

Independent Reporting Mechanism (IRM) Progress Report: Croatia 2014-2015

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Executive Summary

Independent Reporting Mechanism (IRM) Second Progress Report 2014–2015

The Croatian action plan built on anti-corruption momentum generated by the EU ascension process. While significant progress was made in implementing the anti-corruption strategy and improving transparency processes in key sectors, access to information and open data reforms stalled due to a lack of political will. In order to build consensus on controversial issues, the national OGP council should coordinate with parliamentary committees.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review at the mid and end point of the national action plan for each OGP-participating country.

Croatia began its formal participation in August 2011. The Ministry of Foreign and European Affairs is the institution responsible for coordination of Croatia's national action plan with administrative support provided by the Government Office for Cooperation with NGOs. Implementation responsibilities are spread among a large group of government institutions, including the Croatian Parliament. A special council known the Council for the Open Government Partnership Initiative of the Government of the Republic of Croatia (referred to as the OGP Council) serves as a centralized hub for communication between implementing and monitoring stakeholders.

OGP PROCESS

Countries participating in the OGP follow a process for consultation during development and implementation of their OGP action plan.

Building on the success of the first action plan development process, the Croatian government continued its extensive in-person and online public consultation practices. Advance notice of 14 days was provided before the first in-person OGP Council meeting. Following the meeting a timeline of the consultation process, which included three sessions of the national OGP Council, an initial Internet consultation, working meetings, a second online consultation, a review by governmental and public organizations was widely circulated to stakeholders. Additionally, the OGP Council hosted an awareness-raising conference with high-level government participation on the state of transparency in Croatia. Stakeholders found the consultations to be meaningful and participative, recognizing efforts made by the government to expand OGP participation. A draft action plan for public comment was made available online for five weeks and a summary of comments was published.

At a glance

Participating since:	2011
Number of commitments:	16
Number of milestones:	38

Level of Completion:

Completed:	4 (25%)
Substantial:	6 (38%)
Limited:	5 (31%)
Not started:	1 (6%)

Timing:

On schedule:	
Behind Schedule:	

Commitment Emphasis:

Access to information:	13 (81%)
Civic participation:	10 (63%)
Accountability:	10 (63%)
Tech & innovation for transparency & accountability:	10 (63%)

Number of Commitments that Were:

Clearly relevant to an OGP value:	16 (100%)
Of transformative potential impact:	7 (44%)
Substantially or completely implemented:	10 (63%)

All three (★): 4 (25%)

During the implementation period, the OGP Council held three thematic working meetings and maintained regular communication on progress on action plan implementation. While the working meetings were invitation-only, CSO representatives who participated reported that their input is always appreciated and taken into consideration.

The government published its mid-term self-assessment report on 24 October 2015.

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
<p>★ Commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment</p>									
4. Fiscal Transparency									
4.1. State budget proposal, reports, and Annual Report									
4.2. Budget execution report, statistical overviews, and Ministry of Finance annual report									
4.3. Citizen guide for key budget documents									
4.4. Guidelines for monitoring and state-owned companies and local and regional authorities									
4.5. State budget account payments database									
★ 5. Improvements of Transparency and Efficiency in Public Administration Work									
5.1. e-Citizen system									
5.2. Publish strategic documents of state administration bodies									
5.3. Transparency in civil service									
5.4. Transparency in agencies, institutes, funds, legal entity activities									
5.5. Environmental impact studies on websites									
★ 6. Improvement of Transparency of Election and Referendum Campaigns									
6.1. Transparent financing of election campaigns									
6.2. Transparent financing of referendum campaigns									
6.3. Data on financing political activities and election campaigns									
6.4. Improving the process of election of voter committee members									
7. Transparency in the Area of Youth Policy									
7.1. Youth Guarantee Initiative website									
7.2. Transparency in Government Council for Youth work									
7.3. Transparency in Youth Council work									
8. Media Transparency									
8.1. Legislative framework for transparent and independent media									
8.2. Legislative framework for transparent electronic media									
8.3. Cultural councils conflict of interest disclosure									
8.4. Television and radio concession contracts									

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
<p>⊛ Commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment</p>									
9. Improving Transparency of Information on Members of Parliament and their Work									
10. Improving Transparency of Data on Assets of Officials									
⊛ 11. Improving the Consultation Process with the Interested Public in Legislative Procedures									
11.1. Online legislative procedures consultation									
11.2. Educate officials and civil servants on reporting consultation results									
11.3. Annual reports on efficiency of the Code of Consultation application									
11.4. Central portal for groups working on legislation									
12. Ensuring the Sustainability of Values and Content of the OGP Initiative									
⊛ 13. Participation in Drafting the New Anti-Corruption Strategy									
14. Regulation of Lobbying									
15. Improving Efficiency of the Ministry of Interior's Complaints Commission									
16. Promoting Civil Participation in the Work of Civil Society Organizations									

Table 2: Summary of Progress by Commitment

NAME	SUMMARY OF RESULTS
<p>✪Editorial note: this commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment.</p>	
<p>I. Amend Access to Information Act</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	<p>This commitment sought to strengthen access to information rights by amending existing legislation on access to information (milestone 1.1) and data confidentiality (milestone 1.3) and clarify regulations on rights to re-use of data (milestone 1.2) and whistleblower protections (milestone 1.4). Overall, the IRM researcher found this commitment to be an incremental, but positive step towards opening citizens' access to information.</p> <p>The Croatian Parliament adopted the amended Act on Access to Information (1.1) on July 15 2015 to align its legislation with existing European Union regulations, but is a step back in assigning responsibility for violations of the Act's provisions. Milestone 1.2 defines the content and delivery of reuse of public sector information, which could have a moderate impact on the political problem of over-classification of information, but was not started in the first year of implementation. Milestones 1.3 and 1.4 are limited in scope and could remain incomplete due to a lack of political will. For milestone 1.3, the draft self-assessment report found significant completion on amending data confidentiality legislation, while CSO stakeholders argued that progress has not started. The IRM researcher found that amending data confidentiality legislation is contingent upon revisions to related regulations, therefore milestone 1.3 has limited completion. Milestone 1.4 is taken from measure 128 of the 2012 Anti-Corruption Strategy action plan and analyzes the implementation of the provisions laws related to the protection of whistleblowers. Although, the Ministry of Justice has collected data from stakeholders knowledgeable about whistleblower cases in Croatia, public authorities and CSOs found the data was not substantial enough for the Ministry of Justice to make a thorough analysis.</p> <p>The IRM researcher recommends moving forward with implementation of incomplete milestones while reintroducing past successful legislation, using analysis to amend or enact new laws, and further involving interested CSOs.</p>
<p>2. Improving the Implementation of the Right of Access to Information Act</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	<p>This commitment aims to expand public access to information by publishing a list of authorities charged with releasing information, educating civil servants and the public, and offering incentives for greater transparency at the local and regional levels. These activities represent a substantial step toward the implementation of the Right of Access to Information Act. A database of information officers tasked with releasing information (2.1) has been fully implemented. A total of 33 trainings—for over 1,700 participants—have been conducted (2.2), although online education programs are still ongoing and train-the-trainer sessions have not yet begun. A public campaign to educate citizens on the right to information (2.3) has not started, nor have competitions or transparency awards for public administrative bodies (2.4). The main risks for the implementation of remaining activities are the insufficient financial resources for the Information Commissioner, the late adoption of the 2016 state budget, and the need for monitoring and evaluation. The IRM researcher recommends further work on the basic implementation of the milestones, as well as increased funding for the Information Commissioner.</p>
<p>3. Proactive Release of Information and Opening Data</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Limited 	<p>This commitment established the Central state portal (gov.hr) and its component data.gov.hr, with the aim of creating a central gateway to allow citizens to access and re-use which enable the searching, linking, downloading and re-using of public sector information from all government bodies. The Croatian government has recognized open data as one of the priorities for the two-year period of the action plan and stakeholders found the commitment to be very ambitious in its scope and goal of increasing the use of technological platforms to improve access to information and public participation in governance. Implementation of most of the milestones lagged due to poor planning. However, the most critical activity, opening the gov.hr and data.gov.hr (mileston 3.1), was completed with follow-up activities falling behind schedule (milestones 3.2-3.5). The IRM researcher recommends finishing the additional milestones during the implementation period and focus on increasing the number of public authorities using the central data portal and providing data in reusable formats in the next action plan.</p>

<p>4. Fiscal Transparency</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial 	<p>In Croatia, there is a lack of fiscal data that is easily accessible understandable by the public. This commitment aims to secure timely and accurate information on the state budget at various stages of the budgetary process and a guideline to help citizens navigate the published documents. Overall, the IRM researcher found this commitment to have limited completion. While activities related to publishing reports were substantially completed (milestone 4.1-4.3), the truly ambitious milestones on identifying and monitoring state-owned companies (4.4) and state budget account payments (4.5) were not started or missing critical data. Stakeholders interviewed agree that the activities in this commitment were important and provide a basis for promoting open government. However, they argue that the activities included are a diluted version of the same commitment from the previous action plan that was based on recommendations made by the Open Budget Index Survey. The IRM researcher recommends revising milestone 4.4 in order to be more easily implemented and continued implementation of the other four milestones.</p>
<p>★ 5. Improvements of Transparency and Efficiency in Public Administration Work</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Substantial 	<p>Previously, the majority of Croatian government services had to be completed in-person. This commitment seeks to improve efficiency and enhance accountability in Croatian public administration by offering commonplace services online (milestone 5.1), publishing on publicly available websites strategic government documents, annual state administrative work plans (milestones 5.2 and 5.3), procedures for civil service admittance (milestone 5.4), work summaries for entities funded by the Croatian government (milestone 5.5), and outcomes of environmental impact studies (milestones 5.6).</p> <p>The IRM researcher found this commitment to be of transformative potential impact. In particular, the online services system (5.1) provides citizens with access to e-services through a single online portal, which had not previously been available in Croatia. At the time of writing the report (October 2015), citizens could access 24 e-services through the portal and approximately three million citizens had utilized at least one e-service. However, other potentially transformative activities such as establishing clear procedures for civil service admittance (5.4) were not started. Overall the researcher found this commitment to be substantially completed, though there was uneven implementation of milestones.</p> <p>For the milestones that were not started or had limited completion at the midterm (5.4 and 5.5), the IRM researcher recommends continued implementation in the second half of the implementation cycle but recommends revising the activities in the next action plan to be more measurable and provide better coordination with other implementing agencies.</p> <p>For the milestones that were substantially completed (5.1, 5.2, 5.3, and 5.6), the IRM researcher recommends including in the next action plan sanctions and citizen-driven accountability mechanisms to ensure public servants use the e-services systems.</p>
<p>★ 6. Improvement of Transparency of Election and Referendum Campaigns</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Substantial 	<p>The electoral process in Croatia suffers from a lack of transparency and integrity. The Croatian Act on Financing of Political Activities and Election Campaigns sought to address these problems but contains a variety of shortcomings. This commitment sought to correct the act's shortcomings through an official referendum on campaign finance (milestones 6.1 and 6.3), improving data collection for financing information (milestone 6.3) and improving the process of voter committee elections (milestone 6.4). Therefore, the IRM researcher found the commitment's potential impact to be transformative.</p> <p>Overall, this commitment was substantially implemented. The IRM researcher found that milestones 6.1 and 6.2 have been substantially completed because the Croatian parliament reviewed and voted into law relevant referendums. Limited progress has been made on both milestones 6.3 and 6.4. Civil society representatives cite a lack of political will as the cause for delay of financial statement publication (6.3). Moving forward, the IRM researcher recommends extending obligatory reporting requirements to referendum campaigns.</p>

<p>7. Transparency in the Area of Youth Policy</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial 	<p>Croatian youth contend with excessively high unemployment rates. The IRM researcher found this commitment to have moderate potential impact because the measure seeks to increase transparency and youth participation in the government's Guarantee for Youth employment program (milestone 7.1 and 7.3) and related bodies in the Croatian government (milestone 7.2). After the first year of implementation, the Youth Guarantee website is operational and contains information on projects, funds spent, Youth Council meeting minutes, and contact information for local-level Youth Councils. However, the IRM researcher found that the site lacks information critical to assessing the effectiveness of the program such as the number of meetings and youth work placement rates. Government officials indicate that this missing information will be published during the second half of the implementation period. For the next action plan, the IRM researcher recommends that collection and publication of performance data should be expanded to the local and regional level.</p>
<p>8. Media Transparency</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Limited 	<p>The media in Croatia is often vulnerable to third-party influence or coercion. This commitment sought to safeguard Croatia's media by overhauling the media legislative framework, which the IRM researcher found to have transformative potential impact. This overhaul includes increasing legal protections and financial disclosure requirements for media firms (milestones 8.1 and 8.2), heightening conflict of interest disclosure for Cultural Councils (milestone 8.3) and publishing media concession contracts (milestone 8.4). The IRM researcher found that for the two key milestones, 8.1 and 8.2, there was functionally no progress made on implementation, only a series of round tables and public discussions had been held at the time of writing. However, the Croatian government has successfully begun to publish all finalized concession agreements (8.4) and the publication of tender documentation is in progress, though privacy concerns remain. Moving forward, the IRM researcher recommends full implementation of commitments 8.1 and 8.2 to substantially change the media protection landscape in Croatia.</p>
<p>9. Improving Transparency of Information on Members of Parliament and their Work</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: None • Completion: Complete 	<p>This commitment aims to improve the accessibility of Croatian parliamentary data including member voting records, parliamentary budget expenditures, board proceedings, and member asset declarations. The activities described in this commitment were complete, though committee meeting minutes and MP asset declarations are not yet online. Implementation, however, took place before the start of this action plan cycle. Therefore, the IRM researcher found that this commitment had no potential impact. For the future, the IRM researcher recommends expanding declarations to include assets, meeting minutes, and lobbying activity. In addition, the parliament should address concerns over private, third-party ownership of published information.</p>
<p>10. Improving Transparency of Data on Assets of Officials</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Complete 	<p>This commitment sought to make officials' asset declarations more user-friendly by updating and streamlining existing, publicly available information, representing an incremental but positive step towards greater transparency. The IRM researcher found that updates to posting format have been completed on schedule, resulting in more complete and consistent information according to civil society representatives. Moving forward the IRM researcher recommends expanding available search methodology for declarations to make postings more functional.</p>
<p>★ 11. Improving the Consultation Process with the Interested Public in Legislative Procedures</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Substantial 	<p>In Croatia, proposed legislation is open for public comment but only through hard-copy and in-person submissions. This commitment pledged to improve public access to legislative procedures by establishing a single internet portal to accept comments (milestone 11.1), educating civil servants to report on consultations (milestone 11.2), publishing annual reports on consultations (11.3), and publishing the composition of law drafting committees (11.4). The IRM researcher found this commitment to have a transformative potential impact since it allows for a wider range of citizens to participate in legislative drafting. The legislative internet portal was live as of April 2015, allowing 1,600 users to register for 84 public consultations in the subsequent 60 days (11.1). Training of civil servants and publication of implementation reporting have both achieved full completion (milestones 11.2 and 11.3). While transparency of working groups has been slowed due to the volume of data involved (milestone 11.4). Moving forward, the IRM researcher recommends continuing the work outlined by the government in their self-assessment report, particularly expanding the portal to the local and regional levels and creating further accountability mechanisms to measure incorporation of citizen-proposed comments.</p>

<p>12. Ensuring the Sustainability of Values and Content of the OGP Initiative</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Limited 	<p>Croatian civil society organizations have long advocated for greater inclusion of civic education in the public school system. This potentially transformative commitment sought to answer these calls by incorporating OGP values, such as right of access to information and civic participation, into the official curriculum. The Agency of Education developed an education program in this regard through an open consultative process. However, implementation of this commitment has been limited and delayed due to an unexpected ministerial change and a change in the curriculum structure. Moving forward, the IRM researcher recommends continued implementation of the curriculum while civil society recommends regular reviews to ensure the content continues to emphasize civic duties and responsibilities.</p>
<p>★ 13. Participation in Drafting the New Anti-Corruption Strategy</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Complete 	<p>Croatia continues to struggle with corruption regularly receiving middling rankings on varies corruption indices. The National Anti-Corruption Strategy for 2014-2020 sets strategic targets for reform in areas of prevalent corruption. This commitment focuses on increasing public participation and enable stakeholder voices in identifying priority areas for reform. Therefore, the IRM researcher found this commitment to have transformative potential impact. This commitment was implemented on schedule and stakeholders confirmed that the Strategy's consultation process was open, participative, and productive. As the Strategy was adopted on schedule, the IRM researcher recommends including a report evaluating the implementation of the Strategy in the subsequent government self-assessment report.</p>
<p>14. Regulation of Lobbying</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Not Started 	<p>No law regulating lobbying currently exists in Croatia and lobbyists exert wide influence over decision-making processes. This commitment sought to lay the foundation for a future lobbying legislative framework. The IRM researcher found that this commitment was not started, though it is included in the official 2014-2020 Anti-Corruption Strategy. Given this limited momentum, the IRM researcher recommends work be started on the implementation of this commitment during the second half of the implementation cycle.</p>
<p>15. Improving Efficiency of the Ministry of Interior's Complaints Commission</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial 	<p>In Croatia, all police rights violations are channeled through the Ministry of Interior's Complaints Commission. However, this process has been criticized by citizens as inefficient. This commitment seeks to strengthen civil supervision of police work and to ensure greater efficiency of Complaints Commission by amending the Police Act so that responsibility is distributed to local police department complaint commissions. The IRM researcher found this commitment to have minor potential impact because the language of the commitment does not include specific and measureable milestones to demonstrate how the Act's revision will improve civil oversight of police work. The IRM researcher considers the commitment as significantly completed, even though the implementation indicator is limited to amending the Police Act. In the future, the IRM researcher recommends increasing openness and transparency in the local commissions' work by publishing milestones for Police Act implementation, data on member appointments, and performance indicators for the commissions.</p>
<p>16. Promoting Civil Participation in the Work of Civil Society Organizations</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Complete 	<p>Croatia's civil society includes over 50,000 diverse organizations. This commitment aims to increase opportunities for civic participation by creating a searchable mobile app to connect citizens to CSOs involved in local initiatives. The IRM researcher found this commitment to be complete, although slightly behind schedule, based on the timeline given in the action plan. CSO representatives also stated that the application is functional and user-friendly. Moving forward, the IRM researcher recommends that data collected by this application be open for re-use, in line with the legal regulation of records of exclusive rights to re-use. At present, the private company which created the application is the sole proprietor of the data obtained.</p>

RECOMMENDATIONS

Based on the findings in the progress report, the IRM researcher made the following five specific, measurable, accountable, relevant, and time bound (SMART) recommendations for improving the OGP process in Croatia.

TOP FIVE 'SMART' RECOMMENDATIONS
1. The next action plan should include concrete steps to support the continuation of the open government initiatives during and after an administrative transition. The role of the civil society in developing the action plan should be assured and expanded.
2. The third national action plan should concentrate on including more commitments that are policy-oriented, instead of being just legislation-oriented. They should also be more ambitious and new to implementing bodies, instead of pre-existing.
3. The next national action plan should be prepared in a more decentralized manner and should aim to include more commitments focused on local and regional levels.
4. In the next national action plan, the milestones for the commitments should be adapted to resemble key performance indicators, in order to simplify and objectify subsequent monitoring and evaluation.
5. During the development and implementation of the third national action plan, the government should start developing and utilizing digital collaborative management tools, in order to increase transparency and participation, as well as the probability of quality implementation and accountability.

Eligibility Requirements 2014: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, visit: <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>

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The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. National participation in OGP

History of OGP participation

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In pursuit of these goals, OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government. OGP stakeholders include participating governments as well as civil society and private sector entities that support the principles and mission of OGP.

Croatia officially began participating in the OGP in August 2011, when the Republic of Croatia declared the country's intent to join¹.

To participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Objective, third party indicators are used to determine the extent of country progress on each of the dimensions. See Section IX: Eligibility Requirements, for more details below.²

All OGP participating governments are required to develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments should begin their action plans by sharing existing efforts related to a set of five "grand challenges," including specific open government strategies and ongoing programs (See Section IV for a list of grand challenge areas.) Action plans should then set out governments' OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant grand challenge. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Croatia developed its second national action plan from January through June 2014. The effective period of implementation for the action plan was officially 1 July, 2014 through 31 July, 2015. The government published its mid term on 24 October 2015. At the time of writing (October-December 2015), officials and civil society members were preparing to work on the third national action plan.

It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP participating country. Methods and sources are dealt with in a methodological annex in this report.

Basic institutional context

Croatia is a unitary republic, with a parliamentary political and a multi-party electoral system. The separation of powers between the Croatian Parliament, the Government and President of the Republic, and the judiciary system is separate from other parts and autonomous. There are also 20 counties, which serve as regional self-government units, and 428 municipalities and 128 cities, which are local self-government units. The OGP initiative is the responsibility of the national government.

The Open Government Partnership was initially led by the Office of the President of the Republic of Croatia. Following the parliamentary elections at the end of 2011, the coordination of OGP moved to the Ministry of Foreign and European Affairs, when former Head of the Office of the President, Mr. Joško Klisović, became its Deputy Minister and the President of the national Council of the OGP initiative. The Government Office for

Cooperation with NGOs provides administrative support to the Council on all OGP matters.

While OGP coordination efforts are concentrated in just a few state administration bodies, implementation responsibilities are spread between a wide set of government institutions, including the Croatian Parliament. The IRM research was unable to ascertain how many people working in responsible government bodies are active in implementing the activities set out by the action plan.

As part of the OGP initiative, Croatia established a special coordinating council to centralize communication between the competent government bodies and other actors, such as civil society members, involved in OGP initiatives. This special council is known as the Council for the Open Government Partnership Initiative of the Government of the Republic of Croatia (referred to as the OGP Council).³ Public authority bodies and other institutions responsible for the implementation of the action plan provide information on the status of OGP activities within their competencies to the OGP Council.

The OGP Council consisted of 19 members in its first mandate. Since December 2014, it has grown to include 24 members⁴ representing government, local, and regional authorities, civil society organisations, and the academic community. The tasks⁵ of the OGP Council are defined by the Rules of procedure adopted by the Government and include the following:

- Preparing a proposal of the action plan for the implementation of the OGP Initiative;
- Implementing the consultation procedure on the proposal of the action plan;
- Monitoring the implementation of the action plan;
- Proposing amendments to the action plan to the Government.

The OGP Council does not have a budget for its activities, and all commitments requiring financial resources are financed through the budgets of the leading and co-leading bodies responsible for their implementation. According to the OGP Action plan, the estimated amount necessary for the implementation of all activities was five million Croatian Kunas. However, the IRM researcher was unable to confirm whether this amount was actually spent in the process of action plan implementation, since no information on that was present in the self-assessment report and the interviewed government officials stated that it is up to each responsible body to report. According to government officials, the information on amounts spent will be included in the final report on Action plan implementation.

Methodological note

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government. In Croatia, the IRM partnered with Ivona Mendeš, an independent researcher and consultant. To gather the views of the government representatives and the civil society, the IRM researcher attended public meetings organized by representatives of OGP where relevant OGP topics were addressed, and interviewed appropriate government officials and other stakeholders. Summaries of these forums and more detailed explanations are given in the Annex.

The researcher also reviewed two key documents prepared by the government: Croatia's second national action plan⁶ and the self-assessment published by the government in October 2015.⁷ In addition, the researcher reviewed various other documents (government plans and reports, legal acts, official and other websites, civil society reports, newspaper and journal articles on OGP relevant topics, etc.). Numerous references are made to these documents throughout this report. OGP staff and a panel of experts reviewed the report.

This report follows on an earlier review of OGP performance, "Croatia Progress Report 2012-2013," covering the development of the first action plan as well as implementation from 1 July 2012 to 30 June 2013.

¹ The letter is accessible on the Internet page of Open Government Partnership on Croatia – Introduction: <http://www.opengovpartnership.org/country/croatia>. Also, see Croatia OGP Eligibility Datasheet, <http://bit.ly/Jz9bTS>.

² Economist Intelligence Unit, “Democracy Index 2010: Democracy in Retreat” The Economist Intelligence Unit (London, 2010), available at: <http://bit.ly/eLC1rE>.

³ <https://udruga.gov.hr/istaknute-teme/partnerstvo-za-otvorenu-vlast-271/savjet-inicijative-partnerstvo-za-otvorenu-vlast/289>

⁴ The minutes of meeting held on 16 December 2014 are available in Croatian at:

<https://udruga.gov.hr/UserDocImages/dokumenti/Zapisnik%20-%201.%20sjednica%20Savjeta%20inicijative%20Partnerstvo%20za%20otvorenu%20vlast%20-%202.%20mandat.pdf>

⁵ The Rules of Procedure of the OGP Council are available in Croatian at:

<https://udruga.gov.hr/UserDocImages/UserFiles/File/poslovnik%20savjeta-POV-5%203-procisceni%20tekst.pdf>

⁶ The second National Action plan is available in English and Croatian on:

<http://www.opengovpartnership.org/country/croatia/>

⁷ The Government Office for Cooperation with NGOs published the self-assessment report:

https://udruga.gov.hr/UserDocImages/dokumenti/Izvje%C5%A1%C4%87e_o_provedbi_Akcijskog_plana_POV-2014.pdf

II. Process: Action plan development

The government conducted extensive consultation both in-person and online to invite public participation during the development of the OGP action plan. Stakeholders who participated were satisfied with the consultation process. While consultations were only conducted in the capital, local and regional government representatives attended the meetings.

Countries participating in OGP follow a set process for consultation during development of their OGP action plan. According to the OGP Articles of Governance, countries must:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation
- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views and; make a summary of the public consultation and all individual written comment submissions available online
- Undertake OGP awareness raising activities to enhance public participation in the consultation
- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation, is set out in the OGP Articles of Governance. This requirement is dealt with in the section “III: Consultation during implementation”:

- Countries are to identify a forum to enable regular multistakeholder consultation on OGP implementation—this can be an existing entity or a new one.

This is dealt with in the next section, but evidence for consultation both before and during implementation is included here and in Table I for ease of reference.

Table I: Action plan Consultation Process

Phase of Action plan	OGP Process Requirement (Articles of Governance Section)	Did the government meet this requirement?
During Development	Were timeline and process available prior to consultation?	Yes
	Was the timeline available online?	Yes
	Was the timeline available through other channels?	Yes
	Provide any links to the timeline.	http://bit.ly/1URkTbs
	Was there advance notice of the consultation?	Yes
	How many days of advance notice were provided?	14
	Was this notice adequate?	Yes
	Did the government carry out awareness-raising activities?	Yes
	Provide any links to awareness-raising activities.	http://bit.ly/1PFqnpK http://bit.ly/1X92wjE http://bit.ly/1KvucNK http://bit.ly/20MhSg5

	Were consultations held online?	Yes
	Provide any links to online consultations.	http://bit.ly/20eQViY http://bit.ly/20xLMIn http://bit.ly/1Qitu2Y http://bit.ly/1QitxvN
	Were in-person consultations held?	Yes
	Was a summary of comments provided?	Yes
	Provide any links to summary of comments.	http://bit.ly/1Qitu2Y
	Were consultations open or invitation-only?	Open
	Place the consultations on the IAP2 spectrum. ¹	Collaborate
During Implementation	Was there a regular forum for consultation during implementation?	Yes
	Were consultations open or invitation-only?	Open
	Place the consultations on the IAP2 spectrum.	Collaborate

Advance notice and awareness-raising

On 26 September 2013, the government of Croatia adopted the Report on the Action plan on the implementation of the Open Government Initiative for 2012-2014, concluding that its implementation in the first year had been mostly successful.² In line with the OGP action plan timeline, the national OGP Council held a meeting on 15 October 2013, deciding to begin the drafting process of the new action plan for 2014-2016. On 28 October, the Government Office for Cooperation with NGOs published the initial advance notice and timeline on action plan development, stating that the public consultation on action plan priorities will be open by 11 November 2014. The notice outlined that the Government was to outline a new action plan by March 2014, and provided a document for consultation on the priorities of the Action Plan for implementation of the Open Government Partnership in the Republic of Croatia for the 2014-2016 period and the public consultation form to be used for commenting on those priorities. The document itself states that the draft action plan should be completed by January 2014.³ The advance notice was also distributed through the email network of Croatian civil society organizations (Platforma 112).

Additionally, the OGP Council conducted awareness raising activities. On 26 March 2014, a conference called Open Croatia was held to discuss the state of transparency in Croatia, the progress to date on implementation of the OGP initiative, and the measures and activities for the implementation of the initiative until 2016.⁴ The participants included the President of the Republic, high-ranking government officials, civil society representatives, private business sector representatives, other interested persons, and the media. National OGP Council representatives also participated in the London summit of the OGP initiative,⁵ as well as in its regional conference in Dublin.

Depth and breadth of consultation

According to the interviewed stakeholders, the consultation process was meaningful and participative, with sufficient time allowed for comments, proposals and queries by the interested public. In addition to the leading bodies in the OGP Council (Ministry of Foreign and European Affairs and the Government Office for Cooperation with NGOs), participants in the OGP Council included representatives of other public administration bodies (ministries, offices, agencies), the Croatian Parliament, civil society, academic community, and the media. Representatives of the private business sector were also invited, emphasizing the efforts undertaken by the government to expand the number of members in the OGP Council to include private business sector representatives.

Unlike the process of consultation conducted for developing the first national action plan, when awareness-raising activities were more broad, and required wider input, the process for the second Action plan was more streamlined. It was based on existing results from the first action plan and lessons learned from the self-assessment report. It also considered the findings and recommendations of the first IRM Progress Report. In both cases, relevant stakeholders were equally invited and included in the consultation process. Although all of the public discussions were held in the capital city of Zagreb, they included representatives from other parts of Croatia. Government representatives in the OGP Council interviewed by the IRM researcher reported their eagerness to promote the OGP values and increase participation in other regions. However, a lack of funding meant that the Internet was the main mode of ensuring wide national participation.

The national OGP action plan 2014-2016 provides an overview of the OGP consultation process. The process included three sessions of the national OGP Council, an initial Internet consultation, working meetings, a second online consultation, a review by governmental and public organizations, and an awareness-raising conference, all held in the period from October 2013 to June 2014.

The consultation process started with a 2-week long online consultation (28 October through 11 November 2013) that sought input on new action plan priorities.⁶ A report on the Internet consultation was published by the Government Office for Cooperation with NGOs and is available online, along with the integral proposals received from the interested public (three comments were received) and a summary/analysis of those comments.⁷

Following the Internet consultation phase, a series of working meetings took place in order to discuss the proposals received during the internet consultation period as well as additional proposals by the Council members. The meeting participants were representatives of the national OGP Council, along with competent state authorities and representatives of civil society organizations, who were invited by the Council. During that period, various action plan drafts were proposed by the Council in order to define concrete commitments and activities.⁸ In addition, the OGP Council met three times (on 15 October 2013, 28 February and 26 May 2014)⁹, until the finalization of the action plan draft in June 2014.

A second online public consultation was held on the action plan draft from 19 March to 18 April 2014. A report on the consultation was published by the Government Office for Cooperation with NGOs and is available online, along with the integral proposals received from the interested public (two comments were received) and a summary/analysis of those comments.¹⁰ The report outlines which of the received proposals were accepted and offers explanations for the rejection of the rest. In June 2014, this report along with the action plan proposal was submitted for consideration to the national government.

¹ "IAP2 Spectrum of Political Participation", *International Association for Public Participation*, <http://bit.ly/1kMmIYC>

² Vlada prihvatila Izvješće o provedbi Akcijskog plana Partnerstvo za otvorenu vlast, <https://udruga.gov.hr/vijesti/javno-savjetovanje-o-akcijskom-planu-za-provedbu-inicijative-partnerstvo-za-otvorenu-vlast-u-republici-hrvatskoj-za-razdoblje-2014-2016/2461> [Government Adopts Report on the implementation of the Open Government Partnership Action plan, 26 September 2013]

³ <https://udruga.gov.hr/UserDocsImages/UserFiles/File/Dokument%20za%20savjetovanje-POV-AP%202014-2016-finalno.pdf>

⁴ Održana konferencija "Otvorena Hrvatska", <https://udruga.gov.hr/print.aspx?id=2484&url=print> ["Open Croatia" Conference Held, 27 March 2014]

⁵ Hrvatska delegacija sudjeluje na londonskom samitu inicijative Partnerstvo za otvorenu vlast koji je okupio predstavnike 61 vlade, <https://udruga.gov.hr/istaknute-teme/partnerstvo-za-otvorenu-vlast-271/vijesti-272/hrvatska-delegacija-sudjeluje-na-londonskom-samitu-inicijative-partnerstva-za-otvorenu-vlast-koji-je-okupio-predstavnike-61->

vlade-2304/2304 [Croatian Delegation Participating at the London Summit of the Open Government Partnership initiative Gathering Representatives of 61 Governments, 31 October 2013]

⁶ Javno savjetovanje o prioritetima Akcijskog plana za provedbu inicijative Partnerstvo za otvorenu vlast u Republici Hrvatskoj za razdoblje 2014 do 2016, <https://udruge.gov.hr/vijesti/zavrsono-savjetovanje-o-prioritetima-akcijskog-plana-za-provedbu-inicijative-partnerstvo-za-otvorenu-vlast-u-republici-hrvatskoj-od-2014-do-2016/2324> [Public Consultation on the Action plan on the implementation of the Open Government Partnership initiative for the 2014-2016 Period, 28 October 2013]

⁷ Izvješće o provedenom savjetovanju o Akcijskom planu za provedbu inicijative Partnerstvo za otvorenu vlast u Republici Hrvatskoj za razdoblje 2014-2016, [https://udruge.gov.hr/UserDocImages/UserFiles/File/Obrazac%20izvjestaja%20o%20provedenom%20savjetovanju\(1\).doc](https://udruge.gov.hr/UserDocImages/UserFiles/File/Obrazac%20izvjestaja%20o%20provedenom%20savjetovanju(1).doc) Report on Public Consultation on the Action plan on the implementation of the Open Government Partnership initiative for the 2014-2016 Period, 10 July 2013] [Report on Public Consultation on the Action plan on the implementation of the Open Government Partnership initiative for the 2014-2016 Period, 10 July 2013]

⁸ Vlada usvojila Akcijski plan za provedbu inicijative Partnerstvo za otvorenu vlast u Republici Hrvatskoj za razdoblje 2014 do 2016, <https://udruge.gov.hr/vijesti/vlada-usvojila-akcijski-plan-za-provedbu-inicijative-partnerstvo-za-otvorenu-vlast-2014-2016-2580/2580> [Government Adopts the Action plan on the implementation of the Open Government Partnership initiative for the 2014-2016 Period, 10 July 2013]

⁹ <https://udruge.gov.hr/istaknute-teme/partnerstvo-za-otvorenu-vlast-271/savjet-inicijative-partnerstvo-za-otvorenu-vlast/289>

¹⁰ Izvješće o provedenom savjetovanju o Akcijskom planu za provedbu inicijative Partnerstvo za otvorenu vlast u Republici Hrvatskoj za razdoblje 2014-2016, [https://udruge.gov.hr/UserDocImages/UserFiles/File/Obrazac%20izvjestaja%20o%20provedenom%20savjetovanju\(1\).doc](https://udruge.gov.hr/UserDocImages/UserFiles/File/Obrazac%20izvjestaja%20o%20provedenom%20savjetovanju(1).doc) [Report on Public Consultation on the Action plan on the implementation of the Open Government Partnership initiative for the 2014-2016 Period, 10 July 2013]

III. Process: Action plan implementation

The Croatian government used the national OGP Council to monitor the implementation of the action plan. In that way, broader consultation and public engagement, as well as monitoring and management of implementation of Croatia's OGP activities was ensured.

Regular multi-stakeholder consultation

A regular multi-stakeholder consultation on OGP implementation was established in the form of the Croatian Council of the Open Government Partnership initiative. The council was formed in February 2012, for the preparation of the first action plan. The Council is responsible for the preparation of the action plan, for monitoring its implementation, as well as for proposing amendments to the action plan to the Croatian Government.

The current session of the Council consists of 24 members¹ (representatives of national, local and regional authorities, civil society organizations (CSOs), academia and the media). Apart from representatives of various state authorities, the permanent members of the Council represent include the Croatian Association of Counties, the Association of Cities, the Association of Municipalities, the Institute of Public Finance, the Institute for Public Administration, the Forum for Freedom in Education, GONG, Croatian Association of Open Systems and the Internet, Croatian Youth Network, the Croatian Employers Association and Croatian Journalists' Association. Aside from the permanent members listed above, there are non-governmental members elected based on an open candidanship procedure that is used by the Civil Sector Council in Croatia to ensure a wide variety of stakeholder voices are included in the OGP Council. The Office for Cooperation with NGOs of the Croatian Government provides technical and administrative support to the work of the Council, in close cooperation with the Ministry of Foreign and European Affairs, whose Deputy Minister chairs the Council.

Since the beginning of the current action plan implementation period, the Council has held three meetings (16 December 2014, 15 May and 15 September 2015), and regular communication between the members of the Council is maintained by e-mail, as ascertained by interviewed government and CSO representatives. The minutes of meetings are posted on the webpage of the Office for Cooperation with NGOs², once they are adopted at the first subsequent meeting.

In addition, thematic working meetings, championed by various Council members, were held in June 2015 in order to discuss the implementation of certain key measures and reach agreement on the continuation of their implementation. In particular, a separate meeting was held to discuss the activities related to commitment 4 on fiscal responsibility. Council members made a point of meeting with all responsible implementing bodies to ensure that procedures for the self-assessment report were understood and to answer any questions³. All meetings included CSO representatives who stated that their input is appreciated and taken into consideration, even though it is not always accepted. These meetings served as a starting point for drafting the Report on the Implementation of the action plan 2014-2016, for the first year of implementation (the Government Self-Assessment Report).

All the Council meetings and the thematic meetings were held in Zagreb, but regional and local representation is achieved through the involvement of the municipalities, cities and counties' associations in the work of the Council. The meetings are "invitation-only", but non-members are sometimes invited, depending on the topic discussed. They can participate in discussions, however, they cannot vote on decisions of the Council. The IRM Researcher was present at the last meeting, held in September 2015, where she presented the Independent Reporting

Mechanism, asked for cooperation in obtaining information as well as gathered data for this Independent Report.

¹ <https://udruga.gov.hr/istaknute-teme/partnerstvo-za-otvorenu-vlast-271/savjet-inicijative-partnerstvo-za-otvorenu-vlast/289>

² <https://udruga.gov.hr/istaknute-teme/partnerstvo-za-otvorenu-vlast-271/savjet-inicijative-partnerstvo-za-otvorenu-vlast/289>

³ Link to interview

IV. Analysis of action plan contents

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs. Action plans then set out governments' OGP commitments, which stretch practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. Commitments should be appropriate to each country's unique circumstances and policy interests. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP participating countries. The IRM uses the following guidance to evaluate relevance to core, open government values:

Access to Information

Commitments around access to information:

- Pertain to government-held information, as opposed to only information on government activities. As an example, releasing government-held information on pollution would be clearly relevant, although the information is not about "government activity" per se;
- Are not restricted to data but pertain to all information. For example, releasing individual construction contracts and releasing data on a large set of construction contracts;
- May include information disclosures in open data and the systems that underpin the public disclosure of data;
- May cover both proactive and/or reactive releases of information;
- May cover both making data more available and/or improving the technological readability of information;
- May pertain to mechanisms to strengthen the right to information (such as ombudsman's offices or information tribunals);
- Must provide open access to information (it should not be privileged or internal only to government);
- Should promote transparency of government decision making and carrying out of basic functions;
- May seek to lower cost of obtaining information; and
- Should strive to meet the 5 Star for Open Data design (<http://5stardata.info/>).

Civic Participation

Commitments around civic participation may pertain to formal public participation or to broader civic participation. They should generally seek to "consult," "involve," "collaborate," or "empower," as explained by the International Association for Public Participation's Public Participation Spectrum (<http://bit.ly/1kMmlYC>).

Commitments addressing public participation:

- Must open up decision making to all interested members of the public; such forums are usually “top-down” in that they are created by government (or actors empowered by government) to inform decision making throughout the policy cycle;
- Can include elements of access to information to ensure meaningful input of interested members of the public; and
- Often include the right to have your voice heard, but do not necessarily include the right to be a formal part of a decision-making process.

Alternately, commitments may address the broader operating environment that enables participation in civic space. Examples include but are not limited to:

- Reforms increasing freedoms of assembly, expression, petition, press, or association;
- Reforms on association, including trade union laws or NGO laws; and
- Reforms improving the transparency and process of formal democratic processes such as citizen proposals, elections, or petitions.

The following commitments are examples of commitments that would **not** be marked as clearly relevant to the broader term, civic participation:

- Commitments that assume participation will increase due to publication of information without specifying the mechanism for such participation (although this commitment would be marked as “access to information”);
- Commitments on decentralization that do not specify the mechanisms for enhanced public participation; and
- Commitments that define participation as inter-agency cooperation without a mechanism for public participation.

Commitments that may be marked of “unclear relevance” also include those mechanisms where participation is limited to government-selected organizations.

Public Accountability

Commitments improving accountability can include:

- Rules, regulations, and mechanisms that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.

Consistent with the core goal of “Open Government,” to be counted as “clearly relevant,” such commitments must include a public-facing element, meaning that they are not purely internal systems of accountability. While such commitments may be laudable and may meet an OGP grand challenge, they do not, as articulated, meet the test of “clear relevance” due to their lack of openness. Where such internal-facing mechanisms are a key part of government strategy, it is recommended that governments include a public-facing element such as:

- Disclosure of non-sensitive metadata on institutional activities (following maximum disclosure principles);
- Citizen audits of performance; and
- Citizen-initiated appeals processes in cases of non-performance or abuse.

Strong commitments around accountability ascribe rights, duties, or consequences for actions of officials or institutions. Formal accountability commitments include means of formally expressing grievances or reporting wrongdoing and achieving redress. Examples of strong commitments include:

- Improving or establishing appeals processes for denial of access to information;

- Improving access to justice by making justice mechanisms cheaper, faster, or easier to use;
- Improving public scrutiny of justice mechanisms; and
- Creating public tracking systems for public complaints processes (such as case tracking software for police or anti-corruption hotlines).

A commitment that claims to improve accountability but assumes that merely providing information or data without explaining what mechanism or intervention will translate that information into consequences or change would **not** qualify as an accountability commitment. See <http://bit.ly/1oWPXdl> for further information.

Technology and Innovation for Openness and Accountability

OGP aims to enhance the use of technology and innovation to enable public involvement in government. Specifically, commitments that use technology and innovation should enhance openness and accountability by:

- Promoting new technologies that offer opportunities for information sharing, public participation, and collaboration;
- Making more information public in ways that enable people to both understand what their governments do and to influence decisions; and
- Working to reduce costs of using these technologies.

Additionally, commitments that will be marked as technology and innovation:

- May commit to a process of engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government;
- May commit to supporting the ability of governments and citizens to use technology for openness and accountability; and
- May support the use of technology by government employees and citizens alike.

Not all eGovernment reforms improve openness of government. When an eGovernment commitment is made, it needs to articulate how it enhances at least one of the following: access to information, public participation, or public accountability.

Key Variables

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year whenever possible. This report details each of the commitments the country included in its action plan and analyzes them for their first year of implementation.

All of the indicators and methods used in the IRM research can be found in the IRM Procedures Manual, available at (<http://www.opengovpartnership.org/about/about-irm>). One measure deserves further explanation due to its particular interest for readers and usefulness for encouraging a race to the top between OGP participating countries: the “starred commitment”. Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity.

2. The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
3. The commitment would have a "transformative" potential impact if completely implemented.

Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of "substantial" or "complete" implementation.

Based on these criteria, Croatia's action plan contained four starred commitments:

- Commitment 5: Improvements of Transparency and Efficiency in Public Administration Work
- Commitment 6: Improvement of Transparency of Election and Referendum Campaigns
- Commitment 11: Improving Consultation Process with the Interested Public in Legislative Procedures
- Commitment 13: Participation in Drafting the New Anti-Corruption Strategy

Note that the IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments. Under the old criteria, a commitment received a star if it was measurable, clearly relevant to OGP values as written, had moderate or transformative impact, and was substantially or completely implemented.

Based on these old criteria, Croatia's action plan would have received an additional three starred commitments:

- Commitment 4: Fiscal Transparency
- Commitment 7: Transparency in the Area of Youth Policy
- Commitment 16: Promoting Civil Participation in the Work of Civil Society Organizations

Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Croatia, see <http://www.opengovpartnership.org/explorer>

General overview of the commitments

The OGP action plan consists of 16 commitments, with 38 actions (milestones) and 130 implementation indicators

Following the results of the public consultations on the priorities for the 2014-2016 action plan, the main priority areas were determined as follows:

- Access to information,
- Open data,
- Transparency of public policy, elections and referendums, media, and,
- Participation of citizens in shaping public policy.

The IRM researcher occasionally combined the commitments where necessary for length or formatting reasons. In addition, certain activities were combined due to a shared theme or when their content was connected or interdependent (e.g. actions 7.2. and 7.3. on youth councils).

The table below indicates the specific and non-specific institutions responsible for the implementations of all 49 milestones in the action plan as leaders or co-leaders.

Institutions Responsible for Implementation	Role		No. of milestones
	Leader	Co-leader	
Specified Institutions			
Conflict of Interest Commission	1	3	4
Croatian Parliament	1	-	1
Croatian Regulatory Authority for Network	-	1	1
Digital Information Documentation Office	1	4	5
Education Agency	-	1	1
Electronic Media Agency	1	1	2
Electronic Media Council	-	1	1
Government Office for Cooperation with NGOs	4	1	5
Government of the Republic of Croatia	1	-	1
Government of the Republic of Croatia – Office of the President	2	-	2
Government of the Republic of Croatia – Public Relations Office	3	1	4
Information Commissioner	5	7	12
Ministry of Administration	5	5	10
Ministry of Culture	3	1	4
Ministry of Environmental and Nature Protection	1	-	1
Ministry of Foreign and European Affairs	-	1	1
Ministry of Finance	6	-	6
Ministry of Interior	1	-	1
Ministry of Justice	2	-	2
Ministry of Labor and the Pension System	1	-	1
Ministry of Science, Education and Sport	1	-	1
Ministry of Social Policy and Youth	2	-	2
National OGP Council	1	2	3
State Asset Management Office	-	2	2
State Electoral Commission	1	3	4
National School for Public Administration*	-	2	2
Working group for application of open code and open standards	-	2	2
Unspecified institutions	Leader	Co-leader	No. of milestones
Agencies, institutes, funds and other legal persons founded by the Republic of Croatia	1	-	1
Competent ministry	-	4	4
Regional self-government units, county/City of Zagreb administrative bodies competent for environmental	-	1	1
State administration bodies	-	6	6

*Editorial note: the National School for Public Administration (NSPA) is the official name of the institution, although it is present under the name State Public Administration School in the national Action plan. The report uses the official name, except in parts of commitments copied directly from the Action plan.

In addition to the main public authority bodies in charge of coordinating implementation, many of the activities have co-implementing partners, sometimes identified specifically (e.g. State Asset Management Office, Education Agency, etc.) and sometimes referring simply to the group of institutions (e.g. “competent ministries”, “state administration bodies”, “regional self-government units”)

I. Right to Access Information Legislative Framework

Commitment Text:

1.1. Amendments to the Act on the Right of Access to Information

Implementation indicators:

Adoption at the Government session of the Proposal of the Act on Amendments to the Act on the Right of Access to Information, in line with Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information.

Lead institutions: Ministry of Administration

Supporting institutions: Information Commissioner

Start date: Not specified.....

End date: July 2015

1.2. Legal regulation of records of exclusive rights to reuse

Implementation indicators:

adoption of implementing regulations (Ministry of Administration)

drafted and publically available records of exclusive rights for re-use (Information Commissioner)

Lead institutions: Ministry of Administration, Information Commissioner

Supporting institutions: Not specified

Start date: Not specified.....

End date: December 2015

1.3. Amendments to the Act on Data Confidentiality

Implementation indicators:

Adoption at the Government session of the Proposal of Amendments of the Act on Data Confidentiality which:

- outlines in detail the persons subject to application of the Act;*
- further emphasises the importance of differentiating classified data from other types of confidentiality (business secrets, professional secrets, etc.);*
- introduces centralised access to the manner of determining the criteria for data classification;*
- clearly defines the definitions from this area, particularly in relation to unclassified data and declassification procedures;*
- clearly defines cases in which the test of proportionality and public interest are carried out;*
- introduction of revised rules for procedures of periodical assessments of degrees of confidentiality for classified data.*

Lead institutions: Ministry of Internal Affairs

Supporting institutions: Ministry of Justice, Office of the National Security Council

Start date: Not specified.....

End date: December 2015

1.4. Drafting the analysis of the legislative framework in the area of protecting whistleblowers

Implementation indicators:

Drafted analysis of the legislative framework for the protection of whistleblowers and pursuant to this, procedures initiated to amend existing acts or draft new acts.

Lead institutions: Ministry of Justice

Supporting institutions: Ministry of Labour and the Pension System

Start date: Not specified.....

End date: 31 December 2014

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
I. Overall				✓	✓						✓			✓		
I.1: Amend Access to Information Act				✓	✓						✓					✓
I.2: Exclusive rights to reuse regulation				✓	✓						✓			✓		
I.3: Amend Data Confidentiality Act				✓	✓					✓				✓		
I.4 Whistleblower protection legislative framework				✓	✓					✓				✓		

What happened?

This commitment sought to strengthen access to information rights by amending existing legislation on access to information (milestone I.1) and data confidentiality (milestone I.3) and clarify regulations on rights to re-use of data (milestone I.2) and whistleblower protections (milestone I.4).

Milestone I.1.

The Act on the Right of Access to Information was significantly revised and amended in 2013 to further ensure the achievement of transparency principles and free access to information in the possession of public authority bodies and their re-use of data. However, when Croatia joined the European Union in 1 July 2013, it became obliged to align its access to information legislation with existing European Union regulations specifically Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information¹. The 2003 EU Directive establishes a minimum set of rules governing the re-use and the practical means of facilitating re-use of existing documents held by public sector bodies of the Member States. It is intended to level the playing field within the Union so that all Member states are subject to the same rules governing disclosure of public sector information. The Croatian Parliament adopted the amended Act on July 15 2015², therefore the IRM researcher found this milestone to have achieved full completion.

Milestone 1.2.

The accessibility of government data for re-use is limited in Croatia. This milestone was included in the action plan in response to a 2013 warning issued by the European Commission urging the Croatian government to initiate the adoption of the Ordinance on Exclusive Rights of Reuse. The milestone activities amend the legal framework and regulation of by-laws to make exclusive rights for data re-use records publically available. This ensures the accessibility of data for re-use, thus expanding usage possibilities of open data by citizens, private sector, and civil society. The amendments to existing legislation have been implemented (Milestone 1.1.), and the related Ordinance came into force on 4 March 2015, defining the content of public sector information and the manner of delivery for data with exclusive rights for re-use.

However, the records on exclusive rights to re-use were not issued and publically available in the foreseen period. In an interview with the IRM researcher, the Information Commissioner stated that the records would be complete by February 2016. However, at the time of writing of the report, all interviewed stakeholders, public and private, agreed that the implementation of this portion of the milestone had not yet started. It needs to be noted that the identification of current contracts on exclusive rights is a longterm process that needs to go parallel with implementation of education on the right to information and re-use of information for state bodies. According to government officials, exclusive rights are an exception and not a rule so these should not present substantial limits of citizens' rights.

Milestone 1.3.

Amendments to the Data Confidentiality Act which, though planned, were not fully implemented during the first year of the OGP action plan implementation. According to the Ministry of the Interior, a 2013 Government decision to amend the entire legislative package and to appoint an Interdepartmental Working Group led to delays on deadlines set for the completion of the milestone. The amendments were to facilitate the implementation of the action on the Right of Access to Information, help provide clearer definitions and develop classified data categories, defining cases in which tests of proportionality and public interest are to be carried out.

According to the draft government self-assessment report, the implementation of this milestone was significant, though civil society stakeholders argue that the milestone was not started. Both the self-assessment report and stakeholders agree that the lead implementing institution, the Ministry of the Interior, found that the initial proposal of the Act must be revised to ensure that the content of the Act aligns with two related acts, the Information Security Act and the Safety Inspection Act. However, while government views these findings as evidence of significant progress towards implementation, civil society stakeholders argue that the identification of obstacles to implementation does not itself count as significant progress towards implementation. Additionally, the need to ensure proper conditions for data confidentiality and information security throughout other regulative acts were discussed and the possible need for amendments to other legislation was put forth by the Interdepartmental Working Group.

Since it is necessary to amend a number of other regulations before full implementation can start, some of which have yet to be detected and publicly discussed, the IRM researcher found completion for this milestone to be limited.

Milestone 1.4.

Whistleblower protection is an area, currently regulated by the provisions of the Criminal Act, Labour Act, Civil Service Act and some other acts, and in some cases, limited internal regulation in public, private, and civil sectors. The Ministry of Justice thought it necessary to further strengthen the legal framework, in addition to existing legal protection, with the aim of

adding protections for whistleblowers and generally raising the level of transparency, ethics and integrity in Croatian society. Milestone 1.4 is taken directly from measure 128 of the 2012 Anti-Corruption Strategy action plan. Measure 128 was intended to analyze the implementation of the provisions of certain laws relating to the protection of whistleblowers. However, measure 128 was not completed within the first quarter of 2013, the deadline set in the Anti-Corruption Strategy action plan, and was therefore rolled over into the OGP action plan.

In regards to the implementation of the OGP milestone 1.4, according to the draft self-assessment report, the Ministry of Justice has collected data from the competent authorities and civil society organizations that might have relevant knowledge about whistleblower cases in Croatia and opinions on the quality of their care. Based on the collected data, the The Ministry of Justice intended to make a synthesis of existing experiences, and provide a more comprehensive analysis of the implementation of the provisions of certain laws protecting whistleblowers to determine the quality of the existing legislative framework and its comparison with international practice. However, the draft self-assessment reports that the input from public authorities and CSOs was not substantial enough for the Ministry of Justice to make a thorough analysis.

While additional work is needed to allow for a thorough analysis to be conducted, the IRM researcher considers this commitment to have limited completion.

Did it matter?

Overall, the IRM researcher found this commitment to be a positive step towards opening citizens' access to information. The commitment had four milestones, most of which were of moderate importance in the relevant policy area. The envisaged action in milestone 1.1. pertains to amendments to an existing law, the action in milestone 1.3 is preexisting and strongly linked to two other legislative changes, which were not included in the OGP action plan, and the action in milestone 1.4. is limited in scope, pertaining only to an analysis of the current legislative framework, rather than seeking to implement best practices.

The implementation of the amendments to the Act on the Right of Access to Information (Milestone 1.1), were completed ahead of schedule, and presents a step forward in the area of open data. According to government officials, the provisions of the Act have been in some parts significantly improved, especially concerning the obligation for proactive publication and consultations, in substance and nomotechnically, prescribing new obligations on state bodies, aimed at strengthening transparency and openness. The scope of limitations on access was expanded to those predicted by the Convention on Access to Official Documents of the Council of Europe (internal communication, misuse of rights), but these are not absolute because implementation of the test of proportionality and public interest is also arranged, over which the Information Commissioner has control. The Ministry of Administration also points out that there are many positive effects and expectations from the new Act, such as better solutions for the articles concerning the proactive publishing of information (Article 10) and consultations (Article 11). The same goes for the provision of the article 60 on the content and name of the report on Act implementation. In addition, the provision in article 66 was abolished in order to secure administrative preconditions for the independence of the institution of the Information Commissioner.

However, the amendments also represent a change in terms of assigning responsibility if provisions of the Act are broken. Specifically, certain limits regarding the sanctioning of infringements were introduced, but according to government officials, such sanctioning was rarely used before, and similar to other European countries, only in exceptional cases, considering the number of appeals. According to civil society members and the Information Commissioner, even

though amending the Act ensured compliance with the European Commission Directive, the amendments led to the following changes in the area of sanctioning infringements:

- Sanctions for legal persons for breaking the provisions of the Act were abolished;
- The head of a public authority no longer holds exclusive responsibility for breaches to provisions of the Act. Responsibility now lies with the appointed information officers of the public authority in question, even though the State Administrative System Act states that the head of a public authority is responsible for all its legal activities;
- A possibility to avoid the public consultation process for a number of categories of legal acts was introduced.

According to government officials, infringement sanctioning is limited in a way that the responsibility of the head of the body is no longer presumed, but a more complex procedure is being implemented during the submission of the bill of indictment, and the state body cannot be sanctioned, since the Misdemeanor Law does not allow the sanctioning of a state body. The Information Commissioner considers this a good choice, since all officials are changeable and sanctioning of the holder of a function is a rather old technique of sanctioning, unless it is the case of personal omission. The Commissioner holds that the new Act requires higher capacities of the Office of the Commissioner in order to implement certain provisions, and finds it more challenging. The potential of the Act's interventions in the area of open data is high, since positive improvements have been introduced in accordance with the Directive.

Regarding the mentioned changes, the IRM researcher found that this milestone has moderate potential impact on the policy area.

Milestone 1.2 tackles the political component of the policy problem, namely that public bodies protect their data as 'secret' even though it does not contain classified information. This legislation has created a legal framework for stakeholders seeking information to request it from the relevant public bodies and public bodies are required to respond to these information requests. However, on the technical side, the way the commitment is written does not require the data to be released in an open data format which affects its overall useability. Therefore, the IRM researcher found this milestone to have moderate potential impact.

Milestones 1.3. and 1.4. were limited in scope, and the history of their implementation shows that there might be a lack of political will to finalize them. The amendments to the Data Confidentiality Act are linked to amending two other documents, for which an Interdepartmental Working Group was appointed, and the analysis of the whistleblower protection legislation is an activity the Ministry of Justice has undertaken in 2012, only to again introduce into the new Anti-Corruption Strategy action plan, with the implementation deadline set for the first quarter of 2016.

Also, the Information Commissioner and the Head of the Government Office for Cooperation with NGOs have pointed out that there is a lack of openness of the Interdepartmental Working Group, both to the Commissioner and to representatives of CSOs. This is very important since business (trade) and professional secrets are regulated by this law.

According to government officials, the entire legislative package (Data Confidentiality Act, Information Security Act and Safety Inspection Act) was not included as a single commitment or milestone in the action plan, even though these activities were preexisting and interconnected, due to the request from the Office of the National Security Council.

Several civil society organizations have been active in advocating the need for whistleblower protection such as the Zviždač association and Transparency International Croatia, initiating public debates and issuing public awareness raising publications³, as well as pushing for a whistleblower protection act⁴ and drafting a law⁵. In response, the Ministry of Justice has

analyzed existing whistleblower protection legislation in 11 EU countries in 2014⁶ and stated in its responses in the past⁷ that no such act needs to be adopted, since existing legislation already covers whistleblower protection.

Moving forward

The IRM researcher recommends the following could be done to improve the implementation of this commitment:

- Amend the Data Confidentiality Act to align with the previously indicated indicators within the duration of the current OGP action plan. If not, include a commitment to amend all three relevant legislative acts in the next action plan as a single package.
- The Interdepartmental Working Group should be opened to participation from interested civil society organizations;
- Analyze the legal framework for whistleblower protection but only as a prerequisite to either amending the existing legislature in order to improve the protection of whistleblowers, or introducing a specific law for their protection (in the next action plan).

1 The document is available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:175:0001:0008:EN:PDF>

px

3 <http://transparency.hr/hr/clanak/podrska-zakonu-o-zastiti-zvzdaca/91> and

<http://transparency.hr/hr/clanak/medunarodna-nacela-za-zastitu-prijavitelja-nepravilnosti-novo/103>

4 <http://www.tportal.hr/vijesti/hrvatska/373368/Balenovic-Svaki-dan-zeljno-ocekujem-predsjednicin-poziv.html>

5 <http://www.poslovni.hr/hrvatska/laburisti-u-sabor-salju-zakon-o-zvzdacima-264872>

6 <https://pravosudje.gov.hr/istaknute-teme/antikorupcija-6154/sprjecavanje-korupcije-6174/6174>

7 <http://www.politikaplus.com/novost/98072/Tko-je-za-Zakon-o-zvzdacima-Ministarstvo-protiv-Josipovic-i-civilne-udruge-za->

2: Improving the Implementation of the Right of Access to Information Act

Commitment Text:

2.1. Develop a publically accessible database on public authorities that are subject to apply the Act on the Right of Access to Information

Implementation indicators:

- Drafted and publically accessible database on public authorities in excel format.

2.2. Conduct education in the area of the right of access to information:

Education of officials and civil servants on the right of access to information

Implementation indicators:

- 8 training sessions held (4 workshops per year)
- 200 attendees per year at education sessions
- developing and implementing train-the-trainer programmes for the implementation of the Act on the Right of Access to Information
 - Necessary resources: HRK 70,000

Implementation indicators:

- train-the-trainer programme developed and implemented
- 20 educated trainers
- online educational programs regarding achieving the right to access of information via the portal of the Digital Information Documentation Office for attendees from public authorities and the interested public
- Implementation indicators:
 - execution of a webinar and other online programs
 - number of programs held
 - number of attendees

2.3. Conceive and implement a citizens' campaign on the right of access to information

Necessary resources: HRK 300,000

Implementation indicators:

- promotional materials developed (publications, audio, video)
- their dissemination and publication in the media

2.4. Execute a competition and grant awards for transparency and openness of public administration bodies at the local and regional level

Implementation indicators:

- drafted methodology of the competition
- competition conducted
- granting of awards to public administration bodies at the local level – local and regional self-government units, companies under ownership of the local and regional self-government and public institutions and other legal persons founded by the local and regional self-government units.

Lead institutions: Information Commissioner

Supporting institutions: Ministry of Administration; Digital Information Documentation Office; State Public Administration School; Office for Societies of the Government of Croatia

Start date: Not specified.....

End date: 31 December 2016

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
2. Overall				✓	✓		✓				✓			✓		
2.1: Database of public authorities				✓	✓		✓			✓						✓
2.2: Education on right of access to information				✓	✓		✓			✓				✓		
2.3 Public Campaign				✓	✓					✓			✓			
2.4: Competition and grants				✓	✓					✓			✓			

What happened?

Milestone 2.1. is fully implemented. The database of public authorities subject to the Right of Access to Information Act was created, made public in a searchable format and is regularly updated. It is available on the pristupinfo.hr¹ webpage, and was also incorporated into a CSO-funded portal (imamopravoznati.org)², through which citizens can submit access to information requests), increasing its visibility and use by the public. The website provides a list of contacts of information officers in public administration bodies, which in itself is an open data set, available for further use.

Milestone 2.2. aims to strengthen the implementation of the Right to Information Act through a set of educational and training activities for civil servants and public. This milestone addresses the lack of knowledge on which information is re-usable, how information can be accessed, who to ask information from, etc.), facilitating access to information for users. The OGP action plan envisaged that the implementation of the Act would be improved through professional training for information officials from public administration bodies. Such training is already being conducted by the Information Commissioner's Office (in which more trainers are going to be educated) Educational online programs (some of which are already in place and ongoing) will be developed to more easily reach out to information officials at the local and regional levels, which have the lowest level of knowledge about the issue.

This milestone has been substantially implemented. In the second half of 2014, a total of 14 training courses were conducted: three in cooperation with the State School for Public Administration³, 4 for members of the press in cooperation with the Croatian Journalist

Association, and 7 tailored trainings for local units, the judicial authorities, the media, and the academic community⁴. This included a total of 397 participants. In the first half of 2015, a total of 19 trainings were held: five in collaboration with the State School for Public Administration, one according to regional distribution, three for media and various associations' representatives and 10 trainings tailored to directors and professional staff of schools, local authorities, the Croatian Red Cross – which altogether included over 1,400 participants⁵. These trainings were held all over Croatia. The implementation indicators were surpassed in this regard.

Online educational programs on access to information are still ongoing. According to the interviewed stakeholders⁶, the Digital Information and Documentation Office coordinated the elaboration of the concept and the development of online education is in progress with the first online program expected to be rolled out in September 2015.⁷ Also, according to its representatives, the Office has continually implemented online education programs, with seven webinars conducted in 2014, and eight webinars in the first half of 2015 (including a total of 319 participants from public administration and other interested participants).

The development of the train-the-trainer programme by the Digital Information and Documentation Office has not yet started. Its creation will depend on the availability of financial resources, particularly of the Information Commissioner's Office. The funding has been somewhat reduced in the provisional 3-month plan for 2016, compared to 2015, and along with being under-funded, the Office is still under-staffed, compared to the width and scope of its jurisdiction. This is especially worrisome since the intention was to ensure funding for the activity through the Instrument for Pre-accession Acceptance IPA 2012 FF RAC project "Improving Access to Information in Public Administration"⁸. To be more specific,, according to the interviewed government representatives due to the Information Commissioner's lack of financial sources and considering the need for redefined project goals and activities within the planned project, the decision was made to give up on its implementation since part of the activities were already implemented in the meantime. Therefore, in agreement with the Ministry of Regional Development and EU Funds, the process was stopped and the decision was made to develop a new project, within the Operative Plan "Effective Human Potentials", named "Strengthening Capacities of the Public Bodies for Effective Implementation of Act on the Right to Access to Information", which includes the training for trainers to be implemented between 2016-2018.

Milestone 2.3. envisaged conducting a public campaign to raise awareness of citizens on the right to information. The implementation of this milestones has not started due to the lack of funding for the Information Commissioner's office. In June 2014 the Information Commissioner's office had adopted a Framework action plan with an indicative budget for 2016 and 2017 as part of their 2015-2017 strategic plan⁹ and has indicated that the implementation of this milestone will most likely take place during the next action plan implementation period (2016-2018)¹⁰.

Milestone 2.4 aims to incentivize public authorities to ensure maximum transparency and openness in their work, through organizing competitions and granting awards for transparency and openness of public authorities, aimed specifically at local and regional levels. Considering the period envisaged for the implementation of this measure (March 2016) and entry into force of the amended Act on the Right to Access to Information in August 2015, the IRM researcher found that preparatory work was undertaken in the reporting period. Namely, government officials stated that the implementation of the activity started in November 2014 with the creation, distribution and gathering of a self-assessment and assessment questionnaire on public bodies' harmonization with the Act on the Right to Access to Information (compliance), and an action plan to improve transparency and compliance with the Act (done through a project with the help of the British Embassy). Also, a workshop was held in February 2015, and a pilot started in four bodies at the same time, with a methodology drafted in March, but distributed in

November 2015 because the Information Commissioner's Office was waiting for its inspectors to begin work. Further activities require securing human and financial capacities. According to the government self-assessment report, the preparation of monitoring and evaluation methodology, the appointment of the Commission, the drafting of regulations for the award and other activities were to begin in October 2015.

Did it matter?

Based on information gathered from the self-assessment report, the interviewed stakeholders and the other sources, the commitment had following impact:

Milestone 2.1 on development of the database on public administration bodies helps to improve the quality of enforcement of the Act and simplifies public access to information. According to government officials, this is the first time a list of public authorities was created (6.000 of them), which allows for a quality system of reporting on Act implementation, and also makes it easier for citizens to submit requestes and is a database that can be re-used, which makes this an example of good practice in data re-use, aswas the Information Commissioner intended. Also, it needs to be emphasized that this activity was largely implemented in 2015, and was completely finished in 2016 (after the reporting period) through developing an application that allows for communication with information officials in state bodies, daily data updates and search possibilities according to given criteria. This is an incremental step in the right direction because there is now a publicly available list of information officers charged with releasing information, however, there is no accountability mechanism to ensure compliance or allow citizens to report issues.

Milestone 2.2 contributes to raising awareness on the importance of ensuring free access to information among officials, civil servants and other interested public at the state, regional, and local levels, andt affects the system of values, the understanding of principles of transparency and openness, along with knowledge and skills of information officials for the implementation of the Act. The goal of this programme is for one person per public body to receive the training. In Croatia, the designation of information officers is an administrative procedure that does not include additional training and education on how to communicate information to the public and determine what information can be released. As a result, civil servants are reluctant to disclose information to avoid blame and penalties for the improper disclosure of personal information. There is also a pervasive mentality within the civil service that the public does not have a right to access information. This milestone, as written, could have a moderate potential impact because it provides training and support to help reverse this mentality and assist civil servants in knowing how to properly address access to information requests.

Milestones 2.3 and 2.4 could contribute to better knowledge about the right to access information for boh citizens and local and regional public administration bodies, as well as their willingness to act more openly and transparently. However, since there are significant differences between local and regional authorities in Croatia (e.g. Istria vs. Eastern Slavonia, or Zagreb vs. Sisak), there is a high probability that those authorities with already high levels of transparency and openness will win the award(s), while others might not apply at all, even though they are the ones that should be targeted. These milestones are predominantly awareness-raising activities to the general public and to local and regional authorities. However there are already significant awareness-raising programs underway including a CSO-funded portal, "I have right to know"¹¹ that informs citizens of their rights. Therefore, these milestones have only minor potential impact.

The main risk for the implementation of all activities remains the insufficient financial resources for the Information Commissioner and the fact that the 2016 state budget will only be adopted

at the beginning of the year (due to Parliamentary elections held on 8 November 2015), it remains to be seen whether the measure can be implemented on schedule. Other risks for the implementation of these activities are associated with the possibility of monitoring and evaluation, whose quality will be crucial to the success and relevance of these activities.

Moving forward

The IRM researcher recommends further work on the basic implementation of several of the milestones. The relevant public administration bodies could also consider next steps on already implemented activities:

- The database needs an IT system and administrative processes in place, to ensure that it is regularly maintained and upgraded with of information (existing action plan). The IRM researcher recommends decentralizing the process of collecting information by having individual information officers from all departments input relevant data following a uniform data collection form so that the data can be compiled quickly and trends can be monitored;
- Continue and regularly upgrade existing education efforts and implement the training-of-trainers as soon as possible to ensure full completion of the commitment activities.
- Start implementation of the public campaign, as well as the competition and grant award activity (existing and next action plan);
- In general, increase the necessary financial resources for the Information Commissioner and other relevant administrative bodies in this commitment (existing and next action plan).

¹ The database is available in .xls and .pdf formats on <http://www.pristupinfo.hr/tijela-i-sluzbenici-za-informiranje/>

² <http://imamopravoznati.org/>

³ https://www.dsju.hr/dsju/program/workshop/list/posebni_programi

⁴ According to the self-assessment report and the interview with the Information Commissioner and representatives of the Digital Information Documentation Office

⁵ <http://www.pristupinfo.hr/pregled-edukacijskih-i-promotivnih-aktivnosti-sijecanj-srpanj-2015/>

⁶ (the Information Commissioner and representatives of the Digital Information Documentation Office) and the self-assessment report,

⁷ Two training sessions were conducted in September 2015, one in person and one as a webinar by the Office. More on: <http://www.digured.hr/Za-korisnike/Edukacija>.

⁸ According to the European IPA Twinning Projects Pipeline (for the period from July 2015 to December 2016), the project purpose is to support sustainable and efficient implementation of national and international legal framework on the right of access to information in order to contribute to accountable and transparent public administration and the exercise of citizens' rights (http://ec.europa.eu/enlargement/pdf/financial_assistance/institution_building/2015/special_july_2015_pipeline_ipa.pdf).

⁹ <http://www.pristupinfo.hr/o-povjereniku-za-informiranje/>

¹⁰ <http://www.pristupinfo.hr/o-povjereniku-za-informiranje/>

¹¹ link to website

3: Proactive Release of Information and Opening Data

Commitment Text:

3.1. Establish the Central state portal, www.gov.hr

Necessary resources: HRK 200,000

Implementation indicators: Establishment of the Central state portal, with services My Administration and e-Citizen; Croatian Government and at least three-quarters of ministries and government offices keeping their websites in line with the standardised Central state portal.

3.2. Issue instructions for the release and use of open data

Implementation indicators: Instructions issued on the release of open data which, in accordance with Article 10 of the Act on the Right of Access to Information, interpret the “easily searchable manner” outlining the responsibility of public authorities and public servants for information, the manner of release and technical specifications, in relation to the type of datasets that will be released, and the processes of updating and controlling compliance, including legal notes

3.3. Establishment of the open data portal and continuous improvements and widening of portal contents

(Editorial note: Milestone not named in the Action plan)

Open the central state repository for data and release data for re-use on the portal data.gov.hr (Note: List of datasets published within the first six months of adoption of the action plan is found in the document appendix (Appendix 1))

Implementation indicators:

- on the portal data.gov.hr, databases are released in accordance with the issued instructions for the publication and use of open data
- the number of published databases on the portal data.gov.hr
- reports submitted by the Ministry of Administration and Digital Information Documentation Office to the OGP Council.
- Hold a public debate with the interested public on the priorities of publishing open data in regular six-month intervals
- Align the priorities and draft a list of priorities for the publication of open data Implementation indicators:
- number of public debates held (3)
- drafting a list of priorities (3)
- number of published databases with lists of priorities

3.4. Prepare an education module on open data

Implementation indicators:

- development of an education module on open data
- preparation of education materials
- holding education for the first group of public servants responsible for information in public authorities
- drafted education plan for public servants responsible for information

3.5. Develop instructions and a manual for the proactive publication of information

Necessary resources: HRK 20,000

Implementation indicators:

- *instructions for the proactive publication of information drafted and published*
- *manual for the proactive publication of information drafted and published*

Lead institutions: Office of the President of the Government of the Republic of Croatia; Information Commissioner; OGP Council; Digital Information Documentation Office

Supporting institutions: Ministry of Administration; Croatian Regulatory Authority for Network Industries; Working group for the application of open code and open standards Digital Information Documentation Office; State Public Administration School, Ministry for Foreign and European Affairs

Start date: Not specified.....

End date: 31 July, 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3. Overall				✓	✓	✓	✓	✓				✓		✓		
3.1: Establish Central state portal				✓	✓	✓	✓	✓				✓				✓
3.2: Instructions for the release and use of open data				✓	✓	✓	✓	✓				✓	✓			
3.3. Open the central state repository and hold public debates				✓	✓	✓	✓	✓				✓	✓			
3.4: Open data education module				✓	✓		✓	✓			✓		✓			
3.5: Manual for information publication				✓	✓		✓	✓			✓		✓			

What happened?

This commitment envisages the establishment of the Central state portal (gov.hr) and its component data.gov.hr, which enable the searching, linking, downloading and re-using of public sector information for commercial and non-commercial purposes via a metadata catalogue. This milestone was carried over from the first year of the initiative implementation (2012-2013), when it was not implemented in the manner envisioned for technical reasons.

The aim is to have a central Internet environment for information, a gateway where citizens can receive information from all government bodies. The portal¹ contains links to, and information

about the e-Citizens system (see milestone 5.1. for more detail on the system) and the work of the Croatian Government.

Milestone 3.1 is completed on time. The Internet sites of a number government bodies were integrated in the portal in accordance to the gov.hr content standards, all under the gov.hr² domain. The Central State portal has been available online³ since June 2014. The platform now includes 10 out of 14 Government offices, 4 out of 20 ministries and 1 out of 4 state offices⁴. According to the self-assessment report, the number of visitors to the site is constantly growing, and local authorities have shown an interest in a modified form, also connected to the gov.hr system. According to the Ministry of Administration officials, the portal now holds information on more than 500 different public services, and the system is interactive in the sense that citizens can comment on the content and relay their feedback to the respective public authorities. Also, they stated that ten new government bodies will be integrated in the gov.hr domain by the end of 2015. The interviewed CSO representatives⁵ agreed that this was a large step forward and that the inclusion of the remaining government bodies should be carried out as fast as possible.

Milestone 3.2. aimed to develop and publish instructions based on existing legislation, as the legal basis for defining transparent use of open data and enabling its use. The instructions are meant to define the responsibility of public authorities and information officers, the mode of publication and technical specifications for different kinds of data sets, update and control processes, including compliance, and legal issues. All this would form established standards in managing public data.

This milestone has limited completion rate and is behind schedule, however, according to government officials the implementation has started in the meantime and the envisaged activities will be implemented by July 2016, since it directly depended on the new legal framework, which was adopted in August 2015 and bylaws which are being prepared. So the activities regarding the manual and education can be only done after that, and it will be realized during the 2016.. According to the self-assessment report, the relevant public authorities (Information Commissioner along with the Ministry of Administration and the Digital Information Documentation Office) drafted the first version of clear and informative instructions on the use of open data⁶. The work related to this activity will continue, now that the Act on the Right to Access to Information was amended in July 2015, because the existing instructions need to be updated and amended accordingly. The interviewed government officials state that the adoption of the instructions is expected at the end of 2015.

Milestone 3.3. consists of three activities: to open a central state repository of data and release of data for re-use (data.gov.hr), to hold public debates in six-month intervals from the start of the action plan implementation and to draft a list of priorities for the publication of open data.

The first activity envisaged publication of a number of databases by December 2014, including the register of state assets, register of persons subject to the provisions of the Conflict of Interest Act, register of institutions and extrabudgetary funds of special interest to the Republic of Croatia or of special interest for local or regional self-government units, register of companies with state stocks or ownership shares (company capital), register of entities subject to restrictions, central catalogue of official documents of the Republic of Croatia.

The implementation of this milestone has demonstrated limited progress and is behind schedule. The open data portal of Croatia was established on 19 March 2015⁷ and is available at data.gov.hr. According to the research by the IRM researcher, there were 113 datasets available in early September at the portal⁸, none of which are the six mentioned in Appendix I of the action plan. However, some of them are available on other relevant public authorities' domains

(e.g. the central catalogue of official documents can be found on the webpage of the Digital Information Documentation Office⁹, whose representatives state that it is updated at least once a week). The open data portal follows the non-binding European Commission guidelines on recommended standard licences, datasets and charging for the re-use of documents.¹⁰

The second activity under this milestone The data.gov.hr portal also enables all interested users to propose data sets that should be published (they can do this through the e-Citizen system or via e-mail). Only one such proposal was received by 30 June, but after the period assessed by this report another 23 suggestions were added.¹¹ An anonymous review of proposals submitted by users is also enabled. In line with that, and in order to respond to user demands, the action plan envisaged holding a public debate every six months for the purpose of defining priorities for data publication in the following period. The national OGP Council is to regularly monitor the progress in implementation of this part of the plan.

According to the self-assessment report, a conference on principles for 21st century governance was held on 20 February 2015¹², during which proposals on priorities for publishing open data were collected and forwarded to the Ministry of Administration. There was also a public discussion, a guest expert lecture (Eleanor Stewart from UK) and smaller meetings between members associations or companies that use open data and representatives of state or local authorities who currently possess this information¹³. The instructions for the release and use of open data were published on 18 June 2015.¹⁴ After the period assessed in this report, the second public discussion was held on 29 September 2015, in the form of a round table on the topic of reassessment of use of public administration information and open data – social support and innovative economy¹⁵. Also, in order to ensure the sustainability of efforts in the implementation of this measures, the Office for Cooperation with NGOs intends to announce in early 2016 a call for proposals under the European Social Fund, which will support partnership projects between civil society, public administration bodies and private sector to reuse open data.

Milestone 3.4. and 3.5

For the purpose of assistance, i.e. better information for public authorities on their obligations and for facilitating the implementation of provisions on the proactive release of information, the government was to prepare and launch an education module on open data for public servants.

The IRM researcher found limited implementation on this milestone. Based on the timeline set by the government, this puts it behind schedule. According to the self-assessment report, and interviews with stakeholders, the Ministry of Administration held a training seminar on open data, the first in a planned series, which was attended by 60 information officers and other employees of public authorities¹⁶. In line with the amended Act on the Right of Access to Information, secondary legislation needs to be adopted within six months from the date the Act entered into power (meaning, by February 2016 at the latest). This legislation will regulate certain aspects related to re-use and open data. Based on that, an educational module is to be developed.

For the same purpose, the action plan envisages the preparation and issuing of a manual by the Information Commissioner. Since the entire endeavor is new, a manual with clear instructions for all those obliged to proactively publish information will have transformative effects. Also due to the fact that the Act was adopted in July, the first version of the manual and instructions is now being written. Since the Information Commissioner is obliged to monitor and analyze the implementation of the Act, according to the Commissioner, a specialized analysis was carried out regarding the application of certain articles (Article 10) for a certain group of public authorities, which will serve as the basis for drafting instructions and manuals.

Did it matter?

The Croatian government has recognized open data as one of the priorities for the two-year period of the action plan, due to the fact that it contributes to increasing democratic controls and participation, innovation in developing products and services and strengthening the implementation of laws.

However, this milestone was actually initiated prior to that, through the “Moja Uprava” portal (My Administration) and its full implementation is expected to be transformative in its effects.

Interviewed state representatives argue that the number of administrative bodies which were transferred to the gov.hr platform is smaller than initially planned, due to the lack of resources forcing them to pay for the transfer of websites from their own budgets.

The commitment was very ambitious in scope and aimed at increasing the use of technology to improve transparency, access to information and public participation in governance. The implementation of most of the milestones lagged compared to the action plan dateline, but this was mostly due to poor planning in which certain steps had to be taken before others could begin (e.g. adopting the amended Act on the Right of Access to Information). However, the most important activities were carried out (the gov.hr and data.gov.hr portals were opened), with follow-up activities falling behind schedule (education and instruction, public debates, manuals). The interviewed stakeholders agree on the significant impact of this commitment, and point out several key issues regarding implementation:

- There has been a significant change in the public servants’ mentality regarding openness and transparency, as well as accessibility of information. According to interviewed representatives of the Ministry of Administration, data used to be “jealously guarded” even from other public authorities, but now there is push from the inside to open data;
- The information available on the data.gov.hr portal is existing information, already published somewhere else (other portals, official webpages, etc.), and efforts to prepare completely new datasets should be intensified (both the Information Commissioner and the representatives of the Ministry of Administration point out that plans in that regard are being prepared by the Ministry). Also, the portal should include data, published elsewhere by public authorities, on the portal as soon as possible¹⁷;
- The available datasets are often in a format¹⁸ unsuitable for easy access or re-use (e.g. pdf documents), which is limiting the positive effects of their public availability. In addition, the public servants responsible for uploading data are not legally obliged to convert to user-friendlier formats;
- However, the datasets available on data.gov.hr are evaluated and classified according to the 5-star methodology¹⁹, which rates their openness and reusability. This is a step towards entering into the “big data” phase;
- The greatest barrier to open data in Croatia is the fact that the legislature (namely, the Public Procurement Act) does not proscribe that all IT infrastructure used by the government must enable export and connectivity of data. This enables the selected private providers to hold authorship over the collected data and their content management system (CMS) codes;
- There is no way to monitor newly submitted data, an RSS-feed would be helpful to all those who wish to know which new information is available on all the portals;

- Certain activities need only political will for adoption and implementation, such as sub-milestone 3.3. c.) aligning priorities for the publication of open data, because the European Commission already adopted relevant guidelines²⁰;
- Some of the competent public authorities (e.g. the Information Commissioner's Office) are understaffed and underfunded, especially in the area of open data use, compared to their responsibilities in that area;
- Certain risks can be detected in the dissemination of materials that will be prepared (e.g. the manual), given the large number of public authorities, which can be alleviated by making them available online and by other means (for example, a newsletter), as stated in the self-assessment report;

There are positive examples of cooperation in the area between public bodies and CSOs (e.g. the Commissioner cooperated with GONG, Association of Cities, Association of Municipalities and the Croatia Union of Counties in preparing a manual for local authorities on these issues, which was promoted in the Croatian Parliament in December 2015, after the reporting period; the competent public authorities are working with specialized CSOs in developing new and innovative solutions²¹, etc.), which originally arose from their interaction on OGP-related issues and should be nurtured and stimulated in the future.

Moving forward

The IRM researcher thinks the Government should take the following recommendation regarding this commitment into consideration in the duration of the existing action plan or in the next action plan:

- Make an effort to incorporate all state authorities in the gov.hr portal as soon as possible (this action plan), and to include as many datasets in the data.gov.hr portal, while making sure they are using the most favorable formats for reuse (existing and next action plan);
- Finalize the milestones that have not been implemented according to the new deadlines (February 2016 and onward), during the existing action plan period;
- Amend the Public Procurement Act in order to ensure all IT infrastructure used by the government enable data export and connectivity;
- Make headway into a data-driven economy by using big data technology and services, in accordance with the European Commission strategy on Big Data²² (next action plan);

Aside from the existing plan to fund open data use through the European Social Fund during the implementation of this action plan, in the next action plan the Government may consider increasing support to the sustainability and further growth of this commitment (e.g. big data) through additional funding (state or EU funds, other donors, etc.) and increased human resources for competent public authorities (Information Commissioner, Ministry of Administration, Digital Information Documentation Office, etc.).

¹ <https://pretinac.gov.hr/KorisnickiPretinac/eGradani.html>

² There was controversy regarding the use of the gov.hr platform solution, instead of using a free, open-source solution: <http://www.netokracija.com/gov-hr-vlada-63480>

³ <https://gov.hr/>

⁴ <https://gov.hr/ministarstva-i-drzavna-tijela/58#ministarstva>

⁵ insert GONG and other org interview citation

⁶ <http://data.gov.hr/sites/default/files/library/Preporukezaobjavu.pdf>

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- ⁷ <https://vlada.gov.hr/vijesti/potpredsjednica-opacic-portalom-otvorenih-podataka-data-gov-hr-dodatno-otvaramo-drzavnu-i-javnu-upravu/16571> and <http://www.netokracija.com/predstavljanje-data-gov-hr-100301>
- ⁸ <http://data.gov.hr/data/search>
- ⁹ <http://www.digured.hr/>
- ¹⁰ <http://data.gov.hr/sites/default/files/library/Smjernice%20-%20PSI%20direktiva%20CELEX-52014XC0724%2801%29-HR-TXT.pdf>
- ¹¹ <http://data.gov.hr/data-request>
- ¹² <http://www.pristupinfo.hr/medunarodni-dan-otvorenih-podataka-21-veljace-2015/>
- ¹³ <http://www.netokracija.com/codeacross-hrvatska-dan-otvorenih-podataka-hackathon-98399>
- ¹⁴ <http://data.gov.hr/sites/default/files/library/Preporukezaobjavu.pdf>
- ¹⁵ <http://www.pristupinfo.hr/okrugli-stol-ponovna-uporaba-informacija-i-otvoreni-podaci-javne-uprave-potporedrustvenom-i-inovativnom-gospodarstvu-zagreb-29-9-2015/>
- ¹⁶ <http://www.pristupinfo.hr/pregled-edukacijskih-i-promotivnih-aktivnosti-sijecanj-srpanj-2015/>
- ¹⁷ See more at: <http://www.pristupinfo.hr/wp-content/uploads/2015/09/Anamarija-Musa-Ponovna-uporaba-informacija-i-otvoreni-podaci-javne-uprave-Potporedru%C5%A1tvenom-razvoju-i-inovativnom-gospodarstvu.ppt>; <http://www.pristupinfo.hr/wp-content/uploads/2015/09/Tomislav-Vra%C4%8Di%C4%87-i-Zoran-Lu%C5%A1a-Portal-otvorenih-podataka-RH.ppt>; <http://www.pristupinfo.hr/wp-content/uploads/2015/09/Renata-Pekorari-Digitalni-informacijsko-dokumentacijski-ured-i-njegova-uloga-u-ponovnoj-uporabi-informacija.ppt> and <http://www.pristupinfo.hr/wp-content/uploads/2015/09/Neven-Vr%C4%8Dak-Preporuke-o-prilagodbi-skupovapodataka-za-javnu-objavu-i-ponovno-kori%C5%A1tenje.ppt>
- ¹⁸ Best Practices for Publishing Linked Data: <https://dvcs.w3.org/hg/gld/raw-file/default/bp/index.html>
- ¹⁹ <http://5stardata.info/hr/>
- ²⁰ <http://ec.europa.eu/digital-agenda/en/european-legislation-reuse-public-sector-information>
- ²¹ <http://www.epsiplatform.eu/content/codeacross-croatia-2015> and <http://dev.codeforcroatia.org/codeacross/>;
- ²² <http://ec.europa.eu/digital-agenda/en/towards-thriving-data-driven-economy>

4: Fiscal Transparency

Commitment Text:

4.1. Timely publication of the proposal of the State Budget

Implementation indicators: In 2014, publication of the proposal of the State Budget and substantiation of the proposal of the State Budget for 2015, with projections for 2016 and 2017, in the following periods for the appropriate forthcoming time periods, supplemented with the listed elements such that it contains the following:

- information that outlines how the proposals of new legislative solutions impact the revenues and expenditures of the budget year in comparison to existing solutions;
- functional classification of expenditures for the budget year and the year preceding the budget year;
- state of the public debt for the preceding budget year and projections of public debt for the mid-term period;
- structure of the public debt for the budget and previous year;
- information on the conditional obligations for the budget year (guarantees);
- information on where to find data on the impacts of macroeconomic assumptions on the budget revenues, expenditures and the public debt (sensitivity analysis).

4.2. Timely publication of the monthly reports on execution of the State Budget according to the national methodology of the calculation plan and according to the GFS 2001 methodology

Implementation indicators:

- Published months reports on the execution of the state budget, which include the most important categories of revenues and expenditures of the state budget according to the national methodology of the calculation plan, and the monthly reports by the organisation classifications of the state budget and accounts 3 and 4 economic classifications, no later than one month after the expiry of the period to which they pertain, except the report for December which may be published with preliminary data in late February at the earliest.
- Monthly report on the execution of the state budget and financial plans of extrabudgetary users expressed according to the GFS 2001 methodology published no later than two months after the expiry of the period to which they pertain, except the report for December which may be published with preliminary data in March at the earliest.

4.3. Publication of the report on the execution of the budget, monthly statistical overviews of the Ministry of Finance and the annual report of the Ministry of Finance

Implementation indicators:

- published reports, statistical overviews and annual reports on the website of the Ministry of Finance under the category “Statistics and Reporting”
- reports according to the national methodology of the calculation plan supplemented by data on achieved revenues and published no later than one month after the completion of the period to which it pertains, except the report for December, which may be published with preliminary data at the end of February at the earliest
- unification of all reports on the execution of the budget under the category “Statistics and Reporting” on the website of the Ministry of Finance

4.4. Publication of the Annual Report on execution of the state budget, with supplements

Implementation indicators: Annual report on the execution of the state budget published within the legal deadlines, with supplements explaining the differences between the original macroeconomic projections for the budget year and the actual macroeconomic indicators.

4.5. Draft and publish a guide for citizens for key budget documents

Implementation indicators: Guide for citizens, drafted and published in due time, with simple and easy to understand summaries for the key budget documents: guidelines of economic and fiscal policy, proposal of the state budget and projections, state budget and projections adopted by Croatian Parliament, semi-annual and annual reports on the execution of the state budget.

4.6. Draft and publish instructions for publication of annual reports on operations of companies in majority ownership of the state, or local or regional government units

Implementation indicators:

- drafted instructions on the manner, form and deadlines for publication of the annual report on the operations of companies in majority ownership of the state, or local or regional government units
- deadline for publication of reports is 30 October
- instructions drafted, sent to companies and published on the website of the Information Commissioner, Ministry of Finance and State Asset Management Office

4.7. Monitor the regularity and compete publication of annual reports on the operations of companies under majority ownership of the state, or local or regional government units

Implementation indicators:

- develop the monitoring methodology
- publish the results of monitoring on the website of the Information Commissioner

4.8. Draft and publically release a searchable database on the execution of payments from the single state budget account

Implementation indicators:

- developed and released publically searchable database on executed payments from the single state budget account in line with the prescribed budget classifications
- publically accessible data on direct payments to suppliers from the single state budget account

(A portion of the budgetary users in the state treasury system (17 users) who have a large number of accounts and requests for payment execute liabilities via the 632 special purpose accounts in the deposit of the Croatian National Bank. These users issues payment requests in the state treasury system and transfer funds from the state budget account to the 632 account from which they execute payments of liabilities towards suppliers. For all payments executed via the special purpose account, the budgetary users in the state treasury system, it is not possible to search by supplier).

Editorial note: In order to simplify the evaluation of the milestones, milestone 4.1., 4.2. and 4.4. were condensed into a single one (4.1.) and milestone 4.6. and 4.7. into 4.4. Because of that, all other milestones in the table and text below were attributed a different number from the one found in the action plan: 4.3. thus became 4.2., 4.5. is 4.3., and 4.8. is 4.5.

Lead institutions: Ministry of Finance; Information Commissioner

Supporting institutions: Competent ministry; State Asset Management Office

Start date: Not specified.....

End date: 31-12-2014

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
4. Overall				✓	✓	✓	✓	✓			✓				✓	
4.1. State Budget proposal, reports, and Annual Report				✓	✓	✓	✓	✓			✓				✓	
4.2. Budget execution report, statistical overviews and Ministry of Finance annual report				✓			✓	✓			✓				✓	
4.3: Citizen guide for key budget documents				✓	✓	✓	✓				✓				✓	
4.4. Guidelines and monitoring for state-owned companies local and regional authorities				✓	✓		✓					✓		✓		
4.5: State budget account payments database				✓	✓		✓	✓				✓				✓

What happened?

In Croatia, there is a lack of fiscal data that is easily accessible understandable by the public. Most of the data available is highly technical and can essentially only be interpreted by experts. Additionally, most of the data available does not follow a uniform standard and, when it includes input from public authorities other than the ministries, is not reported to the Ministry of Finance on time, though the Ministry has a reporting obligation to disclose this information. The main feature of all the activities within this commitment is to secure timely and accurate information on the state budget at various stages of the budgetary process and a guideline to help citizens navigate the published documents.

The Budget Act already mandates most of the commitment activities, along with the calendar of their implementation. The first OGP action plan integrated the indicators from the Open Budget Index (OBI) in order to focus on areas where Croatia achieved lower scores. However, the indicators were not implemented in accordance with international standards and in the time period envisaged by the action plan. Items that were incomplete during the previous action were included in the current action plan, but their requirements and indicators were less strict than recommended by the OBI Survey. As for the OBI, the 2012 survey showed slight improvement for Croatia (61 out of 100, compared to 57 in 2010). The 2015 OBI Survey¹, however, showed a sharp decline for Croatia, from 61 to 53 indicating that the Ministry of Finance has limited itself to traditional forms of financial transparency, which is evident in the lowering of expectations, when comparing the second action plan commitments to the first plan. The Ministry of Finance was reluctant to include these activities because they felt that they were already providing the necessary data, but also that they did not have the necessary staffing and funding capacity for expanding on what they were already publishing, which led to a reduction in the scope of the activities included in the commitment and ultimately limited the overall completion.

Milestone 4.1. (Milestones 4.1., 4.2. and 4.4. in the action plan)

The IRM researcher found there was substantial progress in the implementation of the activities described in this milestone, in agreement with the findings of the government's self-assessment report.

The rationale behind including these commitments was achieving a higher assessment in the Open Budget Index (OBI). According to the 2012 evaluation of the OBI (available at the time the Action plan was drafted), the Government of Croatia provides the public with limited budget information, is weak in providing it with opportunities to engage in the budget process, as is its budget oversight by the legislature. The only positive point is that the budget oversight by the supreme audit institution is adequate. The country summary of the OBI recommendations for Croatia is accessible on their website². The following text provides a brief overview of what was achieved under each of the implementing activities.

Editorial Note: To ensure easier understanding of what was implemented in the observed period, each indicator will have a symbol attributed to it at the end, signifying the level of completion: '+' for „completed“, '+/-' for „limited or substantial completion“ and '-' for „not started“.

Timely publication of the State Budget Proposal

- The proposed budget for 2015 was published in a timely manner on 15 November 2014³. (+)
- The 2015 State Budget Proposal partially contains regulation impact assessments to show how proposals for new legislation, in relation to existing legislation, affect the revenue and expenditure of the budget year⁴. (+/-)
- The Proposal also contains a functional classification of expenditures for the budget year and the year preceding it⁵. (+)
- However, the 2015 State Budget Proposal does not contain the following information (-):
 - the level of public debt in the preceding fiscal year and projections of public debt over the medium term;
 - the structure of public debt and the budget for the previous year;
 - information about contingent liabilities for the budget year (guarantees);

- information on where to find data on the impact of macroeconomic assumptions on budget revenues, expenditures and public debt (sensitivity analysis).

According to the interviewed Ministry officials, all the data pertaining to the last point have been published in a document called Convergence Programme of the Republic of Croatia for the period 2015-2018⁶. Ministry representatives also state that some of the data are contained in the semi-annual and annual reports on the execution of the state budget, which in accordance with Art. 108 of the Budget Act, contains a report on state guarantees issued and expenditure by government guarantees, a report on borrowing in the domestic and foreign money and capital market, an explanation of macroeconomic indicators, an explanation of revenues and receipts, expenditures and expenses. However, while that may be true, the mentioned data was not included in the 2015 State Budget Proposal.

Publication of the report on the execution of the budget, Ministry of Finance monthly statistical overviews and annual report

- Monthly reports that include most significant categories of income and expense are published in a timely manner⁷. (+)
- However, monthly reports according to the organizational classification of the state budget and accounts 3 and 4 of the economic classification were published behind schedule⁸. The economic classification is one of six different classifications proscribed by the Rulebook on Budgetary Classifications⁹, pertaining to revenues and receipts according to their nature, and to expenditures according to the intended use they serve. Economic classification account groups 3 and 4 refer to all kinds of expenses, according to the purpose to which these serve. Expenses of group 3 are management expenses, because funds for financing the budget user's regular management are planned and executed within that group, while group 4 expenses are expenses for the procurement of non-financial property (i.e. plans and execution sources for procurement of long term property, such as buildings, land, transportation vehicles, equipment...). Reasons for the delay in the publishing of the monthly reports (only two were published within the deadline set by the action plan) have to do with the delivery of data on budget execution by level 3 budget users. Namely, they do not make transactions through the unique state budget account, but through their own commercial bank accounts, and deliver data on incomes and expenses to responsible ministries, who then need to summarize the data for all level 3 budget users and then deliver them to the Ministry of Finance. The Ministry of Finance manually enters this information in the state treasury system. These have been included in the state budget since 1 January 2015. The account number pertains to the level of financial accounting of the budget (account 3 is within the responsibility of the Ministry of Finance, and account level 4 is the responsibility of each state administration body). The Ministry representatives state that the delay is due to the fact that state administration bodies are now responsible for expenditures through account 4, which makes it difficult for the Ministry to collect and publish all the reports on time. (-)
- Monthly reports on the execution of the state budget and financial plans of extrabudgetary users according to the GFS 2001 methodology¹⁰ were only partially available in a timely manner. 24.9. available time series for the central government up to

July 2015 were available on 24 September 2015¹¹, but monthly statistical overviews of time series with narrative explanations are available only through December 2014.¹² (+)

Publication of Annual Report on execution of the state budget, with supplements:

- The annual report on the execution of the state budget for 2014 was published in statutory terms¹³. (+)
- In the annual report there are only a few sentences explaining the difference between the original macroeconomic projections for 2014 and the actual macroeconomic indicators.¹⁴ According to the interviewed CSO representatives, this is insufficient for the meaningful information of citizens on important macroeconomic issues. (+/-)

Milestone 4.2. (Milestone 4.3. in the action plan)

The IRM researcher found there was substantial progress in the implementation of the activities described in this milestone. To be more specific, regarding the publication of the report on the execution of the budget, monthly statistical reviews of the Ministry of Finance and the annual report of the Ministry of Finance:

- Annual Reports and Monthly Statistical Reviews are not published on the website of the Ministry of Finance under the "Statistics and Reporting" category, but under the "Publications" category¹⁵. According to the Ministry of Finance, the data has been accessed for many years by certain users, so its position on the website was not changed in order to make it simpler for those users to reach it (+/-)
- Reports according to the the national account plan methodology supplemented by data on revenues were published in a timely manner (Reports for July 2015 were available on 24 September 2015)¹⁶; (+)
- All reports on budget execution are published under the category "Statistics and Reporting" on the website of the Ministry of Finance¹⁷. (+)

Milestone 4.3. (Milestone 4.5. in the action plan)

The IRM researcher found there was substantial progress in the implementation of the activities described in this milestone. Namely, the following information was obtained regarding the drafting and publishing a guide for citizens for key budget documents:

- guidelines for economic and fiscal policy for 2014 and 2015 were not created; (-)
- the draft budget for 2015 and projections for 2016-2017 was created; (+)
- the adopted state budget for 2015 and projections for 2016-2017 were not created; (-)
- the semi-annual report on budget execution for 2013 and 2014 were created; (+)
- the annual report on budget execution for 2014 was created. (+)

All the published data is available on the website of the Ministry of Finance.¹⁸ According to the interviewed government officials, this milestone was not fully implemented for the same reasons described above for Milestone 4.1., namely the lack of administrative staff. This implementation of this milestone was substantial, however while the guides have been created, they are too technical to be useful for citizens interested in understanding key budget documents. If the milestone is completed in its entirety, its potential impact could be moderate.

Milestone 4.4. (Milestones 4.6. and 4.7. in the action plan)

In Croatia, it is difficult to know which companies are publicly owned and at what level because there are multiple registries at different levels of government. Both implementing activities for

this milestone were intended to help develop a register to identify and monitor with the operations of majority state owned companies, local, and regional units. According to the self-assessment report, the implementation of the first activity, meetings between the two lead implementing agencies (the Information Commissioner and the State Asset Management Office) took place, but the actual creation of the register was only started, not completed. Creating a register to monitor the regular and complete publication of the operations of state-owned companies is the more critical component of this milestone. Companies in majority public ownership have been identified and included in the list of public authorities, and the first draft of the instructions (in cooperation with the Institute of Public Finance) was developed, however, after the reporting period. Also, an analytical report on the transparency of work for 43 mostly state-owned companies was drafted, regarding their compliance with the legal obligation to proactively publish information. According to government officials, the distribution of the instructions is expected in June 2016. Therefore, the IRM researcher found there was enough progress in the implementation of the activities described in this milestone to be considered as having achieved limited completion.

Milestone 4.5. (Milestone 4.8. in the action plan)

Development and publishing of publically searchable databases on payments from the single state budget account is a new IT solution that was envisaged to enable broader public access to information on the state budget payments. It also represents one of the key anti-corruption elements and a positive example in those countries that had already launched publically searchable databases. According to the self-assessment report and interviews with stakeholders, the Ministry of Finance completely implemented this milestone, and the database can be found on its website¹⁹.

On the other hand, the IRM researcher found that the implementation of the activities described in this milestone is limited. To be more specific, the database does not contain data on suppliers for the seventeen public bodies that receive funding from the state budget through a dedicated line item in the national budget, with the highest number of payments. Stakeholders interviewed mentioned that these seventeen public bodies were not included in the database because they were too large to be included in the general budget account (they use a special subaccount 632 for their payments, making their data unsearchable at the moment). However, due to their large size and reliance on public funds, their omission from the database calls into question the overall utility of the database as an accountability tool, so in order for the milestone to be considered complete, their inclusion in the database is essential.

Did it matter?

When it comes to the measures and activities regarding fiscal transparency, all of the interviewed stakeholders claimed that the measures in this commitment were highly important and provide a basis for transparency in other important areas. Each has a high level of importance with respect to promoting open government. However, according to interviewed CSO stakeholders, this commitment is a diluted version of commitments in the previous action plan, which were based on Open Budget Index Survey recommendations^[20]. Namely, out of nine previous commitments, six were related to fiscal transparency and participation, ranging from local to state budgets, and encompassing both accessibility of information and citizen participation in drafting and monitoring of budget documents. Compared to that, the issue of fiscal transparency was reduced to one commitment out of 16 in the existing Action plan. Therefore, the IRM researcher found this commitment to be of moderate potential impact overall.

All the interviewed stakeholders agree that the Ministry of Finance is a 'traditional' organization, not very receptive to changes in the way it functions. In addition, it is burdened with massive amounts of work and a poor administrative and financial capacity for effecting those changes, according to interviewed government representatives. One of the reasons for reduced implementation in comparison with the envisaged implementation indicators, was due to the complexity of the multiple activities within the commitment, each of which contained several measurable outputs. Another reason, highlighted by the government representatives, was that the full implementation of many of the activities was dependent on various actors, not just the Ministry of Finance as the main implementing body.

Members of the OGP Council warned Ministry representatives about the delays in implementation of the milestones during the Council sessions. At the same time, the stakeholders acknowledge that the delays in the budgetary process are not a new phenomenon, and also noted that the data published cannot be considered open data, strictly speaking, because they are often published as pdf documents so that any additional analysis requires reformatting. Another comment from the stakeholders relates to the Ministry's website, which they believe is poorly constructed and difficult to navigate.

Milestones 4.1. and 4.2.

The IRM researcher found that while the required information might be publically available, its dispersion through several documents poses a barrier to access to information for all citizens who are not experts in the field or who have little knowledge about how the Ministry elaborates and publishes state budget information. According to the interviewed representatives of the Ministry of Finance, the publication of monthly reports on the execution of the state budget depends on the submission of data from the budget users and delays are therefore possible. As of 1 January 2015, budget users are obliged to inform the Ministry of Finance about the part of their own and earmarked revenues that are exempt from payment on the state budget account. Based on reports submitted, the Ministry of Finance records in the state budget realized own and earmarked revenues of those budget beneficiaries, as well as expenditures funded from those revenues. Given that this process is not supported by the information system of the state treasury, and the large number of users – there are more than 100 budget users, such as universities and institutes, from the Ministry of Science, Education and Sports alone – delays are unfortunately a reality. According to CSO representatives, the monthly reports are sometimes delayed, and their content is not in line with the envisaged indicators from the Open Budget Survey. In addition, there is no descriptive explanation of the data, which makes it difficult for anyone but specialized experts to understand and use the information.

Milestone 4.3.

The drafting and publication of citizens' guides in simple language with easy-to-understand summaries of key budget documents ensures citizens' access to reliable, comprehensive, timely, understandable and comparable information. It provides an opportunity for citizens to obtain complete, important, accurate and easily understandable budget data. Therefore, the IRM researcher found this milestone to have moderate *potential* impact. However, the existing guidebooks for draft budgets and projections are highly technical do not provide sufficient information for the average citizen to be able to understand and use the information provided in the guidebooks. The same criticism can be made for the guidebooks of adopted state budgets and projections as well as economic and fiscal policies. According to the interviewed stakeholders, guidebooks are available for draft budgets and projections. Stakeholders note that guidelines for economic and fiscal policies largely do not contain guidebooks for citizens. Additional work is needed to ensure that the actual implementation of this milestone leads to the publication of guidebooks that provide useful information in a straightforward manner and

that there is sufficient administrative support to produce guidebooks for all relevant policy areas.

Milestone 4.4.

The Information Commissioner stated that the challenge in implementing the second activity of this milestone is in establishing a register, since the necessary data is dispersed in the archives of several competent bodies such as the State Asset Management Office, the Restructuring and Sale Center²¹, the Ministry of Finance, the Ministry of Economy. In addition, the implementing body faces issues, which are difficult to resolve. For example, if a third of a company is owned by the state, and another third by a local or regional self-government unit, it is not currently recognized as majorly publicly owned in the registry of the Ministry of Finance, because the current structure focuses on the one type of ownership either state or local/regional.

This milestone was originally meant to be implemented by the Ministry of Finance, but during the development of the Action plan, the Ministry decided that it would lack the resources for its implementation. The Information Commissioner was put in charge instead, so that the milestone would remain in the Action plan. The interviewed CSO representatives argued that this milestone is too complex for the Information Commissioner, due to administrative capacity concerns, and that it should be the responsibility of the Ministry of Finance, or even the Financial Agency, which is in charge of collecting the annual reports for all businesses in Croatia, whether privately or publicly owned.

Milestone 4.5

According to CSO representatives, the database is somewhat difficult to use, because it requires three search parameters: the personal identification number (OIB), the year and a captcha code (unnecessary since the personal ID number is already a code and a barrier to certain users, e.g. disabled persons). No other parameters are available for search (such as the name of the supplier, etc.), nor can the entire dataset be downloaded (e.g. data for an entire year or a specific supplier) and it takes effort and time to find the personal identification number for a company. Also, according to stakeholders, the explanation as to which payments are searchable is too technically written and obscure for the ordinary citizen, and the seventeen largest public bodies that were not included are users with large transactions, which subsequently cannot be searched. Other potential improvements include creating a 'top list' of supplier, as well as including physical persons who supply goods and services in the database.

The interviewed representatives of the Ministry of Finance stated that they are willing to consider introducing other searchable variables to the database. However, the possibility of implementing such improvements will depend on the insured budget funds in the future.

Moving forward

The IRM researcher recommends further work on the implementation of milestones 4.1., 4.2. and 4.3. (milestones 4.1.-4.5. in the Action plan). These milestones commit to providing information on several different aspects of economic and budgetary data. It may facilitate the implementation of the next action plan if:

- Considering the personnel and financial constraints of the Ministry of Finance, only the activities which are realistic in scope are included in the next action plan, so progress is achieved through smaller but more achievable steps;
- This complex commitment is revised to consist only of the portions that were not implemented in the assessed period (next action plan);
- Activities are added, as suggested by the interviewed stakeholders, to increase administrative capacity, e.g. education of existing employees, new employment,

partnering with civil society organizations in projects and other activities, a more mobile and flexible organization of work, etc. An effort can then be made to involve other competent actors in the implementation of the OGP action plan activities or to adjust the level of ambition to the existing capacities (next action plan);

- The data available was published in a format other than in pdf in order to facilitate the re-use and additional analysis by researchers and other interested audiences. In addition, citizens are certainly interested in budgetary documents, but special effort needs to be made in clarifying and simplifying the manner in which they are delivered.
- In addition, the IRM researcher recommends improving the self-reporting process of the Ministry of Finance so that the challenges in implementation are clearly identified and articulated in the form of lessons learned and recommendations for the next action plan.

The researcher recommends a revision of milestone 4.4. (milestones 4.6. and 4.7. in the action plan) in order to make it easier to implement, by:

- Reallocating responsibility to a public administrative body more capable of implementing the milestone, such as the Ministry of Finance or even the Croatian Financial Agency (existing action plan, if possible, or the next action plan, if the activity requires more time).

The researcher also recommends that further work be done in implementing milestone 4.5. (milestone 4.8. in the action plan) in this Action plan period, as well as for a new activity to be set in the next action plan, in order to build on existing implementation of milestone:

- Amend the existing database, in order to increase searchability of data, considering using the following parameters: name of the supplier, year (all data pertaining to a year), etc.
- Include data on the 17 largest public bodies and extrabudgetary users that are not included in the existing database, if technically and financially possible, as well as data on suppliers who are physical persons;
- Including an analysis of the data, e.g. a 'top list' of suppliers.

1 <http://survey.internationalbudget.org/#profile/HR>

2 <http://www.internationalbudget.org/wp-content/uploads/OBI2012-CroatiaCS-English.pdf>

3 <https://vlada.gov.hr/sjednice/192-sjednica-vlade-republike-hrvatske/15172>

4 <https://vlada.gov.hr/UserDocImages//Sjednice/2014/192%20sjednica%20Vlade//192%20-%201.4.pdf>

5 <https://vlada.gov.hr/UserDocImages//Sjednice/2014/192%20sjednica%20Vlade//192%20-%201.4.pdf>

6 The Croatian Government adopted the document on 30 April 2015, based on Art. 24 of the Budget Act (Official Gazette 87/08, 136/12 and 15/15). The convergence program defines the macroeconomic and fiscal framework of the Republic of Croatia in the current year and the next three years, and by law includes: a) an overview of macroeconomic development; b) presentation of the medium-term budgetary framework that includes projections of the general budget and public debt; c) fiscal risks and sensitivity analysis of movement of shortage or surplus of the general budget and public debt, and d. qualitative and institutional features of public finances. The document is available on the website of the Ministry of Finance both in English: <http://www.mfin.hr/adminmax/docs/CONVERGENCE%20PROGRAMME%202015.pdf> and in Croatian: <http://www.mfin.hr/hr/program-konvergencije>

7 www.mfin.hr/adminmax/docs/Najznacajnije%20kategorije%20rashoda%20DP%20prema%20racunskom%20planu%20I.-VII.2015.xls and

www.mfin.hr/adminmax/docs/Najznacajnije%20kategorije%20prihoda%20DP%20prema%20racunskom%20planu%20I.-VII.2015.xlsx

8 <http://www.mfin.hr/hr/mjesecni-izvjestaj-po-organizacijskoj-klasifikaciji-drzavnog-proracuna-i-racunima-3-i-4-ekonomske-klasifikacije>

9 <http://www.propisi.hr/print.php?id=3226>

10 <https://www.imf.org/external/pubs/ft/gfs/manual/pdf/all.pdf>

11 <http://www.mfin.hr/hr/vremenske-serije-podataka>

12 <http://www.mfin.hr/adminmax/docs/231%20prosinac%202014.pdf>

13 <https://vlada.gov.hr/sjednice/229-sjednica-vlade-republike-hrvatske-17006/17006>

14 See the Explanation of macroeconomic indicators in the 2014.doc at: <http://www.mfin.hr/hr/izvjestaji-o-izvršenju-drzavnog-proracuna>

15 <http://www.mfin.hr/hr/publikacije>

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- 16 www.mfin.hr/adminmax/docs/Najznacajnije%20kategorije%20rashoda%20DP%20prema%20racunskom%20planu%20I.VII.2015.xls and
www.mfin.hr/adminmax/docs/Najznacajnije%20kategorije%20prihoda%20DP%20prema%20racunskom%20planu%20I.-VII.2015.xlsx
- 17 <http://www.mfin.hr/hr/izvjestaji-o-izvršenju-drzavnog-proracuna>
- 18 <http://www.mfin.hr/hr/proracun-za-gradane>
- 19 <http://www.mfin.hr/hr/upit-po-dobavljacima>
- 20 <http://internationalbudget.org/opening-budgets/open-budget-initiative/open-budget-survey/country-info/?country=hr>
- 21 <http://www.cerp.hr/default.aspx?id=7>

★5: Improvements of Transparency and Efficiency in Public Administration Work

Commitment Text:

5.1. Develop the e-Citizen system in components that will enable secure and advanced communication between citizens and the public sector

Implementation indicators:

- establishment of technological solutions for the publication of information on public services for citizens (My administration, in the framework of the Central state portal)
- all state administration bodies have educated persons and use the components of My Administration for the release of public information
- establishment of an organisation system within the state administration for regulating the components of My Administration
- establishment of a basic system for electronic exchange of data in the possession of public sector bodies in one place
- establishment of a user box in the framework of the Central state portal for personal access to information of that person kept by state administration bodies
- number of e-services available to citizens
- number of users

5.2. Publish strategic documents of the Government of the Republic of Croatia in one place

Implementation indicators:

list of strategic documents adopted by the Government, with links to entire documents, published on the Central state portal

5.3. Publish annual work plans and annual reports on the work of state administration bodies

Implementation indicators:

- published annual work plans for all state administration bodies, with clearly listed specific goals and activities associated with public policies and strategic goals in their competent, and planned resources for their implementation
- published annual reports on the work of all state administration bodies based on the monitoring of implementation of strategic plans through the process of (self-)evaluation

5.4. Increase transparency in the area of employment and advancement in the civil service

Implementation indicators:

- establish clear criteria and procedures for admittance and advancement in the civil service, based on competences and real needs of institutions
- establishment of a well-conceived work evaluation system for civil servants that will have a direct impact on advancement, an individual professional development plan, and salaries for individual civil servants
- drafted analysis of application of institutes of the right of privilege during recruitment in public administration

5.5. Increase the transparency of activity of agencies, institutes, funds and other legal persons founded by the Republic of Croatia

Implementation indicators: On the websites of agencies, institutes, funds and other legal persons founded by the Republic of Croatia, the following are regularly published:

- information on their work
- reports which those bodies are required to submit to the line ministries pursuant to special regulations

5.6. Publish comprehensive versions of environmental impact studies on the websites of the competent bodies

Implementation indicators:

- proposal of amendments of relevant acts that commit public authorities to publish comprehensive versions of all conducted strategic and environmental impact studies in their area of competence on their website in a timely manner

Editorial note: In order to simplify the evaluation of the milestones, milestone 5.2. and 5.3. were combined into a single one (5.2.). All subsequent milestones in the table and text below were attributed a smaller number (e.g. 5.4. instead of 5.5. as found in the action plan).

Lead institutions: Ministry of Administration; Government of the Republic of Croatia, Public Relations Service; Agencies, institutes, funds and other legal persons founded by the Republic of Croatia; Ministry of Environmental and Nature Protection

Supporting institutions: State administration bodies; Ministries having competence over such legal persons; Regional self-government units, county administrative bodies/administrative bodies of the City of Zagreb competent for environmental protection

Start date: 1 June-2014.....

End date: 31 December 2014

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
✚ 5. Overall				✓	✓	✓	✓	✓				✓			✓	
5.1. e-Citizen system				✓	✓	✓	✓	✓				✓			✓	
5.2. Publish strategic documents of state administration bodies				✓	✓		✓	✓		✓					✓	
5.3. Transparency in civil service				✓	✓	✓	✓	✓				✓	✓			
5.4. Transparency in agencies, institutes, funds, legal entity activities				✓	✓		✓	✓		✓				✓		
5.5. Environmental impact studies on websites				✓	✓		✓	✓				✓				✓

✪ *Editorial note: this commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment.*

What happened?

Milestone 5.1. (Milestone 5.1. in the action plan)

The e-citizen system has been in the works for several years, and the first version of the system was launched in June 2014, as envisaged by the action plan. It was necessary to establish a technological solution for the publication of information on public services for citizens (at the “My Administration”¹ portion of Central Government portal).

This commitment has been substantially implemented, from the set out time (June 2014). More specifically, the self-assessment report and the interviewed stakeholders agree the technological solution for the “My Administration” portal was available from said time and the education of personnel in 53 public administration bodies using the portal to publish information, was implemented. In addition, an organizational system within the state administration responsible for the administration of the portal was established. The task of co-ordination of gov.hr is the responsibility of the Office of the Prime Minister, the editorial work for the system is performed by the Government Digital Information Documentation Office, and technical support is provided by the Ministry of Administration – Directorate for e-Croatia.

A user box for personal access to information, collected and managed by state administration bodies, was set up and is available to citizens from June 2014. Through electronic services that are currently included in this e-Citizens system², it is possible to: ask for electronic copies of birth certificates, marriage, or life partnership registry; request electronic records of residence or owned vehicles; check one’s registration in the register of voters; control one’s child’s school grades (e-book); check a selected doctor; review the used medication prescriptions; order the European Health Insurance Card; request an electronic employment certificate; learn about the expected amount of one’s pension; calculate the amount of the sum of child allowance(s); engage in open public consultation procedures; search basic cadastral data and apply for issuance of public documents and solving cadastral offices; register as a potential employee; check contributions paid to a personal pension fund; obtain certificates from the Registry of Ensurees; check one’s tax card; check personal data in the system or the Personal Identification Number; administer one’s electronic identity. All in all, according to Government information from August 2015³, since the beginning of the provision of electronic services, starting with initial 14 services, there are now 24 e-services available to citizens in the system, and 38 e-message that can be delivered to every user’s personal user box. In addition, the initial 4 credentials used have now increased to 8 credentials with which it is possible to access the system. The citizens accessed the services 2,771,978 times. The most commonly used e-services is Personal user box with 912,500 entries.

After the period assessed in this report, and according to the self-assessment report, by mid-September 2015, 176,585 users have registered at least once in any of the e-services. All e-services from the start of operation of e-Citizens have been used a total of 2,958,536 times. 105,294 users opened Personal user boxes (10 % of which use mobile phone with Android, iOS and Windows Phone operating systems). The total number of messages sent to all users is 3,066,410. In addition, a Metaregister, with information on public registers, their data types, and authentic information about existing possibilities for electronic data exchange was prepared⁴. The full implementation of the Metaregister⁵ is expected at the end of November 2015.

Milestone 5.2. (Milestones 5.2. and 5.3. in the action plan)

Steps were also envisaged towards achieving greater efficiency and transparency in the activities of public administration bodies through publication of certain key documents (strategic

documents of the Government of the Republic of Croatia, annual work plans, annual reports on the work of state administration bodies). Most of these documents were previously unavailable online or scattered through dozens of public administration bodies webpages. The state administration bodies have a legal obligation to adopt strategic documents in their department, which, after a public consultation, are adopted at the session of the Government, and then discussed and voted upon in the Croatian Parliament. Once a strategic document is adopted, it enters into force eight days after its publication in the Official Gazette. Most of the bodies publish the documents on their official websites, but they (even in the Official Gazette) are not published in one place. Therefore, the activity was to collect these documents and publish them at a unique network location (URL).

The IRM researcher found substantial implementation of this commitment, and within the deadline set by the action plan. In that regard, a unique location (URL) was set up where all strategic documents of the Croatian Government⁶, the ministries⁷ and other strategic documents are published. However, the IRM researcher found that it was somewhat difficult to find the webpage containing the strategic documents of the ministries, due to the fact that the preceding webpage⁸ did not provide a direct link to it. Instead, only the drop-down header menu contains the follow-through link.

According to the self-assessment report and the interviewed stakeholders, documents were collected over a longer period from relevant government bodies, and technically prepared for publication. A unique location was created and the collected documents are regularly updated.

All government bodies also have a legal obligation to draft and publish on their home website: a) the annual work plan for the following year (deadline for publication is 31 December of the current year); b) the annual report for the previous year (deadline for publication is 30 April of the current year). The state administration bodies are obliged to publicly and transparently define their annual activities, thus giving interested citizens direct access to what they plan to do in the next year. The annual reports, on the other hand, give the public an insight into implemented and realized activities, through which they can simply and transparently keep track of what was planned and what was achieved.

However, the IRM researcher found it difficult to ascertain that all the public administration bodies did this, since they have different website set-ups and not all of them are user-friendly. For that purpose, the researcher used the search function of the Digital Information Documentation Office's Central Catalogue⁹, finding over 120 results when searching for "annual work plans" (for 2015) and over 70 results for "annual reports" (for 2014), depending on the search words used. It is clear that the numbers are high, but what is missing is a mechanism making sure that each public administration body actually drafted their reports and made them public.

Milestone 5.3. (Milestone 5.4. in the action plan)

Due to frequent reports of nepotism and corruption regarding employment and advancement in the civil service, as well as affairs that were subsequently uncovered, this milestone was included in the action plan. The activity to increase transparency in the recruitment and promotion in the civil service contributes to the realization of the value of the Open Government Partnership in two areas: access to information and accountability of the public sector so as to enable citizens clear and timely information before during and after the implementation of procedures of employment in the civil service in a transparent the manner and under the same conditions for all.

The IRM researcher found that no actual implementation on this milestone was started. Based on the timeline set by the government, this put the milestone behind schedule. Namely, the self-

assessment report states that work on amendments to the Civil Servant Act began in 2014. The Ministry of Administration sent the draft to state administration bodies for observation and commenting (in September 2014, January 2015 and June 2015). In accordance with the procedural provisions, each time comments and opinions were collected, the Ministry prepared a draft Law on Amendments on the Civil Servants Act.

However, this only indirectly contributes to the implementation indicators stated in the action plan (establish clear criteria and procedures for admittance and advancement in the civil service, establish a well-conceived work evaluation system, and draft an analysis of applying the right of privilege institute during recruitment), as the self-assessment report does not comment on the content of the drafted law.

Also, the interviewed representatives of the Ministry of Administration stated that the Central Payroll Processing System¹⁰, whose publishing might be a positive step in implementing this milestone, was introduced in 2012 and is administered by the Croatian Financial Agency (FINA). Furthermore, this was the beginning of the development and establishment of service, based on the data records of all state and public administration employees (around 250.000) in the form of centralized payroll and human resource management. Unfortunately, the Ministry representatives report that the system is not user friendly, even though requests for using the data are common, and it would be expensive and too complex to publish. However, all data in the system is transparent, and available per request.

Milestone 5.4. (Milestone 5.5. in the action plan)

The activity to increase transparency in the work of agencies, institutes, funds and other legal persons founded by the Republic of Croatia also contributes to the realization of the value of the Open Government Partnership in two areas: access to information, accountability of the public sector so as to enable citizens clear and timely information on the way they operate. This action would also increase the use of technology in increasing transparency and openness of all public sector bodies.

The IRM researcher found limited implementation of this milestone, which also makes it behind on the schedule set by the action plan. According to the self-assessment report, there are several different ways annual financial statements of agencies, institutes, funds and other legal entities founded by the Republic of Croatia are published:

Those that operate as non-profit organizations published their statements in the Register of non-profit organizations¹¹ from 1 January 2015 (Art. 37 of the Financial Operations and Accounting of Non-Profit Organizations Act¹² (Official Gazette, 121/14));

Mandatory publication of annual financial statements is provided for those agencies, departments, funds and other legal entities founded by the Republic of Croatia, with the status of budget and extra-budgetary users;

Art. 12 the Budget Act¹³, provides for the obligation to publish annual financial statements of budgetary and extra-budgetary users on their websites no later than eight days from the date of submission of the report to the competent institution.

However, according to research done by the IRM researcher and the comments of the interviewed civil society and government officials, aside from financial reports, there is no way to ascertain that the competent administrative bodies regularly publish information on their work.

Milestone 5.5. (Milestone 5.6. in the action plan)

The government also envisaged achieving greater transparency regarding comprehensive environmental impact studies. So far not all studies have been published and some controversial ones were even hidden from the general public¹⁴, because there was no legal obligation to publish comprehensive versions of all conducted strategic and environmental impact studies. As a naturally diverse and rich country, Croatia can greatly benefit from openness and transparency in this sensitive area.

The IRM researcher found the milestone fully and timely implemented, in the sense of achieving the implementation indicator, which is very narrow in scope, compared to the wording of the milestone itself.

To be more specific, Art. 166 of the Environmental Protection Act¹⁵ obliges public authorities to promptly publish full versions of strategic studies on environmental impact in their area on their websites. This is the obligation of the competent Ministry, and competent authorities of counties and the City of Zagreb. The Ministry of Environmental and Nature Protection does publish strategic environmental impact assessments and studies on its webpage¹⁶. However, for anyone not acquainted with the way the website is structured, it would be quite difficult to find the relevant documents, since the studies are listed under a title consisting of two acronyms (“PUO i SPUO”), which are abbreviations for “environmental impact studies” and “strategic environmental impact studies”.¹⁷

Did it matter?

The IRM researcher found through own research, the self-assessment report and the comments from the interviewed stakeholders that:

The IRM researcher found that the e-Citizen system has had a significant effect, with over a hundred thousand people opening their own Personal user boxes and millions using the e-Citizens services. This commitment is transformative on all accounts, and is an excellent starting point for increased use of technology and innovation in increasing transparency, accountability and participation, which had not previously been the case in Croatia. Interviewed stakeholders¹⁸ argue that although the system is functional and well conceived, there are glitches in the actual implementation: e.g. there is no warning or sanction for a public servant who failed to accept an e-document (e.g. a birth certificate) because the internal acts have not been amended yet; for some of the services, not all operative systems are supported (e.g. an e-ID card cannot be activated by someone using the Linux operative system), etc.

Strategic documents adopted by the Croatian Parliament are required to be published in the Official Gazette. Any other strategic documents adopted by governmental bodies have to be published in the Gazette if the document explicitly states that it will be published in the Gazette. This means that the majority of government agencies are not obliged to make their strategic documents publicly available in one, searchable portal. This milestone was intended to bring together all strategic documents so that they could be found in one place, thereby making it easier for citizens to search for these documents. Therefore the IRM researcher found this commitment to be a small but incremental step forward in the policy area. However, the IRM researcher found that the body responsible for implementing milestone 5.2. (the Public Relations Office of the Government of the Republic of Croatia) is not effective in gathering information on all strategic documents, and cooperate with all government bodies to directly send information about the plans for publication of strategic documents and their execution.

Stakeholders found that implementing milestone 5.3. could have a potentially transformative impact on reducing nepotism and corruption in the civil service because requires public bodies to publish their hiring plans and give out data on what they did the previous year. Citizens can compare the expectations with outcomes. If fully implemented it would increase transparency

and public trust in the hiring and advancement process of civil servants. This is a very contentious issue within Croatian society as there is a strong perception of corruption in hiring practices. Stakeholders found that the milestone activities were sufficient, however, implementation suffered due to a lack of political will and concerns about the impact of such a change on the public sector so close to an election year. The lack of administrative capacity of the Ministry of Administration was also cited by stakeholders as a barrier to completing this milestone since they are in charge of many registries and the overhaul of civil servant hiring practices is a significant undertaking.

Stakeholders interviewed found that milestone 5.4. was poorly conceived, not enforceable, and requires considerable specialized knowledge to implement. This is evident in the fact that the draft self-assessment report found only two agencies out of thousands of agencies actually implemented the guidelines (they are the only ones that sent the required information, but according to government officials, there are other agencies who implement the guidelines). This indicates that it is practically impossible to monitor the implementation of the activity according to its existing design, since it requires higher capacities. Additionally, the milestone language does not include a responsible authority to check for compliance. The Information Commissioner stated that she took it upon herself to analyze the implementation of this activity, and the Digital Information Documentation Office proposed they be the leading body, alongside the Ministry of Administration and the Government Office for Cooperation with NGOs. The OGP Council proposed that the Information Commissioner take over the implementation of the activity for the 2015-2016 period.

Regarding milestone 5.5, in the past, potentially negative environmental impact studies have been suppressed or only partially published by government agencies. This milestone creates a legal mechanism to oblige agencies to publish the full report on their websites. This provides citizens with a clear legal recourse for seeking information on environment. Stakeholders interviewed found this to have potentially transformative impact for anyone following environmental protection issues in Croatia.

Moving forward

The IRM researcher recommends further work on the basic implementation of milestones 5.2. and 5.3. for the duration of the existing action plan, and their inclusion in the next action plan if implementation is not completed. The researcher also recommends that milestone 5.4. be revised in order for it to be more achievable or measurable. As for milestone 5.1., it is recommended that expanded commitments be based upon its implementation.

Should the Government continue implementation on this commitment in the next action plan, the commitment should include the following components that could be achieved in a two-year span:

- Establishing the Metaregister system, including new electronic services from all public sector bodies, expanding the technical solutions to other users of public services, such as CSOs, private enterprises, foreign and domestic investors, local and regional self-governments where possible, etc. (existing and next action plan);
- The Government Public Relations Office should become responsible for assuring that state administrative bodies actually published their annual reports and work plans (at least at the level of ministries) (existing and next action plan);
- In addition, it should ascertain whether state administrative bodies actually publish their annual reports and work plans, at least at the level of ministries, as the most responsible bodies, since there is no actual monitoring of this milestone;
- The Ministry of Administration should continue basic implementation on all the envisaged implementation indicators in Milestone 5.3., not just drafting legislation (existing and next action plan);

- The OGP Council should name one of the above mentioned bodies as (co-)leader(s) for implementing milestone 5.4. and continue basic implementation (existing action plan). A clear responsible administrative body or bodies, as well as human and financial resources need to be dedicated to this activity in the next action plan.
- The Ministry of Administration should analyze whether the regional self-government bodies are implementing the milestone fully and on time (existing action plan).

1 <https://gov.hr/moja-uprava/22>

2 <https://pretinac.gov.hr/KorisnickiPretinac/eGradani.html>

3 <https://vlada.gov.hr/vijesti/u-sustavu-e-gradjani-kontinuirano-raste-broj-korisnika-i-usluga/17498>

4 The Government of the Republic of Croatia adopted the Regulation on the organizational and technical standards for connecting to the State Information Infrastructure on 24 September 2015. The text of the Regulation is available in Croatian, at: http://narodne-novine.nn.hr/clanci/sluzbeni/2015_09_103_2006.html

5 The full content of data contained in the Metaregister is available at: <http://narodne-novine.nn.hr/clanci/sluzbeni/dodatni/437859.pdf>

6 <https://vlada.gov.hr/pristup-informacijama/strategije-planovi-i-izvjesca/14636>

7 <https://vlada.gov.hr/pristup-informacijama/strategijeplanovi-i-izvjesca/strateski-dokumenti-vlade-rh/17683>

8 <https://vlada.gov.hr/pristup-informacijama/strategije-planovi-i-izvjesca/14636>

9 <http://www.digured.hr/>

10 <https://uprava.gov.hr/centralni-obracun-placa/12961>

11 <https://banovac.mfin.hr/rnoprt/Pretraga.aspx>

12 <http://www.zakon.hr/z/746/Zakon-o-financijskom-poslovanju-i-ra%C4%8Dunovodstvu-neprofitnih-organizacija>

13 <http://www.zakon.hr/z/283/Zakon-o-prora%C4%8Dunu>

14 See, for example: <http://dubrovacki.hr/clanak/32062/objavljena-studija-o-utjecaju-na-okolis-he-ombla>, and <http://heptehnos.hr/hot-news.asp?idvijesti=527>

15 <http://www.zakon.hr/z/194/Zakon-o-za%C5%A1titi-okoli%C5%A1a>

16 <http://www.mzoip.hr/hr/okolis/puo-i-spuo.html>

17 <http://h-alter.org/vijesti/studija-za-golf-na-srdju-nije-zadovoljila>

18 HrOpen and GONG

★6: Improvement of Transparency of Election and Referendum Campaigns

Commitment Text:

6.1. Regulate the legislative and institutional framework of transparent financing of election campaigns.....

Implementation indicators: Proposal of amendments to the Act on Financing Political Activities and Election Campaign on issues that proved to be insufficient during implementation of the Act drafted and adopted at the Government session.

6.2. Regulate the legislative and institutional framework of transparent financing of referendum campaigns..

Implementation indicators: Proposal of amendments to the Act on Financing Political Activities and Election Campaign which would regulate the transparent financing of referendum campaigns drafted and adopted at the Government session.

6.3. Improve the manner of collecting and publishing data on financing political activities and election campaigns

Implementation indicators:

- *develop an application solution for a single manner of collecting data from participants of election campaigns and from participants of regular financing of political activities*
- *development of permanently accessible and searchable databases of Annual financial reports of political parties, independent representatives and bodies (editorial note: members) of representative bodies of local and regional self-government elected from the voter group ballot, and financial reports on the financing of election campaigns of political parties, independent ballot leaders, or leaders of the voter group ballot and candidates, which enables simple searching on various grounds.*

6.4. Improve the process of election of members of voter committees at elections and referendums.....

Necessary resources: HRK 2 million

Implementation indicators:

- *online available application for conducting education of persons for work in voter committees*
- *upon completion of the executed modules of the application for the education of persons for work in voter committees, the creation of an automatic database with the results of the e-exam and other relevant data on education participants (experience, party affiliations, etc.)*
- *priority appointment of the chairperson and deputy of voter committees based on their rank in the database*

Lead institutions: Ministry of Administration; State Electoral Commission (editorial note: the Ministry of Administration is the lead institution for activities 6.1., 6.2. (along with the State Electoral Commission as a supporting institution) and 6.3. (with the State Electoral Commission and the Digital Information Documentation Office), while the State Electoral Commission is the lead institution for activity 6.4.)

Supporting institutions: Digital Information Documentation Office

Start date: Not specified.....

End date: 31 December 2016

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
★ 6. Overall			✓		✓	✓	✓	✓				✓			✓	
6.1: Transparent financing of election campaigns			✓				✓				✓				✓	
6.2: Transparent financing of referendum campaigns			✓				✓				✓				✓	
6.3: Data on financing political activities and election campaigns			✓		✓		✓	✓			✓		✓			
6.4: Improving the process of election of voter committee members			✓		✓	✓	✓	✓			✓		✓			

★ *Editorial note: this commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment.*

What happened?

Milestones 6.1., 6.2. and 6.3.

Continuing the previously achieved progress in the area of transparency of election campaign financing, this action plan envisaged amendments to the current legislation in the areas that have proven to be insufficiently regulated, both in cases of elections and referenda.

The implementation of milestones 6.1 and 6.2 is substantial according to the goals and deadlines set out in the action plan. More specifically, the interviewed stakeholders and the self-assessment report state that the Croatian Government adopted the Draft Law on financing of political activities, the electoral campaign and the referendum at its session held on 26 March 2015, which regulates issues that proved insufficiently regulated in the implementation of the previous law. The law was discussed in the Croatian Parliament on 13 May 2015, voted on 17 May 2015, adopting a Conclusion accepting the proposal of the law, and any comments, suggestions and opinions expressed in the discussion were sent to the Ministry of Administration for proposal of a final draft¹. According to the officials of the Ministry of

Administration, the final proposal is made, and is being harmonized with the opinions of the competent authorities. However, since the Parliament was no longer in session and was dissolved as of 28 September 2015 due to parliamentary elections held in November 2015, there is a risk of postponing the adoption of the amended legislation.

Regarding **milestone 6.3**, the interviewed representatives of the Digital Information Documentation Office stated that the annual financial reports and the financial reports on the financing of electoral promotion are continually published and can be searched on the webpages of the Office². However, the legislative amendment require the publication of annual financial reports to the Office's website, as envisaged by the milestone, was not completed during the first year of implementation.

The interviewed CSO representatives stated that there is not enough political will to push for the proposed amendments, and that the efforts of the Ministry of Administration were only perfunctory. The Ministry of Administration first assessed this milestone as "complete" in the draft self assessment report. However, after receiving comments from GONG and other stakeholders, the final version of the self-assessment report evaluated this milestone as having achieved "limited" completion. Therefore the IRM researcher found this milestone to have limited completion.

Milestone 6.4.

In order to increase the integrity of the election process and to safeguard the independence of the voter committees, the action plan envisioned measures to improve the appointment process of members of voter committees for elections and referendums. The milestone set to establish the online education modules for persons interested to work in the voter committees. The results of the completed tests are to be stored in a database and the rank in the database becomes the criteria for appointing the members in the voter committees. The process of selecting members of committees on elections and referendums is meant to provide equally accessible online education to all interested persons. The e-exam procedure, and candidate ranking allows the appointment of the highest achievers as chairpersons and deputy chairpersons of the polling committees.

The implementation of this milestone is limited and behind schedule. However, evidence indicates that substantial strides have been made in the period after 1 July 2015.

According to the government, the start of the planned activities has been delayed due to the fact that amendments to the Register of Voters Act affecting implementation were still in the legislative procedure (Amendments on the Register of Voters Act were adopted by the Parliament on 25 September 2015³), while certain provisions of the Law on Election of Members of the Croatian Parliament were being reviewed by the Constitutional Court (which adopted a decision on those provision on 24 September 2015⁴). Due to this, activities had to be postponed until these processes were finished, through no fault of the implementing bodies. According to the self-assessment report, the e-learning and training program were to be effective for the Croatian Parliamentary elections on 8 November 2015, in accordance with the Law on Election of Members of the Croatian Parliament.

The IRM researcher notes that at the end of the first year of implementation, this issue was at a standstill. However, following a decision by the Constitutional Court in late September⁵ this commitment was completed and was in effect during the November 2015 election. Government officials stated that since the goal of the activity was to have it implemented at regular elections and possible referendums in 2015, the State Election Commission took all necessary measures to implement the activity in the process of election of Parliament members, which were held in November 2015. The on-line educational module was published on the State Election Commission's and all those interested in participating in voting committees could access it. The

educational material consisted of educational tests and video materials, which covered all aspects voting committees' work, with a possibility of accessing on-line tests. Those who solved the tests were ranked in accordance with the results achieved.

Did it matter?

This commitment represents an important step in improving transparency and integrity of the electoral process in Croatia. Act on Financing of Political Activities and Election Campaigns establishes solid regulation of funding of political parties and election campaigns, but some shortcomings remain. For example, in the past multiple subjects failed to provide election campaign funding information on time. In spite of the legal void regarding the regulation of financing referendum campaigns, and having in mind standards that were already achieved when it comes to election procedures and the financing of political subjects and election campaigns, the State Election Commission undertook additional activities, e.g. called upon all participants in the referendum campaign in December 2013 to publish information on the source and amount of the funds for the referendum campaign, at the latest 24 hours before the day of the referendum, during the implementation of the state referendum. Also, the State Election Commission published the form for reporting this data, in order to assist the delivery of these informations. The reports of participants of the referendum campaign, which were submitted were published on the website of the State Election Commission⁶. The changes proposed in the milestones of this commitment have the possibility of significantly improving the current situation.

Similar to the prior commitments on data confidentiality and employment in public service, and the subsequent commitments on media transparency regulation, this commitment showed that legislative procedure in Croatia is sometimes a slow and painstaking process, requiring coordination of various stakeholders, and a strong consensus on controversial issues such as referendum campaigns, political party financing, and campaign donations.

Moving forward

With regard to transparency of election and referendum campaigns, the IRM researcher recommends resolving the legal void on reporting on the financing of referendum campaigns, similar to obligatory reporting on the financing of political subjects and election campaigns (next action plan).

1 The minutes of meeting are available at: <http://www.sabor.hr/fgs.axd?id=43455> and the details on the Conclusion of the Parliament can be found in point 38.

2 <http://www.digured.hr/Politicke-stranke-i-izbori>

3 <http://www.zakon.hr/z/558/Zakon-o-registru-bira%C4%8Da>

4 <http://dnevnik.hr/vijesti/hrvatska/ustavni-sud-o-izmjenama-zakona-o-izborima-zastupnika-nedopustivi-su-komentari-pojedinih-saborskih-zastupnika---410067.html>

⁶ <http://www.izbori.hr>

7: Transparency in the Area of Youth Policy

Commitment Text:

7.1. Improve the content of the website of the initiative Guarantee for Youth

Implementation indicators:

- review of contracted projects and funds granted and spent for the implementation of initiatives conducted
- Annual implementation report published
- statistical overview of site hits
- section containing information on the work and conclusions of the expert bodies responsible for monitoring the implementation of the Guarantee for Youth created and regularly updated (Intersectoral working group for monitoring the implementation of the Guarantee for Youth; Intersectoral supervisory board for monitoring the Guarantee for Youth)
- information on the scope, manner of work and division of authority between the abovementioned two bodies, published to the set deadline
- number of published conclusions/session meetings in relation to the number of sessions held

7.2. Improve the transparency of the work of the Council for Youth of the Government of the Republic of Croatia

Implementation indicators:

- announcements and minutes from the sessions of the Youth Council of the Government of the Republic of Croatia regularly posted on the official website of the MSPY
- number of published announcements and session minutes in relation to the number of held sessions of the Youth Council of the Government of the Republic of Croatia

7.3. Improve the transparency of the work of the Youth Council

Implementation indicators:

- instructions drafted for local and regional self-government units to develop separate columns on their official websites that will contain all the relevant information in the work of the Youth Council
- list of established Youth Councils published and regularly updated on the official MSPY website

Lead institutions: Ministry of Labour and the Pension System; Ministry of Social Policy and Youth

Supporting institutions: None specified

Start date: Not specified.....

End date: 31 October 2014

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
7. Overall			✓		✓			✓			✓				✓	
7.1: Youth Guarantee initiative website			✓		✓			✓			✓		✓			
7.2.			✓		✓			✓			✓					✓

Transparency in Government Council for Youth work																
7.3. Transparency in Youth Council work			✓		✓			✓			✓					✓

What happened?

Milestone 7.1.

The Youth Guarantee is a new approach to tackling youth unemployment.¹ It ensures that all young people under 25 (whether registered with employment services or not) get a good-quality, concrete offer within four months of leaving formal education or becoming unemployed. The offer can be for a job, apprenticeship, traineeship, or continued education and should be adapted to each individual need and situation. EU countries endorsed the principle of the Youth Guarantee in April 2013.² Since this is a new initiative with significant funding, especially in countries with high youth unemployment such as Croatia, the action plan envisages activities aimed to ensure transparency of the initiative. In order to oversee the initiative, the Government established an Interdepartmental Working Group (IWG) in February 2014.

The implementation of this commitment has been limited and is running behind schedule based on the deadline set by the action plan. According to the representative of the Ministry of Labour and the Pension system, implementation completion is limited in the draft self-assessment report, because only two out of five envisaged results were met. In July 2014 the Council was established for the implementation of the Youth Guarantee Implementation Plan; the Youth Guarantee initiative website³ was started in November 2014 and the Annual Implementation Plan Report for 2014 was adopted and published in July 2015.

The IRM researcher checked the Youth Guarantee website and found that it contains information on contracted projects and funds spent⁴, the Implementation Plan and the Annual Report with information on the scope and methods of work of the Council⁵. However, there is no information on the impact of implemented activities, minutes from the IWG or Council sessions, scope of other activities or the website visitor statistics.

Milestones 7.2. and 7.3.

The Youth Council of the Government of the Republic of Croatia is a government and NGO-sponsored advisory body at the national level participating in the youth policy development.⁶ It monitors the work of ministries and other government bodies in the implementation, monitoring and evaluation of youth policies and provide opinions and recommendations; monitors the development of youth organizations and gives advice on their improvement; advises on the development of youth policies at the local, regional (regional), national and European level, etc. Making information about the work of the Youth Council publicly accessible is meant to help increase youth participation in decision-making process.

Milestone 7.2. is completely implemented, while milestone 7.3. was implemented to a substantial degree. The research by the IRM researcher as well as the Government self-assessment report, the representatives of the Ministry of Social Policy and Youth and civil society organizations, show that in the period from 1 January 2014 to 15 July 2015 the Youth Council held four sessions (14 April, 18 September and 9 December 2014 and 19 March 2015) and the notice of

these meetings was published on the Ministry of Social Policy and Youth website (section Youth, subsection Youth Council of the Croatian Government)⁷. Detailed minutes of all meetings of the Council are also published⁸. According to the self-assessment report, this “increases the responsibility of the Council to the public on the topics discussed and also offers the possibility of feedback from the interested public”⁹.

In addition, the official Ministry of Social Policy and Youth website publishes other relevant information about the work of the Council and related documents:

- The decision on the establishment of the Youth Council;
- Criteria for membership, the nomination and election procedure;
- The decision on the appointment of the Council’s president, members, deputy members and secretary;
- The Council Rules of Procedure, etc.

More specifically to Milestone 7.3 the self-assessment report states that the Ministry of Social Policy and Youth contacted all counties on 27 October 2014 requesting aggregated data for each county (including information on local government units) on established Youth Councils. The collected data was published on the official website¹⁰. However, according to a review done by the IRM researcher, the published tables are mostly empty, save for a few exceptions, e.g the Istrian county. For this reason, the Ministry started re-collecting the data on 6 March 2015 and obtained the required information from all regional (local) government units by 30 April 2015. It plans to publish an annual report on all the established local and regional youth councils. According to the interviewed CSO representatives, the data was gathered but there is still no analysis of the collected data.

Along with collecting the data, the Ministry sent recommendations on the same dates to cities, municipalities and counties to create a separate section on their official website with the relevant information on youth councils, in accordance with Article 23 of the Act on Youth Councils. There is no information available on the number of local and regional self-government units (there are 576 of them) that publish such information on their official websites.

Did it matter?

Making information about the work of the Youth Council publicly accessible is a significant step forward since youth participation in decision-making process is poorer than that of adults. The same can be said of youth councils and advisory bodies that include youth representatives at the regional and local levels, only their activities are even less known and in some cases, the youth councils themselves have difficulties understanding what they (should) do. They act in municipalities, cities and counties, and their role is to determine the problems youth in the local community faces, which they then discuss, advising relevant authorities on issues related to youth, and participating in drafting and implementing of youth programs. Just like in the case of the Youth Guarantee initiative, their work being publicly available and transparent would be of great importance increasing public participation in the work of the Youth Council and the councils at the regional and local levels.

The language of the commitment is very narrow in its scope. The government commitments to improving transparency in the Youth Guarantee Initiative website, and transparency in the work of the Government Council and the Youth Council. The full program, if fully implemented, could have a moderate potential impact on the status quo of youth employment.

However, the policy issue that the government seems to be tackling in this particular commitment is not the full program but the issue of making the youth employment program as transparent as possible. Transparency is an important pre-requisite for effective implementation of the program, but as noted by GONG, the actual uptake of these youth councils is quite

limited. Therefore, while the individual milestones of this commitment are of limited potential impact but that the overall effort towards transparency in the program is of moderate potential impact.

Issues from area of youth policy were included in the OGP action plan for the first time. Out of the three milestones, one is related to a specific European Union related policy (Youth Guarantee), and two are related to collecting and publishing information on youth councils on national, regional and local levels. The impact of the implemented activities could have moderate effects in setting standards of making relevant information available to the public and increasing public accountability in the process. Standards in that regard were already set by publishing information on the Youth Council of the Government of the Republic of Croatia (a pre-existing activity). However, according to the stakeholders from state bodies and civil society a number of issues have hindered the implementation of this commitment. The communication between the Ministry and almost 600 local and regional self-government bodies has been slow and there is a lack of understanding regarding information the Ministry is asking from them. Counties in particular, have a problem in unifying data from cities and municipalities under their jurisdiction. In addition, not all envisaged data is published on the relevant platforms.

Moving forward

According to the representatives of the Ministry of Social Policy and Youth, the remaining information on the youth councils will be published by the end of 2015, fulfilling the commitment in the action plan. However, due to other issues mentioned above, the IRM researcher recommends the following activities could be discussed for inclusion in the next action plan:

- Create an application to be used for collecting and publishing all the relevant data about local and regional councils (their statutes and rules of procedure, who their members are, their contact data, agendas for council meetings, minutes of meetings, activities, projects and events of youth councils, etc.) in the next action plan;

Discuss the benefits of conducting a public campaign aimed at increasing youth's interest and use of information on youth councils on every administrative level. This could be a good educational tool in order to increase youth civil participation.

1 European Commission, Youth Guarantee, <http://bit.ly/1pgtbdG>

2 <http://ec.europa.eu/social/main.jsp?catId=1079>

3 <http://www.gzm.hr>

4 <http://www.gzm.hr/sto-je-garancija-za-mlade/kako-ce-se-financirati/>

5 <http://www.gzm.hr/sto-je-garancija-za-mlade/plan-implementation/>

6 O Savjetu mladih, <http://bit.ly/WvDLUu> [About the Youth Council] and

http://www.mspm.hr/djelokrug_aktivnosti/mladi/savjet_za_mlade_vlade_republike_hrvatske_hrvatske_arhiva_rujan_2012_ozujak_2015/o_savjetu

7

http://www.mspm.hr/djelokrug_aktivnosti/mladi/savjet_za_mlade_vlade_republike_hrvatske_hrvatske_arhiva_rujan_2012_ozujak_2015

8

http://www.mspm.hr/djelokrug_aktivnosti/mladi/savjet_za_mlade_vlade_republike_hrvatske_hrvatske_arhiva_rujan_2012_ozujak_2015/zapisnici_sa_sjednica_savjeta

9 Draft Government Self-Assessment Report, p. 48

10

http://www.mspm.hr/djelokrug_aktivnosti/mladi/godisnji_izvjestaj_osnovanih_savjeta_mladih_pri_lokalnim_i_regionalnim_podrucnim_samoupravama

8: Media Transparency

Commitment Text:

8.1. Improve the legislative framework for transparency and independent work of the media.....

Implementation indicators:

- Proposal of amendments to the Media Act drafted and adopted at the Government session which enables:
- strengthening of the implementation mechanisms for Article 6 (accessibility of public information in a “reasonable” timeframe)
- regulation of the status of journalists in the sense of their protection if they speak out about censure within their editorial offices
- defining the terms on the networking of concession holders and publishers
- transparency of data on the owners of all media to the level of the natural person (register in reusable and easily searchable open code format)
- transparency of annual financial reports of media
- data on publishers that are easily accessible on the publisher's website (impressum), including: ownership structure with shares/associations in other publishers and other types of companies (e.g. co-ownership/close persons/familial relations) and official functions and/or holding functions in a political party by an owner of media; revenue from media activities; editorial office statute; contact information of the editorial office.
- The proposed amendments of the relevant legislative framework will enable decision-making on state subsidies and breaks for individual publishers (Media Act, Electronic Media Act, Value Added Tax Act, etc.).

8.2. Improving the legislative framework for the transparency of electronic media

Implementation indicators: Establishment of legal obligations for the timely release of complete and accurate information on the website (impressum) of the electronic media publisher that includes:

- programme basis, included concession obligations, concession area and broadcast area
- programme scheme, including daily and weekly broadcasting schedule
- contract on the networking of concession holders, including data on responsible editors and network programme schemes
- contact information and/or viewer/listener feedback form

8.3. Increasing transparency and improvement of managing conflicts of interest in the work of Cultural councils

Implementation indicators:

- published records of Cultural councils at the level of the Ministry and local government bodies
- ensuring the application of mechanisms to manage conflicts of interest (e.g. obligation to declare a conflict of interest in records, instrument of self-exclusion from the decision-making process, drafting of a code of ethics, amended decision-making procedures in the case of a declared conflict of interest, etc.)

8.4. Publish concession contracts for the provision of television and radio media services, with tender documentation

Implementation indicators:

- published concession contracts on the provision of television and radio media services, with tender documentation

Lead institutions: Ministry of Culture; Agency for Electronic Media

Supporting institutions: Information Commissioner; Council for Electronic Media; Digital Information Documentation Office; Conflict of Interest Commission

Start date: Not specified.....

End date: 30 June 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
8. Overall				✓	✓		✓					✓		✓		
8.1. Legislative framework for transparent and independent media				✓	✓							✓	✓			
8.2. Legislative framework for transparent electronic media				✓	✓		✓					✓	✓			
8.3. Cultural councils conflict of interest disclosure				✓	✓		✓				✓		✓			
8.4. Television and radio concession contracts				✓	✓						✓				✓	

What happened?

The media, as one of the key actors in preserving democracy and its values, was identified in the OGP action plan as an area that requires intervention in order to ensure greater transparency and independence. It primarily implies certain changes in the legislative framework for media activities. In that regard, the envisioned amendments proposal for the Media Act (followed by the Electronic Media Act, the Value Added Tax Act, etc.) is transformative in its scale and scope, for it might reduce the risk of media monopolies and prevent corruption and backhanded dealings in the media.

Milestones 8.1. and 8.2.

The IRM researcher found the implementation of these milestones was not started during the first year of implementation. According to the self-assessment report, adopting amendments of relevant laws and by-laws would assure that the ownership structure, financial reports, credit structure, concession obligations, program schemes, contracts and other relevant aspects of the media business are public and encourage a proactive and critical attitude towards the media. The

Ministry of Culture envisaged that all the legislative changes should result from a unique media policy.

The Ministry of Culture planned to adopt the media policy in the following phases from March to December 2015:

Publish the National Report on the Media¹ and other working materials² for public media policy discussion;

1. Carry out a series of round tables for public discussion and awareness raising
2. Establish working groups for different issues;
3. Collect all comments – September 2015;
4. Finalizing the amended strategic document and passing through the e-consultation procedure – October 2015;
5. Parliamentary discussion and adoption

Of the five phases, only the first was completed before the end of the assessment period (30 June 2015) and the incomplete actions are the more significant activities. Therefore, the IRM researcher found this milestone to be Not Started. However the IRM researcher has found evidence that progress has been made on phases 2 through 4 in the latter half of 2015. Additional progress will be evaluated in the end of term report.

The self-assessment report and the interviewed representative of the Ministry of Culture both noted that the provisions on media transparency did not prove particularly controversial. However, the media policy creation process stalled the implementation of both milestones. According to several interviewees from both state administration and CSOs, this policy has been “in the works” for three years only to have its launch postponed for an undefined amount of time due to parliamentary elections in November 2015.

Milestone 8.3.

In Croatia, the Ministry of Culture establishes cultural councils for certain areas of artistic and cultural creativity, whose members are cultural workers and artists who with their experience, advice and proposals contribute to the realization of the objectives of cultural policy and proposed measures for its implementation. Cultural councils have been known to be non-transparent in their work, and their members were often not held accountable for any potential or real conflict of interest. This milestone was aimed at transforming the existing situation and ensuring transparency and better access to information to the interested public by publishing minutes of meetings of cultural councils and establishing a mechanism for managing conflicts of interest through declarations of conflicts of interest, self-exclusion from the decision-making process.

The IRM researcher found limited implementation of this milestone, putting it behind schedule compared to the schedule set in the action plan. According to the self-assessment report, the minutes of the meeting of cultural councils and commissions are available on the official website of the Ministry of Culture³. Likewise, the instrument of self-exclusion from a debate in the case of a declared conflict of interest was introduced and implemented.

Milestone 8.4.

The public has long been interested in knowing how concession contracts are awarded, especially for television and radio media services (electronic media). This makes the implementation of this milestone a significant step forward in increasing transparency and right to access information on a public good (radio frequency).

Preparation, scanning and publication of concession agreements is done by the Agency for Electronic Media, which can be found along with tender documents on the Agency’s official website⁴. Given that concessions mean the use of limited public goods, in this instance radio or television frequencies, this allows the interested public to monitor the compliance of the

broadcast and program principles with those mentioned in the tender documents. In this way, the public becomes a kind of corrective tool for the work of the independent regulator, which does not have enough technical or human resources to simultaneously monitor all publishers in Croatia.

The IRM researcher found substantial implementation of this milestone. According to the self-assessment report, all concession agreements are made public on the Agency's website along with the basics of programming for every broadcaster. However, tender-related documentation has not been released to the public, due to the large volume documents. Additionally, all publishers were asked to notify the Agency for Electronic Media as to whether any part of the tender documents are considered confidential. Opinions from all the publishers have been received and the Agency is undertaking a separation procedure to anonymize confidential aspects of the documents.

However, according to the Act on the Right of Access to Information as well as comments received from GONG in the public consultation process, it is apparent that the Information Commissioner is the only competent administrative body that can command the release of documentation in the possession of public bodies to the public (regardless of what the publishers might believe is confidential data).

Did it matter?

Milestones 8.1. and 8.2. were essentially not started, but if they had been implemented, their impact would have been transformative, since media related legislation sets the framework of their rights and obligations, and ensures more protection for the journalists and their respective media. Historically, the media has not been well protected in Croatia and the formulation of a new legislative framework would change the 'rules of the game'. The publishing of minutes from cultural council meetings would be more impactful if they were all available and not partially published, and if such omissions were sanctioned in some way. The other milestone with potential transformative impact is related to publishing data on electronic media providers and their concession information. However, leaving the decision over what will be kept secret in the tender documentation in the hands of the publishers themselves is a misstep of the competent public authority, as it should be determined by the Information Commissioner.

In addition, the implementation of the final two is questionable because of the coming elections and a new parliamentary mandate, which might be less inclined to adopt the proposed strategic document. Also, the level of completion is related to the legislative amendments, not the adoption of a media policy. The interviewed civil society representatives state that there was no political will to adopt this strategy before and the longer the "public discussion" about it goes on, the less likely its adoption is.

The interviewed Ministry representative, however, stated that minutes of meetings are only partially published even though the cultural councils are obligated to keep them. There does not seem to be a sanction for violating their legal obligation to publish minutes of meetings. The councils are required to adopt the previous meetings' minutes at the following meeting, so aside from not being punished for failing to publish their meeting minutes, there is always a necessary information lag. Additionally, the Ministry has no means to assess how many meeting minutes were not published. In addition, the representative stated that the self-exclusion mechanism works, but the conflict of interest issue has to do with the size of the country and the limited number of cultural professionals. Even though there have been proposals to that effect, the Ministry representative stated that opening the meetings to the public would not automatically guarantee transparency but force those that violate the rules into more secrecy.

On the other hand, the interviewed representatives of civil society state that the change of legislature in 2013 replaced a strict conflict of interest prevention mechanism with a soft legal institute, the self-exclusion mechanism. That would make sense only if all the minutes of meetings were published, but they are not (e.g. the last ones are from the beginning of 2015). Also, there is no aggregated or analyzed data on persons who self-excluded themselves due to a conflict of interest. Since the cultural 'pool' is small, "the public is the only fence", according to one interviewee.

Moving forward

In accordance with the all available information, the IRM researcher recommends further work on basic implementation of this commitment as well as revising some of the milestones, should the competent public administration bodies continue implementation in this area in the next action plan:

- Fully implement milestones 8.1. and 8.2. in the duration of the existing action plan, if possible. If not, include the same milestones in the next action plan;
- Make the meetings of the cultural councils public (next action plan);
- Include the Information Commissioner into the implementation of the final milestone, led by the Agency for Electronic Media and publish the tender-related documentation after the Commissioner's input (existing action plan).

The CSO representatives offered the following recommendations:

- Demonstrate political will to improve the legislative framework for transparency and independent work of the media by adopting the media policy or abandoning it in favor of earlier regulation;
- Open cultural council meetings to the public;
- Expand the definition of officials to other appointed members of public bodies, such as the cultural councils, because they participate in public decision-making, so that they may be under the competence of the Committee for Preventing Conflicts of Interest;
- According to the Act on the Right of Access to Information, all public authorities should publish their work meetings (agendas and dates) and the way to publicly follow their meetings;
- The Information Commissioner should be included in the implementation, due to issues in determining what constitutes a confidential information;
- The public tenders should define which information is public, and which is secret.

The self-assessment report envisages the following next steps:

- Changing the media legislative framework, after adoption of the new media policy;
- Publishing complete minutes of meeting of all cultural councils;

The publication of tender documents, keeping in mind that the large number of tender-related documents for over 170 radio and television publishers, the lengthy documentation, and the technical resources required for publication, an even shorter⁵ time is necessary to fully achieve the goal.

1 <http://www.min-kulture.hr/userdocsimages/NAJNOVIJE%20NOVOSTI/Izvjestaj%20-%20Radni%20materijal%201%20-%20Rad%20u%20medijima.pdf>

2 <http://www.min-kulture.hr/default.aspx?id=12069>

3 <http://www.min-kulture.hr/default.aspx?id=13>

4 <https://pmu.e-mediji.hr/Public/PregledTvNakladnici.aspx>

5 Editorial note: this is exactly how further steps and additional information are described in the self-assessment report, however the IRM researcher believes that the correct word is "longer", and the word "shorter" was used by mistake.

9: Improving Transparency of Information on Members of Parliament and Their Work

Commitment Text:

9.1. Improvement of the content of the website of the Croatian Parliament

Necessary resources: HRK 2 million

Implementation indicators: Established technological solution for the website of the Croatian Parliament, such that it includes:

- regular and timely release of complete data on the voting by members of parliament
- overview of voting on laws and acts with total votes and display for each member of parliament with their vote - for plenary sessions
- record for the sessions of boards which should contain alphabetical lists of board member names and indications of how they voted, with information on who attending voting and in the case of voting in the manner that one member deposits his vote with the board chairperson, instead of voting during the time of concluding the discussion at the board, it is necessary to state that person's name, if such a case is stated in the record
- information on the budget and expenditures of the Croatian Parliament
- under information on individual members of parliament, provide insight into the asset record and decision of the Conflict of Interest Commission via a link to the website of the Conflict of Interest Commission (www.sukobinteresa.hr) where the asset records are provided, together with the Commission decision, with the obligatory note that the Parliament is not accountable for the content of that website.

Lead institutions: Croatian Parliament

Supporting institutions: Conflict of Interest Commission (pertaining to the issue of asset records and decisions on conflict of interest for parliament members)

Start date: Not specified.....

End date: 31 December 2016

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓		✓		✓	✓	✓							✓

What happened?

For the purpose of greater transparency of the Croatian Parliament, this commitment envisages steps to improve the Parliament's website. A significant step forward was to be the publication of members individual voting records after each plenary sessions as well as of information on the parliamentary budget and expenditures. Furthermore, information about individual members of parliament, their asset records and possible conflict of interest decisions made by the Conflict of Interest Commission were to be available on the website .

The IRM researcher found implementation of the commitment to be complete, though no new activities have been undertaken during the first year of implementation. According to the self-assessment report, the Croatian Parliament has an established webpage technology which includes:

- Regular and timely publication of complete data on MPs' votes;

- Review of an act's voting process with total votes expressed for each MP – at the plenary session;
- Information on the budget and expenditures of the Croatian Parliament.

The report states that the Parliament plans to fulfill the remaining two implementation indicators (publication of all committee meeting minutes and add links to the MP's assets on the Commission for the Resolution of Conflict of Interest's webpage) by the end of the action plan implementation period in December 2016.

Did it matter?

The IRM researcher found that this commitment would have no potential impact, since it describes an already completed activity and does not demonstrate a 'stretch' in the existing government practice. The plan was assessed as a step forward in the area of transparency and openness of the Croatian Parliament, however, to warrant a higher potential impact would require the publishing of individual "legislative footprints" for each member such as meetings with lobbyists influencing legislative decisions. Additionally In interviews with stakeholders the IRM researcher found that no actual new improvement was made to the website in the first year of implementation. All of the indicators in the commitment language are activities that were already underway before the action plan was started and the updates to that information does not represent a stretch in existing parliamentary practice. According to the comment sent by GONG in the public consultation phase of drafting the self-assessment report, this commitment was "not started". Based on the information gathered from interviewed stakeholders and research done by the IRM researcher, there are several issues regarding improving the transparency of the Parliamentary website that are not addressed in this commitment. Namely:

- There is a risk that the new Parliament members, elected after November 2015, might not be inclined to continue the planned activities, and thus, might not make the necessary changes in the Parliamentary Rules of Procedure;
- The existing technological platform is making it difficult to compare and search data in a usable manner;
- There is a concern that the existing service provider might be an aggravating factor in using available data, due to contractual and technological reasons.

Regarding the second point on the difficulties of comparing and searching data, according to interviewed CSO representatives, the Parliament's website consists of two different websites, which are not well connected. The first is sabor.hr with information on sessions, agendas, MPs and the second is infodok.sabor.hr¹ which monitors the legislative activity of the Parliament. Infodok processes the form and content of all parliamentary acts, phonograms, parliamentary questions and amendments and stores it in a complete form. Based on the data entered into the infodok database it is possible to know at all times at which stage of parliamentary procedure an act is, who nominated it, how the discussion went, which MPs participated in it, what they said, what were the amendments proposed, as well as a number of other data. This division between the data available on two parts of the website is a strong barrier, making the data difficult to search for interested citizens, according to the interviewees.

Regarding the third point, the Parliament, like many Croatian public authorities, uses the services of a private company for their data and web-related activities. A CSO representative noted that this public-private arrangement has led to a situation where the private company often determines how the data is collected and utilized. Even though Parliament owns the information, the private tech companies own the data storage and utilization solutions, which means that they essentially control access to that parliamentary information. This becomes a problem for open parliamentary data because it becomes subject to copyright protections. This means that Parliament does not directly control issues like whether open source technology is used and whether contracts with the private providers are prohibiting open data use. Also,

according to the CSO representatives, the Parliament's budget is insufficient for a new technical solution, making it forced to make incremental changes within the existing technological solution.

Moving forward

The IRM researcher recommends the Croatian Parliament do the following, should it choose to continue with the implementation of this commitment in the next action plan:

- Continue implementing the planned activities in the allotted period;
- Increasing the Parliament's budget in order to mitigate the technological constraints for collecting and using available data;
- Planning for inclusion of "legislative footprint" of each MP, linked with lobbying activities in the Republic of Croatia and in line with the planned preparations regarding legislation on lobbying (see commitment 14).

1 <https://infodok.sabor.hr/index.aspx>

I0: Improving Transparency of Data on Assets of Officials

Commitment Text:

10.1. Computerisation of the work of the Conflict of Interest Commission

Necessary resources: HRK 300,000

Implementation indicators: Through the computerisation of the work of the Commission, tools will be developed allowing the interested public to more easily access information on the assets of officials.

Lead institutions: Conflict of Interest Commission

Supporting institutions: None specified

Start date: Not specified.....

End date: 30 June 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓		✓		✓	✓		✓						✓

What happened?

The aim of this commitment was to develop tools, allowing easier public access to information on the assets of public officials. Electronic submission of public officials' financial reports, allows the Conflict of Interest Commission and the public to better verify the accuracy of the submitted information. This, in turn, allows for greater transparency of officials' property. The Conflict of Interest Commission already had a publicly accessible website¹ with information on public officials' asset declarations which also included information on public servants in management positions in state administration bodies. The IRM researcher found the implementation of this milestone to be completed on time, based on the schedule set by the action plan.

According to the self-assessment report, after the introduction of the computerized system, consistency in presentation of information, as well as the completeness of the data has improved, which has increased transparency. This was confirmed by the interviewed state and CSO representatives.

Did it matter?

The commitment aimed at increasing access to information and public accountability of public officials by using the computerized system for completing and submitting of reports on assets from those officials. Since the data was already published on the Commission's website, technological advances were meant to create an improved system for asset reporting, which is a small but positive step.

The CSO representatives (GONG, HrOpen) also stated that the webpage is clear and informative, but that the decisions made by Commission on individual conflict of interest are presented individually, making it difficult to search according to any other criterion than by first and last name. In addition, all the decisions are binding and independently decided upon, preventing any potential for a conflict of interest. However, the decisions are written in a formal language (stating facts and regulations), with no educational potential for other public officials in potential conflict of interest situations.

CSO representatives interviewed for this report pointed out, that the system can be further improved. The Commission could put more effort into making their decisions on individual cases more informative and educational, and making these documents more easily searchable, for example for scientific or other research purposes.

Moving forward

CSOs recommend that in the next action plan, in order to increase transparency and accountability and improve access to assets of public officials, the Commission might consider: Upgrading the searchability of the Commission's decisions published on its website in order to include topics, locations, articles of the corresponding laws, etc.

1 <https://www.sukobinteresa.hr/>

★ I I: Improving the Consultation Process with the Interested Public in Legislative Procedures

Commitment Text:

11.1. Establishment of a single interactive Internet system for consultations with the public in procedures of adopting new laws, other regulations and acts

Implementation indicators:

- establishment of a single Internet system for public consultations
- draft acts, other regulations and documents for which consultation procedures are held are published in a timely manner on the Internet system for consultations prior to forwarding to the Government adoption procedure
- publication of reports on conducted consultations on the Internet system for consultations
- publication of annual reports on the implementation of Code of Consultations on the Internet system for consultations

11.2. Conduct education of state officials and civil servants in state administration bodies and civil servants in local and regional self-government units on the efficient reporting on consultation results

Necessary resources: HRK 20,000

Implementation indicators:

- annually at least two workshops/seminars on conducting consultations held
- number of state officials and civil servants attending workshops/seminars

11.3. Draw up and publish annual reports on efficiency of application of the Code of Consultation with the interested public in the adoption of new laws, other regulations and acts.

Implementation indicators:

- Drafted and publicly released annual report on the application of the Code of consultation.

11.4. Publish the composition of working groups and committees for drafting laws, other regulations and acts on the Central state portal

Implementation indicators:

- Regularly updated list and composition of all working groups on the Central state portal (on the Internet system for consultation)

Lead institutions: Government Office for Cooperation with NGOs; Government of Croatia - public relations office

Supporting institutions: Ministry of Administration; Information Commissioner; Digital Information Documentation Office; State Public Administration School; State administration bodies (responsible for the drafting of laws, other regulations and acts)

Start date: 1 December 2014.....

End date: 28 February 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
★ I I. Overall				✓	✓	✓		✓				✓			✓	

11.1. Online legislative procedures consultation				✓	✓	✓	✓				✓					✓
11.2. Educate officials and civil servants reporting on consultation results				✓	✓	✓	✓				✓					✓
11.3. Annual reports on efficiency of the Code of Consultation application				✓	✓	✓	✓			✓						✓
11.4: Central portal for groups working on legislation				✓	✓	✓	✓			✓		✓				

✳Editorial note: this commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment.

What happened?

The aim was to further strengthen the implementation of the Code of Consultation, and the provisions of the Act on the Right of Access to Information, which deal with public consultations. The system is meant to empower citizens to monitor the course of drafting an individual document – from the working group phase, to its adoption and publication in the Official Gazette – and provide opportunities to become directly involved during the public consultation procedure by providing comments to the proposed text. In the area of interested public’s participation in shaping public policy, significant progress was already achieved in the first year of the Initiative implementation. The activities envisaged under the new action plan build upon previous work pertaining to the improvement of the public consultation process on the adoption of laws, other regulations and acts. Furthermore, several activities envisaged will further contribute to improving public participation in shaping and monitoring public policy implementation. Primarily, continuing from the commitments of the preceding action plan, a single Internet system was planned for public consultations on new legislative adoption procedures.

Milestone 11.1.

This milestone facilitates access to public consultation and involvement of citizens in consultations. The aim of the milestone is to simplify access to information on all open consultations of government bodies, but also to facilitate the process of commenting by citizens and legal entities. The portal requires a high level of transparency of state bodies considering their obligation to report on the results of consultations, providing explanation for accepted and unaccepted comments. Additionally, e-Consultation increases transparency and openness in relation to the comments of representatives of the interested public, which is visible throughout the consultation process. In addition, the activity is an example of the use of technology and innovation in order to raise the transparency and accountability of the public sector. The IRM

researcher found the implementation of this milestone to be complete, even though behind schedule set by the action plan.

According to the self-assessment report and interviews with representatives of the leading body, IN 2 – a private company – is involved in the creation of the e-Consultations application. The OGP Council and the Council for Civil Society Development served as platforms for disseminating information on all phases of creating the application to stakeholders from CSOs and the private sector. The webpage savjetovanja.gov.hr used for access to the e-Consultation application was presented on 27 April 2015¹, two months after the 28 February deadline set in the action plan. A number of training sessions and professional consultations for civil servants in charge of e-consultation procedures were carried out. In the two months² after the launch of the central portal (through 30 June 2015, the end of the first year of implementation) 1,645 comments on draft laws, other regulations and acts were submitted. In this short period, 84 public consultations were started on the portal, by 17 different government bodies. In the first 60 days over 1,600 users registered, 867 of which are individuals, 419 companies, 126 trades, 80 associations, 33 institutions, 36 cooperatives and another 100 representatives of other legal entities.

Milestone 11.2.

This milestone contributes to raising awareness of civil servants on the benefits of cooperation with the civil society and interested public in general, to the quality of the implementation of public consultation, and access to information on public policies, as well as the involvement of citizens in policy development, because most state officials civil servants will have been introduced with the e-consultation system (and its purpose) for the first time through this education.

The IRM researcher found full implementation of this milestone. In 2015, the Office for Cooperation with NGOs, in cooperation with the National School for Public Administration carried out three workshops named "How to prepare and implement effective consultation with the interested public in procedures of adopting laws, other regulations and acts"³ on 3 March, 9 April and 7 May 2015 with 49 civil servants. Also, after initiating the e-Consultation application, over thirty training sessions were carried out for more than 180 officials from all government bodies. According to the Information Commissioner, the reason for a smaller number of educational workshops carried out are the insufficient capacities of the National School for Public Administration – the number of their programs was reduced along with budget cuts.

Milestone 11.3.

The action plan envisaged that the Code implementation report will be further improved by using data from the integrated online system, so as to further ensure efficient and transparent implementation of public consultations. This milestone contributes to the increase of access to information, and indirectly promotes the increase of citizen participation in decision-making processes. This milestone was a continuation of a milestone from the previous national Action Plan, ensuring its continued implementation. The IRM researcher found that that this milestone was completed and implemented in a timely manner.

The Office for Cooperation with NGOs collected data, in cooperation with the consultation coordinators from government bodies, on public consultation implementation in 2014 and prepared an annual report. In 2014 the Government Office for Cooperation with NGOs in cooperation with the state administration bodies published an annual report on using the public consultation procedure in 2014 but did it by collecting data from different online tools.⁴ The Government adopted the Report on the Implementation of consultation with the interested public in procedures of adopting laws, other regulations and acts in 2014 on 5 March 2015⁵.

Milestone 11.4.

For the purpose of greater transparency of the entire decision-making process, the composition of working groups and committees for the drafting of laws, other regulations and documents was to be publicly released in a single portal. Currently, that information is scattered on different webpages, depending on the policy sector in question. This would be a major step towards increasing transparency, however, civic participation might not be affected as strongly. Existing legislation already requires that working groups be composed of a diverse group of stakeholders. Publishing the names of working group members may help citizens identify if a working group is not in compliance with the law, but the addition of diverse stakeholder voices is not a new development in Croatia.

The preparation of the base of advisory bodies and ad hoc working groups was to be published by the Public Relations Office of the Government of Croatia on the site savjetovanja.gov.hr. According to its representatives, the Office for Cooperation with NGOs took over this activity early in its implementation. However due to the large quantity of data and the difficulties involved in publishing the information in a clear, uniform, and accessible format, Globaldizajn, the private company, which worked on the gov.hr portal⁶, was brought in to develop the database. While some work has been done to develop the database, there were no visible results on the activities under this milestone in the reporting period. According to government officials, the activity was completed in December 2015, due to the fact that a database on the required information was developed, enabling a more clear and searchable format. The IRM researcher, therefore, found this milestone to be essentially 'not started' during the reporting period, which put it behind schedule, according to the action plan timeline.

Did it matter?

According to the self-assessment report and the interviewed state officials, it is expected that the use of e-Consultation will continue the positive trend in increasing the number of public consultation, as well as the number of those who participate in them, and that has been recorded in the last few years. Also, improvement is expected in the qualitative sense, considering that all comments are immediately viewable to the public, could contribute to the development of public policies in Croatia. Also, work on educating state officials and civil servants is already being done by the Government Office for Cooperation with NGOs and the National School for Public Administration. According to the action plan, these education programs will continue, which may have a large effect on transparency and openness of public administration bodies to public participation, due to a change in the prevalent organizational culture.

However, based on the evidence, it does not seem that these milestones, even if fully implemented (as a majority of them are) would really transform the status quo. Problems arise from the quality of the process (how many comments are adopted, whether explanations for (not) adopting comments are meaningful, the inclusion of local and regional self-government units, the relatively rigid registration procedure into the system, the difficulties in collecting data on working groups and legislative act committees in order to publish them, etc.

Moving forward

The following next steps were mentioned by the self-assessment report for all four milestones:

- Work on upgrading e-consultation application in accordance with the needs of users, both citizens and civil servants. Training of civil servants to work in the system and provide technical support in the implementation of consultation to users;
- Continue work on the implementation of the workshop;

- Data collection and reporting for 2015 should be completed by February 2016, and then done continuously afterwards;
- Data collection, preparation and publication of the database should be done by the end of 2015.

In addition, the interviewed stakeholders mentioned the following issues regarding the implementation of commitment:

- The e-consultation procedure works well, but questions arose about the follow-up procedures: how many comments which were accepted were actually adopted in the proposed legislation, how meaningful are the explanations given to comments and how valid and true, etc.;
- The local and regional self-government units should also implement this procedure, however the office for Cooperation with NGOs is not competent in that regard. There are large differences in capabilities between cities in Croatia and the larger ones at least should be more included;
- The registration procedure for commenting on the e-consultation application should be simplified and less rigid. However, in the government officials' opinion, the procedure is very simple and one time only, since it requires basic information on the person or organization commenting;
- The annual report should portray absolute numbers, not just ratios and relative comparisons, since the numbers grew from "humble" beginnings when the e-consultation procedure first started;
- The activity described in milestone 11.4. Should be changed because it is not a long-term or systematic solution. A possible solution might be the creation of a portal or application which would simplify and unify the procedure of data entry. The government stated that although this is not possible within the current solution, improvements regarding the updates will be considered in the next national action plan

Also, in line with the comments from stakeholders and based on own research, the IRM researcher recommends the following be discussed by the Government during preparation of the next action plan:

- Include a mechanism for justifying why some comments are rejected, instead of simply stating "not possible" or "irrelevant";
- Create tools for stimulating greater participation from local and regional self-government bodies (at least for the bigger cities and/or counties) and carry out training sessions for employees who are in charge of the consultation procedure (next action plan);
- Discuss the possibility of creating a simpler application, instead of individual data gathering from all government authorities on working groups and committees and their appointed members, where each competent government body would be in charge of submitting the data as it occurs/changes (next action plan);
- Including absolute numbers regarding the e-consultation procedure in the 2015 report and all subsequent reports (existing action plan and on).

1 <http://www.pristupinfo.hr/bolja-kvaliteta-savjetovanja-s-javnoscu-predstavljanje-sredisnjeg-portala-e-savjetovanja/>; <https://vlada.gov.hr/vijesti/ministar-bauk-portalom-e-savjetovanja-gradani-mogu-direktno-utjecati-na-donosenje-odluka/16860>

2 <https://savjetovanja.gov.hr/vijesti/u-prva-dva-mjeseca-1645-komentara-na-nacrte-propisa-na-sredisnjem-portal-e-savjetovanja/1130>

3 <https://www.dsju.hr/dsju/calendar/workshop/detail/kako-pripremiti-i-provesti-ucinkovito-savjetovanje-sa-zainteresiranom-javnoscu-u-postupcima-donosnja-zakona-drugih-propisa-i-akata-90>

4 <https://vlada.gov.hr/UserDocImages/Vijesti/2015/travanj/27%20travanj/e-Savjetovanja%20prezentacija%20Ured%20za%20udruge.pdf>

5 <https://udruga.gov.hr/vijesti/izvjesce-o-provedbi-savjetovanja-sa-zainteresiranom-javnoscu-u-postupcima-donosnja-zakona-drugih-propisa-i-akata-u-2014-godini/2830> and
<http://www.uzuvrh.hr/vijest.aspx?pageID=1&newsID=3219>
6 <http://www.netokracija.com/globaldizajn-gov-hr-53573>

I2: Ensuring the Sustainability of Values and Content of the OGP Initiative

Commitment Text:

12.1. Inclusion of the values and content upon which the initiative Open Government Partnership is based in the Curriculum programme for civil education.....

Implementation indicators: The values and content upon which the initiative Open Government Partnership is based included in the curriculum for civil education, particularly in the area of anti-corruption, achieving the right of access to information, and the inclusion and participation of citizens in decision-making processes.

Lead institutions: Ministry of Science, Education and Sport

Supporting institutions: Education Agency; National OGP Council

Start date: Not specified.....

End date: 31 December 2014

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓			✓						✓		✓		

What happened?

This commitment aims to introduce the open government values in the civic education curriculum. The issue of civic education in Croatia has been a highly debated topic for years. Civil society organizations dealing with human rights, anti-discrimination, anti-corruption, openness and transparency advocated for civic education to be introduced into schools as soon as possible.¹ Pilot-projects were launched and good practice examples were used to improve the proposed curriculum. The program was expected to be used as a new school subject in September 2014, but with a change of the Minister of Science, Education and Sport in June 2014, this process was halted, and the topics intended to be taught as a single subject are now cross-curricular, with a final decision on the method of implementation still to be decided upon. This has delayed the implementation of this commitment, resulting in a limited completion level.

The action plan committed to include OGP values and content into the curriculum program for civic education, including anti-corruption, right of access to information and civic participation in decision-making processes. The self-assessment report states that the Decision on the adoption of cross-curricular and interdisciplinary content of civic education for primary and secondary schools (Official Gazette No. 104/2014.) determines that the contents and themes of civic education are conducted in the framework of cross-curricular implementation. In July 2015 an Expert Working Group was formed for drafting the Curriculum of cross-curricular topics in Civic Education. Civic education in the 2015/2016 school year will be implemented through a cross-curricular implementation and as an experimental elective program in the 8th grade of primary school. The draft self-assessment report proceeds to list the steps undertaken in implementing this commitment in high detail, according to six main areas of progress:

1. The Agency for Education in collaboration with the Department for the citizens of the Croatian Parliament organized a muster of civic education projects, "Civic Education in Action" on 15 December 2014, and at the beginning of the 2014/2015 school year the Agency for Education launched a briefing and training of educational staff in primary and secondary schools;
2. Professional training for the implementation of the Program was organized in 250 national, inter-county and county expert meetings in 2014 and 2015 – for headmasters, teachers and expert associates in primary and secondary schools (a total of 9,938 persons were trained);
3. Processes of teaching and learning that lead to the development of civic competences of planning, classroom management, teaching, assessment, project planning and cooperation with the local community, government officials, cultural activities, professionals, entrepreneurs, economic operators, NGOs, religious communities; methods of teaching and learning civic education;
4. Educational and teaching materials have been published on the website of the Agency for Education²;
5. The competent public authorities are participating in various international projects related to civic education;
6. A system of mandatory reporting to competent state authorities (ministries, government offices and the Parliament) is set up.

According to interviewed representatives of state administration bodies, civic education was not introduced in school programs in the 2014/2015 school year, so the topics mentioned in the commitment were not covered in primary and secondary schools. It remains to be seen what the implementation will look like in the 2015/2016 school year. The interviewed CSO representatives concurred with that conclusion, and stated that most of the programs currently proposed have more ecological-cultural-heritage contents than ones dealing with human and citizen rights. GONG in particular stated that they support a single-course program in lieu of the cross-curricular ones.

Did it matter?

This commitment will have a transformative potential impact if it is implemented as originally envisaged.

Although the commitment is potentially transformative as envisaged, the current inactivity regarding implementation and indecision on method of delivery will diminish the actual impact. Preparatory activities were carried out and according to the self-assessment report, the first programs will be introduced into schools in the first trimester of 2016 (January-March). It remains to be seen whether those programs will contain the envisaged OGP values and content. If and when the OGP values and content are included in the civic education curriculum, it should be an "ongoing" process.

Moving forward

Based on the findings, and the comment submitted in the public consultation process for drafting the self-assessment report, the IRM Researcher suggests that the Ministry of Science, Education and Sport considers the following recommendation:

- The government should implement this commitment as envisaged;
- The competent public authority (the National Center for External Evaluation of Education) should publish its report on the implementation of the cross-curricular civic education program, in order to assess the actual completion of the commitment in the 2015/2016 school year (next action plan).

¹ Agencija za odgoj i obrazovanje, Kurikulum građanskog odgoja i obrazovanja, kolovoz 2012., <http://bit.ly/Wv7rRD>
[Agency for Education, Civic Education Curriculum, August 2012]

² www.azoo.hr

★ I3: Participation in Drafting the New Anti-Corruption Strategy

Commitment Text:

13.1. Develop a new anti-corruption strategy

Necessary resources: HRK 50,000

Implementation indicators:

- decision of the Government/Ministry of Justice on the establishment of a working group/coordination body for managing the process of drawing up the Draft strategy
- detecting corruption risks in all sectoral areas encompassed by the Draft of the strategy
- formation of sectoral teams for drawing up the draft strategy
- public consultation conducted on the draft strategy
- number of staff of public authorities included in the process of drawing up the draft strategy
- number of civil society organisations included in the process of drawing up the draft strategy
- draft strategy drawn up before 30 September 2014
- strategy adopted by the Government before 30 December 2014

Lead institutions: Ministry of Justice

Supporting institutions: Information Commissioner; Conflict of Interest Commission; Ministries

Start date: Not specified.....

End date: 31 December 2014

★ Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓		✓	✓					✓					✓

★ Editorial note: this commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment.

What happened?

The previous Anti-Corruption Strategy was in place since 19 June 2008, with several action plans aimed at achieving its goals.¹ The previous strategy was a time-limited strategic document and a hold over from the previous administration. In early 2013, the Ministry of Justice announced that a new Anti-Corruption Strategy was to be drafted,² however, the drafting process did not start until June 2014, when a working group was set up for drafting the new anti-corruption strategy. This commitment includes activities intended to shepherd the new anti-corruption strategy from the drafting phase through to adoption by government.

The IRM researcher found that this commitment was completely and timely implemented. A Coordinative Working Group was established in June 2014 for drafting the Anti-Corruption Strategy, composed of representatives of bodies whose area of activity directly addresses the issue that is the subject of the Strategy. The task of the sectoral working groups were to analyze sector corruption risks, determine sectoral objectives and develop a sectoral report. In the period from 31 October to 30 November 2014, the process of public consultation on the proposed draft anti-corruption strategy took place.

The draft strategy and the accompanying form for participation in the consultation were published on the website of the Ministry of Justice³. Throughout the consultation with the

interested public, there were two thematic round tables (one on 19 November 2014⁴, the other on 9 December, 2014). In addition, other thematic meetings were held on this topic in November and December 2014. After the proposal of the Strategy was finalized and the Strategy was adopted on 27 February 2015 (Official Gazette, No. 26/2015), the next step was the development of the accompanying action plan. It also went through a period of public consultation (from 22 May to 21 June 2015) on the e-Consultation portal⁵ and was adopted on 16 July 2015⁶.

According to the self-assessment report, the new strategy is focused primarily on the prevention of corruption or spotting systematic errors that encourage corrupt activities, taking into account a sectoral approach. Furthermore, the strategy was based on the participation of stakeholders from all relevant public authorities, CSOs, the media and social partners who together identified high-risk business processes and causes of irregularities within the system. This participatory and sectoral approach is reflected in the activities so far undertaken in the preparation of anti-corruption strategy.

The interviewed stakeholders all stated that the described process was open and participative and that the finalized documents represent an example of good practice, with the representatives of GONG emphasizing that the Ministry of Judiciary mostly worked in line with GONG's proposal for a participative approach to the creation and adoption of the Strategy.

Did it matter?

This commitment has been evaluated as having a transformative potential impact. Corruption is quite prevalent in Croatian society. The Corruption Perceptions Index ranks Croatia as 61st out of 175 countries – a drop from its position in 57th place in 2013⁷). The new Strategy sets a number of priorities for the next six-year period which relate primarily to administration, local and regional (regional) governments, companies in majority state ownership, public procurement, access to information, conflict of interest and the role of civil societies and the media in fighting corruption, the Strategy provides specific key thematic areas to guide anti-corruption efforts in the coming period⁸. Sector specific areas in the Strategy are: the judiciary, the economy, public finance, agriculture, health, science, education and sports as well as infrastructure, environment and transport.

Since the action plan for implementing the new Anti-Corruption Strategy was only adopted on 16 July 2015, the full effect of the strategy on combatting corruption remains to be seen. However, judging by the positive responses from stakeholders on the development process and the available material on the content and organization of the strategy, the IRM researcher concludes that the process had a definite impact in the preparatory phase, raising the standard of participatory decision-making on an important cross-sectoral policy issue of reducing corruption.

Moving forward

Considering the fact that the action plan for the implementation of the Anti-Corruption Strategy for the 2015-2020 period was adopted after the period observed (1 July 2014 – 30 June 2015), the IRM researcher recommends that a report evaluating the implementation of the anti-corruption action plan be included in the self-assessment report for the 2015-2016 period of the OGP action plan implementation.

1 Strategija suzbijanja korupcije, Narodne novine, 19. lipnja 2014., <http://bit.ly/1qyilm4> [Anti-Corruption Strategy, Official Gazette, 19 June 2014]

2 Ministarstvo pravosuđa, antikorupcija.hr, <http://bit.ly/1xuSyjF> [Ministry of Justice]

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- 3 <https://pravosudje.gov.hr/pristup-informacijama-6341/savjetovanja-sa-zainteresiranom-javnoscu/okoncana-savjetovanja/okoncana-savjetovanja-2014-godine-7897/7897>
- 4 <https://pravosudje.gov.hr/vijesti/odrzan-okrugli-stol-na-temu-strategije-suzbijanja-korupcije/7601>
- 5 <https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=1155>
- 6 <http://www.propisi.hr/print.php?id=13679>
- 7 Transparency International Hrvatska, Indeks percepcije korupcije, 3. 12. 2014., <http://bit.ly/1PPucW> [Transparency International Croatia, Corruption Perceptions Index, 3 December 2013]
- 8 <https://pravosudje.gov.hr/UserDocsImages/dokumenti/Javna%20savjetovanja/nacrt%20prezentacija%20okrugli%20stol%20HUP%20final-a%5BEurirano.pdf>

I4: Regulation of Lobbying

Commitment Text:

14.1. Drafting the analysis of the legislative framework in the area of lobbying

Implementation indicators:

Drafted analysis of the legislative framework in the area of lobbying and accordingly, procedure of amending the existing act or drafting of a new one initiated.

Lead institutions: Ministry of Justice

Supporting institutions: Information Commissioner

Start date: Not specified.....

End date: 31 December 2014

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
				✓		✓	✓	✓			✓		✓			

What happened?

Anti-corruption policies in Croatia have at first been heavily influenced by the accession into the European Union and the related negotiation process, and have been expressed in subsequent national anti-corruption strategies. Part of those efforts is the attempt to regulate the activity of lobbying.

There currently exists no law regulating lobbying in Croatia. Adopting the law on lobbying has been on the political agenda for years, with most stakeholders supporting its adoption but with only few actually pushing for ratification. Notable exceptions include Transparency International Croatia¹ and the Croatian Lobbyists' Association², which even drafted its own legislative proposal³.

The IRM researcher found that this commitment was not started. At the beginning of 2014 the Ministry of Justice announced that it would start drafting an analysis of the existing legislative framework and pursue further action such as either amending the existing legislation or drafting a new law, dedicated specifically to lobbying. However, in the self-assessment report by the Government, this activity was marked as "not started". The interviewed stakeholders from the Ministry of Justice stated that the delayed start of this activity is related to the adoption of strategic documents in the field of combating corruption (the aforementioned Anti-Corruption Strategy, commitment 13). Ministry of Justice officials stated that work is currently being done in preparing the analysis, and the results and conclusions of the analysis will determine further steps related to the field of lobbying.

Research by the IRM researcher found that the commitment has been included in the Anti-Corruption Strategy for the 2015-2020⁴ Period, as well as the respective action plan for the 2015-2016⁵ Period, implying that the commitment is still on the agenda for the relevant Ministry. This was also confirmed by the interviewed Ministry representative who stated that its implementation is planned for the fourth quarter of 2015 in the Anti-Corruption action plan.

Did it matter?

The issue of transparency in lobbying is important due to the lobbyists' wide influence over decision-making processes. The Ministry of Justice's analysis of the existing legislative framework regarding lobbying, and other relevant areas, such as the management of the conflict of interest and existing ethical codes, was to be the starting point for the better regulation of lobbying in Croatia. Yet, reforming the lobbying law has clearly been an important issue for civil society stakeholders for a while, though they have had limited success in getting their legislative proposals on the Ministry of Justice's agenda. The interviewed representative of the Croatian Lobbyists' Association stated that the commitment activities were not on the Ministry of Justice's list of priorities⁶, and that none of their own initiatives in the past year have been successful. Those initiatives include several meetings with representatives from the relevant Ministry, other state bodies and members of the Croatian Parliament, submitting a draft on the lobbying act to the Prime Minister and the Croatian Parliament in May 2015⁷, promotion through the European Commission Representation in Croatia, conferences and visits by colleagues from Austria and Slovenia.

Setting a baseline for the regulation of lobbying would have a moderate potential impact on lobbying in Croatia, because it commits to analyze areas for reform, but not necessarily to implement those reforms. The commitment implementation was not started in the first year of Action Plan implementation..

Moving forward

Given that both the stakeholders from the government and from non-governmental bodies consider the reform of the regulation of lobbying to be an important issue in increasing transparency and public accountability, the IRM researcher recommends work be started on the implementation of this commitment.

In addition, the next action plan can aim for a transformative step further – the regulation of lobbying, based on the analysis – since the implementation of the current commitment is to be finalized by the end of 2015, according to the Anti-Corruption Strategy action plan for the 2015-2016 Period. A similar next step was included in the Government self-assessment report: "Drafting an analysis of the legislative framework in the area of lobbying and, accordingly, initiating the process of amending of existing laws or drafting a new law".

¹ <http://transparency.hr/hr/clanak/tih-apelira-na-izvrsnu-vlast-da-regulira-lobiranje/245>

² <http://hdl.com.hr/>

³ Hrvatsko društvo lobista zatražilo podršku predsjednika Josipovića za donošenje Zakona o lobiranju, 23. 7. 2014., <http://bit.ly/1oggOwn> [Croatian Lobbyist Association asked President Josipović for support in passing the Law on Lobbying, 23 July 2014] (Accessed on 2 September 2014)

⁴ http://narodne-novine.nn.hr/clanci/sluzbeni/2015_03_26_545.html

⁵

<https://pravosudje.gov.hr/UserDocsImages/dokumenti/Strategije,%20planovi,%20izvješća/Akcijski%20plan%20za%20%202015%20-%202016.pdf>

⁶ <http://hdl.com.hr/zakon-o-lobiranju-u-hrvatskoj-nismo-li-cekali-dovoljno-dugo/>

⁷ <http://hdl.com.hr/lobisti-zele-zakonom-sprijeciti-sumnjive-dogovore-ispod-stola/> and <http://liderpress.hr/biznis-i-politika/hrvatska/pocetak-regulacije-lobiranja/>

I5: Improving Efficiency of the Ministry of Interior's Complaints Commission

Commitment Text:

15.1. Amend the Police Act

Implementation indicators: Drafted proposal of amendments to the Police Act in the part of provisions of the Act regulating the work of the Complaints Commission of the Ministry of the Interior.

Lead institutions: Government of Croatia, Ministry of the Interior

Supporting institutions: None specified

Start date: Not specified.....

End date: 30 June 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
		✓				✓	✓			✓					✓	

What happened?

This commitment seeks to strengthen the civil supervision over police work and to ensure greater efficiency of the Complaints Commission of the Ministry of Interior.

The commitment however did not explicitly specify how civil supervision over police work would be improved, or what the revised role the Complaints Commission of the Ministry of Interior would have in this aspect.

The envisaged amendments to the Police Act detail the complaint procedure in cases where there is a reported violation of rights or freedoms in the exercise of police powers. The amendments were to prescribe:

- the organizational units responsible for internal control of the Ministry of the Interior, in case of dissatisfaction of the complainant with the content of information on the established facts;
- the introduction of commissions in police departments, which would significantly relieve the previously existing Complaints Commission of the Ministry of the Interior.

The IRM researcher considers the commitment as significantly completed, even though the implementation indicator is limited to amending the Police Act, which was fully implemented.

The Law on Amendments to the Police Act entered into force on 1 April 2015¹. The Ordinance on the Method of Work and Dealing with Complaints and the Work of Complaints Commissions was adopted on 10 July 2015².

The Government self-assessment report states that the Ministry of Interior expects a more efficient functioning of the new complaints commissions, compared to the previous one, and a more effective control over police enforcement. The appointment of said complaint committees is in progress. The appointment procedure is as follows:

- Commission members are first nominated by civil society organizations;

Commission members are then nominated by the Human and National Minority Rights Committee of the Croatian Parliament, after which they are appointed by the Parliament.

The Ministry of Interior considers that this procedure might present a risk, because it may take a significant amount of time to appoint all the commissions, but otherwise believes it to contribute to the general expectations mentioned above. The interviewed non-governmental stakeholders state that the commitment was completed to a significant degree because its purpose – effective civil control over police enforcement – can only be achieved once all the commissions are appointed.

Did it matter?

This commitment has been evaluated as having a minor potential impact. This is largely as a result of the commitment not detailing specific and measurable milestones on how the envisaged revision of the Police Act will improve civil oversight of police work.

The interviewed representatives of civil society recognize additional risks:

- The Police Act does not define the authority of the commissions in a clear manner, e.g. the Act does not define the power of access to all data collected by the Ministry of the Interior, nor are there clear mechanisms to force a police official to respond to a summons by a complaints commission;
- The Act does not recognize a candidate's contribution to the protection and promotion of human rights as an important prerequisite for appointment;
- There is no compensation for members envisaged for work done in the commission; The members of the Complaints Commission of the Ministry of Interior are under a lot of pressure, so the Ministry should consider increasing the number of members to five and,
- Seek ways to increase the independence of the Commission by transferring the body to the Croatian Parliament instead of the Ministry.

Moving forward

The relevant authority believes the next step to be the appointment and work of the complaints commissions on the police department level. The IRM researcher recommends a follow-up of this commitment in the next action plan, concerning the openness and transparency of the commissions' work, by publishing:

- Including measurable milestones for the Acts implementation;
- Clear and accessible data on appointments;
- Clear and accessible data on the work of the commissions (sessions, number and type of cases worked on, annual reports, etc.).

Also, in line with other comments from the interviewed CSO representatives, during the process of creation of the next action plan, the Ministry may discuss the possible benefits of:

- Introducing a compensation for commission members;
- Increasing the number of commission members;
- Transferring the commission from the jurisdiction of the ministry to that of another state body, such as the parliament, in order to increase its independence.

¹ http://narodne-novine.nn.hr/clanci/sluzbeni/2015_03_33_678.html

² http://narodne-novine.nn.hr/clanci/sluzbeni/2015_07_78_1515.html

I6: Promoting Civil Participation in the Work of Civil Society Organizations

Commitment Text:

Develop a mobile telephone application for the purpose of informing citizens of the possibility of participating in the work of civil society organisations in the local community

Necessary resources: HRK 40,000

Implementation indicators:

- development of a mobile telephone application that enables citizens to search which societies are in their vicinity and provides information on their work and activities, and the possibilities of inclusion, and their contact information, and how to get involved in their work
- number of application users

Lead institutions: Government Office for Cooperation with NGOs¹

Supporting institutions: None specified

Start date: Not specified.....

End date: 31 March 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓		✓	✓		✓			✓					✓

What happened?

There are over 50,000 civil society organizations registered in Croatia, with extremely varied activities and scope of citizen involvement.² This commitment aims to inform citizens about the possibilities of becoming involved with civil society organizations through a mobile telephone application, which would allow citizens to quickly and easily obtain information on associations' activities in their local communities.

The IRM researcher found this commitment to be fully implemented, although slightly behind schedule, based on the timeline in the action plan. According to the commitment language, the application was supposed to be released by 31 March 2015 but instead was not made available until 27 May 2015. However, since the application was available before the end of the first year of implementation (30 June 2015), the IRM researcher still considers this commitment to be complete.

According to the self-assessment report and the interviewed representatives of the Government Office for Cooperation with NGOs, the application design was coordinated with the Ministry of Administration, which has given its approval for the use of data from the official Register of Associations³. The application itself was developed in cooperation with the company IN2, which maintains the official Register of Associations. Its main objective is to provide citizens with a tool that will help them browse and search through activities of associations they are interested in. The data includes the place and time events are being held, the information contained in the register of associations, including contact data. The application UdrugelInfo⁴ was presented to the public on 27 May 2015, the eve of the civil society organizations' Open Door Days⁵ for 2015.

Did it matter?

The commitment contributes to increased access to information by encouraging citizens to participate in the work of civil society organizations, and given that this is an application for mobile phones, it uses open data based innovation in order to increase transparency and accountability.

The interviewed CSO representatives stated that the technical solution of the application is functional and user-friendly, and that the application consist of two parts: one is for smartphone users (citizens, etc.), and the other is a web portal that CSO can use to enter their events in the adjoined calendar. However, they emphasized that the private company which created the application is the sole proprietor of the data obtained through the application and believe that the information should be available to all who are interested. This limitation on the re-use of data on activities that are meant to help enhance public participation is troubling and prevents this commitment from truly transforming the status quo in this area. The IRM researcher could not assess the level to which stakeholders have 'taken up' this innovation, based on publicly available information. Therefore, the IRM researcher found this commitment to have a moderate, rather than transformative potential impact.

Moving forward

According to the self-assessment report and the interviewed representatives of the Government Office for Cooperation with NGOs, the next step is the promotion of the application to the wider public via a short video and the stimulation of the largest possible number of CSOs to use the application and to enter as much data on their activities as possible.

Based on the comments from CSO representatives, the IRM researcher recommends that in the next action plan the data collected through this application, and all such applications be open for re-use, in line with the legal regulation of records of exclusive rights to re-use (milestone 1.2. of the existing action plan) and the instructions for the release and use of open data (milestone 3.2. of the existing action plan).

¹ The leading body was named the Office for Societies in the OGP Action Plan; the correct translation is the Government Office for Cooperation with NGOs.

² U Republici Hrvatskoj u prosincu 2013. bilo je registrirano više od 50000 udruga, <http://bit.ly/1quduT2> [There were over 50000 associations registered in the Republic of Croatia in December 2013]

³ <https://registri.uprava.hr/#!udruge>

⁴ Description is available on <https://udruge.gov.hr/udruginfo/2816> and the application can be downloaded from <https://udruginfo.uzuvrh.hr/>

⁵ <http://www.daniudruga.hr/>

V. Process: Self-Assessment

The Government's self-assessment report was behind schedule by seven days. The process involved public consultation with the civil society and the general public through forums and online consultation, taking into consideration public comments to produce a report that effectively evaluated the progress of all OGP commitments and implementing activities, with varying level of detail.

Self-assessment checklist

Was the annual progress report published?	Yes
Was it done according to schedule?	No
Is the report available in the administrative language(s)?	Yes
Is the report available in English?	No
Did the government provide a two-week public comment period on draft self-assessment reports?	Yes
Were any public comments received?	Yes
Is the report deposited in the OGP portal?	No
Did the self-assessment report include review of consultation efforts during action plan development?	Yes
Did the self-assessment report include review of consultation efforts during action plan implementation?	Yes
Did the self-assessment report include a description of the public comment period during the development of the self-assessment?	Yes
Did the report cover all of the commitments?	Yes
Did it assess completion of each commitment according to the timeline and milestones in the action plan?	Yes
Did the report respond to the IRM key recommendations (2015+ only)?	Yes

Summary of Additional Information

The government released a draft version of the self-assessment report for public online consultations from 7 September until 21 September 2015. The draft was published on 7 September 2015 the OGP webpage hosted by the Government Office for Cooperation with NGOs¹.

The e-Consultation system was not used for commenting on the draft self-assessment report. Instead, the comments received through the public online consultation process were directed to an official e-mail address and were taken into consideration in the same way they would be had they been submitted through the e-Consultation portal. It must be noted, though, that authorities, state bodies and CSOs were also given the opportunity to comment through the

OGP Council. The CSOs in the OGP Council represent a wider number of CSOs, which can direct their comments through their representatives in the Council. In addition, all representatives in the Council were given opportunity to submit written comments on earlier occasions, or to participate in discussions during regular Council sessions and in special working meetings held with each implementing body and the interested CSO representatives. According to interviewed state representatives, the only implementing body to not participate in a working meeting was the Ministry of Finance. The consultations during the Council sessions were well documented and the minutes of the meetings are available on the OPG website.²

The written comments submitted during the public online consultation³, the analysis of those comments⁴, and the report on the public consultation process⁵ were published on the website of the Government Office for Cooperation with NGOs, along with the adopted Report on the Implementation of the OGP action plan for the 2014-2015 Period⁶. The document was submitted for adoption on 1 October and adopted by the Government of the Republic of Croatia on 7 October 2015.⁷ Only one comment was received in the public consultation period – from GONG, a civil society organization whose representative is also a member of the OGP Council. GONG commented on 21 out of the 49 milestones in the action plan. Most of GONG's comments dealt with the completion levels of commitments. In particular they challenge the completion of commitments on the political party financing act (commitment 6). The submitted input and the subsequent changes to the proposed text of the self-assessment report are available on the same webpage.⁸

The self-assessment report is a 77-page document covering all of the commitments (15 measures with 49 implementing activities/milestones). It also includes information on activities that the government was in the process of implementing before and after the reporting period (before July 2014 and after June 2015). Most of the evidence of the implementation of activities is provided and can be easily accessed through publicly available documents on specific government agency websites. The level of detail in the report varies from one commitment to another, partially due to the fact that not all implementing bodies provided their input in time for the draft of the report to be published. The later amendments were sometimes sparse, in part due to the brief reporting style of the responsible government bodies. In addition to information on each of the commitments, the report offers a 'lessons learned' part, with reference to the previous IRM Progress Report on the OGP action plan.

The self-evaluation report, however, does not make explicit reference to implementation indicators for each commitment and milestone. It also does not provide information on the costs of implementation, although both the indicators and an estimate of implementation costs for a number of activities was specified in the action plan. Even though the OGP Support Unit reporting format does not require the inclusion of implementation cost data, it would prove helpful if the information was provided. The government official stated that they plan to include the data in their final self-assessment report. On some of the postponed or cancelled activities, the draft self-evaluation report does not provide a sufficient explanation or the reasons for delay or cancellation. Some of the interviewed stakeholders pointed to inaccuracies in reporting on specific commitments such as reporting on some of the activities related to fiscal transparency as being completed on schedule, whereas in some instances they were delayed or not completed.

According to the report:

“The implementation of the action plan is for the most part going as planned and without significant problems, although delays were observed for a part of the activities. An intensification of the activities in order to fully meet the objectives of the adoption of the action plan is planned in the future.

From a total of 49 activities, 12 were fully implemented. 15 were significantly implemented. That is, it can be said that 55 % of all activities were implemented in full or to a significant degree. 17 activities were implemented to a lesser extent. The implementation of 5 or 10 % did not yet start. The implementation of 16 actions (32 %) is late regarding deadlines, but for most of them implementation began, and it is expected that everything will be finalized by the end of the implementation of the action plan.”⁹

Follow-up on Previous IRM Recommendations (2015 +)

The full recommendations can be found in the first IRM Progress Report on Croatia.¹⁰

The Government accepted and implemented several of the aforementioned recommendations, such as initiating activities that relay the benefits of OGP to the general public and to responsible persons at all levels of public administration, assigning specific institutions to take the lead role in carrying out measures, expanding the OGP Council, increasing the resources for the Office of the Information Officer, disseminating information on OGP achievements to the public. GONG, the prominent civil society organization focused on open government issues in Croatia, largely confirmed that these recommendations were incorporated and implemented.

The Government self-assessment report on the implementation of the second action plan in the 2014-2015 period also devoted a chapter to reflecting on IRM recommendations on commitments from the previous implementation period. “Chapter 3. IRM Recommendations”¹¹ noted that in accordance with the recommendations of the previous IRM report, commitments 4 and 6 included activities that were not adequately implemented during the first action plan. Activities on training government officials and civil servants for effective reporting on consultation results were included in the current action plan.

Two of the recommendations, however, were found by civil society stakeholders to not have been implemented. The report states that milestone 1.3 on amending the Data Confidentiality Act, carried over from the previous action plan, is in the course of implementation. Yet as noted in Section IV, GONG noted that no additional action has taken place on amending the Act. The report also states that activities on increasing transparency of financing of political activities (commitment 6), electoral campaigns (commitment 6), and the re-use of data (commitments 1 and 3) are in compliance with the IRM report recommendations. Stakeholders noted that a draft amendment has been prepared by the Ministry of Justice but has not been approved by the government and subsequently was not submitted to the Parliament.

¹ <https://udruge.gov.hr/vijesti/partnerstvo-za-otvorenu-vlast-nacrt-izvjesca-rh-o-provedbi-mjera-akcijskog-plana/3051>

² <https://udruge.gov.hr/istaknute-teme/partnerstvo-za-otvorenu-vlast-271/savjet-inicijative-partnerstvo-za-otvorenu-vlast/289>

³ https://udruge.gov.hr/UserDocImages/dokumenti/GONG_obrazac%20sudjelovanja%20u%20savjetovanju-POV-izvjesce-2014.pdf

⁴

https://udruge.gov.hr/UserDocImages/dokumenti/Izvje%C5%A1%C4%87e%20o%20provedbi%20Akcijskog%20plana%20POV%202014_tablica%20pristiglih%20komentara.doc

⁵

https://udruge.gov.hr/UserDocImages/dokumenti/Izvje%C5%A1%C4%87e%20o%20provedbi%20Akcijskog%20plana%20POV%202014_izvje%C5%A1%C4%87e%20o%20provedenom%20savjetovanju.doc

⁶ <https://udruge.gov.hr/istaknute-teme/partnerstvo-za-otvorenu-vlast-271/provedba-akcijskog-plana-za-provedbu-inicijative-partnerstvo-za-otvorenu-vlast-u-republici-hrvatskoj-za-razdoblje-2014-2016/3080>

⁷ The agenda for the 260th session of the Government of the Republic of Croatia: <https://vlada.gov.hr/sjednice/260-sjednica-vlade-republike-hrvatske-17870/17870> and the Government Conclusion on adopting the self-assessment report: <https://vlada.gov.hr/UserDocImages//Sjednice/2015/260%20sjednica%20Vlade//260%20-%204.pdf>

⁸ <https://udruge.gov.hr/istaknute-teme/partnerstvo-za-otvorenu-vlast-271/provedba-akcijskog-plana-za-provedbu-inicijative-partnerstvo-za-otvorenu-vlast-u-republici-hrvatskoj-za-razdoblje-2014-2016/3080>

⁹ Croatia Self-Assessment Report, 2015: p. 75

¹⁰ English version: http://www.opengovpartnership.org/sites/default/files/Croatia_progress_report_2012_Eng.pdf

Croatian version: http://www.opengovpartnership.org/sites/default/files/Croatia_final_2012.pdf

¹¹ Croatia Self-Assessment Report, 2015: pp. 2-3

VI. Country Context

Croatia's participation in the OGP Initiative has taken place in parallel to two important events: parliamentary elections held in December 2011 and the final stage of Croatia's accession to the EU.

Despite having carried out important reforms in the process of the EU accession, Croatia faces economic and social challenges, with high unemployment rates and prevailing corruption. The current unemployment rate is 15,9 %, with almost 300.000 people without work, and youth unemployment at almost 50%, well above the EU average. The level of trust in the government is lower than the EU average – 23 % in comparison with 25 % at the EU level.² Political patronage and inefficient bureaucracy still represent obstacles for doing business.³ Corruption and bribery are especially prevalent in politics, public procurement, and the building and construction sector. According to the European Commission, corruption-related offences on public procurement in Croatia has impacted up to 15 percent of the value of public contracts and the most common form of corruption in public procurement procedures is tailor-made specifications for certain tender participants.⁴

In recent years, Croatia has witnessed a major anti-corruption crackdown with several high-profile arrests. In March 2014, in what was seen as a pivotal case for anticorruption progress, a court sentenced former prime minister Sanader, formerly the president of the Croatian Democratic Union party (Hrvatska demokratska zajednica – HDZ) to eight and a half years of prison on several accounts for corruption⁵ HDZ itself along with the party's former treasurer, accountant, and spokesperson were also found guilty of related charges. Along with prison time, Sanader was ordered to pay back €2.8 million (\$3 million), and the HDZ was required to pay back €3.79 million (\$4.1 million).⁶

Ethics in politics remains an outstanding issue with corrupt practices found at the interface between politicians and business, notably in areas such as urban planning, land acquisition, construction and the granting of loans.⁷ Currently lobbying is not regulated in Croatia and there is no obligation for lobbyists to adhere to transparency standards set in this field. Although there has been discussion on the possible regulation of lobbying, no legislative initiative has been put forward.

It is therefore not surprising that three commitments in the OGP action plan are directly related to anti-corruption (anti-corruption strategy, regulation of lobbying and whistleblower protection).

The centre-left coalition led by the Social Democratic Party (Socijaldemokratska partija Hrvatske – SDP) has been governing the country since 2012 and the OGP initiative has remained important on the government's agenda. The high-profile events organised to promote open government initiatives exemplified the relevance assigned to the OGP process by the government and various stakeholders in Croatia.^{8,9}

The conditions required as part of the EU accession process became an important factor in the context of the OGP process. Some of the OGP commitments were in fact measures that were part of the accession conditions (e.g. amending the Act on the Right of Access to Information), and the EU accession framework offered a certain amount of leverage for civil society actors to advocate, among other things, for an open and transparent government. There is hope and expectation that the OGP initiative, even though it lacks the power of conditionality as the EU requirements do, can help maintain and advance the achieved standards of openness and transparency.

In the assessed period, Croatia went through presidential elections, in which the former president, Ivo Josipović, lost to HDZ's candidate, Kolinda Grabar-Kitarović¹⁰. It is the stakeholders' hope that the OGP process will continue to be recognized as a valuable platform for addressing the key challenges outlined above.

While open government is ultimately intended to serve the citizens, the Croatian citizenry at large is often not interested in issues of transparency and government openness. This can be understood in the context of the challenges stemming from the lack of immediate economic benefits and concerns over the overall economic situation. Several stakeholders from the government stated that more effort needs to be put into awareness raising and the dissemination of the results achieved through the OGP so far. In order to ensure successful implementation, especially in the area of the right to access information and citizens' participation in decision-making processes, the government needs to make special efforts to demonstrate more clearly the public benefits for the citizens arising from open government principles.

Stakeholder priorities

There is no specific area in the action plan that the stakeholders singled out as the most significant, as they emphasized that all of the measures and accompanying implementing activities are interconnected.

In terms of focus of the current action plan, however, they did see a need to develop specific measures aimed at increasing fiscal transparency. The fiscal transparency initiatives listed in the action plan were not fully implemented and there is a difference in opinion among the stakeholders, depending on whether they come from the government or civil society and academic community, on whether some of the activities have been completed to the fullest extent possible. Stakeholders agree that this is an area that needs to be addressed further in the next action plan.

Stakeholders identified the importance of giving greater attention to the private sector and to local and regional self-government bodies. This would entail new commitments in the next national action plan and additional efforts to include the private sector in order to increase corporate accountability, and to promote open government values at the local and regional level, and possibly encouraging local and regional units to develop their own action plans. The latter is an issue that should be taken on in several action plan periods.

Another area that deserves more focus regards the technological innovations for increased transparency, accountability and participation, such as the e-Citizens system, the gov.hr and data.gov.hr portals, which have been regarded as some of the major successes in the implementation of the current action plan. The momentum of change these innovations achieved should be maintained or accelerated in the future OGP plan, by including more state administration bodies on all levels of government, by increasing the participation of citizens, and by attracting more private enterprises to use available data for increased economic growth. The current momentum of change should be continued in the next action plan.

OGP stakeholders also emphasized the importance of appropriate resource allocation for the Office of Information Commissioner in the next action plan, which is responsible for the highest number of commitments in the action plan (12) out of all the state administration bodies mentioned. The Information Commissioner is expected to be very actively involved in the development and implementation of the next OGP action plan as well.

Stakeholders also mentioned the need for expanding OGP Council membership in the next action planning cycle, in order to include those bodies and civil society organizations that have a

vested interest and are already involved in promoting OGP values and implementing action plan commitments (e.g. the Digital Information Documentation Office).

Another important area the stakeholders focused on is related to the way the action plans are elaborated. They emphasized the need to operationalize commitments in all the following action plans in such a way as to make them easier to implement, monitor and evaluate. The key performance indicator (KPI) method was proposed in this regard, enabling an easier representation of achievements¹¹ in the form of dashboards¹².

Scope of action plan in relation to national context

The second OGP action plan was prepared during the middle of the government's term, which might explain the emphasis on legislative changes in a significant number of commitments, as one needs to have in mind Croatia's continental jurisprudential tradition, in which policy starts with legislation and ends in its monitoring of implementation. Achieving important commitments in areas of election and referenda campaign regulation, media, anti-corruption and public employment regulation, as well as data confidentiality regulation, has been delayed due to the complexity of harmonizing different stakeholders' opinions.

In the next stages of the OGP process, it will be important to consider a wider public campaign on OGP values and the achievements made through implementation of action plan commitments. The OGP Council should aim to achieve more recognition, both among public administration and the civil society, as well as with the wider public. In that regard, as a starting point, it would be beneficial to reach out to those local and regional self-governmental units outside of the capital, which already recognize and share OGP values. In addition, in order to gain a better, more informed insight into the success of implementation of OGP commitments and their impact on citizens it is recommended to conduct public opinion research on relevant open government topics.

Also, when publishing the full self-assessment report, it would be beneficial to provide a summarized version for public dissemination in various formats (electronic, leaflets, posters) and distribution through various channels (websites, social media, and others). It would also be effective and streamline productivity for the action plan to be supplemented with a communication strategy that specifies internal (among the OGP implementing bodies) and external communication processes (between the OGP implementing bodies and civil society actors not included in the work of the OGP Council).

In Croatia, there is a need to ensure full understanding of open government principles at all levels of public administration. Even when there is a declarative willingness to provide timely and full disclosure of information to the citizens, there is often a lack of capacity both at the national and at the lower levels of government (sometimes due to insufficient human resources or inadequate education). A lot of work has gone into providing continuing education to civil servants and interested public. However, as some stakeholders suggested, it is difficult to have an overnight change in the "culture of secrecy" that has persisted for so long within Croatia's public administration.

This is why it will be especially important to develop a wider variety of consultation mechanisms in order to increase civic participation in the next stage of the OGP process. The development of both the first and second action plans relied both on Internet and face-to-face interaction, while consultation in the process of the self-assessment report was conducted through the OGP Council and through Internet-based consultations. While CSO representatives in the OGP Initiative Council provided their input during regular sessions, and some of the CSOs in the Council do represent a wider number of CSOs, their participation cannot replace direct communication with a larger civil society. Communication of the OGP Council can also be improved upon, by introducing new methods of work on the action plan creation and

implementation, such as, e.g. using web-based communication and consultation tools between meetings, using collaborative online tools for monitoring progress, and approaching the entire OGP process as a project, with clearly defined responsibilities and roles. This would help reduce communication and implementation lags and increase the stakeholders' sense of ownership over the process.

¹ http://www.dzs.hr/Hrv/system/first_results.htm

² <http://barometar.pilar.hr/rezultati-2015/2015-07-01-12-30-44.html#usporedbe>

³ <http://www.weforum.org/reports/global-competitiveness-report-2014-2015>

⁴ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_croatia_chapter_en.pdf

⁵ The verdict was abolished by the Constitutional Court for procedural mistakes made in the process. The judicial process will be renewed. See more on: <http://dnevnik.hr/vijesti/hrvatska/ukinuta-presuda-ivi-sanaderu-za-hypo-i-ina-mol---394554.html>

⁶ <https://freedomhouse.org/report/freedom-world/2015/croatia>

⁷ <http://www.aalep.eu/lobbying-landscape-croatia>

⁸ <http://www.odraz.hr/hr/novosti/dogadanja/poziv-na-konferenciju-otvorena-hrvatska>

⁹ <http://www.odraz.hr/media/188109/konferencija%20otvorena%20hrvatska.pdf>

¹⁰ <http://predsjednica.hr/>

¹¹ <http://management.about.com/cs/generalmanagement/a/keyperfindic.htm> and <http://www.investopedia.com/terms/k/kpi.asp>

¹² <http://searchcio.techtarget.com/definition/dashboard>

VII. General recommendations

This section recommends general next steps for OGP in general, rather than for specific commitments.

Crosscutting recommendations

Technical recommendations regarding how countries can improve implementation of each commitment and the plan as a whole, as well as how to better realize the values and principles of OGP, with specific reference to the OGP Articles of Governance and the OGP Declaration of Principles. Recommendations can cover any issues of process and implementation of the action plan.

The following crosscutting recommendations are based on the government self-assessment report, interviews with stakeholders, experience with the previous national action plan and on the observations of the IRM researcher.

Focusing on SMART and transformative commitments:

Some of the commitments included in the national Action plan were not specific or measurable. A possible remedy for this could be turning some of the more general, multi-year goals into more manageable, specific and measurable goals, the achievement of which will be a step towards the larger goals or OGP grand challenges. The language used in commitments should be more specific, their potential impact should be transformative, their starting and end dates clearly defined throughout, and the financial means necessary for their implementation accurately assessed.

Working with parliamentary committees and finding common goals with opposition parties:

Several legislative goals were presented in the action plan, but they have generally been difficult to achieve given the divisiveness of parliamentary politics, and the controversial manner in which they are presented. As visible with commitments on data confidentiality and employment in public service, and the subsequent commitments on media transparency regulation, the legislative procedure in Croatia is sometimes a slow and painstaking process, requiring coordination of various stakeholders, and portraying a political will to obtain a consensus on controversial issues. However, legislative reform for open government is possible and can appeal to legislators from the parliamentary majority and the opposing parties. In order to ensure the successful continuation of open government policies and the OGP process, the Council should work with parliamentary committees so that political ideas across the board are taken into consideration.

Sharing information, knowledge and responsibility with other levels of government:

Open government is not only a question of the national government. It also has growing impact on local and regional levels in Croatia. The OGP action plan should be used as an opportunity to bring together officials from other levels of (self)government and to develop ways of including all governance levels in policy-making and implementation. Also, public agencies involved in implementing some of the goals should also participate in consultations, and perhaps be represented in the Council, if the nature of their work is closely related to OGP related issues.

Sharing decisions and responsibilities with civil society:

Consultation before and during implementation of the national action plan has been improving but it should aim to be on the “empowering” end of the participation spectrum. The

government should be encouraged by the dedication already shown by civil society experts and should progress into the next stage of the partnership which is delegating decision-making and providing for a more multisectoral (government, civil society, and citizens) advisory process.

Strengthening the use and effectiveness of digital platforms in governance:

Government bodies have made strong strides forward in using digital tools to improve contact with and services to citizens (gov.hr platform, e-Citizens portal, etc.). It should on the other hand, focus on improving their use between government bodies, agencies and other public authorities, especially when it comes to data collection and sharing. New services should be evaluated and improvements should continue across government in order to ensure that its online presence is equivalent to the standards in the private sector, being open, accountable, and user-friendly.

Developing digital collaborative governance tools:

Innovative tools such as hackathons, APIs, and online forums are an excellent way to harness tech innovations for open government goals, and should be continued. Many organizations including businesses, universities, research organizations, and crowdsourcing sites are developing new digital collaborative tools, and these should be experimented with to make sure that the government can catch up to the private sector as well as governments in other countries. Some of these tools can be used to improve the implementation of goals, and others for communication purposes between Council members, implementing bodies and other stakeholders, during the consultation, implementation and evaluation phases.

Developing efficient monitoring and self-reporting mechanisms:

The next national action plan should ensure that the monitoring, evaluation and self-reporting is done in a more streamlined, efficient, and collaborative manner. The measurability of the goals should be increased, by introducing monitoring and evaluation mechanisms (similar to key performance indicators) to make it easier for all the stakeholders to monitor and evaluate their implementation. The work of collecting implementation data should not be the burden of two or three Council members and support staff, but the collaborative effort of all involved, with clear-cut timelines and responsibilities. Reporting should also include more specific data on finances spent in implementation, making it easy for anyone to understand how much an activity cost.

TOP FIVE ‘SMART’ RECOMMENDATIONS
1. The next action plan should include concrete steps to support the continuation of the open government initiatives during and after an administrative transition. The role of the civil society in developing the action plan should be assured and expanded.
2. The third national action plan should concentrate on including more commitments that are policy-oriented, instead of being just legislation-oriented. They should also be more ambitious and new to implementing bodies, instead of pre-existing.
3. The next national action plan should be prepared in a more decentralized manner and should aim to include more commitments focused on local and regional levels.
4. In the next national action plan, the milestones for the commitments should be adapted to resemble key performance indicators, in order to simplify and objectify subsequent monitoring and evaluation.
5. During the development and implementation of the third national action plan, the government should start developing and utilizing digital collaborative management tools, in order to increase transparency and participation, as well as the probability of quality implementation and accountability.

VIII. Methodology and Sources

As a complement to the government self-assessment, an independent IRM assessment report is written by well-respected governance researchers, preferably from each OGP participating country.

These experts use a common OGP independent report questionnaire and guidelines,¹ based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with a small International Expert Panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organisations.

Each local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) In those national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

Interviews and focus groups

Each national researcher will carry out at least one public information-gathering event. Care should be taken in inviting stakeholders outside of the “usual suspects” list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g. online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than provided in the self-assessment or accessible online.

The methods used to gather data for the IRM report included: individual and group interviews, attending public discussions on the topics included in the OGP Action Plan, and review of relevant documentation (quoted throughout the report).

The very first meetings were held at the mid-September with the Government Office for Cooperation with CSOs as the coordinating body for OGP Action Plan implementation, and the Information Commissioner. The IRM researcher was also present at the OGP Council meeting held on 15 September, where the government self-assessment report was discussed and the IRM research process was explained and discussed with all the OGP Council members, as part of the meeting's agenda.

With the assistance of the interviewed stakeholders and the OGP Council members, a list of relevant stakeholders was then compiled, which included representatives of government institutions and civil society organisations involved in the OGP initiative in various ways. The IRM researcher, in addition, contacted other CSO representatives whose activity is linked with OGP goals, without having been involved in any consultation or implementation processes.

It should be noted that since the Government adopted the self-assessment report on 7 October 2015, the researcher used the draft version, available from 7 September 2015 as the basis for discussion with stakeholders for the purposes of this report. Compared to the draft version, the self-assessment of the level of completion was changed for some of the commitments and/or milestones, as was the reasoning behind it and the corroborating evidence.

A stakeholder meeting, divided into two focus groups of CSOs directly or indirectly involved with the OGP initiative was held on 22 September in GONG's headquarters. 28 persons were included in the initial call, sent through e-mail and other CSO mailing lists. 12 persons responded with interest. However, only three persons finally attended the meeting. The main reason for the last minute cancellations were competing obligations of the potential participants—similar to during the individual interviews, CSO representatives often expressed lack of resources to follow OGP Initiative more closely, especially the areas that are not directly related to their organisational mission. Some of the invited CSO representatives were later interviewed in person, by phone or in written interviews, depending on their availability.

A total of 20 people were interviewed for this report. Fourteen were involved in the implementing the OGP Action Plan, either as representatives of government institutions in charge of specific measures or as government representatives in the OGP Council. Other are members of civil society or academic community, four of which are members of the OGP Council. A full list with the dates of interviews and meetings is as follows:

1. Maja Baričević, Ministry of Justice (30 September 2015)
2. Mihaela Bronić, Institute for Public Finance (23 September 2015) – group interview
3. Vedrana Čović, Ministry of Finance (30 September 2015)
4. Almir Elezović, Digital Information Documentation Office (25 September 2015)
5. Toni Gabrić, H-Alter (22 September 2015) – group interview
6. Aleksandra Gavrilović, Ministry of Labour and Pension System (28 September 2015)
7. Ivana Ivanović, Office of the Prime Minister of the Government of the Republic of Croatia (16 October 2015)
8. Ana Zorić, Ministry of Finance (16 October 2015)
9. Tamara Horvat Klemen, Digital Information Documentation Office (25 September 2015)
10. Leda Lepri, Ministry of Administration (22 September 2015) – group interview
11. Morana Makovec, Ministry of Social Policy and Youth (23 September 2015)
12. Anamarija Musa, Information Officer (15 September 2015)
13. Katarina Ott, Institute for Public Finance (23 September 2015) – group interview
14. Sandra Pernar, Government Office for Cooperation with NGOs (14 September 2015) – group interview
15. Boris Postnikov, Ministry of Culture (30 September 2015)
16. Duje Prkut, GONG (22 September 2015) – group interview
17. Miroslav Schlossberg, Croatian Open Systems and Internet Association – HrOpen (22 September 2015) – group interview
18. Igor Vidačak, Government Office for Cooperation with NGOs (14 September 2015) – group interview
19. Natko Vlahović, Croatian Lobbyists' Society (29 September 2015)
20. Tomislav Vračić, Ministry of Administration (22 September 2015) – group interview

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is:

- Anuradha Joshi
- Debbie Budlender
- Ernesto Velasco-Sánchez
- Gerardo Munck
- Hazel Feigenblatt
- Hille Hinsberg
- Jonathan Fox
- Liliane Corrêa de Oliveira Klaus
- Rosemary McGee
- Yamini Aiyar

A small staff based in Washington, DC shepherds reports through the IRM process in close coordination with the researcher. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org <mailto:irm@opengovpartnership.org>.

IX. Eligibility requirements annex: Croatia

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance in the OGP eligibility criteria.

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.² When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

Eligibility Requirements: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, visit: http://www.opengovpartnership.org/how-it-works/eligibility-criteria .				
	2012	Current	Change	Explanation
Budget Transparency ³	Not Assessed	Not Assessed	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information ⁴	4	4	No change	4 = Access to information (ATI) law in force 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration ⁵	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Civic Engagement (<i>EIU</i> Citizen Engagement Score, raw score)	4 (8.24) ⁶	4 (8.24) ⁷	No change	1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percentage)	16 / 16 (100%)	16 / 16 (100%)	No change	75% of possible points to be eligible

¹ Full research guidance can be found in the IRM Procedures Manual, available at:

<http://www.opengovpartnership.org/about/about-irm>

² For more information, see <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.

³ For more information, see Table 1 in <http://internationalbudget.org/what-we-do/open-budget-survey/>. For up-to-date assessments, see <http://www.obstracker.org/>.

⁴ The two databases used are Constitutional Provisions at <http://www.right2info.org/constitutional-protections> and Laws and draft laws <http://www.right2info.org/access-to-information-laws>

⁵ Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009): [://bit.ly/19nDEfK](http://bit.ly/19nDEfK); Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," *Government at a Glance 2009*, (OECD, 2009). [://bit.ly/13vGtqS](http://bit.ly/13vGtqS); Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009). [://bit.ly/1cl0kyf](http://bit.ly/1cl0kyf); For more recent information, see <http://publicofficialsfinancialdisclosure.worldbank.org>. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and *de facto* public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EjLJ4Y>.

⁶ Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat" (London: Economist, 2010). Available at: [://bit.ly/eLC1rE](http://bit.ly/eLC1rE).

⁷ Economist Intelligence Unit, "Democracy Index 2014: Democracy and its Discontents" (London: Economist, 2014). Available at: <http://bit.ly/18kEzCt>.