basic principles, techniques, and methods of reality therapy, training in the field of providing first

aid, and preventing the spread of infectious diseases. Different workshops were held with an aim to improve and standardise the professional practice of certain categories of employees within the prison system and probation.

15. Digitalization (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)

Relevant information has been provided in previous written contributions of the Republic of Croatia. The development of numerous judicial e-services has significantly increased the number of external system users who use the system's resources online. Thus, the total number of registered e-Communication users on 3 January 2023 was 76,133, and on 13 December 2023, their number was 85,573. In 2023, natural persons (tradesmen, doctors, etc.) who perform a registered activity in disputes concerning that activity became obliged to use the e-Communication, and the number of registered physical persons also increased significantly. Thus, on 3 January 2023, the number of registered natural persons in the e-Communication system was 4,042, and on 13 December 2023, their number was 13,286.

The Ministry of Justice and Public Administration is continuously working on the development of new innovative e-services. Through the NRRP project "Upgrading the court case management system e-Spis (e-File)" further upgrading of the system is underway, especially of the e-Komunikacija (e-Communication). The system will be connected to the e-Građani (e-Citizens) and the e-Ovlaštenja (e-Authorisation) systems, and legal persons will be able to independently register in the e-Communication via the e-Authorisation. The system will be redesigned, navigation and displays will be improved, and it will be connected to the e/mPotpis (e/m Signature), the e/m Pečat (e/m Seal) and the e-Pristojbe (e-Fees) systems. The e-Communication will be enabled through the large users' service. The design will be adjusted to be suitable for use on mobile devices, an overview of the users' hearings will be added, it will be possible to enter additional notes for easier tracking of cases and documents, and additional sorting in the tables will be enabled. The new e-Communication will be available for all users at the beginning of 2024.

One of the measures from the NRRP is the development of tools for the publication and search of court decisions with the aim of strengthening the transparency and availability of court decisions to professionals and the general public. The development of an IT solution for automatic and semi-automatic anonymisation using artificial intelligence is currently underway. The portal will enable the search, by different criteria, of all court decisions by which the proceedings have ended. This will increase the transparency of the judicial system, help citizens and business entities to be acquainted with their rights, and will also contribute to the standardisation of court practice. For this purpose, amendments to the legal framework were made. The proposal of the Act on Amendments to the Courts Act, which was accepted in the first reading in the Croatian Parliament on 30 November 2023, stipulates the obligation to publish all court decisions by which the proceedings ended on a special website with prior anonymisation and compliance with the rules on the protection of personal data.

One of the current projects is the introduction of audio recording in courtrooms. The recording of hearings should enable the display of the actual course of the hearings, notation of all events in the courtroom, as well as increase transparency and enable faster availability of information. Technical documentation has been prepared and the public procurement procedure is expected to start.

The goals of the project “Further improvement of the quality of the judiciary through the continuation of the modernisation of the judicial system in the Republic of Croatia”, for which the final conference was held on 6 November 2023, are aimed at further modernisation and improvement of the use of IT technologies in the judiciary and at upgrading the competences and knowledge of employees and judicial officials.

The target group of the project consists of judges, state attorneys, deputy state attorneys, employees in judicial and criminal bodies of the Ministry of Justice and Public Administration, probation offices, and other employees of the Ministry of Justice and Public Administration, as well as courts and state attorneys' offices. Activities carried out during the duration of the project were aimed at upgrading the existing application systems used in the judiciary (systems of criminal records and e-sudski registar (e-Court register)), implementation of the pilot project e-sudnica (e-Courtroom) at the Municipal Court in Novi Zagreb, procurement of licenses and equipment for the use of programmes for converting speech to text, as well as IT equipment for the needs of courts and state attorneys' offices.

In addition, on 22 November 2023, the final conference of the “e-Court Register - Phase 2” project worth over EUR 1.4 million was held. The goal of the project was to upgrade the Court Register and to introduce new e-services to improve and simplify the communication of business entities with courts. This project enables the citizens of the European Union and the European Economic Area to use all the advantages of the single market through digitisation of the most important administrative and judicial procedures. The upgrade of e-services should make daily practices and communication easier for all citizens. Key benefits for citizens relate to the possibility of electronic download of documents, registration of changes without the need to be physically present at the commercial court or a public notary office, shortening the process of establishment or registration of changes in the Court Register and better information about the conditions and methods of establishment of companies in the Republic of Croatia. The establishment of electronic communication with the Court Register contributes to the creation of a simpler legal and fiscal environment for economic entities and to the stimulation of competitiveness and investment in the Croatian economy by reducing administrative burdens and increasing legal certainty. The project was co-financed by the funds from the European Regional Development Fund.

On 10 February 2023, the provisions of the Land Registers Act entered into force¹³, according to which the registration procedure in land registers is submitted electronically, through a public notary or a lawyer. By connecting the ZIS (Joint Information System of Land Registers and Cadastre) with the e-File and the e-Notary systems, the electronic delivery of all court decisions for the execution in the land registers was enabled. The offices of public notaries and lawyers are distributed throughout the territory of the Republic of Croatia, which means that the aforementioned service will be even more accessible to citizens compared to the previous legal arrangement. The new legislative regulation aims to ensure greater up-to-dateness of land registers but also to speed up land register procedures since the mentioned changes ensure that land registers (main books and collections of documents) are kept entirely in electronic form and that files in regular land register procedures, as well as the complete implementation of proceedings, are conducted exclusively in electronic form.

¹³ Official Gazette 63/19, 128/22

16. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

Relevant information has been provided in previous written contributions of the Republic of Croatia.

17. Geographical distribution and a number of courts/jurisdictions (“judicial map”) and their specialization, in particular, specific courts or chambers within courts to deal with fraud and corruption cases.

Relevant information has been provided in previous written contributions of the Republic of Croatia.

C. *Efficiency of the justice system*

18. Length of proceedings

Relevant information has also been provided in previous written contributions of the Republic of Croatia.

In November 2022, the Ministry of Justice and Public Administration established a Working Group for drafting the new Act on Amendments to the Criminal Procedure Act. The goal and task of the Working Group is to analyse the institutes of the criminal procedure through all its phases, in order to speed up and increase the effectiveness of the criminal procedure. Special emphasis is placed on expanding the competencies of the police to independently undertake evidentiary actions (reexamination of the concept of urgent evidentiary actions); on reconsidering the mechanisms of extrajudicial (conditional suspension of criminal prosecution) and accelerated resolution of criminal cases (criminal order, judgment based on the parties’ agreement); on reviewing the role of the indictment panel in proceedings for minor criminal offenses; on simplifying the procedural formalities of the hearing, in particular in the proceedings for minor criminal offenses and giving the trial judge wider powers to conduct the trial effectively and continuously; on reviewing the duty of the appeal court to review the first-instance verdict *ex officio*, especially in cases where the defendant participated in the hearing with the assistance of a defense attorney; and on further modernisation and digitisation of criminal proceedings.

A Working Group was also established within the Ministry of Justice and Public Administration to draft the Act on Amendments to the Office for the Suppression of Corruption and Organised Crime Act. The aim is to improve the efficiency of proceedings (ensure their completion within a reasonable time), as well as the strengthening the capacity of the Office for Suppression of Corruption and Organised Crime.

The Ministry of Justice and Public Administration continuously invests efforts to increase the efficiency of courts, and in this regard, at the beginning of 2021, it started implementing Action Plans for improving the efficiency of the courts in the Republic of Croatia. Current Action Plans cover the period from 1 January 2022 to 31 December 2023, and their results will serve as the basis for creating action plans for the forthcoming period.

The proposal of the Delivery of Court Documents Act, which was adopted on 30 November 2023 at the session of the Government of the Republic of Croatia, is part of the legislative changes that directly affect the efficiency of courts and reduce the length of court proceedings. This Act, by unified rules, prevents unjustified delay of proceedings due to the delivery and receipt of court documents. Delivery of court documents in the existing legislative framework is regulated by the Civil Procedure Act¹⁴, the Criminal Procedure Act¹⁵, the Administrative Disputes Act¹⁶ and the Misdemeanor Act¹⁷, which makes rules on delivery uneven and delivery difficult.

Amendments to the Courts Act, which passed the first reading in the Croatian Parliament on 30 November 2023, additionally regulate the protection of the right to a trial within a reasonable time, since the practice of the European Court of Human Rights has indicated that the current provisions of that Act are not effective enough. In the event that the request for the protection of the right to a trial within a reasonable time is justified, the Act prescribes the obligation of the judge to resolve such a case within six months and immediately determine the appropriate compensation to the party for the violation of the right to a trial within a reasonable time. The specified period of six months can be extended if the circumstances of the case so dictate.

The Peaceful Dispute Resolution Act¹⁸, which entered into force on 29 June 2023, reformed the institute of conciliation with the aim of encouraging citizens to peacefully resolve disputes, ensuring greater availability of peaceful dispute resolution, speeding up proceedings and unburdening the courts. The Act broadly defines the area of peaceful resolution of disputes (in the sense that it also includes mediation, negotiations regulated by law and other alternative ways of resolving disputes) and prescribes the establishment of the Centre for peaceful resolution of disputes which, for achieving the purpose of the Act, encourages the development of a culture of peaceful resolution of disputes, gives consent to institutions for the peaceful resolution of disputes, gives consent to education programmes for certain types of peaceful resolution of disputes, conducts professional training of mediators independently or in cooperation with authorised institutions, maintains the Register of mediators and publishes information on peaceful resolution of disputes. The aforementioned Center has been established and will have regional offices. In addition, an attempt at a peaceful settlement of the dispute becomes a procedural duty of the parties before initiating litigation for damages, and it is expressly stipulated that the costs of mediation that was not completed by concluding a settlement are included in litigation costs.

The project “Improvement of the Court Conciliation System” is implemented within the framework of the “Justice and Internal Affairs” Programme, financed through the Norwegian Financial Mechanism 2014 - 2021. The aim of the project activities is to ensure that conciliation in Croatia becomes sustainable in the long term and that a positive perception is created towards the peaceful resolution of all disputes in which conciliation is possible. The effect of such a comprehensive approach to conciliation should result in a greater number of court settlements concluded, unburdening of the judicial system and ultimately greater trust in the judiciary. The Project implementation includes the following activities: conducting an analysis of the existing

¹⁴ Official Gazette 53/91, 91/92, 58/93, 112/99, 88/01, 117/03, 88/05, 02/07, 84/08, 96/08, 123/08, 57/11, 148/11, 25/13, 89/14, 70/19, 80/22, 114/22

¹⁵ Official Gazette 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19, 130/20, 80/22

¹⁶ Official Gazette 20/10, 143/12, 152/14, 94/16, 29/17, 110/21

¹⁷ Official Gazette 107/07, 39/13, 157/13, 110/15, 70/17, 118/18, 114/22

¹⁸ Official Gazette 67/23

system in comparison with other European countries in order to emphasise the possibilities for improving the Croatian conciliation system; conducting a sociological-legal analysis of the reasons for not using conciliation; creation of a handbook on court conciliation; conducting training for conciliators for 500 professional employees (judges, court advisors, lawyers, state attorneys, civil servants, representatives of the academic community and the educational system) and conducting an awareness raising campaign. Basic and additional training for mediators was conducted, and more than 500 persons were trained, mostly judges and court advisors.

The Non-Litigation Procedure Act¹⁹, the majority of whose provisions entered into force on 10 June 2023, modernises non-litigation procedure and regulates it in a way that it provides citizens and business entities with quality and transparent legal protection, as well as with guarantees of legal certainty. In addition to general rules, provisions for special procedures are also prescribed. The Act entrusts the resolution of certain types of non-litigation proceedings to public notaries as court commissioners, which ensures fast, high-quality and efficient exercise of the rights of all citizens and guarantees legal certainty, while also unburdening the courts. Public notaries are entrusted with non-litigation procedures for consensual divorce, declaring a missing person dead and proving death, boundary regulation if the parties have submitted a consensual proposal for boundary regulation, and dissolution of co-ownership if the parties have submitted a consensual proposal for the dissolution of co-ownership.

The Act on Amendments to the Court Register Act²⁰, which entered into force on 31 October 2023, transposes into the national legal order procedural provisions from Directive (EU) 2019/2121 and relieves entrepreneurs since they, when establishing a company, will no longer be obliged to obtain a statement about the absence of outstanding debts on the basis of taxes and contributions for pension and health insurance, as well as debts for net wages to workers. The court will automatically exchange the aforementioned data with the Ministry of Finance and the Tax Administration.

Other

The project “Revising the methodology for evaluating the work of judges” officially started on 1 March 2022, and the third phase of the project is currently underway. Recommendations for improving the Methodology for evaluating the work of judges were made by Croatian experts and presented at the final conference held on 14 November 2023. The completion of the project is expected in April 2024.

The Act on Amendments to the Civil Obligations Act²¹ was adopted on 15 December 2023. This Act introduces additional instruments for the protection of support recipients in order to prevent situations of abuse, i.e. professionalisation of concluding these types of contracts by support providers (the number of lifelong care support and support until death contracts that can be concluded by one support provider or support recipient will be limited), and to better inform support recipients on the consequences of entering into such contracts and about the rights and obligations arising from these contracts. Also, the provisions governing insurance contracts are adapted to new communication technologies in order to simplify and speed up the provision of insurance services and to adapt the Act to modern ways of doing business in the field of insurance, while taking into account the interest of the policyholders’ protection. By this Act, an additional alignment is done with the Financial Operations and Pre-Bankruptcy

¹⁹ Official Gazette 59/23

²⁰ Official Gazette 123/23

²¹ Official Gazette 155/23

Settlement Act, which transposed Directive 2011/7/EU of the European Parliament and the Council of 16 February 2011 on combating late payment in commercial transactions in order to simplify and clarify the provision on the method of determining the amount of the default interest rate and determining the definition of the reference rate.

The Act on Amendments to the Civil Procedure Act²² was adopted on 15 December 2023. The legal system of the Republic of Croatia recognises the lifelong care contracts and the support until death contracts as civil obligation contracts that are regulated by the Civil Obligations Act²³. Although the primary purpose of lifelong care contracts and support until death contracts is to provide support to the weak, sick, and infirm, in practice they are often abused in such a way that elderly people are left without their property and without the maintenance necessary for their sustenance, in which case they can protect their rights in a court procedure. As a result, the Act on Amendments to the Civil Procedure Act stipulates that procedures for the amendment, termination, invalidation, and annulment of lifelong support contracts and support until death contracts are urgent.

The Act on Amendments to the Commercial Companies Act²⁴ entered into force on 10 November 2023. The Act transposes into the national legal system material provisions of Directive (EU) 2019/2121 of the European Parliament and of the Council of 27 November 2019 amending Directive (EU) 2017/1132 as regards cross-border conversions, mergers and divisions. By this the following goals are achieved: freedom of business establishment with the guarantee of protection of the rights of workers, creditors and minority members of companies, as well as the regulation of cross-border conversion and cross-border division of companies while maintaining the legal personality of these companies by their registration in court registers after cross-border proceedings. A further goal of the Act is to ensure the implementation of the Commission Implementing Regulation (EU) 2018/1212 of 3 September 2018 laying down minimum requirements implementing the provisions of Directive 2007/36/EC of the European Parliament and of the Council as regards shareholder identification, the transmission of information and the facilitation of the exercise of shareholders' rights. With the introduction of the euro, there has been a change in the definition of the statutory default interest rate, and the provisions on the statutory default interest rate are aligned with the definition of the statutory default interest rate as defined in the Civil Obligations Act and the Financial Operations and Pre-Bankruptcy Settlement Act²⁵.

The Act on Amendments to the Bankruptcy Act is in the legislative procedure and was referred to the Croatian Parliament for the second reading on 21 December 2023. The scope of amendments to the Act is the harmonisation of the normative framework for the purpose of introducing euro as the official currency in the Republic of Croatia. Amendments include solutions that, among other, change the currency and adjust the amount of: the advance payment for the costs of the pre-bankruptcy procedure, fees for filing a claim, the lowest amount of the share capital of the company of bankruptcy trustees with limited liability, the advance payment for settling the costs of the bankruptcy procedure, fees for unauthorised use, or use of the bankruptcy estate, the starting price of the property at the fourth auction, fines, etc.

In accordance with the Plan of Legislative Activities of the Government of the Republic of Croatia for the year 2024, it is foreseen that in the first quarter of 2024, the Act on Amendments

²² Official Gazette 155/23

²³ Official Gazette 35/05, 41/08, 125/11, 78/15, 29/18, 126/21 and 114/22

²⁴ Official Gazette 130/23

²⁵ Official Gazette 108/12, 144/12, 81/13, 112/13, 71/15, 78/15, 114/22

to the Companies Act will be proposed. The subject of this amendment is the transposition into our national system of Directive (EU) 2022/2381 of the European Parliament and of the Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measures. The goal is to ensure the application of the principle of equal opportunities for women and men and to achieve gender-balanced representation among the highest management positions by establishing a series of procedural requirements regarding the selection of candidates for appointment or election to directors' positions based on transparency and merit.

The draft proposal of the Administrative Disputes Act had been submitted for e-Consultation from 23 November to 23 December 2023, and it is expected to be adopted at the Government session in the first quarter of 2024. More detailed information can be found in the answer to question 52.

The joint project of the European Union and the Council of Europe "Implementation of the Barnahus Model in Croatia" started in the Republic of Croatia on 1 September 2023 and will last until 28 February 2026. The goal of the project is to improve the access and quality of the justice system for child victims of violence in Croatia, to ensure that unnecessary delays in dealing with such cases are reduced and that all children victims of sexual violence have the right to access to child-friendly justice. The project is implemented by the Department for Children's Rights of the Council of Europe in close cooperation with the Ministry of Justice and Public Administration. The project is divided into three components, with aimed results: 1. Established legal, political, and institutional framework for the sustainable operation of the Barnahus model in Croatia; 2. Improved knowledge and capacities of experts who work with children and for children; 3. Improved professional and general public awareness on the state of sexual abuse of children in Croatia. The Council of Europe's fact-finding mission was in Zagreb from 24 to 26 October 2023, when bilateral consultations were held with relevant stakeholders with the aim of gathering information and assessing the current situation in ensuring child-friendly justice.

II. Anti-corruption framework

19. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework

Recommendation: adopt comprehensive legislation in the area of lobbying, including on persons with top executive positions, and set up a public register of lobbyists

The Ministry of Justice and Public Administration prepared the draft proposal for the Lobbying Act²⁶, taking into account the recommendations of the Council of Europe, the OECD, and the

¹ The draft proposal defines lobbying, lobbyists, lobbied persons and beneficiaries of lobbying. Pursuant to the draft Act, lobbying is any form of oral or written communication to the lobbied person as part of a structured and organised promotion, advocacy or representation of certain interests or the transmission of information related to public decision-making in order to achieve the interests of beneficiaries of lobbying. A lobbyist is a domestic or a foreign natural or legal person who lobbies and who is registered in the Register of Lobbyists, and includes, in particular, lobbyists who lobby for beneficiaries of lobbying, including consultants engaged in lobbying and professional lobbyists, as well as lobbyists who lobby on behalf of their employer and lobbyists representing professional, business or other sectoral interests, including professional, economic and interest associations, non-governmental associations and civil society organisations.

comparative practice of EU Member States and other countries. The public consultation process on the draft proposal for the Lobbying Act was completed on 16 July 2023. At the session held on 2 November 2023, the Government of the Republic of Croatia accepted the draft proposal and submitted it for the first reading in the Croatian Parliament. The Working Group for drafting the Act held six working meetings so far. Members of the Working Group include representatives of the academic community, judicial officials, representatives of state administration bodies, the Croatian Bar Association, the Croatian Association of Employers, trade unions, and civil society organisations.

For the purposes of the implementation of the Act, additional strengthening of the administrative and financial capacities of the Commission for the Resolution of Conflicts of Interest is foreseen through the recruitment of new employees and ensuring additional budget funds. The creation of the electronic Register of Lobbyists began as part of the creation of a broader IT platform for improving the effectiveness of the overall preventive anti-corruption framework through an NRRP project “Increasing the efficiency, coherence and openness of competent authorities in the fight against corruption through digitisation, strengthening transparency and improving coordination”.

Recommendation: 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

Relevant information is provided in the answer to question 18.

A. *The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)*

20. List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation, and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and

According to the draft proposal, a lobbied person is any person who is an official, special adviser or managing civil servant, elected, appointed, employed or otherwise engaged in bodies of legislative or executive power, bodies of state administration and bodies or administrative bodies of local and regional self-government units and who participates or is responsible for public decision-making and who has agreed to communicate with the lobbyist. Lobbying shall be conducted in accordance with the principles of openness, transparency, responsibility, conscientiousness and integrity.

The Registry of Lobbyists is being established, which is managed by the Commission for the Resolution of Conflicts of Interest in electronic form. This further strengthens the role of the Commission as an independent anti-corruption body. Lobbying can be done by a lobbyist registered in the Register of Lobbyists. Also, lobbyists who are registered in the Register will have to submit reports on their work in written form. Reports will be submitted to the Commission once a year. The draft proposal of the Act also defines the provisions related to the “cooling off period”. For a period of 18 months after termination of duty or service, the lobbied person is prohibited from lobbying in relation to the body of legislative or executive power, the body of state administration, or the body of the unit of local and regional (regional) self-government in which he/she performed duty or service.

In addition, the draft proposal determines measures (sanctions) for violation of the provisions of the Act. They are imposed by the Commission for Resolution of Conflicts of Interest and by the court in misdemeanor proceedings. It is envisaged that the Commission would adopt the implementing Ordinance within 60 days from the entry into force of the Act.

with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.

Relevant information has been provided in previous written contributions of the Republic of Croatia.

A total of 30 people are currently employed in the State Commission for the Control of Public Procurement Procedures (DKOM), of which seven are officials and 23 are civil servants. At the beginning of 2024, it is planned to further expand the administrative capacity by employing additional two civil servants. In the Office of the Information Commissioner, the number of employees increased in 2023 - in addition to the Commissioner as a state official, 19 civil servants are employed. Furthermore, the State Audit Office records a decrease in the number of employees compared to the previous year - in 2023 there were a total of 282 employees, including two officials, 271 civil servants, and nine employees. In 2024, it is planned to strengthen capacity through the employment of 15 new employees. In the Office of the Ombudswoman, the number of employees did not change; there was a total of 63 employees in 2023, of which four officials, 58 civil servants, and one employee. In 2024, it is planned to strengthen the capacity of the Ombudswoman's Office by hiring two new employees. Furthermore, 17 civil servants and five officials (members of the Commission) are employed in the Office of the Commission for the Resolution of Conflicts of Interest, and two tenders for the employment of three persons – two advisers and one clerk – are underway. Over the next three years, in the period 2024 – 2026, it is planned to strengthen capacity by hiring six new employees; two civil servants-advisors in 2024, two civil servants-advisors in 2025 and two civil servants-advisors in 2025. For the purpose of implementing the Lobbying Act, it is planned to employ five new civil servants in the Commission for the Resolution of Conflicts of Interest. This year (2023), the State Election Commission of the Republic of Croatia strengthened its administrative capacity - there is a total of 28 employees, of which 6 are officials, 21 are civil servants, and one is an employee. Additionally, a public tender for admission to the civil service of one civil servant is underway - it is expected to be completed at the beginning of 2024. In addition to the Director, there are currently 93 employees in the Office for the Suppression of Corruption and Organised Crime (USKOK), of which 33 are judicial officials, 50 are civil servants, and 10 are employees. Recruitment procedures for 11 civil servants and two employees are underway, of which six civil servants and two employees are expected to start working in 2023, while the other five civil servants the expected to start working in 2024.

As for the State Budget funds, for the year 2023, the state budget of the Republic of Croatia for the work of the Commission for the Resolution of Conflicts of Interest amounted to EUR 1,305,109.00 (which represents an increase compared to EUR 1,246,035.30 in the year 2022); the budget for the Office of the Information Commissioner amounted to EUR 828,972.00 (which is an increase compared to EUR 724,401.09 in 2022), while the budget for the State Commission for the Control of Public Procurement Procedures for 2023 was EUR 1,600,245.00 (which represents an increase compared to EUR 1,429,560.55 in 2022). The State Audit Office budget for 2023 was EUR 14,415,988.00 (which is an increase compared to EUR 12,434,100.74 in 2022); the budget of the Office of the Ombudswoman for 2023 was EUR 2,291,076.00 (which is an increase compared to EUR 2,102,18.62 in 2022) and the budget for the State Election Commission was EUR 2,098,065.00 (which is an increase compared to EUR 1,659,120.05 in 2022). The budget of the Office for the Suppression of Corruption and Organised Crime (USKOK) for the year 2023 amounted to EUR 4,505,608.00 (which is an increase compared to EUR 4,129,749.82 for the year 2022).

By amending the Regulation on the internal organisation of the Ministry of Finance²⁷, in order to strengthen the human resources of the special organisational unit of the Tax Administration for cooperation with the USKOK and the EPPO, from 15 July 2023, the capacity of the Independent Sector for Financial Investigations was increased by 12 job posts (from 25 to 37) which will enable the employment of new financial investigators. In 2023, the competent ministries and other bodies in the Republic of Croatia dealing with the suppression of irregularities, fraud, corruption, and all other forms of illegal use of the European Union's financial resources, which make up the *Anti-Fraud Coordination Structure* (AFCOS) network, continued successful cooperation and communication with the EPPO and OLAF with an emphasis on the continuous improvement of cooperation and the material and personnel conditions of the EPPO. To allow for even better working conditions and more efficient criminal prosecution, in 2023 the EPPO in the Republic of Croatia was strengthened with additional prosecutors from the prosecutor's office specialised in the fight against corruption and organised crime. Now the EPPO has a total of six delegated European prosecutors. Furthermore, in 2023, the aforementioned prosecutors were given access to the national state attorney's system for tracking cases CTS ("case tracking system"), which considerably facilitates and speeds up work because of the possibility to access the already existing criminal cases of state attorneys' offices in the Republic of Croatia. Direct access to the records of the Ministry of the Interior of the Republic of Croatia has already been provided earlier. Police officers specialised in detecting criminal offences against the financial interests of the European Union and related criminal offences (a total of 54 officers) have been appointed within the framework of the General Police Directorate, the Criminal Police Directorate, the National Police Office for Combating Corruption and Organised Crime, including police administrations, to cooperate with the Department of Delegated European Prosecutors of the Office for Combating Corruption and Organised Crime.

Furthermore, and related to the personnel and technical conditions for the work of the EPPO in the Republic of Croatia, a total of two state attorneys-advisors, one financial investigator, one expert advisor-translator, one IT technician for the judicial information system, two administrative clerks-registrars, and two administrative clerks-state attorney's registrars are employed in the Department. The public tender for the employment of another adviser and administrative clerk-state attorney's registrar is ongoing. In addition, the EPPO is provided with a fully furnished and IT-equipped workspace, as well as a vehicle for official use.

In order to enable easier cooperation and faster communication with the European Anti-Fraud Office (OLAF), the State Attorney's Office of the Republic of Croatia appointed a contact person for cooperation and communication with OLAF, namely the Deputy State Attorney General of the Republic of Croatia, who has relevant experience and knowledge from the area for which OLAF is competent. High-quality cooperation between national authorities and OLAF is achieved also through joint meetings as well as through the training of representatives of AFCOS network authorities.

As part of its preventive role, together with the Ministry of Finance, the Service for the Coordination of the System for Suppressing Irregularities and Frauds in the Use of EU Funds, the State Attorney's Office of the Republic of Croatia participated in the drafting of the Guidelines on the Management of Irregularities in the Use of EU Funds in the framework of shared management and in relation to procedures of action in case of suspected fraud. These

²⁷Official Gazette 78/23

Guidelines are incorporated into the internal manuals prescribing actions of competent authorities in the AFCOS system.

In 2023, continuous cooperation with OLAF was established by working on several criminal cases in which there was a suspicion that criminal offenses were committed against EU financial resources. In addition, an online coordination meeting of representatives of the state attorney's office, the police and OLAF investigators was held.

The Ministry of the Interior and the EPPO in the Republic of Croatia established direct and coordinated cooperation in conducting inquiries within their competencies. In 2023, the Ministry of the Interior received from the EPPO 27 orders for conducting inquiries that are currently in various stages of completion.

In addition, in May 2023, training for police officers of the Criminal Police Directorate and police administrations who will conduct criminal investigations in cases under the competence of the EPPO was held in the EPPO in Luxembourg.

Moreover, the Ministry of the Interior, through the Ministry of Finance - Service for the Coordination of the System for Suppression of Irregularities and Frauds in the Use of EU Funds, established cooperation with the OLAF, which was realised in 2023 by providing assistance to OLAF in two cases of on-site searches.

In October 2023, two police officers from the Split-Dalmatia Police Department and the Zagreb Police Department were sent to OLAF for training on fraud investigations related to the EU funds.

21. Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.

Relevant information has been provided in previous written contributions of the Republic of Croatia.

22. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.

Priority areas and measures in the fight against corruption at the national level are defined by the national strategic documents.

After the adoption of the Strategy for Prevention of Corruption for the period from 2021 to 2030 in October 2021, in July 2022 the first Action Plan was adopted for the period from 2022 to 2024.

Information on the implementation of the Action Plan activities is collected quarterly. In accordance with the established practice, the Ministry of Justice and Public Administration collected information on the implementation of activities with an implementation period in the I, II, and III quarters of 2023. With the deadline for the implementation in the first three quarters of 2023, there were a total of 27 activities, of which 15 activities have been implemented, four activities have been partially implemented and eight activities have not been implemented in the planned period, but the activities aimed at their implementation continue.

Implemented activities of the Action Plan in 2023 are listed below.

In the area of the judiciary, which has been identified as one of the main sectorial areas in which a high level of corruption is perceived, the communication of judicial bodies with the public has been further improved by drafting the Guidelines for the Communication of the Judiciary with the Public by the Supreme Court of the Republic of Croatia, as well as by the implementation of training on methods of communication with the media for judicial officials and civil servants in the organisation of the Judicial Academy.

Moreover, with the aim of improving the efficiency of court proceedings, and their completion within a reasonable time, a national database on courts and competent bodies in criminal matters was established and connected via a common platform at the EU level (*Criminal Court Database*). Digitisation of the procedure of international judicial cooperation with the Member States of the European Union will speed up the procedures of obtaining evidence and assistance in the implementation of procedural actions, thereby significantly speeding up domestic procedures as well. Furthermore, the area of strengthening the transparency of decision-making on status issues and the work of court experts, appraisers, and interpreters was improved by the adoption of the Act on Amendments to the Courts Act²⁸.

Furthermore, within the framework of the implementation of the Action Plan activities in the previous period, the improvement of the management system in sports was achieved by new legislation, namely, by the adoption of the new Sports Act²⁹ that entered into force at the beginning of 2023. It establishes clear and transparent criteria for the evaluation of public needs programmes in sports, as well as by establishing the categorisation of sports and the system of evaluating the work of sports associations with the aim of preventing corrupt activity when allocating budget funds to end users.

In addition, administrative, financial, and other capacities for quality application of the Right to Access to Information Act were strengthened through training of employees in the public authority bodies on the Central Catalogue of Official Documents of the Republic of Croatia and on the legal obligation to submit documents to the Central Catalogue of Official Documents. Also, within the framework of the implementation of the Action Plan, the capacities of the State Commission for the Control of Public Procurement Procedures were strengthened by holding four training sessions in both 2022 and 2023, attended by a total of 904 participants.

Among other, a project related to the evaluation of the Right to Access to Information Act³⁰ was implemented within the framework of NRRP. Theses for the improvement of that Act were drawn up, and public events were held where the results of the project were presented (more information is provided in the answer to question 24). In addition, in February 2023, in the area of supervision of political activities, a round table was held on the topic of “*Experience in the application of the Financing of Political Activities, Election Campaigns and Referendums Act*” where the challenges of applying the Act during the first four years from its entry into force were discussed.

²⁸Official Gazette 21/22

²⁹Official Gazette 141/22

³⁰ Official Gazette 25/13, 85/15, 69/22

At the session held on 17 August 2023, the Government of the Republic of Croatia accepted the Report on the implementation of activities for the year 2022³¹ from the Action Plan for the period from 2022 to 2024. According to the Report, out of the total number of activities, 42 had an implementation deadline in 2022. Twenty-eight activities were implemented, eight activities were partially implemented, and five activities were not implemented in the planned period, but the activities aimed at their implementation continued.

B. Prevention

23. Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training).

Relevant information has been provided in previous contributions of the Republic of Croatia.

The Ministry of Justice and Public Administration performs professional tasks related to the application of ethical standards in the civil service and conducts training activities. In 2023, a total of 330 civil servants were trained through workshops on the topic of ethics for various categories: employees in judicial bodies and the prison system, judicial police officers and ethics commissioners. It is planned to hold three more workshops for ethic commissioners by the end of 2023.

In addition, with the purpose of the fight against corruption and in accordance with the Action Plan for the period from 2022 to 2024, the Civil Servants Act, adopted on 15 December 2023, provides certain anti-corruption mechanisms³².

As an advisory body, the Council for the Implementation of the Code of Conduct of State Officials in Bodies of Executive Power³³ provides support to officials in executive bodies in familiarising themselves with regulations and obligations in the field of corruption suppression, especially in the field of preventing conflicts of interest, ensuring the right to access to information, fiscal responsibility, criminal liability, protection of persons reporting irregularities (whistleblowers) and other matters of importance for compliance with ethical principles and rules of conduct. In accordance with the above, the Council held three special training programmes for state officials in 2023, which were attended by 57 officials, including the Prime Minister and members of the Government of the Republic of Croatia. With the purpose of improving the ethics infrastructure in the state administration, as well as the

³¹<https://mpu.gov.hr/UserDocsImages/dokumenti/Antikorupcija/Izvjesce%20o%20provedbi%20Akcijskog%20plana%20za%202022..pdf>

³²A civil servant who, due to a justified suspicion of corruption, submits a report about that suspicion to responsible persons or competent state bodies, is guaranteed protection of anonymity, protection from denial or restriction of rights established by the Civil Servants Act, and protection from any form of abuse. Furthermore, the head of the body is obliged to remove from office a civil servant against whom criminal proceedings have been initiated for an act with characteristics of corruption committed in the service and a civil servant against whom proceedings have been initiated for a serious breach of official duty due to an act with characteristics of corruption. A civil servant shall be punished with the penalty of termination of civil service if he is found responsible for a serious breach of official duty that has characteristics of corruption. When determining the guilt of a civil servant for committing criminal acts related to corruption, regardless of whether a conditional or unconditional sentence has been imposed, the civil service ends by force of law when decision becomes final, while in the case of being found guilty for committing other criminal acts, the civil service ends by force of the law only when the servant has been sentenced to a prison sentence or a long-term prison sentence or a partially suspended sentence for a criminal offense, unless he has been given a suspended sentence by a final judgment or his prison sentence has been replaced by community service.

³³Official Gazette 54/22

additional interlinking of stakeholders of the institutional framework - which consists of the Ethics and Integrity Service of the Ministry of Justice and Public Administration, ethics commissioners appointed in all state bodies and the Ethics Commission - an investment from the NRRP has been implemented from September 2023, which will establish an effective electronic system for managing the ethics infrastructure. The system will be developed and in operation by the end of 2024.

In addition, in the context of the implementation of Article 4 of the Prevention of Conflicts of Interest Act³⁴, codes of conduct were adopted for members of representative bodies of local and regional self-government units in 575 out of a total of 576 units. The codes, among other things, contain provisions on the prevention of conflicts of interest, bodies for the supervision of the application of the Code and on deciding on its violations.

In addition, on 1 December 2023, the new Code of Ethics³⁵ for police officers was adopted, which improves ethical values, raises the awareness of police officers about the importance of respecting ethical principles, and strengthens ethical behavior in practice.

In terms of strengthening ethical standards in public administration in accordance with the current Strategy for the Prevention of Corruption, it should be emphasised that amendments to the Civil Servants and Employees in Local and Regional Self-Government Act are currently being drafted, which, among other things, propose the adoption of a code of ethics for officials and employees in local and regional self-government units. It will establish the institutional framework for its implementation, and civil servants will be obliged to sign a statement on the absence of the conflict of interest at the beginning of their work. The draft Act was adopted at the Government session held on 19 October 2023 and referred to the Croatian Parliament.

24. General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, and transparency of political party financing)

Relevant information has been provided in previous contributions of the Republic of Croatia.

In 2023, the State Election Commission informed the State Attorney's Office of the Republic of Croatia about 342 cases in which political actors did not submit annual financial reports for 2021 in accordance with legal provisions and made 50 decisions on the loss of the right to payment of the part of funds for the regular annual financing. It also informed the State Attorney's Office of the Republic of Croatia about 71 cases in which political actors did not submit annual financial reports for 2022 and, in 41 cases, it decided to temporarily suspend the payment of financial resources.

The adoption of comprehensive legislation in the area of lobbying is explained in detail in the answer to question 19.

25. Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks, and corrective measures depending on the category of officials concerned)

³⁴Official Gazette 143/21

³⁵Official Gazette 145/23

Relevant information has also been provided in previous contributions of the Republic of Croatia.

Regarding the work of the Commission for the Resolution of Conflicts of Interest in 2023, 40 public sessions were held at which a total of 205 final decisions were made by which violation of the provisions of the Act were determined, while in two cases no violation of the Act was determined. In addition, 189 cases of requests submitted by the obligors for the opinion of the Commission for the Resolution of Conflicts of Interest were resolved, and 68 statements were made. In addition, fines is a total of EUR 39,572.00 and 95 warnings were issued.

In this context, it should be emphasised that, in accordance with the Strategy for the Prevention of Corruption and the Implementation of the Action Plan 2022-2024, on 15 December 2023, the Civil Servants Act was adopted, with the aim, among other things, to improve the existing legislative framework regarding managing the conflicts of interest of civil servants. In this respect, the Act stipulates the obligation of civil servants to sign a statement confirming that they are in no conflict of interest. They are also obliged to give such a statement in the event there has been a change in circumstances that lead or may lead to a conflict of interest (changes in the workplace, e.g. transfer or promotion).

Additionally, the new Civil Servants Act foresees a centralised employment system which includes planning for admission to the civil service, submission of applications of candidates in the electronic form, electronic testing of candidates and other activities related to employment. This will establish a more objective and transparent system for the recruitment of the most competent candidates and the establishment of preconditions for a professional, efficient and accessible public administration in the Republic of Croatia.

26. Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

Relevant information has also been provided in previous contributions of the Republic of Croatia.

On the basis of the Protection of Persons Reporting Irregularities Act, in September 2023 the Ordinance on the method of providing emotional support to persons reporting irregularities was adopted³⁶, which regulates the method of providing emotional support to those who report irregularities and other persons who are entitled to it in accordance with the Act.

Emotional support is also provided to persons related to the person reporting irregularities (whistleblower), those who provide help to the whistleblower, relatives, colleagues, and all other persons related to the whistleblower who could suffer retaliation in the work environment. The Ordinance prescribes the principles on which the provision of emotional support to whistleblowers is based and determines the assessment and the method of providing emotional support. The provision of emotional support will be carried out by a legal person with which the Ministry of Justice and Public Administration will conclude a contract. A legal person must meet the professional criteria and, its activities should include providing assistance and support to vulnerable groups, and should be targeted to groups that are close to reporters of irregularities. The process of publishing a public call is underway, which will be followed by the selection of emotional support providers.

³⁶ Official Gazette 11/23

The Analysis of the Implementation of the Protection of Persons Reporting Irregularities Act in state-owned legal entities has been completed. The Analysis was envisaged in the Action Plan for the Implementation of the OECD Recommendations for improving the corporate governance of legal entities owned by the Republic of Croatia and the Action Plan for the Period 2022-2024 of the Strategy for the Prevention of Corruption. The purpose of the Analysis is to assess the effectiveness of the implementation of the obligations prescribed by the Act in state-owned companies as employers, to identify key difficulties during implementation so far and to make proposals for further improvement of the efficiency and effectiveness of the system of internal reporting of irregularities in the aforementioned legal entities.

Furthermore, in order to effectively implement the provision of Article 40 of the Act, which stipulates the obligation of the Ministry of Justice and Public Administration to keep records and statistical data on court cases related to judicial protection in accordance with the Act, an adaptation of the e-File system was done with a purpose of separate recording and marking of cases in which the judicial protection of whistleblowers is sought.

Related to the work of the Ombudswoman as a body responsible for external reporting of irregularities, in the period from 1 January to 17 November 2023, a total of 80 new cases were opened. Of these, 48 cases were opened following the reports of irregularities directly to the Ombudswoman, while 32 cases were opened following notifications received from confidential persons. Possible public disclosure was monitored in six cases. The final number of cases opened based on external reports of irregularities as well as notifications to confidential persons on internal reports of irregularities will be known after 31 December 2023, and these statistics will be included in the Ombudswoman's Report for 2023.

Judicial officials are continuously trained in protection of whistleblowers. In cooperation with the Judicial Academy, the employees of the Office of the Ombudswoman held three training sessions for judges and state attorneys on the application of the Act in regional offices of the Judicial Academy in Varaždin, Rijeka and Split. The Office of the Ombudswoman cooperated with the Croatian Bar Association, where educational materials for lawyers were prepared, which, in addition to legal provisions, also included the relevant practice of the European Court of Human Rights on Article 10 of the European Convention on Human Rights, especially on freedom of expression at work. A special *webinar* on experiences to date in the implementation of the Act was also held for employees of the Central Finance and Contracting Agency (CFCA). The Office of the Ombudsman also holds periodic workshops for confidential persons and their deputies.

Furthermore, as already described in earlier contributions, as part of the implementation of the NRRP, the development of an IT platform is planned, which includes, among other things, an electronic system for submitting reports of irregularities to the Ombudswoman in accordance with the Act, and a virtual assistant programme or a system-driven *chatbot* that will guide citizens through the laws in certain areas of corruption prevention, including through the provisions of the Act. Currently, the project is in the implementation phase and the completion of the implementation is foreseen in the first quarter of 2025.

In addition, within the NRRP, a national media campaign is being prepared to raise awareness of the harmfulness of corruption and to provide information on the existing anti-corruption mechanisms, including protection mechanisms for persons who report irregularities. The aim is to additionally encourage citizens to report irregularities.

Training of confidential persons and other interested persons from the public sector on the application of the Act is continuously implemented at the State School for Public

Administration in the organisation of the Ministry of Justice and Public Administration. Also, in March 2023, training on the legislative framework for the protection of whistleblowers for representatives of legal entities owned by the Republic of Croatia was organised by the Ministry of Justice and Public Administration as part of the implementation of the Action Plan 2022-2024 of the Strategy for Prevention of Corruption.

In conclusion, the Ministry of Justice and Public Administration continuously receives inquiries from confidential persons and other legal and natural persons on the application of the Act. In response to them, the Ministry of Justice and Public Administration regularly gives opinions on the application of the Act.

**27. Sectors with high risks of corruption in your Member State:
- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement**

The Public Procurement Act (hereinafter: PPA 2016)³⁷ contains provisions aimed at preventing conflicts of interest. A contract on public procurement concluded contrary to the provisions on the prevention of conflicts of interest is null and void.

PPA 2016 obliges the contractors, who are bound by this Act, to take appropriate measures to effectively prevent, recognise, and remove conflicts of interest arising from the implementation of public procurement procedures to avoid any distortion of market competition and ensure equal treatment of all economic entities participating in the procedure of public procurement.

The conflict of interest between the contractor and the economic entity includes situations when the representatives of the contractor or the procurement service provider acting on behalf of the contractor, who are involved in the implementation of the public procurement procedure or can influence the outcome of that procedure, have, directly or indirectly, financial, economic or any other personal interest that could be considered detrimental to their impartiality and independence within the procedure, especially if the contractor's representative simultaneously performs management tasks in the economic entity, or if the contractor's representative is the owner of a business share, stocks or other rights based on which he participates in management or in the capital of that economic entity with more than 0.5%.

The representative of the contractor within the meaning of the PPA 2016 is considered to be: the head and members of the contractor's administrative, management, and supervisory body; members of the expert commission for public procurement; other persons who are involved in the implementation or that can influence the decision-making process of the contracting authority in the public procurement procedure. The bidder, a community member, and a subcontractor are considered to be economic operators.

The representatives of the contractor are obliged to sign a statement on the existence or non-existence of a conflict of interest and to update it if necessary, and the contractor is obliged to publish on its website a list of economic entities with which the head and members of the administrative, management and supervisory body of the contracting authority are in a conflict of interest. In the procurement documentation, the contractor is obliged to provide a list of economic entities with which it or its representatives are in a conflict of interest, or to state that such entities do not exist.

Article 251 of the PPA 2016 transposed Article 57 of Directive 2014/24/EU into the national legislation, which prescribes the basic grounds for exclusion. One of the paragraphs of the

³⁷ Official Gazette 120/16, 114/22

mentioned Article stipulates that the contractor is obliged to exclude the economic entity from the public procurement procedure if it determines that the economic entity that has a place of business in the Republic of Croatia or a person who is a member of an administrative, management or supervisory body or has the authority of representation, decision-making or supervision of that economic entity and who is a citizen of the Republic of Croatia convicted by a final judgment for corruption.

PPA 2016 stipulates that the public contractor is obliged to terminate the public procurement contract during its duration if the contractor had to be excluded from the public procurement procedure due to the existence of grounds for exclusion from Article 251, paragraph 1.

Furthermore, PPA 2016 also prescribes misdemeanor provisions for the contractor and the responsible person within the contractor if they conclude a contract on public procurement or a framework agreement with a tenderer that had to be excluded from the public procurement procedure, except in cases where this is permitted by the Act (Article 251, paragraph 1 and Article 252, paragraph 1).

Also, an important anti-corruption impact is achieved by the publication of decisions of the State Commission for the Control of Public Procurement Procedures, the entire text of which, like decisions of the High Administrative Court in public procurement disputes, is published on the website of the State Commission for the Control of Public Procurement Procedures (with the names of the parties).

- list other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen/residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organized crime groups (e.g. to infiltrate the public sector)

As part of the strengthening of transparency and digitisation in the healthcare system, the creation of a new central IT system of the Croatian Health Insurance Fund (eHZZO) is underway, which will increase the efficiency of the entire healthcare system. The system will enable the digital exchange of data with national and international institutions and more efficient high-quality health care, the development of new e-services for insured persons as well as more efficient management and supervision within the healthcare system, especially in terms of managing and monitoring the flow of financial resources in accordance with the services provided in healthcare system, and monitoring the waiting lists. The completion of the system is expected by the end of 2023 and it will be operational at the beginning of 2024.

Regarding the use of EU funds, the management and control system bodies of the Operational Programme Competitiveness and Cohesion 2021-2027 and the Integrated Territorial Programme 2021-2027 apply mechanisms aimed at preventive action and generally deal with corruption and conflict of interest in accordance with relevant national and EU rules. Key measures are defined by written procedures and can be further developed in practice. Some of these measures include informing employees, as well as other persons involved in the activities in question, about zero tolerance for fraud, corruption and conflict of interest. Such a measure includes, for example, the obligation of managing personnel to inform employees about the relevant procedures and their obligations, holding special training on the topic, exchanging information on fraud indicators and conflicts of interest, holding informative workshops to raise awareness of their harmful consequences, checking the existence of conflicts of interest in procedures for awarding grants (programmes) and the application of a specially established

exemption procedure, when necessary. The measures also imply individual responsibility. Thus, all participants in the process of allocation of funds, as well as in the process of checking the use of these funds, sign a statement on the absence of conflicts of interest and a statement on confidentiality. Also, any suspected irregularity (in the implementation of the programme) must be reported. If this suspicion points to elements of a criminal offense, the authority that has observed such an element immediately informs the competent judicial authority (the State Attorney's Office, the European Public Prosecutor), and also submits all the information and evidence at its disposal.

According to the PPA 2016, before the start of the public procurement procedure, the public contractor is obliged to appoint an expert commission for public procurement by an internal decision. The expert commission for public procurement prepares and implements the public procurement procedure. At least one member of the expert commission for public procurement must hold a valid certificate in the field of public procurement.

The Ministry of Economy and Sustainable Development, as the authority responsible for public procurement policy, prepares and conducts training in the field of public procurement, conducts exams, and issues certificates in the field of public procurement.

The Ordinance on training in the field of public procurement³⁸ stipulates that those certificates are issued based on a written exam as part of the Specialist training programme in the field of public procurement, which consists of two parts: 1. Training programme in the field of public procurement and 2. Written exam. The training programme is conducted according to the curriculum prescribed by the Ordinance, and one of the topics of the curriculum is the protection of market competition, conflicts of interest, prevention of corruption, and ethics in the public procurement system. As part of the professional development programme, which is conducted for the purpose of renewing the certificate, participants can choose topics related to anti-corruption, ethics, and conflict of interest.

28. Any other relevant measures to prevent corruption in the public and private sector

On 30 October 2023, the Republic of Croatia officially became a member of the OECD Working Group on Bribery in International Business Transactions. Furthermore, on 22 November 2023, the Republic of Croatia became the 46th party to the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, by depositing the document on accession to the Convention at the OECD Secretariat.

Membership in the Working Group and accession to the Convention represent some of important prerequisites for the accession of the Republic of Croatia to the OECD.

In order to comply with the requirements of the Working Group, before acceding to the Convention, urgent amendments were made to the Criminal Code³⁹, the Liability of Legal Persons for Criminal Offenses Act⁴⁰ and the Profit Tax Act⁴¹. The acts on amendments to the aforementioned Acts were adopted by the Croatian Parliament on 28 September 2023.

³⁸Official Gazette 65/17

³⁹Official Gazette 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23

⁴⁰Official Gazette 151/03, 110/07, 45/11, 143/12, 114/22, 114/23

⁴¹Official Gazette 177/04, 90/05, 57/06, 146/08, 80/10, 22/12, 148/13, 143/14, 50/16, 115/16, 106/18, 121/19, 32/20, 138/20, 114/22, 114/23

At the meeting held on 12 October 2023 in Paris, the Working Group, after conducting the second full assessment procedure, made a positive decision on the request of the Republic of Croatia to accede to the Convention and the Working Group. By accepting the request, the conditions for starting the process of ratification of the Convention were fulfilled. The Act on the Ratification of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions Act was adopted by the Croatian Parliament on 27 October 2023⁴², and entered into force on 8 November 2023.

It should be emphasised that, in accordance with the special agreed stage assessment (evaluation) procedure, which is mandatory for all States Parties to the Convention, at the meeting held on 6 December 2023 in Paris, the Working Group adopted the Report within the 1st stage of the evaluation in which the adequacy of the legal framework of the Republic of Croatia for the fight against foreign bribery and the implementation of the Convention was evaluated. This will be followed by the 2nd phase of evaluation in which it will be assessed whether and in which way the State Party to the Convention applies its legislation in practice.

In addition to the above, and related to the areas of corruption prevention within the process of accession to the OECD, it is important to emphasise that at the meeting of the Working Party of Senior Public Integrity Officials (*SPIO*), which operates within the Public Governance Committee, on 6 November 2023, an initial discussion on the harmonisation of the Republic of Croatia with legal instruments in the area of lobbying, prevention of conflicts of interest and integrity in the public sector was held. On that occasion, Croatian representatives presented the legislative and institutional framework of the Republic of Croatia in the areas of corruption prevention, public integrity, prevention of conflicts of interest, protection of whistleblowers, and access to information.

C. *Repressive measures*

29. Criminalisation, including the level of sanctions available by law, of corruption and related offenses, including foreign bribery

Relevant information has also been provided in previous written contributions of the Republic of Croatia. In relation to them, on 12 October 2023, the Act on Amendments to the Criminal Code⁴³ and the Act on Amendments to the Act on the Liability of Legal Persons for Criminal Offences⁴⁴ entered into force. These amendments to the criminal legislation were made in accordance with the conclusions from the Report by the OECD Working Group on Bribery of 8 March 2023, to comply with the requirements of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Convention). Amendments to the Criminal Code (hereafter CC) include/relate to the following provisions:

1. Strengthened criminal law policy regarding fines. In accordance with the general provisions of the Criminal Code, a fine (as an ancillary punishment) is prescribed for all criminal offenses alternately and can exceptionally be imposed in addition to a prison sentence. The criminal law policy regarding fines was strengthened by increasing the maximum general measure expressed in daily units for criminal offenses committed out of greed from five hundred to one thousand daily units, as well as by increasing the minimum and maximum daily units. Daily unit of EUR

⁴²Official Gazette 10/23

⁴³ Official Gazette 114/23

⁴⁴ Official Gazette 114/23

2.65 has been increased to EUR 5.00, and the maximum daily unit from EUR 1,327.23 to EUR 2,500.00 (Article 42 of the CC).

2. Criminal offenses of taking a bribe, from Article 293 CC, and giving a bribe, from Article 294 CC, have been supplemented by the definition of a foreign public official.

Thus, Article 293, paragraph 4 (taking a bribe) stipulates additionally that a foreign public official, as defined in Article 1, paragraph 4 of the OECD Convention, has the status of the official person referred to in Article 293 of the CC. In accordance with the requirements of the OECD Convention, the definition of a foreign public official must first and foremost be autonomous. Therefore, a person will have the status of a foreign public official if he/she holds an office or exercises a function referred to in Article 293, paragraph 4 of the CC.

The definition of a foreign public official must include the so-called institutional and functional classification, as well as the criterion relating to public international organisations.

Institutional classification refers to appointed or elected holders of legislative, judicial, or executive power in the European Union or a foreign state.

Bearing in mind that the meaning of the term “administrative office”, within the meaning of Article 1, paragraph 4 of the OECD Convention, also includes the executive branch of government, in accordance with the separation of powers in the Republic of Croatia into three branches: legislative, judicial and executive, the executive branch was specified separately in Article 293, paragraph 4 of the CC, i.e., it was specified in relation to the administrative level of government.

Furthermore, in accordance with Article 293, paragraph 4 of the CC, the so-called functional criterion for a foreign public official refers to a person who performs or is expressly or effectively entrusted with the performance of public service tasks for the European Union or a foreign country, including a legal entity established for performing tasks of public interest or a business entity on which a foreign country has a direct or indirect dominant influence.

The criterion relating to public international organisations, within the meaning of the definition of a foreign public official from Article 293, paragraph 4, includes any official of a public international organisation or any person authorised by such an organisation to act in the name and on behalf of that organisation. The definition also includes persons who are not employees of a public international organisation but are entrusted with performing certain activities within the scope of the international public organisation (e.g. independent experts in a specific field).

In accordance with the requirements of Article 1, paragraph 4, subparagraph b of the OECD Convention and point 18 of the Commentary on the OECD Convention, Article 293, paragraph 4 of the CC defines the meaning of the term “foreign country” to include all levels of government of that country or of an organised foreign territory (e.g. separate customs territories).

This also applies accordingly to the definition of a foreign public official in Article 294, paragraph 3 of the CC.

The criminal offense of bribery of a representative from Article 339 of the CC was amended to extend the circle of perpetrators of the criminal offense from Article 339 paragraph 1 (taking a bribe) to include members of a legislative or representative body of a foreign country or a public international organisation, and, according to the same principle, Article 339, paragraph 2 of the CC (bribing representatives) was expanded to include offering, promising or giving a bribe to

the above-mentioned members of a legislative or representative body in order for them to vote in a certain manner.

Both paragraph 1 and paragraph 2 of Article 339 stipulate that this incrimination includes a bribe intended for the representative or another person, and mediation in such bribery (Article 339, paragraph 2) is prescribed as a criminal offense by itself. Whoever mediates in the bribery of a representative will be considered to be a perpetrator of the criminal offence referred to in Article 339, paragraph 2 of the CC.

To comply with the requirement of Article 1, paragraph 4, subparagraph b) of the OECD Convention, Article 339, paragraph 3 stipulates that the term “foreign country” includes all levels of government (from national to regional or local) of that country or of an organised foreign territory (e.g. separate customs territories).

The Act on Amendments to the Act on the Liability of Legal Persons for Criminal Offences has broadened the basis for liability of legal persons for criminal offenses by establishing the liability of a legal person for a criminal offense of its responsible person when the legal person had or should have obtained a benefit (material or non-material gain) for itself or another by such offense.

Furthermore, a provision was added stipulating expressly the possibility of sanctioning a legal person for a criminal offense committed by a responsible person entrusted with duties from the scope of operation of the legal person where the perpetration of the criminal offense was made possible due to the lack of supervision or control by a responsible person managing the operations of the legal person (Article 3, paragraph 2 of the Act on Amendments to the Act on the Liability of Legal Persons for Criminal Offences).

In addition, the criminal law sanctioning policy for all the criminal offenses of legal persons prescribed by the Criminal Code and other laws was tightened (Article 10 of the Act on Amendments to the Act on the Liability of Legal Persons for Criminal Offences). As a novelty, it also envisages financial sanctioning of a legal person in terms of a percentage. In such cases, a legal person may be fined up to 10 % of the total annual revenue of the legal person generated in the business year preceding the year of the delivery of the judgment.

In accordance with the above-mentioned tightening of the criminal law sanctioning policy for legal persons, the formal requirement for imposing a suspended sentence has been raised. The upper threshold for the fine imposed on a legal person which can be replaced by a suspended sentence was raised to EUR 20,000 instead of the previous EUR 6,636.14 (Article 13 of the Act on Amendments to the Act on the Liability of Legal Persons for Criminal Offences).

30. Data on the number of investigations, prosecutions, final judgments, and application of sanctions for corruption offenses (differentiated by corruption offense if possible), including for legal persons and high-level and complex corruption cases and their transparency, including as regards the implementation of EU funds.

In 2023, the USKOK prosecuted perpetrators of corruption crimes in a number of social segments at various levels, including high-level corruption. In relation to high-level corruption, cases include two county prefects, the former director of the Croatian Radiotelevision and a mayor and his councilors who were charged with the criminal offense of trading in influence, while investigations were launched against a third county prefect and a former state secretary.

Furthermore, cases where persons were charged with the criminal offense of abuse of position and authority, trading in influence and similar offences include: the director of the Agency for the Management of Protected Natural Values, a labor inspector and a market inspector in the State Inspectorate of the Republic of Croatia, a deputy county state attorney, a mayor of a municipality, an administrative consultant for construction in the City of Zagreb, several official persons of the Administrative Department for Spatial Planning and Construction, and employees of the Administrative Department for the Communal System, Spatial Planning and Property Issues. In addition, indictments have been filed against one mayor, several police officers, as well as against a high-ranking official and a police officer on managerial function in the Ministry of the Interior.

Furthermore, there are cases in which the judges of a county court, a mayor, high-ranking persons in the City Housing and Public Utility Services – a company that operates under the indirect management of the City of Zagreb, as well as police officers and customs officers, were charged with criminal offenses of taking and giving a bribe. Investigations were launched against the president of the Management Board of a company predominantly owned by the Republic of Croatia, a high-ranking employee of the Tax Administration and a municipal court judge.

In several cases, corruption in the judiciary was prosecuted, so an indictment was filed against the president and a judge of a commercial court, two bankruptcy trustees, and other nine persons.

Related to corruption in healthcare, after an investigation was launched in 2022 against 243 defendants in one case for criminal offenses of taking and giving a bribe because of the suspicion that during the COVID-19 pandemic, based on false registration of vaccination, they enabled other persons to obtain EU Digital COVID Certificates. The USKOK filed several indictments, which for the time being cover part of the bribe payers, while the decision on filing indictments for the remaining defendants will be made after the investigation in relation to them has been completed.

In relation to the judgments delivered, in 2023, the courts, in cases under the jurisdiction of the USKOK, delivered several convictions against perpetrators of corruption crimes.

In the case in which the former head of the Office of the President of the Government of the Republic of Croatia and his secretary were prosecuted for falsifying travel orders, a final judgment was delivered, i.e., the first-instance judgment was confirmed in which the former head of the Office of the President of the Government of the Republic of Croatia was sentenced to three years in prison and was banned from performing the duties of a civil servant for a period of five years, while his secretary was sentenced to a prison sentence of four years and six months and was banned from performing the duties of a civil servant for a period of five years.

In addition, in the “Dry Ice” case, in which persons who, through the abuse of position and authority, damaged the City of Zagreb for multi-million kuna sums, a non-final judgment was delivered against three defendants, including the former head of the City Office for Health, Labour, Social Protection and Veterans, who was sentenced to four years in prison, and an expert advisor in the same Office who was sentenced to one year in prison, with a probation period of five years.

In the case in which the former chairman of the Management Board of CROSCO (in ownership dependence of the company INA d.d.) was accused of several criminal offenses of abuse of position and authority, the offense of taking a bribe and the offense of taking a bribe in business transactions related to bid rigging, the first instance sentence was delivered by which the defendant was sentenced to four years in prison. The second defendant, a CROSCO employee, was sentenced by a non-final judgment to three and a half years in prison for the criminal offenses of taking a bribe and taking a bribe in business transactions.

Also, in the case in which the former head of the Zagreb Customs Office was prosecuted for abuse of position and authority and aiding in tax evasion committed as part of a criminal association related to importation of cars, a first instance judgment was delivered by which he was sentenced to an aggregate partial suspended sentence of two years and 11 months in prison (unsuspended one year in prison, and the rest of the sentence suspended with a probation period of five years).

In the case in which a former mayor of a city and his deputy were prosecuted for the criminal offense of trading in influence for the bid rigging for energy efficiency improvement works, a first instance judgment was delivered by which both were sentenced to a prison sentence of one year and two months, of which six months were unsuspended and the remaining part of the sentence in the duration of eight months was suspended with a probation period of two years.

In addition, in the case of extraction of money from a football club and manipulations in the pre-bankruptcy settlement of a company, a first instance judgment was delivered. One entrepreneur was sentenced to two years and eight months in prison, while the former director of the football club was sentenced to 11 months in prison (the sentence was replaced by community service). The director of the football club was sentenced to 10 months in prison, and this sentence was also replaced by community service.

In the case in which a former owner of a company, his wife, a former director of a utility company, and a former mayor of a municipality were prosecuted for bill fraud that damaged the municipal budget by around 7.4 million kunas, a final judgment was delivered. The former owner of the company and his wife were each sentenced to one year and 10 months in prison, and the former director of the utility company was sentenced to one year and four months in prison.

Furthermore, in the case in which, among others, three police officers from the PNUSKOK were prosecuted for taking a bribe to disclose secret information, a first instance judgment was delivered by which one police officer was sentenced to three and a half years in prison, while two police officers were each sentenced to three years in prison.

In the case in which, among others, two police officers were prosecuted, a first instance judgment was delivered by which one police officer was sentenced to six and a half years in prison for taking a bribe and other criminal offenses related to abuse of narcotic drugs. The other police officer was sentenced to a suspended prison sentence of one year, with a probation period of three years.

31. Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

Relevant information has been provided in previous written contributions of the Republic of Croatia.

32. Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.

Relevant information has been provided in previous written contributions of the Republic of Croatia and in the answer to question 23 regarding the new Civil Servants Act.

III. Media pluralism and media freedom

33. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom

Recommendation: 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.

As described in previous written contributions of the Republic of Croatia, important improvements aimed at increasing the transparency of the distribution of funds for state advertising were introduced by the Electronic Media Act (EMA)⁴⁵, which has been in force since 2021. In addition to the obligation prescribed in Article 38, according to which state administration bodies and public institutions founded by the Republic of Croatia, as well as legal persons owned or predominantly owned by the Republic of Croatia, are required to invest 15% of the annual amount intended for promotion or advertising on audiovisual or radio advertising programmes of regional and local television and/or radio broadcasters and/or providers of electronic publications entered in the Register of Providers of Electronic Publications, all bodies are obliged by 31 March of each calendar year to report to the Council for Electronic Media about the advertising done and to publish information about advertising on their web pages. This obligation to report to the Council for Electronic Media, which is in charge of monitoring and implementing the provisions of the EMA, is an example of good practice and a control measure over the spending of public funds, given that all information is publicly published on the website of the Agency for Electronic Media⁴⁶.

Furthermore, we emphasise that the Public Procurement Act⁴⁷ applies to the allocation of funds for state advertising and that state administration bodies and public institutions, as well as legal entities owned or predominantly owned by the Republic of Croatia, are obliged to act by it.

The adoption of the European Media Freedom Act is expected to further strengthen transparency in the distribution of state advertising in the media. From the very beginning of the work on the European Media Freedom Act, the Republic of Croatia has advocated that all public bodies and state-owned bodies and companies should be obliged to make available to

⁴⁵ Official Gazette 111/21

⁴⁶ <https://www.aem.hr/wp-content/uploads/2023/06/Izvjesce-o-radu-VEM-i-AEM-Hrvatskomu-saboru-za-2022-readable.pdf>

⁴⁷ Official Gazette 120/16, 114/22

the public information about their advertising expenditures that are allocated to media service providers, regardless of the number of inhabitants of a local or regional unit.

When it comes to funds for the production and publication of programmes of regional and local television and/or radio broadcasters and electronic publications provided in the budgets of state administration bodies and public institutions, founded by the Republic of Croatia, as well as by legal entities owned or predominantly owned by the Republic of Croatia and budgets of local and regional self-government units, these funds are allocated through public calls for financing programme content in accordance with the Article 39 of the EMA and all bodies are obliged to publish the criteria for the allocation of financial resources on their websites. Programme contents are financed according to the score list in line with the established evaluation form.

Recommendation: 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.

Comprehensive framework was provided in earlier contributions. We emphasise that the Republic of Croatia is among the first EU Member States to systematically address the issue of strategic lawsuits against public participation in order to deter unfounded lawsuits against journalists. Thus, it was among the first to appoint a contact point in mid-2021 and establish an Expert Working Group. A series of workshops were held with the aim of providing advisory support in shaping a policy to combat SLAPPs. Goals of the Expert Working Group are to collect data on SLAPPs and analyse the situation; collect data on existing practices; alert to measures already available to courts in existing legislation to prevent SLAPPs; formulate proposals for future anti-SLAPP legislative measures; conduct training of judges, lawyers, journalists and publishers in order to prevent SLAPPs; carry out activities aimed at raising awareness in the professional and general public about the negative consequences of SLAPPs and raise the level of dialogue in society about SLAPPs.

The Government of the Republic of Croatia at its session on 28 December 2023 adopted the main medium-term strategic planning act of the Ministry of Culture and Media - the National Plan for the Development of Culture and Media from 2023 to 2027 as well as the Action Plan for the Development of Culture and Media for the period from 2023 until 2024. In these documents, one of the planned measures is the establishment of a mechanism for early recognition and rejection of SLAPPs aimed at ensuring the protection of journalists from unfounded and malicious court proceedings. Such provision will be implemented in the new Media Act, on which the work started and it is expected that it could be adopted by the end of 2024.

On the proposal of the Ministry of Culture and the Ministry of Justice, the criminal offense of grave embarrassment was deleted from the Criminal Code in 2019.

A. *Media authorities and bodies*

34. Measures taken to ensure the independence, enforcement powers, and adequacy of resources (financial, human, and technical) of media regulatory authorities and bodies

Relevant information has been provided in previous contributions of the Republic of Croatia.

35. Conditions and procedures for the appointment and dismissal of the head/members of the collegiate body of media regulatory authorities and bodies

Relevant information has been provided in previous contributions of the Republic of Croatia.

36. Existence and functions of media councils or other self-regulatory bodies

In the Republic of Croatia, the only regulatory body in the field of media is the Council for Electronic Media, and there is no other regulatory or self-regulatory body. Work on the proposal of the new Media Act is underway, and in this context, the possibility of introducing a new self-regulatory body for the media is being considered.

B. *Safeguards against government or political interference and transparency and concentration of media ownership*

37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

Relevant information has been provided in previous contributions of the Republic of Croatia and the answer to question 33.

38. Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration, and corporate governance

Relevant information has been provided in previous contributions of the Republic of Croatia.

39. Transparency of media ownership and public availability of media ownership information, including on direct, indirect, and beneficial owners as well as any rules regulating the matter

Relevant information has been provided in previous contributions of the Republic of Croatia.

In addition, we emphasise that as part of the NRRP, the measure “Establishment of media fact-checking and public data publication system” is being implemented, which is carried out by the Ministry of Culture and Media and the Agency for Electronic Media. In addition to the establishment of a system of public verification of information, for which the Republic of Croatia provided EUR 5,972,526.00 in grants, this measure also includes the establishment of a system of public publication of information on media ownership and financing, which will further increase the transparency and availability of this information. The public procurement procedure for the creation of a functional platform for the publication of detailed data on media ownership and financing was completed in October 2023, and its work is expected to begin by mid-2024. This is a complete modernisation of the existing platform of the Agency for Electronic Media, which will have new functionalities and will be on the website of the Agency for Electronic Media.

C. Framework for journalists' protection, transparency, and access to documents

40. Rules and practices guaranteeing journalist's independence and safety, including as regards the protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists.

Relevant information has been provided in previous contributions of the Republic of Croatia.

With the aim of improving the safety of journalists and protecting media freedom, as well as raising public awareness on the role of journalists in preserving a democratic and pluralistic society, in June 2023, the Republic of Croatia joined the Council of Europe's campaign for the safety of journalists under the slogan "*Journalists matter*". In addition, the Republic of Croatia promptly provides answers on the Platform to promote the protection of journalism and safety of journalists when there is a case on which Member States should react in accordance with the Commission Recommendation of 16 September 2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union. For example, in 2023 there were three alerts, in 2022 five alerts, and in 2021 eight alerts. Upon the receipt of an alert, the Ministry of Culture and Media contacts competent authorities for the purpose of gathering information about activities undertaken. That information is then forwarded to the Council of Europe within the prescribed time limits. From the practice so far, it is evident that the competent authorities of the Republic of Croatia act upon journalists' alerts in line with their competences.

41. Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

General framework on the protection of journalists has been provided in previous contributions of the Republic of Croatia. Additionally, it is important to point out that in September 2023, the Deputy Prime Minister and the Minister for Internal Affairs Mr. Davor Božinović, with representatives of professional journalist associations signed the Agreement on Cooperation and two accompanying protocols - the Protocol on acting of the police and media professionals at public gatherings of greater public interest and the Protocol on acting of the police upon learning about a criminal offense committed to the detriment of journalists and other media professionals in connection with the performance of their activities. By this, the Recommendation of the European Commission from 16 September 2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union is being implemented. The aim of these two Protocols is to ensure and preserve a stimulating and safe environment for journalists and media professionals and to eliminate dangers in the performance of their work.

42. Access to information and public documents by the public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

Relevant information has been provided in previous contributions of the Republic of Croatia.

In addition, in September 2023, the implementation of the NRRP project "Improving the implementation of the Right to Access to Information Act" guided by the Information Commissioner⁴⁸ was successfully completed. The aim of the project was to evaluate the effects

⁴⁸ <https://pristupinfo.hr/djelokrug/projekti/npoo/>

of the Right to Access to Information Act after its ten-year implementation (ex-post evaluation). Independent experts of the evaluation team conducted an analysis of key provisions and institutes that should enable a more efficient and high-quality exercise of the right to information, remove possible obstacles, and contribute to greater transparency and openness of public authority bodies. The key indicator of the implementation of the project is the Report on the Evaluation of the Effects of the Right to Access to Information Act and the Summary of the Report, which contain recommendations and theses, as well as proposals for improving the legal framework for exercising the right to access to information.

In cooperation with the Croatian Journalists' Association, the Information Commissioner continued to hold educational workshops on models of effective access to information for journalists. The last one was held on 15 November 2023. The goal of the workshops is to make it easier for journalists to identify situations in which to use the Media Act, and in which to use the Right to Access Information Act. In November 2023, the Information Commissioner adopted the Guidelines on the application of the absolute restriction of the right to access information and the Guidelines on exercising the right to access information in relation to the protection of personal data. In addition, in 2023, he held a series of educational activities primarily for information officers on the application of the legal framework for access to information.

As for personnel changes, the Croatian Parliament at its session on 30 November 2023, adopted a decision on the election of Ms. Anita Markić to the position of Information Commissioner.

43. Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

Relevant information was provided in the answer to question 33. In addition, we emphasise that the round table, i.e. the public debate and the first workshop on the issue of SLAPPs were held in Zagreb in September and December 2021, and one of the conclusions of those discussions was the need to hold training also in other parts of Croatia. As stated in earlier contributions, the workshops were held in March 2022 in Split, in June 2022 in Osijek, and in October 2022 in Varaždin, and the last of them was held in June 2023 at the County Court in Rijeka. The Ministry of Culture and Media regularly informed the public about the workshops and invited local, regional, and national media to report on the issue of SLAPPs, which contributed to raising the awareness of the general public of the issue.

The Ministry of Justice and Public Administration is designated by the Republic of Croatia as the national body responsible for coordinating information and reporting to the European Commission on consolidated data collected at the national level in accordance with point 29 of the European Commission Recommendation 2022/758 of 27 April 2022 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings. Furthermore, in accordance with point 25 of the aforementioned Recommendation of the Commission, Croatia has appointed a contact point in the Ministry of Justice and Public Administration for the collection and exchange of information on organisations that provide guidance and support to persons who are targets of SLAPPs.

Other

In the context of the European Commission's 2023 Rule of Law Report and the statement "*In February 2023, the Prime Minister announced potential changes to the Criminal Code which would criminalise the disclosure of information from ongoing criminal investigations. This*

raised some concerns among journalists and civil society representatives fearing potentially negative repercussions for the work of journalists.” the following clarification is provided.

In the draft proposal of the Act on Amendments to the Criminal Code, which the Ministry of Justice and Public Administration referred to the regular legislative procedure, it is proposed, among other things, to prescribe a special criminal offense of “unauthorised disclosure of the content of inquiry or evidentiary action” in Article 307a of the Criminal Code.

The proposed provision aims to protect the presumption of innocence of the accused person, the right to privacy of the accused and other participants in criminal proceedings, the objective establishment of the facts in criminal proceedings, the independence and impartiality of the court, and the right to a fair trial.

At the other end of the described rights and interests of participants in criminal proceedings is the right of the public to learn information of public interest, especially when it comes to particularly serious criminal offenses or when public figures appear as the accused persons, especially holders of high political positions.

This means that the public should, through official press releases of the competent authorities, as is currently prescribed and under the conditions stipulated, be informed in an objective and credible manner that a person is subject to non-public pre-trial procedures, the criminal offense the person is suspected of, the actions being taken in the procedure, but not of the content of individual evidentiary actions in the non-public procedures, the disclosure of which may ultimately compromise the effectiveness of the criminal proceedings. As the word itself suggests, the “non-public” nature of the pre-trial procedures in criminal cases means that the public has no right to witness such actions in a criminal case and that public access to the criminal case is restricted.

In drafting the legal description of this criminal offense, the proponent was *inter alia* guided by the case law of the European Court of Human Rights, specifically, case *Bédard v. Switzerland*, Application no 56925/08, Grand Chamber judgment of March 29th 2016, as well as cases *Drakšas v. Lithuania*, Application no. 36662/04, Judgment of July 31st, 2012; *Ekimdziev et al. v. Bulgaria*, Application no. 70078/12, Judgment of April 11th, 2022; *Mikolajova v. Slovakia*, Request no. 4479/03, Judgment of January 18th, 2011 and *Menet v. France*, Request no. 39553/02, Judgment of July 14, 2005.

The criminal offense of unauthorised disclosure of the content of an inquiry or evidentiary action is proposed in Article 307a of the Criminal Code as *delicta propria*. It is important to emphasise that journalists cannot be perpetrators of this crime and that the introduction of this criminal offense will not have any consequences for their work or media freedom.

The circle of proposed perpetrators is limited to the categories of persons who participate in the non-public stage of criminal proceedings and who are expected to have a loyal attitude towards the criminal justice system and to realise their procedural interests within the criminal proceedings rather than to harm the interests of the criminal proceedings by disclosing the content of evidentiary actions. Furthermore, in paragraph 2 of the proposed Article 307a of the Criminal Code, it is expressly stipulated that neither the perpetrator nor the participant (persons who aid or abet) in the commission of the criminal offense referred to in paragraph 1 of this Article can be a person performing journalistic work. Therefore, it is explicitly clear from this paragraph that a journalist cannot be a perpetrator of this criminal act and that the participation in the commission of this criminal act is further limited or excluded in relation to those who perform journalistic work. In this way, it is guaranteed that a person who performs journalistic

work cannot be held criminally responsible neither as a perpetrator, nor as an aidor or abettor in the commission of this criminal act.

This offence is punishable only when the perpetrator has disclosed without authorisation the content of the inquiry or evidentiary action with the aim of making it publicly available. Therefore, it is punishable only if the perpetrator acted with direct intent as a form of guilt.

Additionally, amendments to the provisions of the Criminal Procedure Act have been proposed (inspection of the file, investigation and indictment panel) in order to 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. The aim of this is to protect the content of an inquiry and evidentiary action from unauthorised disclosure during non-public pre-trial procedure in a criminal case up to the confirmation of the indictment, when criminal proceedings become public, and to sanction the conduct of a person who, on the basis of their position, job or function and their capacity in criminal proceedings, has access to the case file, i.e. to the materials of non-public procedure in a criminal case, and who shares those materials with the public.

For the criminal offense of unauthorised disclosure of the content of an inquiry and evidentiary actions proposed in Article 307a of the Criminal Code, special evidentiary actions referred to in Article 332 of the Criminal Procedure Act cannot be carried out.

IV. Other institutional issues related to checks and balances

44. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances

Recommendation: further improve the follow-up to recommendations to ensure a more systematic response to information requests of the Ombudsperson.

Relevant information is provided in the answers to questions 22, 42 and 50.

A. The process for preparing and enacting laws

45. Framework, policy, and use of impact assessments and evidence-based policy-making, stakeholders'/public consultations (including consultation of the judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase.

Relevant information has also been provided in previous contributions of the Republic of Croatia.

By the Decision on the adoption of the National Public Administration Development Plan for the period 2022-2027 and the Action Plan for the Implementation of the National Plan for the period 2022-2024⁴⁹, the Government gave direction to a better regulation policy, which implies the formulation of public policies in such a way as to achieve their objectives through the implementation of laws and other regulations at minimum costs. In this process, beside other bodies of government as expert bodies that draft law proposals, the Legislation Office, as an

⁴⁹ Official Gazette 38/22

expert service of the Government actively contributes to the implementation of a better regulation policy.

In the period from December 2021 to August 2023, the Legislation Office implemented the project “Strengthening the capacity to conduct regulatory impact assessment” funded by the Technical Support Instrument of the European Commission and by the German Federal Ministry for Economic Affairs and Climate Protection. Within the project, the previous practice of ex-post regulatory impact assessment has been analysed, recommendations have been made for the improvement of this good practice by establishing an instrument of evaluation of regulation as an institutional upgrade to the already established practice of ex post regulatory impact assessment. As part of the NRRP, the Legislation Office is responsible for implementation of measure 151, under which the current Act on Regulatory Impact Assessment from 2017 will be amended by the end of 2023.

In 2023, the Legislation Office drafted a proposal of a new legislative framework for better regulation policy instruments that improves application of better regulation policy instruments: legislative planning, regulatory impact assessment, evaluation of regulation and public consultation. The main objective is to improve the quality of laws and other regulations, through a clear and transparent process of their preparation and drafting, based on an analysis of impact and addressees and evaluation of the achieved purpose and objective of the regulations, in order to ensure compliance with the principles of the rule of law, legal certainty, proportionality, economy, simplicity and clarity by using better regulation policy instruments.

The Better Regulation Policy Instruments Act was adopted by the Croatian Parliament on 15 December 2023 and entered into force on 1 January 2024⁵⁰. The new legislative framework will be fully implemented with the entry into force of the new Regulation, which will regulate the methodology and procedure for implementing better regulation policy instruments and prescribe forms. The new Regulation is expected to enter into force by February 2024.

The new legislative framework for better regulation policy instruments introduces a codification of better regulation policy instruments in one act. The main determinants of the new legislative framework are: the obligation to carry out a regulatory impact assessment for each legislative proposal with clearly stipulated exceptions to the procedure, a simplification from two-step to one-step regulatory impact assessment procedure, a new better regulation policy instrument – an evaluation of regulation that replaces the ex-post regulatory impact assessment, and setting additional standards in the public consultation process.

The new Act on Better Regulation Policy Instruments further strengthens the developed standards in the public consultation process. The procedure of public consultation conducted by state administration bodies and other obliged entities for public consultation in the preparation of acts and other regulations within their competence has been elaborated.

Public consultation is foreseen for draft proposals of acts for a period of 30 days as a rule, thereby aligning the deadline with the one foreseen in the Act on the Right of Access to Information⁵¹. In addition, based on jurisprudence and practice of conducting public consultation to date, exemptions from the public consultations are clearly defined by the new Act on Better Regulation Policy Instruments. 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 nature or by the reasons for their adoption.

⁵⁰ Official Gazette 155/23

⁵¹ Official Gazette 25/13, 85/15, 69/22

Codification of all better regulation policy instruments is a direct contribution to the integration of public policy governance. Clarity, easy reference, rules and transparency, in the process of drafting laws, with the involvement of the public, positively affects the confidence of all in the legislative process.

At the session of the Government's Coordination for Internal and Foreign Policy held on 19 June 2023, the Report on the Implementation of Public Consultation in the Procedures for the Adoption of Laws, Other Regulations and Acts in 2022 was discussed and endorsed.

After the pandemic years 2020 and 2021, when fewer consultations were carried out, the number of consultations carried out in 2022 returned to almost the number of consultations carried out in the pre-pandemic years (1,033 consultations in 2018 and 1,031 in 2019). Year 2022 was also marked by the harmonisation of legislation related to the accession of the Republic of Croatia to the euro zone and the Schengen area, which required further rapid adaptation of legislation to the new circumstances, which was reflected in the number of consultations carried out on legislative proposals.

In 2022, 6,552 natural and legal persons participated in the consultations, with a total of 23,069 comments. This is a reduced dynamic of citizen engagement compared to 2021, when 8,467 natural and legal persons participated in consultations, with a total of 23,503 comments.

The project entitled “e-Consultations – Expansions, upgrades and improvement of legislative processes of public consultation” ended in December 2023. The aim of the project was technological, process and functional improvement and expansion of the IT system of e-Consultations, strengthening capacities and improving the work of the existing e-Consultation system, as well as strengthening the capacities of public servants who use the e-Consultations system. One of the project’s results was expanding the e-Consultation system to local and regional self-government units. The system adapted to local and regional self-government units will be tested through pilot projects in selected local and regional self-government units.

46. Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions).

In the table below, the Government’s legislative activity in the period from 2013 until 2022 is presented. The table presents the number of legislative proposals in the first reading (after the first reading in the Parliament, the proposal is submitted for the second reading) and the number of legislative proposals in the urgent procedure (only one reading in the Parliament, instead of regular two readings). In 2022, a higher percentage of legislative proposals in the urgent procedure was adopted at Government sessions. This is due to the number of legislative proposals that were adopted to implement horizontal harmonisation of legislation in the process of the introduction of the euro as the official currency in the Republic of Croatia, the accession of the Republic of Croatia to the Schengen Area, as well as the intervention of the Government in absorbing the crisis for citizens and the economy due to market disturbances as a result of the war events in Ukraine.

Urgent procedures vs regular procedures in the period from 2013 to 2022

2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
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Regular procedures in two readings	45	24	31	74	121	112	97	68	93	72
Urgent procedures	292	112	85	29	65	101	125	70	27	96
Total legislative activity	337	136	116	103	186	213	222	138	120	168
Ratio of urgent procedures to regular procedures (%)	86.6	82.4	73.3	28.2	34.9	47.4	56.3	50.7	22.5	57.1

47. Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight.

The organisation and actions during states of emergency (or similar regimes) are regulated by Article 101 of the Constitution of the Republic of Croatia⁵², which stipulates that during the state of war, the President of the Republic may issue decrees with legal force based on and within the framework of the powers he received from the Croatian Parliament. If the Croatian Parliament is not in session, the President of the Republic has the authority to issue decrees with legal force to regulate all issues that a state of war requires.

In the case of an immediate threat to the independence, unity and existence of the state, or when state authorities are prevented from regularly performing their constitutional duties, the President of the Republic may, at the proposal of the Prime Minister and with his co-signature, adopt decrees with legal force. The President of the Republic will submit decrees with legal force for confirmation to the Croatian Parliament as soon as it is able to convene. If the President of the Republic does not submit the decree to the Croatian Parliament for confirmation or the Croatian Parliament does not confirm it, the decree with legal force ceases to be legally binding. In the aforementioned circumstances, the President of the Republic has the right to convene a session of the Government and preside over such session.

If the protection of human rights and fundamental freedoms is in question, then Article 17 of the Constitution of the Republic of Croatia must also be taken into account. It stipulates that in times of war or immediate threats to the independence and unity of the state, as well as major natural disasters, certain freedoms and rights guaranteed by the Constitution may be limited. This is decided by the Croatian Parliament with a two-thirds majority of all representatives, and if the Croatian Parliament cannot convene, by the President of the Republic at the proposal of the Government and with the co-signature of the Prime Minister.

The scope of the limitation must be appropriate to the nature of the danger, and cannot result in inequality of persons with regard to race, skin color, gender, language, religion, national or social origin.

Even in the case of an immediate threat to the existence of the state, the application of the provisions of the Constitution on the right to life, the prohibition of torture, cruel or humiliating

⁵² Official Gazette 85/10 – revised text and 5/14 - Decision of the Constitutional Court of the Republic of Croatia

treatment or punishment, on the legal determination of punishable acts and punishments, and on freedom of thought, conscience, and religion cannot be limited.

Due to the COVID-19 crisis and two earthquakes that affected the Republic of Croatia in 2020, it proved necessary in situations that are of a sudden natural, economic, social and global nature, which often require intervention in legislation, to apply the exemptions from the regulatory impact assessment and the public consultation procedure. These are special circumstances involving an event or a certain situation that could not have been predicted and could not be affected, endangering the life and health of citizens, national security, property of higher value, significantly disrupting the environment, economic activity or causing significant economic damage. This is regulated by the new Better Regulation Policy Instruments Act. In cases where exemptions from the regulatory impact assessment are applied, a new institute of assessment of regulations is mandatorily applied for a specific law, which will determine the achievement of the purpose and objective of such a law and its achieved effects.

Exceptions from 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 nature or by reason of their adoption. In addition, an exception is prescribed in such a way that it is possible to conduct consultations for a period of less than 30 days, in precisely defined cases where this is being required by special circumstances entailing an event or a certain situation which could not have been foreseen and could not be affected, which endangers the life and health of citizens, national security, property of greater value, significantly distorts the environment, economic activity or causes significant economic damage.

48. Regime for constitutional review of laws

Relevant information has been provided in previous contributions of the Republic of Croatia.

B. Independent authorities

49. Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

Relevant information has been provided in previous contributions of the Republic of Croatia.

50. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.

In 2023, two Action Plans for the implementation of the National Plan for Promotion and Protection of Human Rights and Suppression of the Discrimination were drafted. These documents were prepared for public consultation and all materials related to their drafting are available at the official website of the Office for Human Rights and Rights of the National Minorities. New documents, among others, contain activities related to further improvements in monitoring and implementation of the Ombudswoman's recommendations but also of international mechanisms for the protection and promotion of human rights.

In regard to Ombudswoman's 2022 Report, on 23 October 2023, the Questionnaire on Implementation of Recommendations from the Ombudswoman's Report for 2022 was sent to 32 stakeholders:

- 14 ministries (excluding the Ministry of Defense and the Ministry of Tourism and Sports),
- the Central State Office for Demography and Youth and the Central State Office for the Development of the Digital Society,
- Government Offices (the Office for Cooperation with NGOs, the Office for Legislation, the Office for Human Rights and Rights of the National Minorities that is in charge for reporting on Ombudswoman's recommendations implementation, as well as the Council for National Minorities),
- the State Inspectorate, the Judicial Academy, the State School for Public Administration,
- the Croatian Institute for Social Work, the Croatian Institute for Public Health, the Croatian Institute for Pension Insurance, the Croatian Institute for Health Insurance,
- the Croatian Red Cross, the Croatian Bar Association, the Croatian Radiotelevision
- two local and regional self-government units - the Vukovar-Srijem County and the City of Zagreb.

The Questionnaire, tailor-made for each stakeholder, consists of quantitative and qualitative data on each recommendation addressed to a specific institution/stakeholder. It enables statistical overview as well as narrative explanations.

Upon receipt of all responses, the data will be analysed and prepared as part of the Report on the Implementation of the Ombudswoman's Recommendations for 2022. The written report will be available by the end of January 2024. It will include two types of data: the self-assessment data provided by the competent authorities but also the reevaluation of the self-assessment based on detailed narrative explanations provided by the same authorities.

According to the currently available data on implementation (data on 90 out of a total of 170 recommendations), 74 recommendations have been either fully implemented or their implementation is ongoing, eight recommendations are planned to be implemented and eight recommendations have not been implemented, are not in implementation nor are planned to be implemented.

For further improvements of the monitoring process of the implementation of Ombudswoman's recommendations, thematic discussions with state bodies are planned in 2024, as well possible revision of the Questionnaire developed for monitoring implementation.

C. Accessibility and judicial review of administrative decisions

51. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

Relevant information has been provided in previous contributions of the Republic of Croatia.

52. Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).

Relevant information has been provided in previous written contributions. Additionally, on 16 December 2022, a working group for drafting of the proposal of the Act on Amendments to the Administrative Disputes Act was established.

Given that these amendments represent changes to more than half of the Administrative Disputes Act⁵³, in accordance with the valid nomotechnical rules, it is necessary to draft a completely new proposal of the Act. The draft of the proposed Act has been prepared and was available for public consultation from 23 November to 23 December 2023. The plan is to submit the draft proposal to the government procedure in the first quarter of 2024.

The basis of the new law is the modernisation of the administrative dispute, better protection of the rights of the parties, preventing burden pressure on the High Administrative Court of the Republic of Croatia and the Administrative Court in Zagreb, encouraging a more proactive approach of court in resolving cases, shortening the duration of the administrative dispute, procedural discipline, a sense of certainty for the parties and the elimination of substandard, for example, the institute of a exemplary trial dispute is applied if in five or more first-instance administrative disputes the subject of the claim is of the same legal and factual nature, by which the principle of economy, legal certainty and a sense of certainty for the parties is achieved. Furthermore, substandardness in the hearing is also eliminated, so by elaboration of the provisions from scheduling to the conclusion of the hearing a more proactive approach of the court in resolving the case and procedural discipline of the parties is encouraged, which ultimately leads to a shortening of the duration of the administrative dispute. The provisions relating to the costs of administrative disputes, the execution of court decisions, and the evaluation of the legality of general acts are being amended and supplemented.

53. Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

Courts in the Republic of Croatia can submit a request for a preliminary ruling directly based on Article 267 of the Treaty of the European Union (TFEU). In addition, the laws regulating the procedural matters prescribe certain procedural rules when such a request is submitted to the Court of Justice of the EU. An overview of relevant provisions in certain laws is given below.

Article 213 of the Civil Procedure Act stipulates that the court shall suspend the proceedings in cases where it has decided not to decide on the request for preliminary ruling itself (Article 12 of the Civil Procedure Act) or has decided to submit a request to the Court of Justice regarding the interpretation of the EU Treaties as well as the validity and interpretation of acts of institutions, bodies, offices or agencies of the European Union.

Also, the court can order the suspension of the proceedings if a request to the Court of Justice on the interpretation of the EU Treaties as well as the validity and interpretation of acts of institutions, bodies, offices, or agencies of the European Union has already been submitted in another proceedings, and the court's decision depends on the decision on that request. An appeal

⁵³ Official Gazette 20/10, 143/12, 152/14, 94/16 – Decision of the Constitutional Court of the Republic of Croatia 29/17 and 110/21

is not allowed against the decision on the suspension of the proceedings due to the submission of a request to the Court of Justice.

If the court orders the suspension of the proceedings due to the submission of a request to the Court of Justice, it is obliged to inform the ministry responsible for foreign and European affairs along with the delivery of the content of the said request.

Article 18a of the Criminal Procedure Act stipulates that the court which, based on Article 267 of the TFEU, submitted a request to the Court of Justice for a preliminary ruling, shall suspend the proceedings until the decision of the Court of Justice has been delivered. An appeal against the aforementioned decision is not allowed, and the statute of limitations for criminal prosecution does not run during the suspension.

During the suspension of the proceedings, the court can only take those actions for which there is a risk of delay, and if the court ordered the suspension of the proceedings for the reasons stated, it is obliged to inform the ministry responsible for foreign affairs about the submission of a request to the Court of Justice. In accordance with Article 82, paragraph 3 of the Misdemeanor Act, the Criminal Procedure Act applies subsidiary to misdemeanor proceedings.

The suspension of an administrative dispute is prescribed by Article 45 of the Administrative Disputes Act. The court can suspend the dispute with a decision until the decision on preliminary ruling is delivered if the procedure on the preliminary ruling was initiated before a court or a competent public law body, as well as when the court decides to submit a request to the Court of Justice on the interpretation of the European Union law or the validity of acts adopted by the institutions of the European Union or until the High Administrative Court decides on the legality of the general act that is applied in the specific case.

For the duration of the suspension of the dispute, all deadlines set for the performance of actions in the dispute cease to run, and the court cannot undertake any actions. As soon as the reasons for the suspension cease, the court will issue a decision on the continuation of the dispute at the request of the party or ex officio. The deadlines that stopped running due to the suspension of the dispute will begin to run again from the delivery of the decision on the continuation of the dispute.

If the court ordered the suspension of the dispute to submit a request to the Court of Justice, it is obliged to inform the ministry responsible for foreign affairs about this and deliver the submitted request to it.

In the period from 2014 to the end of 2023, requests for a preliminary ruling by national courts to the Court of Justice were made in a total of 32 proceedings of which: by municipal courts (13 proceedings), administrative courts (four proceedings), misdemeanor courts (one proceeding), commercial courts (three proceedings), county courts (three proceedings), the High Commercial Court of the Republic of Croatia (three proceedings), the High Administrative Court of the Republic of Croatia (two proceedings), the Supreme Court of the Republic of Croatia (two proceedings) and the Constitutional Court of the Republic of Croatia (one proceeding).

54. Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non-implementation

Relevant information has been provided in previous written contributions.

D. The enabling framework for civil society

55. Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

Relevant information has also been provided in previous contributions of the Republic of Croatia.

In June 2023, the Office for Human Rights and the Rights of National Minorities initiated the process of drafting new implementation documents of the National Plan for the Protection and Promotion of Human Rights and for the Suppression of Discrimination until 2027, and had established a Working Group for the drafting of the draft Action Plan for the Protection and Promotion of Human Rights 2024-2025 and the draft Action Plan for the Suppression of Discrimination 2024-2025. The Working Group consisted of 24 members - representatives of state and public administration bodies and 15 members - representatives of civil society organisations, the academic community and independent members (representatives of all ombudsman institutions were included in the work of the Working Group). Members, or substitute members of the Working Group, from civil society organisations, were elected through the Council for the Development of Civil Society. The drafting process started on 13 June 2023 and four meetings of Working Group were held (on 13 June, 14 July, 26 September, and 3 November 2023) until the draft Action Plans were prepared for public consultation.

Prior to establishment of the Working Group, on 15 May 2023, the Office held a public presentation of the National Plan. The presentation was held with the aim of presenting the National Plan, announcing the initiation of the Action Plans drafting process, i.e. announcing the election and forming of new Working Groups, but also with the aim of discussing the activities that need to be included in new implementation documents, results of which then served as a basis for development of the Action Plans for 2024-2025.

During the drafting process, the proposals of all members of the Working Group were taken into account; especially the proposals of independent members. Through the three rounds of consultations, the state administration bodies accepted the proposals and explained the acceptability/non-acceptability of more than 150 activity proposals. The state administration bodies/implementing bodies also gave comments on the proposals made at the public presentation of the National Plan held in May, as well as on the comments received during the public consultation on the e-Consultation portal on the National Plan and Action Plans for 2023. Through the work of the Working Group, attention was repeatedly drawn to the recommendations of the Ombudswoman and special ombudswomen, as well as to recommendations addressed to the Republic of Croatia through international obligations and EU action plans. Both draft Action Plans seek to respond to those recommendations to a large extent.

The draft Action Plan for the Protection and Promotion of Human Rights contains 55 activities for 20 state administration bodies, of which the Office is responsible for 18 activities. The draft Action Plan for Combating Discrimination contains 34 activities for nine state administration bodies, of which the Office is responsible for 17 of them.

The documents are currently in the preliminary process before publication on the e-Consultation portal.

Among the activities planned for the forthcoming period, it is important to emphasise that, within the new financial perspective of the EFS+ fund, the following activities will be financed: the development of tools for monitoring and combating discrimination, hate speech and hate crimes; training activities; expert meetings; the preparation of informative materials for professionals; researches and evaluation; the implementation of measures for raising the public awareness about discrimination and its manifestations. The work of the civil society organisations will be supported as well as the fight against discrimination at the local level.

One of the Office's activities, within the Action Plan for the Protection and Promotion of Human Rights, is the coordination of the implementation of recommendations as well as provisions of international and regional human rights protection mechanisms, with an emphasis to the development of a revised *Common Core Document* that represents the introductory narrative common to all national reports for UN treaty bodies (general information and the overview of the legal and institutional framework in the area of the protection of human rights). The coordination of the document drafting process will be led by the Office for Human Rights and the Rights of National Minorities in partnership with the Ministry of Foreign and European Affairs. The Working Group for the drafting of the document will consist of representatives of competent state administration bodies and representatives from civil society organisations.

In addition, in November 2023, the Office for Human Rights and the Rights of National Minorities held a meeting with coordinators for the collection of equality data, with the ultimate goal of mapping the available administrative data on inequality. The coordinators, within their institutions, filled out the Questionnaire, developed as a working material within the European Commission Subgroup on equality data, which is the first step of mapping the available public data on equality collected by bodies.

In addition, from March to April 2023, the Office for Cooperation with NGOs conducted a series of coordination meetings with state administration bodies, government offices and agencies with an aim of reaching agreement on the competent bodies for the implementation of the activities from the National Plan to Create an Enabling Environment for Civil Society Development 2024-2031. Based on these meetings, during the third quarter of 2023, the Office drafted the draft of the National Plan to Create an Enabling Environment for Civil Society Development in 2024-2031 with the accompanying Action Plan for the first three-year period.

In addition to elaborated four thematic areas identified according to the medium-term development needs and potentials of civil society organisations, the necessary measures and activities have been designed to achieve the set goals of the National Plan. The establishment of the achievement indicators of civil society organisations in the National Plan was of the highest priority, including the most difficult determinable indicator, which is that of the social impact. Multiple measurements of this index can improve further development of civil society organisations because it is the basis for financing, investment and evaluation of work in general as well as of further expansion of the influence of the civil society in the widest community.

After the state administration bodies give their opinion, the draft National Plan and the accompanying Action Plan will be published on the website of the e-Consultation portal and thus be available to the public for comments.

In order to encourage the implementation of the National Plan for the Protection and Promotion of Human Rights and the Suppression of Discrimination at the regional and local level, but also to ensure the financial stability of the civil society organisations dealing with the protection and promotion of human rights, with an emphasis on the rights of the citizens who are, according to the Ombudswoman's reports, more often discriminated (LGBT communities, persons of migrant origin, members of the Roma and Serb national minorities, etc.), the Office for Human

Rights and Rights of National Minorities is preparing an open call in the total amount of EUR 8 million. The first phase of the open call amounting to EUR 4 million is planned in 2024.

Activities envisaged for financing through the open call, among others, include:

- activities aiming to identify/research inequalities and phenomena of discrimination faced by certain groups and to raise the level of knowledge of relevant stakeholders and the public about inequalities,
- advocacy activities and activities to promote the realisation of the rights of more frequently discriminated groups,
- activities aimed at combating stereotypes and prejudices, especially in local communities,
- coordinating activities in combating discrimination, including cooperation between local self-government units and international cooperation,
- activities of preparation and creation of various promotional and informative materials aimed at combating discrimination and promoting equality,
- activities of creating local plans for combating discrimination and fighting inequality.

The Government of the Republic of Croatia finances the stability and operations of the national minority civil society organisations. These activities are planned through the Operational Programmes of National Minorities 2021-2024, and EUR 52 million are earmarked for national minority associations in the financial plan for 2024.

56. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical, or online, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organizations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

Relevant information has been provided in previous contributions of the Republic of Croatia. Additional information on the measures to combat SLAPPs are provided in the answers to questions 33 and 43.

57. Organisation of financial support for civil society organizations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

Relevant information has also been provided in previous contributions of the Republic of Croatia.

Within the Swiss-Croatian Cooperation Programme, programming of four programme components is underway: education for sustainable development, strengthening volunteering, micro projects and community service learning programmes.

Programming of a tender to strengthen the capacity of civil society organisations to promote STEM, which is funded from the ESF+, is also underway. It is expected that the tender could be opened no later than by the end of the first quarter of 2024.

With the Conclusion of 11 May 2023, the Government of the Republic of Croatia decided to support the development of the civil society by providing funds for multi-year tenders/support

for alliances and communities of associations from the Homeland War and associations of persons with disabilities. Funds of EUR 1,500,000.00 will be provided.

In order to show as transparently as possible the manner of using the funds that the state, local self-government units and other public law entities allocate from public sources for projects and programmes of interest for the common good implemented by associations and other civil society organisations, the Office for Cooperation with NGOs collects information and prepares annual reports on financing projects and programmes of civil society organisations. The reports provide in detail the analyses of which state bodies, local self-government units and other bodies governed by public law, including public companies, allocate funds and in what amounts; areas of funding; activities and beneficiaries of funded projects; the territorial distribution of projects; standards of allocation and monitoring of the implementation of financed projects in accordance with the Regulation on criteria, measures and procedures for financing and contracting programmes and projects of interest to the common good implemented by associations⁵⁴.

Within the framework of improving the transparency and quality of procedures and the adequate application of the standards of allocation of financial resources to programmes and projects of interest to the common good, the Office for Cooperation with NGOs, together with the State School of Public Administration, implements training programmes for civil servants and local servants, and it also conducts special trainings for public companies on the criteria and measures for awarding donations and sponsorships to civil society organisations in accordance with the Regulation. Thus, in 2022, 12 workshops were held for 190 participants (civil servants and local servants), while in 2023, 14 workshops were conducted for 176 civil servants and local servants. Also, in accordance with the Regulation, the Office for Cooperation with NGOs is in the process of updating and upgrading the existing public database on financed projects and programmes of civil society organisations, and is developing a new system that will ensure structured public availability of information on financed programmes and projects, standardisation of the application of the Regulation on criteria, measures and procedures for financing and contracting programmes and projects of interest to the common good implemented by associations at the level of all bodies which fund programmes and projects of associations.

The Office for Cooperation with NGOs publishes once a year a public call in order to provide the necessary co-financing to the associations that have applied and have been approved for projects within the framework of the European Union and foreign funds. The Office for Cooperation with NGOs approved a total of EUR 1,098,835.18 for 2023 for the public call for submission of applications for co-financing projects of civil society organisations contracted under the European Union and foreign funds,.

58. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

Relevant information has also been provided in previous contributions of the Republic of Croatia.

The Republic of Croatia, as one of 75 member states of the global Open Government Partnership Initiative from its very beginnings, i.e. since 2011, has supported the principles of transparency, fight against corruption, empowerment of citizens and the use of new

⁵⁴ Official Gazette 26/15

technologies in order to make public authorities at all levels more efficient and accountable, and to create preconditions for more efficient and innovative provision of public services and the management of public resources. At the same time, the values promoted by the Open Government Partnership Initiative are also incorporated in the Programme of the Government of the Republic of Croatia 2020-2024, which, among other things, envisages the implementation of measures aimed at combating corruption, modernisation of public administration, digitisation and development of broadband infrastructure (such as conducting training of civil and public servants for the development of digital skills), as well as measures aimed at increasing the transparency of public finances. The Government Programme also aims at raising the efficiency of state and public administration in order to better respond to the needs of citizens and the economy, as well as measures aimed at strengthening trust in the media by encouraging greater transparency, accountability and integrity.

The implementation of the fourth Action Plan for the Implementation of the Open Government Partnership Initiative in the Republic of Croatia from 2022 to 2023, whose development and implementation are coordinated by the Office for Cooperation with NGOs, is underway. It builds on the previous three ones and expands the achieved results. Still, the largest number of measures relates to the area of transparency, more precisely, it is envisaged to continue activities in the field of the right of access to information, fiscal transparency, transparency of public authorities in relation to proactive disclosure of information, consultation with the public in the decision-making process and ensuring the publicity of the work of public authorities.

The aim of this Open Government Partnership Action Plan is also to improve transparency and financing of referendum activities, improve transparency of activities and financing of programmes and projects of civil society organisations. A special component of this Action Plan consists of measures aimed at the local and regional level, which represents a continuation of efforts in the implementation of the Open Government Partnership at the local and regional level in the Republic of Croatia and further familiarising the citizens with the Open Government Partnership. This Action Plan also takes into account the need to ensure the sustainability of the implemented measures, while it is especially important to raise awareness of new generations about the fundamental values of the Partnership.

E. Initiatives to foster a rule of law culture

59. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

In the past period, the focus of the Government of the Republic of Croatia was maintained on reform activities aimed at strengthening the institutions and the normative framework in all areas covered by this Report, as can be seen from the answers to the previous questions. These activities also have a direct effect on strengthening the culture of the rule of law in the Republic of Croatia.

In addition, in order to strengthen citizens' awareness of the harmfulness of corruption, the necessity of its prevention and suppression, as well as awareness of existing reporting channels and mechanisms for the protection of whistleblowers, i.e. to encourage citizens to report irregularities, a national campaign that will begin in 2024 is being prepared. It will, among other things, include the content on encouraging responsibility and more transparent work of the public administration and will inform about the anti-corruption activities undertaken with an aim to create a culture of zero tolerance towards corruption. The campaign will include the organisation of a conference and other events on the topic from this area, round tables for state officials and officials at the central level and in local self-government units and for

representatives of non-governmental organisations, as well as training for high school students in the Republic of Croatia.

In 2024, the launch of the national campaign aiming at suppressing hate speech is envisaged.

In order to ensure the transfer of the national policies in the area of human rights to the regional and local level, further improvement of the cooperation with county coordinations for human rights as well as with regional and local civil society is planned in 2024.

On 19 December 2023, the Conference “Open government in Croatia – look to the future” was held. Results of the implementation of the Open Government Partnership Initiative as well as the plans for the future were presented.