



Statement
respecting the
Remuneration of Judges
in
Croatia

1. At its meeting in Athens on 2 June 2023 the European Association of Judges (EAJ) noted with concern the current situation in the Croatian Republic regarding the remuneration of judges.
2. The EAJ was informed that judicial salaries are governed by the Law on Salaries of Judges and Prosecutors, which provides for a base figure to which is applied a coefficient depending on the level within the hierarchy of courts of the judicial post in question. This base figure was set at its highest level of 648 EUR in 2009 but was reduced twice in the following years (2013 and 2014) as a contribution to a general austerity program following budgetary needs. After an increase in 2019 it now amounts to 625 EUR, still less than the level at which it stood 10 years before. Even the increase which recently was proposed by government would not sufficiently remedy this situation.
3. It was also reported that whereas the salaries of judges have remained at the same level as they were in 2013, the salaries of civil servants have been regularly increased following negotiations between the government and civil servant's trade unions and in consequence some judges, particularly those sitting at first instance, may be earning less than the court officials. Judicial office holders have not been included in any salary negotiation procedure. The very inadequate salaries paid to judges makes a judicial career unattractive to well qualified lawyers and leads to judges leaving office for better remunerated employments.
4. The EAJ points out that proper remuneration for judges is an essential element of an independent judiciary and the rule of law. The remuneration of judges "*should be commensurate with their profession and responsibilities, and be sufficient to shield them from inducements aimed at influencing their decisions.*"¹ This requirement is recognised also by several other standard setting documents.²
5. Further, and importantly, these principles are meanwhile settled case law of the Court of Justice of the European Union and therefore binding on all of the European Union's member states. The Grand Chamber in its landmark decision in the case Associação Sindical dos Juizes Portugueses stated: "Like the protection against removal from office of the members of the body concerned (...), the receipt by those members of a level of remuneration commensurate with the

¹ Council of Europe: Recommendation CM/Rec (2010) 12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities para 54

² CCJE Magna Carta of Judges, principle 7; CCJE Opinion No.1 para 61; Universal Charter of the Judge Article 8 et alt.

importance of the functions they carry out constitutes a guarantee essential to judicial independence.³

6. The EAJ considers that the inadequate level of remuneration of judges in Croatia does not meet those requirements.

7. Whilst the judgments in *Associação Sindical dos Juizes Portugueses* and the case of *Carlos Escribano Vindel* both deal with situations where reduction of remuneration was applied to all civil servants and public officials, this is not the position in the present case in Croatia. This again violates European standards which say that safeguards should be provided “against a reduction in remuneration aimed specifically at judges”⁴ Under this aspect the EAJ also observes an infringement of the principle of non-discrimination, which is protected by Article 14 ECHR and Article 21 of the Charter of Fundamental Rights.

8. Finally, the EAJ reminds Governments generally that there is an obligation on the State adequately to staff the judiciary with the necessary resources.⁵

9. The EAJ therefore urges the Croatian government and its authorities to proceed speedily with reviewing and improving the salaries and allowances paid to members of the judiciary; and the EAJ further urges that the process be carried out in full consultation with members of the judiciary, including the Association of Croatian Judges.

³ Judgment of 27 February 2018 in Case C-64/16 *Associação Sindical dos Juizes Portugueses*, paras 44 and 45; see also: Judgment of 7 February 2019 in Case C-49/18 *Carlos Escribano Vindel*, para 66.

⁴ Council of Europe: Recommendation CM/Rec (2010) 12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities para 54

⁵ *Ibid* para 35 and 33