



MONITORING RECOMMENDATIONS

REPORTS ON THE RULE OF LAW FOR 2024

In the introduction to the Rule of Law Report for 2024, the European Commission assessed the progress of the six recommendations for the Republic of Croatia that it made in the Report from 2023 and gave the Republic of Croatia four new recommendations (which are actually repeated recommendations from 2023). Below is an analysis and review of the assessment of progress in the implementation of the Commission's recommendations.

- Significant progress on continuing structural efforts to address the remuneration of judges, state attorneys and judicial staff, taking into account European standards on resources and remuneration for the justice system.

In the report of the European Commission, in the section on the judiciary, significant progress in the growth of the salaries of judges, state attorneys and court staff is praised. In the RoL Report for 2023, it was recommended to increase the salaries of employees in the judicial sector, taking into account European standards. Employees in the justice sector were not satisfied with the Government's increase, which was the bases for the so the so-called white strike in January 2024. After additional negotiations with the Government, an increase in the salary base of judges and state attorneys by 11.5% was agreed upon. In addition to the increase, the coefficients for judges and state attorneys were also adjusted and additional material rights were awarded. Nevertheless, the representatives of the judges stated that they expected a more thorough revision of the law in order to introduce more objective and long-term criteria for determining salaries (such as indexation). What the Report did not mention regarding material conditions, and what judges and other employees in the sector often point out, is the very outdated and low-quality equipment of many courts, including dilapidated buildings.

Judges' salaries were indeed not high compared to those of judges in some other EU countries, but even without the increase in salaries, Croatia allocated a significantly higher percentage of its GDP to the judiciary than the European median and average. Furthermore, the large increase in judges' salaries did not encourage the government to reconsider the need for better transparency and the introduction of clearer restrictions on judges' commercial activities (as proposed by the President of the Supreme Court in 2023). Finally, Croatia has a very high number of judges in relation to its population, which reflects an unnecessarily complicated structure of courts and their large numbers. All this points to deeper systemic inefficiencies and structural problems that should be addressed in order to create a basis for efficient work and adequate compensation for judicial staff.¹

- Significant progress on adopting comprehensive legislation in the area of lobbying, including on persons with top executive positions, and set up a public register of lobbyists.

In accordance with the recommendations of last year's Rule of Law Report, the Lobbying Act was included in the parliamentary procedure at the end of 2023, was voted on in March 2024, and entered into force on 1 October 2024. It regulated lobbying, the organization, content and method of maintaining the lobbyist register, as well as restrictions on lobbying activities. In addition, it established rules on checks, enforcement measures and sanctions for non-compliance with the provisions of the Act. The Register is temporarily maintained by the Commission for Deciding on Conflicts of Interest. The Register will contain lobbyists' data, but no records will be kept of meetings, gatherings and sessions held. According to the new Act, lobbyists are required to submit a report to the Commission on their activities only once a year and state with whom they met.

Immediately after the adoption of the Lobbying Act, civil society organizations and some international organizations warned that this law does not ensure sufficient transparency in lobbying. Civil society organizations emphasize that transparency should include not only identifying lobbyists, but also disclosing meetings and topics discussed, because otherwise the law will not allow the public to know who is lobbying whom, when and for whom.² They also warn that the legal regulation of lobbying should not be limited to lobbyists simply registering in a register and reporting once a year on who they lobbied on what topic, while the lobbied

¹ Based on Centre Miko Tripalo's input in the joint contribution to the 2025 Rule of Law Report https://tripalo.hr/wp-content/uploads/2025/02/2025_Rule_of_Law_Report-CSO-submission-Croatia_HRHZCMT_final-draft.docx-1.pdf

² <https://gong.hr/2024/10/01/zakon-o-lobiranju-stupio-na-snagu-gong-ponovno-upozorava-na-netransparentnost-regulacije/>

persons have no obligations under this law, and they emphasize that the lobbyist's report should be publicly available. The Lobbying Act also classifies civil society as lobbyists, although it represents community interests, not private interests. Although the recommendation from the Report on the Introduction of the Law on Lobbying has been nominally implemented, the current solution is contrary to the goal of the law, which should limit the undue influence of lobbyists, and is de facto contrary to OECD recommendations on the availability of timely and publicly available lobbying data.³

- Some progress to increase the efficiency of investigations and prosecution of corruption offences, but not on revising the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organised Crime, as set out in the Anti-Corruption Strategy.

Regarding the Implementation of the first Action Plan for the period 2022-2024 based on the Anti-Corruption Strategy, the report concludes that implementation is progressing well in line with expectations. The 2023 report recommended that Croatia revise the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organized Crime (USKOK) in order to increase the efficiency of investigations and prosecution of perpetrators. Regarding the 2024 recommendations, the European report reiterates and recalls the need to revise the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organized Crime in order to further increase the efficiency of investigations and prosecution of perpetrators in corruption cases. These changes are crucial to ensure the finalization of proceedings within a reasonable time, as has been repeatedly pointed out by civil society, emphasizing that no or very weak progress is apparent in this area from year to year. However, although working groups have been established to amend the aforementioned laws, this has not yet been done at the time of writing this analysis. The 2024 Report states that court proceedings in corruption cases and investigations conducted by USKOK in 2023 were nevertheless shortened, although the law was not revised, noting that Croatia has made some progress in this area. It is not clear whether this last statement from the report is an act of praise or surprise, or a mitigation of the fact that nothing has been done regarding the revision of the Law.

³ Based on Gong's input in the joint contribution to the 2025 Rule of Law Report https://tripalo.hr/wp-content/uploads/2025/02/2025_Rule_of_Law_Report-CSO-submission-Croatia_HRHZCMT_final-draft.docx-1.pdf

In 2024, the European Public Prosecutor's Office (EPPO) expressed concerns about the rule of law in Croatia following a conflict of jurisdiction decision in November 2024, by which the EPPO in Zagreb transferred an alleged corruption and money laundering case related to EU and national funds to USKOK. This followed a decision by the Attorney General, with which the EPPO disagreed but respected. The EPPO expressed concerns about systemic rule of law problems in Croatia, noting that the role of the Attorney General in resolving such conflicts of jurisdiction was in breach of EU law and that USKOK had failed to report its investigation into an EU-funded project, thereby breaching its obligations under the EPPO Regulation.⁴

- No progress on advancing with strengthening the framework for a fair and transparent allocation of state advertising, by establishing clear criteria, good practices and oversight measures to guarantee the effective functioning of the public tender procedure for local and regional media.

The 2024 report also reiterates the recommendation aimed at strengthening the framework and oversight mechanism to ensure fair and transparent distribution of state advertising funds at the regional and local levels, including public procurement procedures. This recommendation is inherited from previous reports. It should be recalled that civil society organizations have repeatedly warned about the influence of local authorities on local and regional media. They emphasize that most regional and local media have been transformed into PR tools of local authorities on which they are financially dependent. Research by journalist Ivanka Toma has shown that for the majority of electronic media, local self-government units are the most important source of revenue, with a share of 40 to more than 80 percent in the media budget.⁵

According to the 2024 Report, only 41 public bodies, institutions and legal entities that are predominantly owned by the Republic of Croatia submitted information to the Register of the Agency for Electronic Media on the funds spent within this framework in 2022. The report adds that although the law stipulates that these funds are allocated on the basis of a public call that must state the relevant criteria, neither the criteria nor any procedural safeguards are prescribed. Civil society organizations and professional associations, especially the Croatian Journalists' Association (HND), warn about the intertwining of local authorities with local and regional media. As for advertising, the civil sector criticizes the general lack of transparency and secrecy

⁴ European Public Prosecutor's Office, EPPO raises concerns over rule of law violations in Croatia following conflict of competence decision <https://www.eppo.europa.eu/en/media/news/eppo-raises-concerns-over-rule-law-violations-croatia-following-conflict-competence>

⁵ Based on HND input in the joint contribution to the 2025 Rule of Law Report https://tripalo.hr/wp-content/uploads/2025/02/2025_Rule_of_Law_Report-CSO-submission-Croatia_HRHZCMT_final-draft.docx-1.pdf

of advertising decisions. An example is the scandal from December 2023 that led to the dismissal of the Minister of Economy Davor Filipović.⁶ It is emphasized that this has shown how the media are often "hostages of state funds." However, the HND also mentions that some municipalities, at the suggestion of journalist representatives, have introduced good practices to protect the objectivity and transparency of public procurement procedures, but the Government has not undertaken any measures on this issue.⁷

Article 38 of the Electronic Media Act stipulates that state bodies and legal entities owned by the Republic of Croatia are obliged to allocate 15% of their annual budget to promote their services or activities through advertising in regional and local audiovisual and/or electronic media. State administration bodies and legal entities predominantly owned by the Republic of Croatia are obliged to fulfil their legal obligations by submitting data to the Electronic Media Council. However, many do not report this, and there are no clear guidelines for the distribution of state advertising to the media. HND, based on the financing models it has already proposed for local media, advocates the establishment of a national journalism fund, which would publicly and transparently finance the media according to professional rules. So far, the HND models have been adopted in Zagreb, Split, Pazin and Makarska.⁸

- Some further progress on the recommendation to make further efforts to address the issue of strategic lawsuits against public participation (SLAPP) targeted at journalists, including by reviewing the legal provisions on defamation and encouraging wider use of procedural rules that allow dismissing groundless lawsuits, taking into account the European standards on the protection of journalists.

The 2024 Report notes that some progress has been made in addressing the issue of strategic lawsuits against public participation targeting journalists and raising public awareness of the issue, but it also reiterates the recommendation to continue working on addressing the issue of strategic lawsuits against public participation targeting journalists, including by revising the legal provisions on defamation and encouraging the wider application of procedural rules that allow for the dismissal of unfounded lawsuits. The Ministry of Culture and Media established a working group to address the issue of SLAPP back in 2021, but as civil society organizations point out in their joint submission, there is still no official definition of SLAPP in Croatia, and

⁶<https://faktograf.hr/2023/12/21/kako-je-sukob-u-pevexu-doveo-do-afere-mreza-i-smjene-ministra-davora-filipovica/>

⁷ Based on HND input in the joint contribution to the 2025 Rule of Law Report https://tripalo.hr/wp-content/uploads/2025/02/2025_Rule_of_Law_Report-CSO-submission-Croatia_HRHZCMT_final-draft.docx-1.pdf

⁸ Ibid

the courts do not distinguish or classify such lawsuits. The report notes that the expert working group continues to raise public awareness of the topic of SLAPP, but it should be clearly emphasized that little has been done in practical terms. The 2024 Rule of Law Report concludes that only limited progress has been made in implementing the recommendation from the 2023 in this area. Research conducted by Centre for Democracy and Law Miko Tripalo and the Croatian Journalists' Association has determined a significant presence of SLAPP lawsuits against the media in Croatia and the fact that the judicial system is not effective in preventing such practices.⁹ Of the 1,333 court rulings against media and journalists analysed between 2016 and 2023, the research found that at least 40% of them have the characteristics of SLAPP lawsuits. The Ministry of Culture significantly underestimates these figures, which points to the need for better monitoring through official qualitative and quantitative data collection. The research results show that typical plaintiffs are politicians and entrepreneurs, but also judges, who often appear as plaintiffs, seeking and receiving significantly higher damages than other plaintiffs, which influences case law in other cases. Some judges also occasionally file a series of lawsuits against the media, which they later withdraw. Private lawsuits by judges against the media and journalists appear to be specific to Croatia, as such a practice is largely absent in other EU Member States. The project findings conclude that case law in cases against the media is inconsistent, that there is a presence of serial plaintiffs, and that plaintiffs often file multiple lawsuits related to the same case, simultaneously requesting cumulation of damages claims.¹⁰

As part of the joint input of civil society organizations to the 2025 Rule of Law Report, the civil sector proposes a series of recommendations that would reduce the incidence of SLAPPs and mitigate their negative impact. The recommendations are as follows: ensure systematic monitoring of proceedings against the media and SLAPPs and publish all judgments against the media on the websites of the courts; introduce a legal definition of SLAPPs; envisage the introduction of three key legal remedies in court proceedings for cases suspected of being SLAPPs (insurance by the plaintiff to cover litigation costs, a request by the defendant for early dismissal in a special expedited procedure, the possibility of imposing preventive sanctions on the party that initiated the malicious court proceedings); decriminalize the criminal offense of insult.¹¹

⁹ https://tripalo.hr/wp-content/uploads/2024/11/SLAPP_Report_final_eng-3.pdf

¹⁰ Ibid

¹¹ <https://tripalo.hr/doprinos-neformalne-koalicije-organizacija-civilnog-drustva-izvjescu-o-vladavini-prava-za-2025-godinu/>

- Some further progress was made on further improving the follow-up to recommendations and ensuring a more systematic response to information requests of the Ombudsperson.

As a final recommendation, Croatia is advised, as in the 2023 Report to Croatia, to “further improve the implementation of recommendations and respond more systematically to the Ombudswoman’s requests for information”. As shown by the Government’s data for 2023, 61% of the recommendations made by the Ombudswoman in 2022 have either been implemented or their implementation is ongoing or planned. The report highlights that the Office of the Ombudswoman continues to face difficulties when requesting direct access to relevant data in the protected information system of the Ministry of the Interior. The report assesses that some progress has been made in implementing the 2023 recommendation and highlights that the Office will gain two more employees in 2024.

However, a long-standing problem and one about which the Ombudswoman has expressed her concern is the systematic obstruction of the work of the Office of the Ombudswoman by the Government and Parliament. In 2025, the Government has not yet given its opinion on the Report of the Ombudswoman for 2023, thus preventing a debate and vote in Parliament. The Report for 2022 has also not yet been considered, which means that without a debate, useful guidelines and recommendations aimed at improving human rights are not implemented. It is also necessary to take the needed legal steps to guarantee the specialized ombudswoman institutions the same level of independence as the Ombudswoman's Office of the Republic of Croatia, i.e. to amend the provisions of the law stipulating that the Ombudswoman for Children and the Ombudswoman for Gender Equality can be dismissed if Parliament does not accept their annual reports. Therefore, civil society organizations, in their joint contribution to the Rule of Law Report for 2025, propose a recommendation regarding taking the necessary legal steps to guarantee specialized ombudswoman institutions the same level of independence as the Ombudswoman of the Republic of Croatia.¹²

¹² <https://tripalo.hr/doprinos-neformalne-koalicije-organizacija-civilnog-drustva-izvjescu-o-vladavini-prava-za-2025-godinu/>



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