

# 2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

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The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2023<sup>[1]</sup> falling under the ‘type of information’ outlined in section II.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

## Type of information

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The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

## **A) Legislative developments**

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

## **B) Policy developments**

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

## **C) Developments related to the judiciary / independent authorities**

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[2])

## **D) Any other relevant developments**

- Respondents are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

## **About you**

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\* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Civil society organisation/NGO

- ☐ International organisation
- ☐ Judicial association or network
- ☒ Media organisation or association
- ☐ Public authority or network of public authorities
- ☐ Other

\* Organisation name

250 character(s) maximum

Hrvatsko novinarsko društvo | Croatian Journalists' Association

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☒ Media Pluralism
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

<https://hnd.hr/>

The Croatian Journalists' Association (HND) was founded 1910 and it is member of the International Journalist Federation (IFJ) and the European Journalist Federation (EFJ) with over 1500 members. The HND assembly is the highest managing body and its responsibility is to elect president, Executive Board, Supervisory Board, Ethical Council and some members of the Solidarity Fund Managing Board.

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

68250100951

\* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas

- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☒ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji

- ☐ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta

- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles

- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Surname

Email Address of the organisation (this information will not be published)

\* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2024 rule of law report.pdf](#)

## Questions on horizontal developments

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In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*

## Questions for contribution

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The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law



Report and (2) any other significant developments since January 2023[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

**If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.**

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

## I. Justice System

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Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

*5000 character(s) maximum*

### A. Independence

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

*(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)*

*5000 character(s) maximum*

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)

*5000 character(s) maximum*

Promotion of judges and prosecutors (incl. judicial review)

*5000 character(s) maximum*

Allocation of cases in courts

*5000 character(s) maximum*

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)

*5000 character(s) maximum*

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)

*5000 character(s) maximum*

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

*5000 character(s) maximum*

Independence/autonomy of the prosecution service

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

## B. Quality of justice

*(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)*

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

*5000 character(s) maximum*

Resources of the judiciary (human/financial/material)

*(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)*

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

5000 character(s) maximum

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)

5000 character(s) maximum

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

5000 character(s) maximum

## C. Efficiency of the justice system

*(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)*

Length of proceedings

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

## II. Anti-Corruption Framework

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Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission’s attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)

5000 character(s) maximum

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

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 with foreign authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

## B. Prevention

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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)

*5000 character(s) maximum*

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

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

*5000 character(s) maximum*

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
- 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 organised crime groups (e.g. to infiltrate the public sector)

*5000 character(s) maximum*

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

*5000 character(s) maximum*

## C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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)

*5000 character(s) maximum*

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

*5000 character(s) maximum*

Other - please specify

*5000 character(s) maximum*

### III. Media pluralism and media freedom

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Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

*5000 character(s) maximum*

Since the Rule of Law Report for 2023, regulations on media regulation have remained the same, but with worrying announcements of the future Media Act and amendments to the Criminal Code, which is currently in the process of parliament.

Following Prime Minister Andrej Plenković's announcement about changes to the Criminal Code and the Criminal Procedure Code due to "leaking of information from files," which constitute "political problems," the Croatian Journalists' Association (HND) in February sent the complaint to Croatian Ombudsman Tena Šimonović Einwalter (1). Only a few months later, the government proposed a new criminal offense; "Unauthorized disclosure of the content of investigative or evidentiary actions" (Article 307. a of the Criminal Code).

The penalties for this criminal offense, now in parliamentary procedure, are up to three years in prison for revealing the content of evidentiary and investigative actions from the non-public phase of the procedure. Public officials, civil servants, defendants, defense attorneys, witnesses, experts, and interpreters are under these sanctions. So, all the participants in criminal proceedings. Although journalists are exempt, it is clear that such a law will prevent all whistleblowers who wish to approach journalists with information of public interest. HND believes that this is a brutal attack on the journalism profession and public interest, and the reason for its introduction is an attempt to conceal criminal proceedings against high-ranking government officials from the public. HND organized a petition against this law, which more than 2000 citizens signed (2). Regarding the new Media Act, the Ministry of Culture and Media prepared a working document for discussion with the working group members. We received a text that neither embodies the core principles and concepts that empower press freedom nor upholds the constitutionally guaranteed freedom of the media.

The Croatian Journalists' Association (HND) is particularly concerned about the tendency to legalize censorship through provisions concerning the publication of journalistic content, which grants publishers the right to arbitrarily and without any justification withhold the publication of journalistic content, disregarding the fundamental principles of the journalistic profession. The working version of the law does not define or foresee the sanctioning of covert advertising, nor does it exempt journalists from producing advertising and promotional content. The Republic of Croatia waives the current obligation to support the launch of new media, primarily local, non-profit, and community media, thereby giving up the encouragement of media pluralism and media diversity. The highly problematic provision is that "it is not allowed in the media to diminish the public's trust in the role of the courts in a democratic society."

On 19 July 2023, HND sent a letter to the Croatian Media Minister, Nina Obuljen Koržinek (3), informing her

of what it said was the "unacceptable nature of the draft bill." Although the Ministry of Culture and Media announced that it will assemble the working group for the Media Act again at the end of August 2023, we have yet to receive any date invitation.

Regarding the transparency of media ownership, the Government of the Republic of Croatia accepted at the end of the year the National Plan for the Development of Culture and Media (4), which stated the creation of an online platform with data on media ownership from the register of beneficial owners. However, the existence of secret societies, the creation of which is enabled by the Companies Act, needs to be revised to accomplish this goal.

Also, the National Plan for the Development of Culture and Media foresees a system of public publication of data on media financing with public funds from the budget. Still, the document needs to indicate whether this also applies to data on advertising by state and public companies, which are among the largest advertisers, and the data on the amounts they invest in advertising in certain media are kept as a business secret.

(1) <https://hnd.hr/eng/cja-sends-a-complain-to-the-ombudsman-about-the-announcement-of-prime-minister-plenkovic>

(2) <https://chng.it/7LMs5MdJTg>

(3) <https://www.hnd.hr/eng/cja-working-document-of-new-media-act-unacceptable>

(4) [https://min-kulture.gov.hr/UserDocsImages/dokumenti/Nacionalni%20plan%20razvoja%20kulture%20i%20medija/Nacionalni%20plan\\_objava.pdf](https://min-kulture.gov.hr/UserDocsImages/dokumenti/Nacionalni%20plan%20razvoja%20kulture%20i%20medija/Nacionalni%20plan_objava.pdf)

## A. Media authorities and bodies

*(Cf. Article 30 of Directive 2018/1808)*

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

*5000 character(s) maximum*

Several regulatory bodies, ministries, and government agencies monitor media in Croatia. The scopes of these bodies sometimes overlap. There are the Croatian Regulatory Authority for Network Industries (HAKOM) and the state company Digital Signals and Networks (OIV), the Croatian Competition Agency (AZTN), the Croatian Chamber of Commerce (HGK), the Ministry of Culture and Media, the Ministry of Finance - all sharing some responsibilities in the field of media with the Electronic Media Agency (AEM). Public broadcaster (HRT) is overseen by its Programming Council, the Supervisory Board, and the AEM. Although not directly part of it, these bodies depend highly on the government.

The best example is the only regulator dealing only with the media - AEM and its governing body, the Electronic Media Council (VEM). They are in charge of regulating only the so-called electronic media. Officially independent, the members of VEM are elected by the Croatian Parliament (majority of MPs present) on the government's proposal. These are most often not people we recognize as professional journalists, and they are most often associated with governing politics. The VEM grants broadcasting concessions for radio and television and grants from the Pluralism Fund. The Pluralism Fund gets funds from 3% of the revenue from the public service broadcasting fee, about 4.5 million euros annually.

In July 2023, the working document on amendments to the Law on Media brought worrying plans from the Government of Croatia. According to that document, the establishment of two new bodies is envisaged:

- Council for Media - in fact, the jurisdiction of the Council for Electronic Media extends to all media. The Council will have more extraordinary powers and five members instead of the seven that VEM currently has; the members of the Council will be elected so that the ruling majority has the discretionary power to propose and confirm candidates in the Croatian Parliament, which threatens the independence of the media regulator, which with this election model remains a political body.
- Council of media experts - which will have enormous powers (grant grants, tests of public value, etc.); it will



have five members, of which two are representatives of publishers, two are representatives of the scientific community, and only one is a representative of the journalistic profession; the competence of the Council will be to decide on the allocation of direct and indirect support to the media, and considering that two members are representatives of publishers, the HND estimates that the door is open for a conflict of interest. The procedure for electing members of this Council is also not straightforward.

Even if the future Media Council members would be proposed to Parliament by the Parliamentary Committee for Information, Informatization, and Media instead of the government, the majority in this Committee is also made up of members of the ruling party and their coalition partners. Therefore, HND believes that the two-thirds majority of the members of this parliamentary Committee should decide on the candidates to be voted on by the Parliament. Also, HND suggests that at least two of five (preferably seven) members of the future Media Council should be nominated by the media professionals' organizations.

However, after HND informed the Croatian Media Minister, Nina Obuljen Koržinek, that the draft bill the Ministry proposed was unacceptable, there was no reply about whether drafting the Media Act would be continued. Therefore, we can only conclude that the Ministry has given up on changes to this Act in the super-election year 2024.

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

*5000 character(s) maximum*

At the end of 2021, the government passed a Law on Electronic Media but missed an opportunity to strengthen the independence of regulators. According to the existing laws, the political majority in the parliament elects the president and members of the Electronic Media Council (VEM), a majority of members of the Program Council, and general directors of the public broadcaster (HRT) and the public news agency HINA also. The appointment mechanism creates general doubt about the media regulator's and public media's independence.

The Croatian parliament appoints and dismisses the president and other members of the Electronic Media Council (VEM) upon the government's recommendation of the Republic of Croatia. To select the members, the Government of the Republic of Croatia publishes a public call for nominations for the Council members. The president and members of the Council are appointed for a term of five years and can be re-elected for unlimited terms. If a new President or Council member is not elected before the expiration of their term, it can be extended for a maximum of six months until the appointment of the new member.

Thus, at the beginning of 2023, the Electronic Media Council (VEM) was left without three members whose extended mandate expired on January 14. Only after the public reaction to HND and articles in the media did the Government of the Republic of Croatia submit its appointment proposal to the Croatian Parliament. It happened on January 26 during a closed part of the government's session. The Croatian Parliament confirmed the government's choice by voting on February 8. The fact that VEM was left without three of its seven members for almost a month in 2023 speaks volumes about the status of this formally independent media regulator. Moreover, the required knowledge and qualifications requested by the candidates in the public call are very general and subject to multiple interpretations.

During the adoption of the Electronic Media Act, the HND proposed changes that would ensure greater independence of the members of the media regulator from any source of political power. Still, instead of relinquishing the monopoly on staffing in the regulatory body, the government left the Council for Electronic Media in the hands of the political majority.

There is a high probability that for any reform in the media field, we will have to wait until after the elections. As the minister Obuljen Koržinek stated at the public forum entitled "What is the future of HRT?" held on the initiative from the HND's branch on HTV: "The time immediately before the elections is not the time to pass a new Act on Croatian Radio and Television." (1)

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

*5000 character(s) maximum*

Croatia has no media council; only the Journalists' Council of Honor (1) was established in 1910. by the Croatian Journalists' Association. The Council of Honor has 11 members, all journalists and members of the HND. Neither publishers nor the public is involved.

The Code of Honor is the ruling ethical charter for Croatian Journalists, adopted by HND on the model of similar documents in Europe. The Journalists' Council of Honor supervises the implementation of the Code of Honor.

The Council sanctions any journalist who violates journalistic ethical principles. For members of HND, these are warnings, and for those journalists who are not HND members, the Council appeals to their professionalism (public humiliation for unethical behavior). A few warnings mean the termination of membership in the HND and the impossibility of membership in a journalists' organization for non-members. Also, the HND advocates for consulting decisions of the Journalist Council of Honor before allocating public funds to the media.

The Council of Honor is recognized in the media community and publicly accepted, and judges often consult it when deciding on cases against journalists or the media.

About ten years ago, the HND and the publishers established a media council, only to close it a few years later since publishers were not interested in that kind of cooperation with journalists. The fact is that only one or two publishers in Croatia have a Code of ethics for their media outlets. Similarly, almost 20 years after the Media Act introduced the obligation to adopt media statutes that guarantee the autonomy of editors and journalists from the influence of employers, many media outlets still need it. Even where a statute exists, since it became a condition for getting public funding in some cases, there are no mechanisms to monitor implementing it, nor the consequences for breaking it. In the recently adopted National Plan for the Development of Culture and Media, one of the measures is to strengthen the statutes of newsrooms. Still, details need to be made on how this declared intention should be implemented. The Action Plan for implementing the National Plan is nothing more concrete. Since the existence of a media statute is, among other things, a condition on which print media are granted tax breaks, there should be an independent mechanism for checking the extent to which the statute's provisions are implemented. We have often heard from our membership that the statute's provisions are not in force. Still, there is no prescribed way the editorial office could dissolve this agreement with the publisher in case of non-compliance.

(1) <https://www.hnd.hr/novinarsko-vijece-casti1?seo=novinarsko-vijece-casti1>

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

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

*5000 character(s) maximum*

The advertising decisions are discretionarily, non-transparently, most often at the will of political leaders, without public tenders and public insight into the purpose of spending that money. How transparent the allocation of public funds to the media in Croatia is best illustrated by the latest affair (December 2023) that led to the dismissal of Minister of Economy Davor Filipović and his adviser Jurica Lovrinčević. Adviser Lovrinčević was recorded telling an associate of the local television network TV Mreža that he had withdrawn

140,000 euros from the state budget for advertising in the media over one year and that, in the same way, he could extract more money as long as he is in the position of adviser in the Ministry of Economy. At the same time, he asks his interlocutor to pay part of the money that will be delivered to them in the private account of Lovrinčević, who arranged the job. The "Mreža" affair is not an isolated case; it just went public and showed what HND has been warning about for years (<https://www.youtube.com/watch?v=Y4gyxt4XhgY>) - the capture of the media by state funds. The Croatian Journalists' Association (HND) advocates the introduction of a contract for monitoring the flow and transfer of money to the media from the state and local budgets as well as from the budgets of the public and state companies. According to the funding models HND has already proposed for local media (1), we are advocating the establishment of a national fund for journalism that would publicly and transparently finance the media according to the profession's rules. Although the Electronic Media Act stipulates that public grants should be awarded to the media by public call, the allocation of funds still needs to be more transparent. There need to be firm provisions on an independent committee, professional criteria, and transparent implementation of tenders. To address this situation, HND continues to advocate Models for financing local media that aim to set up an independent mechanism for public support that strengthens the independence of local media and quality journalism while fostering transparency in allocating public funds. So far, HND Models have been accepted in the following cities: Zagreb, Split, Pazin, and Makarska, while Karlovac, Virovitica, and Slavonski Brod are interested in implementing it in their next call for financing the media.

As for the state advertisers, the National Plan for the Development of Culture and Media foresees a system of public publication of data on media financing with public funds but does not indicate whether this also applies to data on advertising by state and public companies that are among the largest advertisers. Moreover, The Electronic Media Act in all its versions for the past 28 years stipulates that state administration bodies and public institutions founded by the Republic of Croatia, as well as legal entities owned or predominantly owned by the Republic of Croatia, owe 15 percent of their annual amount designated for promotion or advertising of their services or activities spend on advertising in local electronic media and report to the Electronic Media Council by March 31 of each calendar year about the amount for every single media. The report that VEM submits to the Parliament every year shows that most of those above who are obliged by this law do not comply with this provision. Namely, there are no sanctions for its violation. Therefore, implementing the platform with data on state advertising announced in the National Plan will depend on how binding the provisions that would prescribe the delivery of this data will be.

On top of all mentioned above, amongst the propositions in the working draft of the new Media Act, there is a provision forcing all state administration bodies and public institutions founded by the Republic of Croatia, as well as legal entities owned or predominantly owned by the Republic of Croatia to give at least 20 percent of their annual amount designated for promotion or advertising of their services or activities on advertising in daily and weekly general information print media. Again, without the misdemeanor or any provisions for those not fulfilling this obligation. In drafting this working document, the Ministry of Culture and Media also suggests that print media should receive 10 percent of the tax on digital platforms. Therefore, in preparing the Media Act, the proponent needed to provide more information about grants and the Fund for the Promotion of Media Pluralism because it is about distributing public money to ensure fair public media financing free from conflicts of interest and political pressure.

(1) <https://hnd.hr/modeli-financiranja-lokalnih-medija>

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

5000 character(s) maximum

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

5000 character(s) maximum

Relevant laws prescribe transparency of media ownership structure in Croatia – the Media Act and the Electronic Media Act. Data on print media are collected by the Croatian Chamber of Commerce and published in the Official Gazette. Ownership data of television, radio, and electronic publications are available on the Electronic Media Agency website. Despite all that is mentioned, the real owners may stay hidden since nobody monitors and sanctions if the media ownership structure is not correct and published promptly.

The National Plan for the Development of Culture and Media stated the creation of an online platform with data on media ownership from the register of real owners. However, the existence of secret societies, the creation of which is enabled by the Companies Act, needs to be revised. Suppose a secret member, based on roles by Article 148, paragraph 1 of the Companies Act, exclusively acquires the right to participate in the profits and losses of the entrepreneur. In that case, the legal entity with a secret member by the Act is not obliged to enter information about that person in the Register of Beneficial Owners.

Nevertheless, the new platform announced in the National plan should enable more accessible data of the Croatian Beneficial Ownership Register, which is now available only through the National Identification and Authentication System (NIAS) on the platform that enables a search only via the company's OIB (unique identifier) or its name. Furthermore, the search is limited to only one company at a time in one search, and for every search, the user must confirm it is not a robot requesting the data. HND believes interested users should be consulted about access and openness to a future media ownership database.

The extent of the non-transparency of media ownership in Croatia is best evidenced by the session of the parent parliamentary committee for media on December 7, 2023, where the position of the Republic of Croatia on the European Act on Freedom of the Media was discussed. The conclusion of this session was not published on the official website of the Parliament, but it is evident from the YouTube recording (1) of the session that it was voted on. In conclusion, the Committee for Information, Informatization, and Media members asked VEM to provide data on the actual media owners in Croatia.

(1) <https://www.sabor.hr/hr/press/48-sjednica-odbora-za-informiranje-informatizaciju-i-medije>

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

Rules and practices guaranteeing journalists' independence and safety, including as regards 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

5000 character(s) maximum

Croatian laws do not contain explicit articles that directly protect journalists, but Article 315.b of the Criminal Code refers, among other things, to coercion against persons performing tasks of public interest, which includes journalists. In September 2023, the Croatian Journalists' Association and the Croatian Journalists' Union signed a cooperation agreement with the Ministry of the Interior, including two protocols with the aim

of improving the protection of journalists: the Protocol on the behavior of the police, journalists and other media workers at public gatherings of public interest, and the Protocol on the behavior of the police upon learning about a criminal offense committed to the detriment of journalists and other media workers in the performance of their work tasks. These two protocols describe the actions of police officers and media workers in situations of public gatherings in the interest of the public in order to prevent attacks and in case of knowledge of criminal acts against journalists and other media workers, with the aim of facilitating the conduct of criminal investigations.

The Ministry of Justice and Administration monitors criminal cases against journalists and litigation proceedings for damages, while the State Attorney's Office of the Republic of Croatia keeps records of crimes committed against journalists, for which prosecution is undertaken ex officio. The Ministry of the Interior records events related to persons performing journalistic activities, but none of these records are publicly available. The only publicly available record of attacks and threats to journalists in Croatia is the one kept by HND within the Safe Journalists project on the [safejournalists.net](https://safejournalists.net) portal.

According to the law, journalists are not obliged to disclose information about their sources. However, the State Attorney's Office has the authority to request such data in cases of necessity for national security, territorial integrity or health protection. The court can ask journalists to reveal their sources even when this has a greater public interest than protecting the source itself. The new Whistleblower Protection Act entered into force in April 2022, with the intention of providing enhanced protection to whistleblowers compared to previous legal solutions.

Reports of threats, attacks and threats through the CoE platform sometimes put pressure on the authorities to solve these cases faster. However, the methodology for monitoring threats to journalists on the CoE platform differs from the local one, so a smaller number of cases appear on the platform compared to the HND database.

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

*5000 character(s) maximum*

In September 2023, HND and SNH signed a cooperation agreement with the MUP, which has two accompanying protocols: a Protocol on the behavior of the police, journalists, and other media workers at public gatherings of public interest, and Protocol on the behavior of the police when learning about a criminal offense committed against the public journalists and other media workers in the performance of work tasks. The first Protocol specifies the procedures to be followed by the police and media workers during public gatherings of public interest, with the aim of ensuring a safe environment and preventing dangers associated with performing media activities. Journalists and other media workers who intend to report on public gatherings are obliged to notify the public relations department of the competent police department of their presence at least 24 hours before the start of the event via official email. In the absence of prior notification, journalists will do so as soon as possible, and at the latest will report to the public relations representative of the police at the venue of the gathering. It is emphasized that the police, taking into account their own security assessment and actual spatial possibilities, will provide space for media reporting at the public gathering. The Croatian Journalists' Association and the Union of Croatian Journalists will be informed about the establishment of this space no later than 12 hours before the start of the event. The police will also warn journalists about changes in security circumstances that could threaten their safety. In the Protocol, journalists are recommended to be visibly marked with reflective vests with the inscription "Press" or other suitable inscription for visual identification. If they are not marked, at the request of the police, journalists should be ready to identify themselves with a press card. The lack of clear visual identification will be considered an aggravating circumstance for the hasty action of police officers.

The second protocol prescribes the police procedures when they become aware of a criminal offense committed to the detriment of journalists and/or other media workers in performing their work tasks, emphasizing creating conditions for the effective conduct of criminal investigations of criminal offenses. If

there are reasonable suspicions that a criminal offense has been committed to the detriment of journalists and/or other media workers while performing their duties, the police will take the following measures: It will urgently establish contact with the victim in order to establish all relevant facts. Based on the collected information, it will immediately take measures to provide the necessary medical and other assistance to the journalist and/or other victims of the crime. They will conduct a criminal investigation, collect data and information necessary for solving the crime and identifying the perpetrator. Special emphasis will be placed on the fact that a journalist and/or other media worker is a victim of a criminal offense as a person performing work of public interest, as well as on the circumstances of the commission and the legal qualification of that offense. All information related to a criminal offense against journalists and/or other media workers will be immediately reported to the competent State Attorney's Office in accordance with the provisions of the Criminal Procedure Act.

Access to information and public documents by 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)

*5000 character(s) maximum*

The current Media Act stipulates that public authorities must respond to journalists' inquiries within an appropriate period. Since this deadline is not precisely defined and no independent body is authorized to monitor the implementation of the Media Act, investigative journalists are increasingly using the Right to Information Act (ZPPI) to obtain data. Here, the deadline is set, and there is an independent institution of the Commissioner for Information that ensures the implementation of the law. Even so, in numerous situations when information should be public, state and local officials refrain from publishing them, delaying the process by rejecting access, complaining about the commissioner's decisions, and sending incomplete answers. In the experience of journalists, officials often let the deadline for response expire and then delay the procedure even further by giving a partial response or providing information not requested. From the Reports on the Implementation of the Right to Information Act, it is evident that withholding information due to personal data protection is the most common reason for restrictions from year to year. According to the current practice of the Information Commissioner, in most such cases, public authorities did not correctly implement the procedure regarding the request for access to information, which resulted in illegal solutions. The policy of secrecy is also reflected in introducing a new criminal offense for disclosing information from criminal proceedings. Although the Croatian competent authorities pointed out that no potential amendment to the law would affect the work of journalists or the protection of their sources, we consider this legislative proposal as a direct attack on freedom of speech and freedom of receiving information, undermining the democratic foundations of the Republic of Croatia. In a democratic state, the public has the right and must be informed about the procedures conducted by state bodies that are of public interest, which this law would prevent. Its introduction is to hide criminal proceedings against high state officials from public scrutiny, which is unacceptable in a democratic country. We believe this is a law of dangerous intent against the journalistic profession and the public interest, and we continue to oppose (1) its implementation. Additionally, although the Republic of Croatia has committed itself to the public publication of court decisions, reaching the decisions of the first level of courts is almost impossible. Namely, HND, in cooperation with the non-governmental organization Center for Democracy and Law Miko Tripalo, is trying to obtain data on court decisions in lawsuits against the media and journalists for defamation of reputation and honor. Some courts sent the data based on a request for the right to access information, while others asked us to prove a legitimate interest in viewing the requested data.

(1) <https://hnd.hr/eng/cja-croatian-government-proposes-a-law-of-dangerous-intentions>

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

*5000 character(s) maximum*

In the past year, HND's survey (1) has shown that the pressure of SLAPP lawsuits on journalists and the media remains high, with at least 945 active cases against journalists and media, with almost € 5.4 million for compensation. This year, 30 media outlets responded to HND's inquiry on the number of lawsuits, and the results show that 26 have pending court cases.

Out of a total of 945 lawsuits, 910 refer to lawsuits for compensation of damages due to injury of honor and reputation, which are conducted against publishers, their editors, and journalists based on published texts and articles. Regarding criminal proceedings, nine media reported a total of 35 such proceedings. In addition to natural persons unknown to the general public, prosecutors are most often from public and political life, including politicians in office, legal persons, and judges.

According to the data of the Ministry of Justice and Public Administration, last year, 245 new lawsuits for damages were initiated against journalists - 395 of them were resolved. In comparison, 710 lawsuits had not yet been decided by December 31, 2022. The total number of active criminal cases in which the defendants are journalists in all courts in Croatia at the end of 2022 was 101.

In the National plan for the development of culture and media, SLAPP is addressed by establishing mechanisms for early recognition and rejection of clearly unfounded or malicious court proceedings (strategic lawsuits against public participation – SLAPP lawsuits) as one of the measures. The Ministry of Culture and Media is responsible for implementing this measure. However, the Action plan does not have details on how this measure will be realized.

The Ministry of Culture and Media recently established a working group dealing with the problem of SLAPP, thus confirming the problem HND has been warning about for years.

Despite this, there is no official definition of SLAPP in Croatia, nor do the courts separate and classify such lawsuits. The working group still needs to develop a mechanism to prevent such lawsuits. The absence of any limitations on potential civil damages for defamation also contributes to the risks faced by journalists - which threaten their livelihood and perpetuate the chilling effect, as long as the regular courts still do not consistently apply Article 10 standards of the European Convention on Human Rights.

Even so, on November 9, 2023, the Government submitted an Action Report (2) to the Committee of Ministers for the supervision of the execution of judgments of the ECtHR proposes to close the examination of general measures in the Stojanović group of cases v. Croatia (App no. 23160/09) claiming that the general measures taken can prevent similar violations. The fact that the Constitutional Court of Croatia has aligned its case-law

with the standards expressed by the European Court is indeed a positive development.

However, in the specific context of Croatia, this development is insufficient to address the core issue identified by the European Court in the Stojanović group cases. These measures relying on the Constitutional Court to remedy the eventual miss-qualifications are of little help for combating the chilling effect on journalism since such a remedy would come too late and under the threat of too high costs to be of meaningful impact for the journalists affected. Thus, The emphasis must be on continuous education and actively changing the practice of the lower courts to comply with the standards. Therefore, we believe that the training of judges is crucial and necessary to implement the findings of the Constitutional Court.

(1) <https://www.hnd.hr/eng/cja-s-survey-number-of-lawsuits-against-journalists-and-the-media-is-not-lowering-at-least-945-lawsuits-are-active>

(2) [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680adffb6](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680adffb6)

Other - please specify

*5000 character(s) maximum*

In Croatia during 2023, there were 10 attacks on journalists, including 2 physical assaults, 2 death threats with severe bodily harm, and 6 other threats directed at journalists. Three attacks targeted men, four targeted women, and three targeted media or groups of journalists. Additionally, 4 instances of pressure or inappropriate statements directed at journalists were recorded. Journalists continue to underreport attacks and threats as they perceive them as part of their job and tend to neglect them.

## IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

*5000 character(s) maximum*

### A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

*[1] This includes also the consultation of social partners*

*5000 character(s) maximum*

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)

*5000 character(s) maximum*

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

*5000 character(s) maximum*

Regime for constitutional review of laws

*5000 character(s) maximum*

### B. Independent authorities



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

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

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

5000 character(s) maximum

## C. Accessibility and judicial review of administrative decisions

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

5000 character(s) maximum

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)

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

## D. The enabling framework for civil society

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)

*5000 character(s) maximum*

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 on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services

*5000 character(s) maximum*

Organisation of financial support for civil society organisations 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)

*5000 character(s) maximum*

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.)

*5000 character(s) maximum*

## E. Initiatives to foster a rule of law culture

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.)

*5000 character(s) maximum*

Other - please specify

*5000 character(s) maximum*

## Contact

rule-of-law-network@ec.europa.eu

