

# 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*

Centre for Democracy and Law Miko Tripalo

**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://tripalo.hr/>

**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

**\* 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

We regret that your recommendations did not address the extremely low level of public trust in Croatian judiciary (the lowest in the EU), as reflected in, among other sources, your Eurobarometer Survey FL519. (Nevertheless, we pointed out in our 2023 submission that this Barometer Survey is too narrow in its scope and biased in its approach.)

The proposed periodic security checks of judges have been definitively abandoned, but this leaves unanswered the underlying problems which motivated this proposal. Regrettably, neither the Government nor the Commission in its recommendations followed up on the proposal of the Venice Commission that, instead of security checks, the government should “develop an alternative strategy to ensure judges’ integrity, based on existing mechanisms.”

The main causes of the extremely low public trust in judiciary: lack of effective sanctioning of judges whose behaviour is below the standards expected by the public; absence of effective accountability mechanisms in general; low transparency in the process of appointing, promoting and disciplining judges by the State Judicial Council (SJC); and limited and delayed publication of court decisions, which are also subject to the rule of complete anonymization that does not respect public interest.

On these issues see our comments in the sections below as well as our comments in the 2023 submission, which included detailed proposals for strengthening the accountability mechanism and improving transparency in the judiciary (see link - <https://pravosudje.tripalo.hr/wp-content/uploads/sites/5/2023/09/Follow-up-on-the-recommendations-in-the-2022-Report.pdf>).

Another important factor contributing to low level of public trust in the judiciary are excessively lengthy and ineffective judicial procedures that reflect, among other factors, weak skills of some of the justices. The measures which were taken to follow-up promises from the NPRR to shorten the length of proceedings included amendments of the Code of Civil Procedure in 2022 which introduced ineffective and unenforceable limitations on duration of proceedings that produced no tangible effect on improvement of speed and effectiveness of judicial proceedings.

On the contrary, in the context of a series of strikes of judges and judicial staff in 2023, caused by an attempt to pressure the government to raise judicial salaries (and, later, salaries of other staff), judiciary was paralysed for a period of about three months. This will inevitably lead to further increase in the delays and backlogs and in public dissatisfaction with the work of the national judiciary.

It should be noted that judicial salaries in the first instance are not high in comparison with salaries of judges in some other EU countries, but that Croatia already to judicial budgets significantly higher percentage of its GDP than European median and average (see CEPEJ Evaluation Report 2022, fig. 2.1.). This indicates deeper systemic inefficiencies and structural problems which would need to be addressed in order to create a basis for both efficient work and adequate remuneration of judicial personnel. Strategic suggestions in this regard have been presented by CMT in January 2024. See also below at Q13.

## 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

In its contribution to the public debate on amendments to the Law on State Judicial Council Centre Miko Tripalo (CMT) pointed out that in conditions of low public trust in the judiciary, increasing discretionary powers of the SJC will not contribute to strengthening this trust. In this context, the Centre proposed several measures to strengthen transparency in judicial appointments:

- a. The SJC should make all its interviews with the candidates for judicial positions permanently available to the public via video streaming.
- b. The SJC should publish all documents considered in the process of selecting candidates for higher judicial positions, except those classified as confidential. For more detailed related recommendations, see the link in the footnote.
- c. In the selection of higher judges, the SJC should offer opportunity to Law Faculties and civil society organizations to express their opinion on the candidates before the final decision on their selection is made. (More details are available upon request. )

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*

The Ministry of Justice and Public Administration submitted to public discussion proposals for amending the By-law on e-files (Pravilnik o e-Spisu) that regulates the allocation of cases in Courts, among other issues. The proposal will further reduce the scope of random allocation of cases in favour of their circular allocation based on the alphabetical order of judges' names. The circular allocation, which is not stipulated in the Law on judiciary but was introduced via this by-law, will now apply not only to the several additional categories of cases, but also to all cases older than 5 years, including the criminal ones. As presidents of courts do have access to information on which judge is the next on the list for case allocation, and they can choose the moment in which such old cases are reassigned, they will be able to allocate such cases in a fully discretionary manner.

The Ministry argued that this innovation will improve the efficiency of courts. The claim is based on the experience of commercial courts, where the efficiency reportedly improved by 3 %. This improvement, even if real, seems modest and insufficient to offset the increased risk of abuse.

All other comments on the issue of allocation of cases that we submitted as our 2023 input remain applicable. See also documents from our Roundtable on the allocation of cases (link - <https://pravosudje.tripalo.hr/2022/10/18/okrugli-stol-kako-se-u-sudstvu-u-republici-hrvatskoj-dodjeljuju-predmeti-u-rad/>).

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)

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

All our comments on the issue of accountability of judges submitted as our 2023 input remain applicable. Specifically, we argued for establishing a special office within the Presidency of the Supreme Court that would be authorized to start investigations based on complaints from citizens and which would be entitled to seek assistance of government institutions in these investigations. Based on its findings, the President of the Supreme Court, the only person in judiciary who has democratic legitimacy, would then submit the case to the State Judicial Council (SJC). Such mechanism would address the demonstrated unwillingness of presidents of the courts to initiate disciplinary procedures. In addition, CMT argued that disciplinary proceedings against judges should be made public.

On the new developments, in 2023 up to October the State Judicial Council suspended 6 judges because they were under criminal investigation, while additional one avoided suspension by going into retirement. In December 2023, the media reported that another judge is investigated by police and prosecutors' office, which raises the number to 8, or about a half of percent of all judges. In all these cases except one, the issue was the abuse of judicial positions for personal gains. In most of these cases the judges involved were already known to the public by either incomprehensible rulings in the past, or behaviours perceived by public to be below the expected ethical standard. No measures were taken against them by the judicial disciplinary authorities before the state prosecution opened the criminal investigations. It should also be noted that these are cases of the most reckless judges getting involved in direct quid-pro-quo transactions, while more sophisticated abuses remain beyond the horizon of investigating authorities. Some of them are however reported by the media.

Regarding the weakness of accountability mechanisms in regular judiciary you may note two recent rulings of the Constitutional Court (U-III-4484/2013 and U-III-1289/2019). The first one describes how local courts can treat an estranged wife of a powerful judge. The second one illustrates how the regular judiciary reacted to a complaint by an attorney that a judge behaved in an unprofessional manner.

You may also look at the developments following the ruling of the ECHR from 2012 ((ECHR, CASE OF AJDARIĆ v. CROATIA, (Application no. 20883/09), JUDGMENT, STRASBOURG, 13 December 2011, FINAL.04/06/2012. ). The request of the ECHR to conduct a revision of the case was finally met ten years later, in December 2022, when the prosecution withdrew the indictment of the second accused (who in the meantime spent some 8 years in jail). One month later, the first accused was acquitted because of insufficient evidence. It appears however that the prosecution then filed an appeal. Earlier in this saga it took the Supreme Court slightly less than 5 years to respond to a previous appeal of the state prosecutor. The latest rulings have not been published.

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

In December 2023 the Ministry of Justice proposed amendments to the Law on Courts that would address the issue of out-of-courts income-earning activities of judges, particularly those that might be seen as creating conflicts of interest. According to the press, three highest judicial officials (President and Deputy President of the Supreme Court, and President of the State Judicial Council) were supportive of the proposal. However, the majority of the Supreme Court judges were not. One of the judges publicly attacked the President of the Supreme Court, which prompted his reply (RADOVAN DOBRONIĆ: 'Ako stvarno misli što je napisao u prigovoru, sudac Kos unižava značenje sudačkog rada, sudskih presuda, uloge sudaca i sebe samog' | NACIONAL.HR | online izdanje najutjecajnijeg političkog tjednika). As of end-2023, the outcome of this proposal is unknown.

The issue is sensitive for public perception of judiciary, given large backlog of cases and long duration of many procedures.

### Independence/autonomy of the prosecution service

*5000 character(s) maximum*

The Croatian prosecution service is highly centralized, with the State Attorney General having unlimited powers to allocate and reallocate cases, as well for issuing mandatory instructions to prosecutors. The Head of USKOK, the special anticorruption office in the State Attorney General Office, was recently forced to resign on questionable grounds. Nobody applied to the announced vacancy, which will now have to be repeated.

There are indications that the service, which admittedly started many criminal proceedings against state office holders, is starved of funds. The issue was recently raised by the State Attorney General.

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

*5000 character(s) maximum*

Bar chambers are fully independent and exclusively empowered to discipline attorneys. The procedures are however non transparent and complicated, proceeding through three stages.

In December 2022 the public prosecutors opened a case and arrested the President of the Bar association for being involved in illegal operation of stripping rights of minority shareholders in a private company. The Bar Association soon appointed a new president, but the case adversely affected public reputation of the profession.

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

*5000 character(s) maximum*

The public is worried about corruptive behaviour of some judges and their connections with local and national political elites rather than by somebody encroaching on their independence by issuing them instructions. See our replies in the accountability section and in our 2023 submission.

## 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

Government budget expenditure for judiciary relative to GDP in Croatia are among the highest in the EU, but the salaries of first instance judges until the recent raise were substandard. The only option for these judges to progress on the salary scale is to get elected to higher courts. (For this reason, the comparison of the first instance judge salaries in Croatia with entry level salaries in other EU countries is not appropriate.)  
Equipment of courts is also often substandard, including the buildings.  
The paradox of high budgetary costs and low salaries stems from an extremely high number of judges in relation to the population, which reflects among other factors the unnecessarily complicated structure of courts and their overall large number. See our more detailed comments in the 2023 submission.

### 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

Please follow the link: <https://pravosudje.tripalo.hr/2022/05/17/okrugli-stol-primjena-informaticke-tehnologije-u-pravosudu/>

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

See our comments in the 2023 submission.

Participating in the public debate on the proposed amendments to the Law on Judiciary via e-Consultations platform, CMT pointed out that the government was not (and today it still is not) publishing statistics on the duration of various phases and the total duration of cases up to finality. For assessing the time-limits proposed by the Government, one would need to know not only the average time-length of various types of cases in recent years but also their distribution. Only on such a basis one could establish whether the categories of cases are well defined and then set reasonable time-limits, including gradual reduction in the future.

Furthermore, we pointed out that the proposed deadlines were at least twice as long as what could be considered reasonable. (For example, the time limit for all civil lawsuits in the first instance court was set at three years.) Setting such long time-limits would make sense only if exceeding them would automatically trigger a process of identifying the causes and establishing the responsibilities. The proposed amendments however did not envisage any enforcement or other subsequent action.

Other - please specify

5000 character(s) maximum

On several occasions CMT pointed out the harmfulness of the current practice in which less than 5% of decisions of the county, i.e., second-level courts, are published, and an even smaller percentage of the first-level, municipal, courts. Moreover, the Supreme court even made a step back and stopped publishing all rulings in cases where individuals sue the government for not ensuring fair adjudication in reasonable time. In these rulings dysfunctional behaviour of judiciary often comes to the surface.

The absence of publication of rulings contributes to the disparity in the case law and makes it difficult for the parties to initiate judicial review, which is permitted if the practice differs between the second-level courts. The deadline for publishing all court decisions set for 2027 is inconsistent with the urgency of the need and should be shortened considerably. Furthermore, we proposed that lawyers, law professors, and journalists be granted full access to the existing electronic files of court decisions, which can now only be accessed by judges and officials of the Ministry of justice.

Furthermore, we warned that the existing rule imposed by the Supreme Court that all published rulings must be fully anonymized does not necessarily follow from the General Data Protection Regulation and that several EU countries anonymize court rulings only in cases of justified requests by parties, or in specific cases such as family relations and public security, while other countries acknowledge public interest by exempting the court cases of public interest from the anonymization. The anonymization is also often used by courts to reject access to their decisions, claiming that they are lacking resources to perform it. CMT experienced this in 2023 in our implementation of one of our projects when we tried to get access to SLAP cases.

We proposed in the past therefore that the present decision on the full anonymization of all published decisions be revised.

## 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

According to the Eurobarometer research May 2023, general perception of corruption is that 96% of interviewees believe that the problem of corruption is widespread in the country. Corruption is present in national public institutions (89%) and in the local and regional public institutions (93%). Based on the events in 2023., particular dangerous is the area that connects private and public life, e.g. oil company MOL, HEP etc. In that vein, particular attention should be given to anti-corruption measures linked to state owned companies, and to ones owned by the local and regional level. USKOK and EPPO were again very active in 2023, while in Croatia courts continue to be relatively slow in adjudicating corruption-related cases. Particular attention should be given to confiscation of illegally obtained gain. As political white-collar corruption is among main drivers of the negative perception of corruption in Croatia all measures that are introduced with the intention to prevent conflict of interest and develop the integrity among mentioned stakeholders should be welcomed in 2024. It is of crucial importance to regularly follow-up such measures by the civil sector.

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*

The media play a large role in the fight against corruption. However, following recent leaks from criminal investigation of two former government officials, the government has now submitted amendments to the Criminal code that would criminalize such leaks by officials, attorneys, the accused as well as witnesses. While the amendments do not directly include journalist in that list, there is widespread opinion that such provisions in the law could be used against them as well, as they could be treated as instigators or accomplices in performing the criminal acts. Journalist can also become subject of surveillance and called by police to reveal their sources. Given that the government claimed that the proposed amendments were not

targeting journalists, the Supreme Court's Section for the criminal law advised that in that case the revised law should explicitly exclude journalist from its purview (<https://www.vsrh.hr/EasyEdit/UserFiles/priopcenja/2023/su-ii-62-2023-6-misljenje.pdf>). The other participants in the debate pointed out that the proposed amendments do not in any way respect public interest.

Ther latest information in the press is that the Government might explicitly exclude journalists from the stipulations of that law, but there would be provisions based on public interest.

You may wish to consider in this context whether your recommendation to increase the efficiency of investigations and prosecution of corruption offences is specific enough to have material effect.

## 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*

Regarding criminal cases against judges, see our comments in the section on the accountability.

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*

## 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*

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*

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

*5000 character(s) maximum*

## 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*

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

## 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

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

5000 character(s) maximum

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

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

Other - please specify

5000 character(s) maximum

Regarding your recommendation for a fair and transparent allocation of state advertising, you may take note of the recent case when an advisor to the Minister of Economy was caught offering advertising contracts of state state-owned companies, which are controlled by this ministry, to several newspaper, in exchange for a 30%-50% payback. The Minister was dismissed from the Government, but he remains a member of highest body of the ruling party, HDZ.  
The opposition requested in Parliament that all the advertising contracts of the state-owned companies be

published. This was rejected by the ruling majority.  
You may wish to note that this event illustrates that without full transparency any rule on the advertising expenses of state-owned companies will remain ineffective.

## 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

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