

CHAPTER 1

CROATIA



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Abstract

In this country report the author will take a closer look at the case of the Republic of Croatia, which had already started its journey towards EU membership in 2001 by signing the SAA Agreement. Croatia applied for EU membership in 2003, was confirmed as a candidate country by the European Council in 2004, participated in negotiation process from 2005 until 2011, and finally became the 28th EU member country on 1st July 2013. The author will give a detailed overview of the key steps in the accession process, the adopted EU legal measures for Croatia, as well as the selected official documents adopted by the public authorities of the Republic of Croatia and the institutions of the European Union from 2001 to 2013, related to the process of its accession to the European Union.

Keywords: Republic of Croatia, European Union, accession process, membership conditions, *acquis communautaire*, alignment

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1. Initial Requirements on Candidate Countries¹

Question No. 1

What Conditions Did Your Country Need to Satisfy Before Formally Applying to Join EU? To Your Knowledge, Were These Conditions Different From Those Applied to Countries in a Comparable Position?

(a) What conditions did your country need to satisfy before formally applying to join EU?

Accession of new member states to the European Union (EU) is governed by the Treaty on European Union (TEU) – according to the Art. 49 of the TEU a state that wishes to apply for membership of the Union must satisfy two conditions: (a) it must be a European state; (b) it must respect the values on which the EU is founded on and which are common values of the Member States as referred to in Art. 2 of the TEU, and undertake to promote them. It also must comply with political, economic and legal requirements, i.e. to have stable institutions guaranteeing democracy and the rule of law, a functioning market economy, and the ability to take on and carry out the obligations of the EU membership. In the process of the European Union accession, one of the first steps is the assessment of the potential candidate country, its capabilities and the possibility to undertake all the rights and obligations that would result from the membership.

(b) To your knowledge, were these conditions different from those applied in countries in a comparable position?

The specific and additional accession requirements for Croatia can be listed as follows: judicial reform and human rights, co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY), border disagreements, land ownership, and shipyard privatisation. Among the stated conditions, two accession requirements were unique and exceptional: cooperation with the International Criminal Tribunal for the former Yugoslavia, and solving border disagreements with Bosnia and Herzegovina, Montenegro and Slovenia after the disintegration of the Yugoslav federation.

Question No. 2

When Did Your Member State Formally Apply to Join the EU?

Croatia applied for membership in 2003, and was in negotiation with the EU from 2005 until 2011. On 20th April 2004 the European Commission announced

1 The first section is concerned with the requirements laid upon the candidate countries before the accession process started and before they joined the EU. The text covers the following questions, but may be more extensive when necessary.

its positive opinion on the Croatian candidacy for the full membership in the EU and recommended the European Council to approve its status of a candidate and its entering into negotiations.² On 9th December 2011 political leaders from the EU and Croatia signed the accession treaty. The country became the 28th EU member country on 1st July 2013.

Country's path to becoming a member of the EU has in fact taken over twelve years. Croatia formally started the process in 2001 by signing the Stabilisation and Association Agreement, and then applied for membership in 2003. Croatia was granted candidate status in 2004, and in 2005 it began negotiations that were completed by June 2011. The Treaty of Accession of the Republic of Croatia to the European Union was signed in December of the same year.³ In January 2012 a referendum on accession was held as the second state referendum after the 1991 independence referendum, with 66% of citizens saying YES to Croatian membership in the European Union. Finally, in July 2013 after the Treaty of Accession had been ratified by all twenty-seven member states through their national parliaments, Croatia became a full member of the EU, thus achieving its strategic goal and one of the greatest successes in the field of foreign affairs since the establishment of the Croatian state.

Question No. 3

*What Conditions Did Your Country Need to Satisfy Before Joining the EU?
To Your Knowledge, Were These Conditions Different From Those Applied to Countries
in a Comparable Position?*

(a) What conditions did your country need to satisfy before joining the EU?

Any European country whose organisation is based on the principles of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights including the rights of minorities can apply for membership in the European Union. Initially, altogether three general criteria (the so-called 'Copenhagen criteria', 1993) have been set that all candidates must meet before becoming full members of the European Union: (1) political (democracy, stability of institutions that ensure democracy, rule of law, respect for human rights and minority rights, and acceptance of the Union's political goals); (2) economic (the existence of an effective market economy and the ability of market factors to cope with competitive pressures and market laws within the European Union); (3) legal (adoption of the entire legal *acquis* of the European Union).⁴ There is also a fourth criterion, adopted in Madrid in 1995: (4) administrative (the so-called 'Madrid criterion') concerning the adjustment of appropriate administrative structures with the aim of ensuring conditions for

2 The Croatian Parliamentary Parties' Joint Statement on the Beginning of Negotiations Between the Republic of Croatia and the European Union of 13 December 2004.

3 Accession Treaty: Treaty concerning the accession of the Republic of Croatia to the European Union, Official Journal of the European Union, L112/10 of 24.4.2012.

4 Hillion, 2004, pp. 2–3.

gradual and harmonious integration (strengthening of administrative capacity, the creation of an efficient state administration system with the aim of ensuring an effective process of adoption and the implementation of the *acquis* of the EU).⁵

(b) To your knowledge, were these conditions different from those applied to countries in a comparable position?

As a contracting state of the Stabilisation and Association Process, the Republic of Croatia had to respect certain additional conditions. Namely, the European Union had established special political criteria for the countries of the Stabilisation and Association Process, determining that they must achieve: (a) full cooperation with the International Criminal Court for the former Yugoslavia (ICTY); (b) visible progress in the return of refugees and the protection of minorities and minority rights; (c) progress in judicial reform; (d) full freedom of the media; (e) readiness for regional cooperation and the development of good neighbourly relations.

Therefore, one might argue that Croatia was as prepared as no country before it when it entered the European Union. Namely, no state before Croatia had the benchmarks for opening and closing chapters. Croatia's negotiations contained more chapters than any country had previously had to deal with. The screening of the Croatian legal system has passed through 35 chapters, instead of the 31 chapters that candidate countries in previous rounds of enlargement has experienced. Four new chapters were added, out of which the new Chapter 23 – Judiciary and Fundamental Rights - was by far the most important. It is important to highlight that in doing so, current third countries that will participate future enlargement rounds will be expected to adhere to standards and benchmarks that were created by the process that Croatia has undergone. Furthermore, Croatia has also created a basis for assessing the judicial situation of other Member States, which can be seen as a major contribution to the functioning of the European Union itself.

Question No. 4

Were There Any Specific Features of Your Member State's Accession to the EU, Compared to Other Countries in a Comparable Position?

Very briefly, it can be concluded that Croatia was working hard when it came to implementing the Stabilisation and Association Agreement (SAA) and adjusting to EU requirements.⁶ Crucial in this respect were problems in the sphere of public administration, judiciary in conjunction with the establishment and strengthening of the institutions essential for market liberalisation and implementation of the rule of law. This process has also shown, once again, that irrespective of developments within the EU itself and its attitude with respect to Croatia, the country needs to work on its own institutions, launch the necessary reforms as rapidly and thoroughly

⁵ Stafaj, 2014, pp. 1687–1701.

⁶ Rodin, 2001, pp. 87–105.

as possible, and achieve better results as it regards knowledge and education. In addition, the active participation of all those involved in the process is a matter of vital importance. The Croatian judiciary has faced many problems, such as a shortage of experience and knowledge, poor decision making, the impossibility of obtaining unbiased and fair trials for some categories of parties and cases. One of the greatest problems lies in the excessively long duration of court proceedings, or to put it another way, in the necessity to ensure a trial within an acceptable time period (reasonable time criteria).⁷

2. Institutions and Procedures of Accession⁸

Question No. 5

What Was the Legal Framework of the Accession Procedure (From the Application to Join the EU Until Accession)? What Agreements Were Signed With the EU?

What Legal Measures Adopted by the EU Governed the Proceedings?

Were There Any National Rules Specifically Governing the Procedure of Accession?

(a) What was the legal framework of the accession procedure (since the application to join the EU till the accession)?

The Republic of Croatia received its international recognition on 15th January 1992, which also marked the beginning of the development of relations between Croatia and the European Union. These relations intensified towards the end of 1999 and particularly from the beginning of 2000, and on 29th October 2001 the Stabilisation and Association Agreement (SAA) was signed.⁹ Croatia was the second country to sign an SAA with the EU, which represented the first formal contractual

⁷ Uzelac, 2004, pp. 1–31; Uzelac, 2006, pp. 87–108.

⁸ The second section is concerned with legal aspects of the procedure of accession, including institutions set up for that purpose, legislative changes at national level and monitoring of the process by the EU institutions.

⁹ Law on the ratification of the Stabilization and Association Agreement between the Republic of Croatia and the European Communities and their Member States, Official Gazette Narodne novine – International Agreements, No. 14 of 27 December 2001; Law on the implementation of the Stabilization and Association Agreement between the Republic of Croatia and the European Communities and their Member States and the Interim Agreement on trade and related issues between the Republic of Croatia and the European Community, Official Gazette Narodne novine - International Agreements, No. 15 of 28 December 2001; Law on Confirmation of the Interim Agreement on Trade and Related Issues between the Republic of Croatia and the European Community, Official Gazette Narodne novine – International Agreements, No. 15 of 28. December 2001.

step in institutionalising its relationship with the EU.¹⁰ The agreement entered into force on 1st February 2005.¹¹

Following Croatia's application for membership of the European Union on 21st February 2003 in Athens, the Council of the EU asked the Commission to prepare an opinion on Croatia's application bid.¹² Based on a positive opinion by the European Commission regarding potential membership, the European Council granted Croatia the status of a candidate country.

In December 2004, the European Council set 17th March 2005 as the start date for negotiations, provided full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) was achieved. However, a confirmation of full cooperation with the ICTY was missing and that is why the date of opening negotiations was postponed.¹³ However a negotiating framework was adopted, meaning that negotiations would start when full cooperation with the ICTY was achieved. Upon receiving a positive report by the then ICTY Chief Prosecutor, the Council concluded that conditions for starting negotiations had been met. Accession negotiations were officially launched on 3rd October 2005.¹⁴

Since the negotiation process was completed successfully, on 30th June 2011, EU Member States decided to close the accession negotiations with Croatia. This step further allowed for the signature of the Accession Treaty on 9th December 2011. At the referendum held on 22nd January 2012, Croatian voters decided in favour of accession to the European Union. On 9th March, the Croatian Parliament unanimously ratified the Accession Treaty of the Republic of Croatia to the European Union. Following the ratification procedure in all EU Member States and Croatia, on 1st July 2013 Croatia became an EU Member State.

(b) What agreements were signed with the EU?

The responsibilities of Croatia (namely its own Parliament and Government) in the process of accession to the EU related to legal and political control over the integration process. Parliamentary scrutiny of the Government's activities was regulated by the Constitution of the Republic of Croatia and the Rules of Procedure of the

10 The Resolution on the Accession of the Republic of Croatia to the European Union, Official Gazette Narodne novine No. 153 of 20 December 2002.

11 Stabilisation and Association Agreement between the EU and the Republic of Croatia, Official Journal L 026, 28/01/2005 p. 0001–0002.

12 Communication from the Commission – Opinion on Croatia's Application for Membership of the European Union, COM/2004/0257 final.

13 The difference leadership makes – Lessons from Croatia's EU accession process, 2014, pp. 1–8.

14 The Declaration on the Fundamental Principles of Negotiations on Full Membership of the Republic of Croatia in the European Union, Official Gazette Narodne novine No. 12 of 24 January 2005; The Resolution on the Strategic Guidelines for Negotiations between the Republic of Croatia and the European Union, Official Gazette Narodne novine No. 122 of 19 October 2005; The Statement of the Croatian Parliament and the Government of the Republic of Croatia on Joint Actions in the Process of Negotiation for Membership of the European Union, Official Gazette Narodne novine No. 12 of 24 January 2005.

Croatian Parliament, while the process of Croatia's accession to the European Union was regulated by other relevant documents such as: the Resolution on the Accession of the Republic of Croatia to the European Union (2002), the Croatian Parliamentary Parties' Joint Statement on the Beginning of Negotiations Between the Republic of Croatia and the European Union (2004), the Declaration on the Fundamental Principles of Negotiations on Full Membership of the Republic of Croatia in the European Union (2005), the Resolution on the Strategic Guidelines for Negotiations between the Republic of Croatia and the European Union (2005) and the Statement of the Croatian Parliament and the Government of the Republic of Croatia on Joint Actions in the Process of Negotiation for Membership of the European Union (2005). Every year, Hrvatski Sabor debated the Government's annual program for EU accession, i.e. the programme for the assumption and implementation of the *acquis Communautaire*, and adopted the plan on the harmonisation of Croatian legislation with the *acquis*. The Croatian Parliament has participated in the process of Croatia's accession to the European Union through its working bodies.

(c) What legal measures adopted by the EU governed the proceedings?

As has already been noted, the establishment of relations between the Republic of Croatia and the European Union started on 15th January 1992, when the European Community and its Member States recognised the Republic of Croatia as an independent and sovereign state. From that moment, relations developed gradually through a series of steps. For example, in 2001 the Stabilisation and Association Agreement and the Interim Agreement were signed and the Joint Declaration of the Republic of Croatia and the European Union on the Political Dialogue was adopted. In July 2003 the European Commission handed its Questionnaire to the Republic of Croatia, while in April 2004 the European Commission gave a positive Opinion (Avis) on Croatia's application for membership of the European Union. These developments led to the most recent stage of the integration process, the negotiations for the accession of the Republic of Croatia to the European Union, which were opened on 3rd October 2005. In February 2006 the Council of the European Union adopted the Accession Partnership with Croatia, and after negotiations on individual chapters were finished, in December 2011 the European Parliament and the Council of the EU gave a green light for Croatia's EU accession. Finally, on 9th December 2011 Croatia signed the Accession Treaty with the European Union.

(d) Were there any national rules specifically governing the procedure of accession?

Public authorities of the Republic of Croatia over the years, more precisely from 2001 to 2013, adopted numerous documents related to the process of the accession of Croatia to the European Union. In a brief overview of the texts of such selected official documents, the following should be mentioned: the law on the ratification of the Stabilisation and Association Agreement between the Republic of Croatia and the European Communities and their member states of 27 December 2001; the resolution

on the accession of the Republic of Croatia to the European Union adopted by the Croatian Parliament on 20th December 2002; national programs of the Republic of Croatia for joining the European Union, adopted by the Croatian Government in 2004, 2005, etc.; plans for harmonising the legislation of the Republic of Croatia with the *acquis* of the European Union, adopted by the Croatian Parliament in 2007, 2008, etc.; programs for taking over and implementing the *acquis* of the European Union, adopted by the Croatian Government in 2010, 2011, etc.; the plan (and revised plans) for the fulfilment of the remaining obligations from the negotiations on the accession of the Republic of Croatia to the European union, adopted by the Croatian Government, etc.

Question No. 6

What Institutions Were Set Up for the Purposes of Accession at Both EU and National Level?

On 1st July 2013 Croatia became a full-fledged EU member, assuming all of the rights and obligations stemming from the membership, while certain competences were transferred to the EU institutions pursuant to the Treaty on the European Union and the Treaty on the Functioning of the European Union, as well as the provisions of the Constitution of the Republic of Croatia, heading VIII.¹⁵ It was precisely for the purposes of efficient state functioning that different acts and decisions were, defining the obligations and competences of various institutions and state administration bodies.

The Act on Cooperation between the Parliament and the Government of the Republic of Croatia in European Affairs stipulates that the Parliament shall monitor the Government's work within EU institutions, review EU documents and Croatia's positions and reach conclusions on them, participate in putting forward Croatian candidates for the EU institutions and bodies, take part in cooperation between national parliaments, and cooperate with the European Parliament etc.¹⁶ An Interdepartmental Working Group for European Affairs has also been established, tasked with reviewing and preparing position proposals which Croatia's representatives would advocate in the process, and then submitting them to the Croatian Government's Coordination Body for Foreign and European Policy.

The European Integration Committee, established in 2000, monitored the harmonisation of the Republic of Croatia's legal system with that of the European Union. It also monitored the exercise of the rights and commitments of the Republic of Croatia that ensued from international treaties pertaining to the Council of Europe,

15 The Constitution of the Republic of Croatia (consolidated text), Official Gazette Narodne novine, No. 85/10 of 9 July 2010, 7/14.

16 Act on Cooperation between the Parliament and the Government of the Republic of Croatia in European Affairs, Official Gazette Narodne novine No. 81/2013.

monitored European Union aid and co-operation programs, and co-operated and exchanged experiences with bodies in the European integration processes.

The Croatia-EU Joint Parliamentary Committee was established under the Stabilisation and Association Agreement. The Committee was established in 2004 following decisions by the Croatian Parliament and the European Parliament. Following the decision of the European Parliament, the individual approach principle was realised. The members of the Committee met twice a year to mainly exchange their experiences concerning the most important issues of the Croatian accession, as well as the efficient functioning and future development of the EU. The Committee would meet once a year in Brussels/Strasbourg and once a year in Croatia. At the end of each meeting the Committee adopted joint declarations and recommendations. The Joint Parliamentary Committee held 17 meetings during its lifespan, and the last one was held in Split on the 29th and 30th April 2013.¹⁷

The National Committee was established as a special working body tasked to monitor the negotiations on the accession of the Republic of Croatia to the European Union (2005 – 2011). The competences of the National Committee were to politically supervise and evaluate the course of negotiations. It was comprised of representatives from all parliamentary parties and the decisions were reached by consensus. The Committee also represented a forum for consultations and discussion between parliamentary parties and the Government. It also presented relevant information on the European Union and strengthened public awareness on European issues.

Regarding European affairs, the European Parliament established the Committee for European Affairs. It monitors and supervises the work of the Government in the institutions of the European Union, the implementation of reforms and obligations towards the European Union, and the application of the *acquis* of the European Union. On the other hand, the Government regularly sends the European Parliament a list of all proposals for legislative acts and documents from the European Union, all the established positions of the Republic of Croatia, informs the European Parliament about proceedings conducted against the Republic of Croatia due to violations of European Union law, and, at the request of the European Parliament, all other documents and information.

If the competent Parliamentary Committee for European Affairs renders a conclusion on the position of the Republic of Croatia, the Government is obliged to act upon it or inform the European Parliament if it deviates from it. Just before the meetings of the European Council, the Government sends to the Committee the European Council agendas, and after the meetings of the European Council, the Prime Minister presents a written report to Parliament. At the invitation of the Speaker of Parliament, the Prime Minister presents the position of the Republic of Croatia for meetings of the European Council or reports on European Council meetings that have been held. Furthermore, the Government submits reports on candidates from the Republic of Croatia for institutions of the European Union to the European

17 Šurina, 2017.

Parliament, and after hearing the candidates the Committee discusses them and renders opinions, which the Government takes into consideration when making its final decision.¹⁸

Question No. 7

What Legal Criteria Was Your Country Obligated to Satisfy Before Joining the EU? To Your Knowledge, Were These Criteria Different From Those Applied to Countries in Comparable Position?

(a) What legal criteria was your country obliged to satisfy before joining the EU?

The very process of negotiations on accession took over seven years (2005–2011). The screening of the Croatian legal system passed through 35 chapters. After that, the negotiators predominantly worked on dictation and transcription of existing European Union law into the Croatian legal system. As rightfully concluded by B. Smerdel, constitutional issues were rarely mentioned by either side during this period. Year after year, on the grounds of new chapters and new insights, further changes to the recently accepted legislation have been required and urgently passed through parliamentary procedure. As expected, the crucial problems had been concentrated around the reform of the judiciary and fundamental rights, justice, freedom and security and a financial responsibility. The *acquis communautaire* itself was over 100,000 pages. Therefore, one can easily agree with the conclusion that very little could have actually been the subject of a negotiation. Still, each year the public had an impression that they would never end and expectations from membership were gradually yet dramatically reduced. The financial crisis that the Union suffered certainly contributed a great deal to that effect.¹⁹ By joining the EU, Croatia entered a new alignment stage in which it changes its laws alongside other member countries, highlighting the European Parliament's role in the process.

(b) To your knowledge, were these criteria different from those applied to countries in comparable positions?

Firstly, the negotiation process lasted longer than that of any of the other countries which joined the EU in 2004 and 2007. Furthermore, the Croatian negotiations proceeded on the basis of a different and more strict methodology criteria than were used in previous enlargements. The number of chapters was increased from 31 to 35, and a new instrument of opening and closing benchmarks (of which there were 127 in total) was introduced. As Šeperić points out, despite all the shortcomings of the accession process on the Croatian side, this should theoretically have made the country and its institutions more prepared to join the EU and the common market.²⁰

18 Bačić, 2019, pp. 53–70.

19 Smerdel, 2014, pp. 51–66.

20 Šeperić, 2011, pp. 463–480.

Although the stricter criteria which applied to Croatia caused certain frustrations and a sense of unfair treatment, we can agree with the conclusion that it could hardly be argued that a softer approach on the EU side would be more beneficial towards the country. The accession process definitely strengthened the Croatian institutions as well as the rule of law in general.

Question No. 8

What Procedures on EU Level Were There in Place to Monitor the Fulfilment of the Accession Criteria? Were There any Comparable Specific Domestic Monitoring Procedures?

(a) What procedures on the EU level were there in place to monitor the fulfilment of the accession criteria?

Accession negotiations with Croatia were closed, with the agreement of all Member States in June 2011, as a result of Croatia fulfilling all the benchmarks set in the negotiating chapters. On this basis, the Accession Treaty was signed by the Member States and Croatia, and thus Croatia became a Member of the European Union. The Accession Treaty was subject to ratification by the Hrvatski Sabor as a national parliament. During the negotiations, Croatia had agreed to a number of commitments, which had to be implemented at the latest by the date of accession, unless specific transitional arrangements had already been agreed.

By signing the Accession Agreement on 9th December 2011, Croatia accepted to be closely monitored by the European Commission which would then issue six-monthly assessments of all the commitments undertaken.²¹ These particularly refer to competition policy, judiciary and fundamental rights. In successive Reports the Commission repeatedly recommended that Croatia should put more effort into human resources planning, and in strengthening independence, accountability, impartiality and professionalism of the judiciary. The Commission then advocated the improvement of handling of domestic war crime cases, organised crime, conflict of interest and corruption cases, protection of minorities, refugee return issues, protection of human rights, as well as the continuation of cooperation with the ICTY.

(b) Were there any comparable specific domestic monitoring procedures?

The conclusion and implementation of the Stability and Association Agreement and the launch of the formal accession negotiations between the EU and the Republic of Croatia in 2005 required the comprehensive modification of Croatian legislation covering the *acquis communautaire* described in 35 negotiation chapters. Each stage of the negotiation process was verified and closely monitored by the European Commission. The progress in acceptance, transposition, implementation and enforcement of the EU *acquis* was analysed and evaluated in periodic monitoring reports. It

²¹ Accession Treaty: Treaty concerning the accession of the Republic of Croatia to the European Union, Official Journal of the European Union, L112/10 of 24.4.2012.

seems that the more ‘problematic’ areas (mostly associated with the protection of fundamental rights and peaceful post-war reintegration, sanctioning of war crimes, reform of the judiciary, etc.) were under tighter control than other areas, primarily regarding the capacity and efficiency of institutions to properly enforce the accepted commitments.

Art. 36 of the Act of Accession required the Commission to closely monitor all commitments undertaken by Croatia in the accession negotiations, particularly focusing on competition policy, judiciary and fundamental rights, justice, freedom and security. As an integral part of its regular monitoring, the Commission has been issuing six-monthly assessments on the implementation of Croatia’s commitments in these areas.

The Commission adopted a Monitoring Report on Croatia’s accession preparations in April 2012 and a Comprehensive Monitoring Report in October 2012 with Croatia adopting an action plan to follow up on their recommendations. In line with Art. 36, this final Monitoring Report assessed the progress made by Croatia in its preparations for accession in the period between 1st September 2012 and 28th February 2013. This assessment was based on information gathered and analysed by the Commission, including input provided by Croatia, peer assessment missions, as well as information shared by the Member States, international and civil society organisations, in their regular correspondence with the Commission. The assessment was also based on the findings of the updated half-yearly Monitoring Tables; a working tool aimed at following up in detail all commitments undertaken by Croatia during the accession negotiations.²²

Question No. 9

To What Extent Was Your Country Involved in the Work of EU Institutions (e.g. Participation in the Commission’s or Council’s Working Groups, Participation of Your Representatives at the Commission’s or Council’s Meetings etc.)?

After the European Council decided to open negotiations and to convene the bilateral Intergovernmental Conference on accession, negotiations were formally opened on 3rd October 2005 at the first session of the Intergovernmental Conference between EU Member States and the Republic of Croatia, where the exchange of General Positions of the European Union and the Republic of Croatia took place.

After the formal opening of the negotiating process, the analytical overview and evaluation of the degree of harmonisation of national legislation with the *acquis communautaire* followed. This was the process of screening. The main purpose of the screening process was to determine the differences that exist between the national legislation and the *acquis communautaire* for every chapter with which the

22 European Commission, Communication from the Commission to the European Parliament and the Council – Monitoring Report on Croatia’s accession preparation, COM 2013 171 final, Brussels, 26.3.2013.

national legislation needed to be harmonised before the date of accession. On the basis of the conducted analysis, the candidate country was required to state whether it would be able to fully harmonise national legislation with the *acquis communautaire* in individual chapters or if it would require transition periods for the complete harmonisation with, and implementation of the *acquis communautaire*. Screening was conducted individually for each separate chapter. The duration of the screening process for individual chapters depended on the extent and the amount of the *acquis communautaire* for the respective chapter and could last from one day to several weeks. Overall, the screening process usually lasts for a year.

After screening was completed, the decision on the opening of negotiations for individual chapters, depending on the evaluated readiness of the candidate country, was made by the Member States within the Council of the European Union. With the opening of negotiations for individual chapters decided, the substantive phase of the negotiations could begin. During this phase, the subject of negotiations was the conditions under which the candidate country would adopt and implement the *acquis communautaire* in the respective chapter, including transitional periods which the candidate country might have requested. Negotiations were conducted on the basis of the negotiating positions of the European Union and the candidate country which prepared for each negotiating chapter after the screening results.

Regarding Croatia in particular, during the whole negotiating process the European Parliament and the National Committee for Monitoring the Accession Negotiations of the Republic of Croatia to the European Union were regularly briefed on the course of the negotiations and the progress that had been made.²³

Question No. 10

Has Your Country Experienced any Particular Difficulty in Meeting Some of the Accession Criteria?

Firstly, the accession process was taking much longer than expected. Slovenia had blocked progress due to a bilateral conflict around the Bay of Piran. Furthermore, the news was overshadowed by corruption allegations against former prime minister Ivo Sanader. Luckily, the then-prime minister Jadranka Kosor continued with determination, the reforms needed in order to comply with the conditions required by the accession process.²⁴ Compliance with the first set of conditions, specifically the rule of law, was the most difficult in the case of Croatia. The same probably applies for all or at least most candidate countries. One also has to take into account that most of those countries, Croatia of course included, were ex-socialist countries with little experience when it came to the separation of powers, functioning of stable and democratic institutions, genuine independence of judiciary, i.e. the functioning

²³ Republic of Croatia Ministry of Foreign and European Affairs, no date.

²⁴ Vandoren, 2023, p. 1.

of the rule of law in general. Therefore, meeting some of the accession criteria back then was indeed a challenging task.²⁵

Question No. 11

In What Way Was the Constitution of Your Country Changed in Order to Accede the EU? Was the Accession Legally Challenged (e.g. Constitutional Court)?

(a) In what way was the constitution of your country changed in order to accede the EU?

The main objective of the 2010 constitutional revision was to create and strengthen the constitutional basis for Croatia's full membership in the European Union. That was part of its process of fulfilling the strategic goals of joining the Euro-Atlantic integrations which were proclaimed in the Historical Foundations (Constitution's Preamble) as early as in 1990 at the time of the adoption of the Constitution. As Smerdel points out, all these amendments have preserved the baseline for the constitutional order: democracy, human rights, and the rule of law, which are the fundamental values of the Republic of Croatia in the context of European and international integrations. It is possible to classify the set of important constitutional amendments that were adopted and promulgated on 16th July 2010 pursuant to a decision of the Croatian Parliament into the following categories: (a) amendments required by accession negotiations with the European Union, (b) amendments required for the adaptation of the legal system to (a future) membership in the EU, (c) amendments declaring the intention to correct injustices, (d) amendments to the political decision making system; (e) amendments aimed at the reform of the judiciary, (f) amendments strengthening human rights and fundamental freedoms.²⁶ Different amendments were adopted at the request of European negotiators in order to facilitate the accession. There were constitutional issues that arose from individual chapters of negotiations with the European Union, such as constitutional status and independence of the Croatian National Bank²⁷ and the State Audit Office,²⁸ the abandonment of the principle of non-extradition of own citizens to foreign states and the effective implementation of the European Arrest Warrant,²⁹ etc. Constitutional provisions that referred to the modalities of accession, the functioning of the Republic of Croatia in the EU and the adaptation of the Croatian legal system to new requirements stemming from final stage of European integration process were inserted in a separate, new Chapter VIII of the Constitution named 'The European Union'.³⁰ The first of these four provisions, each of which has its own separate title, provided the legal basis for

25 Thibault and Levy, 2013, pp. 1–6.

26 Smerdel, 2014.

27 Art. 53.

28 Art. 54.

29 Art. 9.

30 Arts. 143–146.

membership and the transfer of constitutional powers to the Union's institutions.³¹ Another three provisions encompassed the participation of citizens and government bodies in decision-making within the EU institutions,³² the application of the EU law and its supremacy over Croatian law,³³ and the rights of the EU citizens within the Republic of Croatia.³⁴ These constitutional provisions (together with Art. 9 para. 2 pertaining to the execution of a decision on extradition or surrender in compliance with the *acquis communautaire* of the European Union and Art. 133 para. 4 regarding the right to local and regional self-government for EU nationals in compliance with law and EU *acquis communautaire*), did not enter into force on the day of its promulgation, but on the day when Croatia became an EU Member State.

As a member state of the European Union, Croatia was obliged to align its national legislation with the *acquis communautaire*. The European *acquis* is constantly evolving and national regulations have to be accordingly harmonised.³⁵ The prevalent majority of these reforms had been done by the legislation, and only some of them were later brought in accordance to the Constitution (Minority rights (2002), namely the Freedom of Information Act (2003), Anti-discrimination law (2008), Independent regulators (2006), Independent National bank (2008), Independent Accountant Office (2008), and the Prevention of the conflict of interest (2011)).³⁶

(b) Was the accession legally challenged (e.g. constitutional court)?

The Constitutional Court issued a decision: U-VIIR-474/2012 January 30th 2012 (NN 15/2012), establishing that the national referendum on Croatia's entry into the European Union on January 22nd 2012, in which more than 66 percent of Croatian voters voted in the referendum for joining the Union, was held in accordance with the Constitution and laws. The Government was obliged to send the Treaty on the Accession of the Republic of Croatia to the European Union to the Croatian Parliament for confirmation. The Constitutional Court also announced, that it rejected all 22 received requests for an assessment of the constitutionality and legality of the held referendum deeming them unfounded or inadmissible.

... the Constitutional Court issued a Decision establishing that the state referendum held on January 22, 2012 was conducted in accordance with the Constitution of the Republic of Croatia, the Constitutional Law on the Constitutional Court of the Republic of Croatia and the relevant provisions of the Law on Referendum and other

31 Art. 143.

32 Art. 144.

33 Art. 145.

34 Art. 146.

35 Rodin, 2001, pp. 87–105.

36 Smerdel, 2013, pp. 1–16.

forms personal participation in the exercise of state power and local and regional self-government.³⁷

Question No. 12

Was There a Referendum in any Stage of the Accession Procedure?

Yes. The referendum on joining the European Union was mandatory and binding. According to the Art. 142 of the Constitution,³⁸ it was called by the Croatian Parliament in December 2011, just after signing the Accession Treaty. The accession referendum was held on 22nd January 2012, and it delivered an overwhelming 'yes' vote. The referendum question was straight and simple: 'Are You in favour of the membership of the Republic of Croatia in the EU?'. Almost two million Croatian citizens voted in the referendum, meaning that the turnout of voters was 43.5 percent. The EU accession referendum passed with 66.2 percent votes cast in support, while 33.1 percent voted against joining the EU; there were 0.60% invalid or blank votes. It is interesting to point out that the referendum passed in all Croatian counties. The greatest support for the referendum was recorded in Međimurje and Brod-Posavina counties, at 75.73% and 72.61% respectively. The lowest support for EU accession was recorded in Dubrovnik-Neretva County, where 42.22% of votes were cast against the proposal. The average official turnout for the referendum was 43.51%; the highest official turnouts were recorded in the city of Zagreb and in Varaždin County at 55.13% and 53.66% respectively. The 2012 Croatian EU accession referendum was the first national referendum held in Croatia since the Croatian independence referendum that was held more than 20 years earlier, in 1991.

Question No. 13

In Addition to the Above, Were There any Noteworthy Legal Aspects Concerning the Negotiation and Ratification of the EU Accession Agreement in Your Country?

The fact of state membership in the European Union, from early the stages of accession, requires an undertaking of a serious, comprehensive legal reform from the national legal systems. Croatia's path towards the EU had already started in 2000 when negotiations were opened for the Stabilisation and Association Agreement (SAA). After signing the SAA Croatia started the process of harmonisation with EU law. The SAA between Croatia and the EU was signed in October 2001, and the Interim Agreement entered into force on 1st May 2002. During the period between its entry into force, and until Croatia's accession to the EU, the SAA constituted a legal basis for the regulation of relations between the EU and Croatia, and at the same time, marking a shift from the voluntary phase to the phase of mandatory harmonisation

37 Constitutional Court Decision: U-VIIR-474/2012 of 30 January 2012 (Official Gazette Narodne Novine No. 15/2012).

38 Chapter VII, Part 2 – Association and Dissociation.

of national legislation with the *acquis communautaire*. One of the most important elements of this process unfolded in the area of constitutional law.³⁹ During Croatia's EU membership negotiations, on 16th June 2010, the Croatian Parliament (*Hrvatski sabor*) adopted amendments to the Constitution of the Republic of Croatia. Constitutional amendments of 2010 created the constitutional and legal basis for Croatia's membership in the EU and ensured new constitutional grounds for the application of EU law. However, new constitutional provisions concerning the 'European affairs', entered into force on the day when Croatia became a full member of the Union.

3. Legal and Economic Support for Candidate Countries⁴⁰

Question No. 14

Before the Accession, Was There Any Institutionalised Support for the Approximation of the Legal Order of Your Country From the EU?

One may agree with the conclusion that the *acquis communautaire* itself represents an important galvanising and influence-inducing mechanism in the hands of EU foreign policy makers. According to the provision of Art. 69 of the Croatian SAA – 'Croatia will endeavor to ensure gradual harmonization of existing laws and future legislation with the *acquis*'. As it regards the requirement of 'legal harmonisation' of domestic legislation with EU law, for all SEE countries and especially for their courts during the EU pre-accession process a major challenge was the question of whether the ongoing 'legislative harmonisation' should go hand in hand with 'judicial harmonisation'. The so-called 'EU friendly' approach towards the application and interpretation of domestic law before the courts was widely adopted. The SAA was generally considered by the Republic of Croatia to be an international agreement *sui generis*. As such, it was the framework for relations with the EU throughout the whole pre-accession period and it has been directly applicable by national courts as well as other authorities, according to the Art. 141. of the Constitution of the Republic of Croatia that deals with the application of international law. The Constitutional Court of the Republic of Croatia also accepted the 'EU friendly approach'.⁴¹

39 Bačić, 2023, pp. 105–133.

40 The third section concentrates on the support provided to the candidate countries by the EU.

41 Rules of Procedure of the Constitutional Court of the Republic of Croatia, Official Gazette Narodne novine, No. 181/03, 16/06, 30/08, 123/09, 63/10, 121/10.

Question No. 15

Did Your Country Benefit From Any Funds Providing Financial Support in Relation to EU Accession Immediately After the EU Accession?

As with all other Member States, Croatia also benefits from being part of the Single Market, a shared approach to the common challenges of migration, terrorism and climate change, and concrete gains such as a better transport infrastructure, modernised and digitalised public services and cutting-edge medical treatment.⁴² EU membership is one of the most significant events in Croatia's history, together with NATO membership, which had been achieved four years previously and had been its main foreign policy goal since its independence. Soon after Croatia became the 28th member of the European Union, it started using funds providing financial support and experiencing the financial benefits of membership. EU membership has provided Croatia with access to various funds and financial support mechanisms designed to promote economic development and convergence. The country has benefited from structural and cohesion funds, enabling investments in infrastructure, innovation, research, and regional development. These funds have played a pivotal role in supporting the growth and competitiveness of Croatian businesses, particularly of small and medium-sized enterprises (SMEs).

Question No. 16

Were There Any Other Noteworthy Aspects of EU Support Provided to Your Country Before the Accession?

Prior to the full EU membership, Croatia had funding from the Instrument for Pre-Accession Assistance (IPA) at its disposal. IPA funding was used to finance projects for the harmonisation of national legislation with the *acquis communautaire*, the application of harmonised legislation, as well as to prepare for the implementation of EU cohesion and agricultural policies. The IPA had a key role in the development of the management and control system for the use of EU funds. The financial value of the IPA towards Croatia for the 2007-2013 period was 997.6 million euro.

The Ministry of Regional Development and European Union Funds was responsible for the overall coordination of the IPA programme, while the Ministry of Finance was responsible for financial management. A special operational structure was established for the implementation of each of the five IPA components, consisting of managing authorities and implementing agencies. The five IPA components were: (a) assistance for Transition and Institution Building; (b) Cross-border Cooperation; (c) Regional Development – Transport, Environment, Regional Competitiveness; (d) Human Resources Development; and (e) Rural Development (IPARD). Priorities within the components were defined in accordance with the needs of each participating country, with the aim of maximal adaptation to the country's specifics.

42 European Union, 2025.

A management structure consisting of the management authority and the implementing agencies responsible for tendering and contracting procedures was established for each component.

The EU pre-accession funds were a sound investment for the future of both Croatia as enlargement region and the EU. These funds support beneficiaries to implement the necessary political and economic reforms, preparing them for the rights and obligations that come with EU membership. Those reforms will provide their citizens with better opportunities and allow the development of standards, equal to the ones other citizens of the EU enjoy. The pre-accession funds also help the EU reach its own objectives including a sustainable economic situation, energy supply, transport, the environment and climate change, and stability.

The Instrument for Pre-accession Assistance (IPA) was the instrument by which the EU has been supporting reforms in the enlargement region with financial and technical assistance since 2007. IPA funds build up the capacities of the beneficiaries throughout the accession process, resulting in progressive, positive developments in the region. For the period 2007-2013, the Instrument for Pre-accession Assistance (IPA) had a budget of €11.5 billion. Its successor, IPA II, was allocated €12.8 billion for the period 2014-2020.⁴³

The EU pre-accession funds available to Croatia as an EU candidate country played an important role in its adjustment towards membership. For instance, as a candidate country, Croatia used the Special Pre-Accession Program for Agriculture and Rural Development and the Instrument for Pre-Accession Assistance – Rural Development, one of the goals of which was to strengthen the competitiveness of businesses in the agriculture and food production sectors. The usage period covered two EU programming periods, as well as a recession period in Croatia that lasted from 2009 to 2014. The IPA was a form of continuation of the first generation of EU funds, namely CARDS, PHARE, ISPA and SAPARD, and at the same time it was a preparation for the implementation of ESI funds. The deadline for the implementation of contracts signed under IPA was 2018 (IPA 2012) and January 2019 (IPA 2013). Payments for projects implemented within these programmes were completed by the end of 2019 and the beginning of 2020.⁴⁴

In IPA I 2007-2013 period commitments & payments to Croatia were as follows: Allocated: 813,387,940/Paid: 730,474,435.⁴⁵

43 European Commission, Croatia's accession to the EU Memo, Brussels, 28 June 2013; Ivandić, 2013, pp. 53–71.

44 Wankiewicz, 2023, pp. 1–9.

45 Croatia on the Road to the European Union, 2009, pp. 1–44.

4. Specific Rules Applicable to Candidate Countries Before and After Their Accession⁴⁶

Question No. 17

After the Formal Application to Join the EU, Was Your Country Willing or Able to Negotiate Any Specific Exemption From the Accession Procedure (e.g. Areas of Law Not to Be Approximated, Limits to the Approximation etc.)?

Regarding the general obligations for all countries that wish to join the European Union (EU), specific political and economic criteria must be met and the EU's laws and standards must be incorporated into national law. As from the date it was expected to join on 1st July 2013, the EU *acquis*, or the body of EU laws and standards, applied to Croatia in the same way that it is binding for all Member States.

The European Union and Croatia negotiated specific arrangements in certain areas, all in order to enable the country's smooth integration into the EU. The most important of these relate to the freedom of movement for workers, the free movement of capital, competition policy, financial services, transport and internal borders. In cases where transitional periods have been agreed, they are limited in time and scope. The duration of these arrangements is different for different policy areas and are detailed in the answers to questions below.

However, Croatia did not negotiate any specific exemptions from the EU accession procedure. Instead, its accession process adhered to the standard framework established for all candidate countries. As already noted, negotiations began in October 2005, following the resolution of issues related with the International Criminal Tribunal for the former Yugoslavia (ICTY). This cooperation was a prerequisite for starting negotiations. The negotiations involved screening 35 chapters of the *acquis communautaire* which Croatia had completed by October 2006. Notably, four additional chapters were included due to concerns over potential difficulties in areas like agriculture, etc. So, Croatia's accession to EU was characterised by an adherence to established protocols without any negotiated exemptions. The process culminated in its official membership on July 1st 2013.⁴⁷

⁴⁶ The final section is concerned with any country-specific exemptions from the general approach, adopted by the candidate countries, both during the pre-accession period and after the actual accession.

⁴⁷ Thibault and Levy, 2013, pp. 1–6.

Question No. 18

What Country-Specific Provisions Were Contained in the EU Accession Agreement of Your Country?

The Treaty of Accession between the EU and Croatia (2011) outlines specific provisions for Croatia's entry into the European Union. Key provisions, i.e. main elements of the Agreement were as follows: (a) Integration into the EU Framework: Croatia was required to adopt and implement the *acquis communautaire*, the body of EU laws and regulations, as part of its obligations upon accession; (b) Transitional Periods: the Treaty allowed Croatia to request transitional periods for certain chapters of the *acquis*, enabling it to gradually align its national legislation with EU standards without disrupting free market competition; (c) Financial Contributions: Croatia's financial contributions to the EU budget were specified, including adjustments based on its economic capacity and needs; (d) Judicial and Institutional Reforms: provisions mandated reforms to strengthen the independence and efficiency of Croatia's judiciary, improve anti-corruption measures, and ensure human-rights protection, reflecting requirements similar to those imposed on previous accession countries such as Bulgaria and Romania; (e) Representation in EU institutions: the Treaty included provisions for integrating Croatian representatives into various EU institutions, with certain transitional arrangements until each new election could be held (for example, in accordance with the Accession Treaty Croatia had to implement first direct elections for the members of the European Parliament in the interim period until the regular European elections in 2014; Croatia thus saw its first elections for the European Parliament just a few months before joining the European Union, on the 14th of April 2013); (f) Monitoring mechanism: unlike Bulgaria and Romania, the Treaty did not establish a monitoring mechanism by the EU Commission post-accession to oversee Croatia's compliance with reforms; (g) Adaptations to existing EU Legislation: annexes to the Treaty listed necessary adaptations to existing EU legislation to accommodate Croatia's membership, covering areas such as intellectual property rights, financial services, agriculture, and fisheries; (h) Enactment: the Treaty required ratification by all existing EU member states and Croatia itself, which was completed by 21st June 2013.

Question No. 19

Were There Any Country-Specific Transitory Provisions?

Croatia's accession to the European Union included specific transitional provisions designed to facilitate its integration into the EU framework. These provisions were essential for allowing Croatia to align its national legislation with the EU's *acquis communautaire*: (a) Request for Transitional Periods: during the accession negotiations Croatia was able to request transitional periods for certain chapters of the *acquis*. This meant that Croatia could take additional time to harmonise its national laws with EU regulations in specific areas after joining the EU. Such requests were subject to limitations

in time and scope, ensuring they did not disrupt free market competition or affect the internal market of the EU; (b) Duration and Scope: the Accession Treaty stipulated that Member States could implement transitional arrangements for a period of up to seven years following accession. This flexibility allowed Croatia to gradually adapt to EU standards while minimising immediate economic disruptions; (c) Specific Legal Framework: the legal framework governing these transitional provisions was outlined in the Act concerning the conditions of Croatia's accession. This included provisions for the application of existing treaties and agreements, as well as specific rules regarding the Schengen *acquis*, which would only apply once Croatia met certain criteria; (d) Monitoring and Compliance: the European Commission was tasked with closely monitoring Croatia's compliance with its commitment during the transition period, ensuring that the country adhered to agreed-upon timelines and standards.

Question No. 20

Was Your Country Able to Negotiate Any Permanent Exemptions From the EU Law?

Croatia did not negotiate any permanent exemptions from EU law during its accession process. Instead, it committed to harmonise its legislation within the EU's legal framework. This extensive process involved screening and adapting Croatian laws to meet EU standards across various sectors including agriculture, environment and labour. Croatia faced specific challenges, such as border disputes with Slovenia that temporarily hindered negotiations. The negotiations included addressing issues similar to those faced by other candidate countries, where temporarily measures or transitional arrangements might have been discussed but did not result in permanent exemptions from EU law. In summary, Croatia's EU accession was characterised by its commitment to comply to EU laws rather than securing permanent exemptions. Since 1st July 2013, the Croatian Parliament has adopted legislation harmonised with the *acquis* following the procedure established in the pre-accession period, according to which all legislative proposals that are aligned to Croatian legislation with the *acquis* bear the designation 'P.Z.E.' and are adopted under urgent procedure if so sought by the proposer.⁴⁸ The Parliament adopts the annual legislative alignment plan, which is an integral part of the Government's programme for incorporating and implementing the *acquis*, and is the basic document in the process of incorporating and implementing EU law in Croatian legislation. Croatia is obliged to implement the notification procedure i.e. to notify the European Commission in a timely manner of the measures for the transposition of new directives into Croatian legislation as well as to properly implement the adopted legislation. The EU *acquis* is available in

48 Standing Orders of the Croatian Parliament, Official Gazette Narodne novine no. 81/13, 113/16, 69/17, 29/18, 53/20, 119/20, 123/20.

the Croatian language, which is one of the official languages of the Union, thereby providing Croatian citizens with equal access to European legislation.⁴⁹

Question No. 21

To Your Knowledge, Were There Any Notable Differences in the Content of Your Country's EU Accession Treaty From Other Countries in a Comparable Position?

Croatia's accession to the European Union, formalised through the Treaty of Accession (2011), presents several notable differences compared to the accession treaties of other countries in similar positions.⁵⁰ Below are the key aspects that distinguish Croatia's Treaty: (a) Transitional arrangements: Specific Provisions – The treaty included explicit transitional arrangements regarding agricultural land market, allowing for a gradual liberalisation process. This was a tailored response to Croatia's unique agricultural landscape and economic conditions; Absence of Monitoring Mechanism – Unlike Bulgaria and Romania, which had a monitoring mechanism established to ensure compliance with EU standards post-accession, Croatia's Treaty did not include such provisions. This reflects a shift in the EU's approach, as it was perceived that Croatia had made sufficient reforms prior to accession; (b) Length and Complexity: Length of the Treaty – The Treaty of Accession is approximately 290 pages long and includes numerous annexes detailing Croatia's commitments and adaptations to EU laws (the *acquis communautaire*). This complexity is somewhat consistent with other accession treaties but highlights the extensive negotiations that took place for over a decade; (c) Political Context: Historical Context – Croatia's accession was influenced by its recent history as a former Yugoslav republic, which involved significant political and social upheaval. The treaty addressed specific historical grievances and border disputes, particularly with Slovenia, which delayed the accession process; (d) Legal Framework Adaptations: Amendments to Founding Treaties – The Treaty contained provisions that amended the EU's founding treaties to accommodate Croatia as a new member state. This included adjustments to ensure Croatian representation in the EU institutions, and compliance with existing treaties; Charter of Fundamental Rights – While not explicitly stated in the Treaty, Croatia became bound by the Charter of Fundamental Rights through its accession, similar to other member states but with an emphasis on ensuring adherence due to its post-conflict status; (e) Economic Contributions: Financial Commitments – The Treaty outlined Croatia's financial contributions to the EU budget and specific commitments related to economic reforms necessary for integration into the single market. These financial aspects were closely scrutinised given Croatia's economic situation at the time of accession.⁵¹

49 Croatia on the Road to the European Union, 2009, pp. 1–44.

50 European Commission, 2013; European Union, 2025.

51 Croatia on the Road to the European Union, 2009, pp. 1–44.

In summary, while many elements of Croatia's accession treaty align with those of other nations entering the EU, its unique transitional arrangements, historical context, absence of post-accession monitoring mechanisms, and specific legal adaptations set it apart from previous accession experiences in Central and Eastern Europe.

Question No. 22

Are There Any Other Noteworthy Exemptions From the Application of the EU Law in Your Country?

Noteworthy exemptions from the application of EU law in Croatia primarily relate to VAT regulations, competition law and restrictive measures. Here follows a short overview: (a) VAT exemptions: Export of goods – Passengers or purchasers without permanent residence in the EU can claim a VAT refund on goods exported from Croatia if certain conditions are met, including a minimum purchase value of 100 Euros and proof of export; E-learning activities – Supplies related to education provided by public bodies or verified private educators are exempt from VAT. However, there is no specific guidance on the VAT treatment of e-learning activities; Gambling activities – Lotteries, casino games, and betting are exempt from VAT under Croatian law. This exemption extends to online gambling but lacks comprehensive regulatory guidance. (b) Competition Law Exemptions: Croatia's competition network operates under both national and EU rules. While the Croatian Competition Agency (CCA) applies national laws, it also adheres to EU competition laws.⁵² This dual application can lead to exemptions in certain cases where local interpretations may diverge from EU standards. (c) Restrictive Measures: Following its accession to the EU, Croatia is bound by EU sanctions and restrictive measures. However, it also has its own Law on Restrictive Measures (LRM) that outlines exemptions in certain cases where local interpretations may diverge from EU standards. LRM outlines procedures for implementing these measures domestically. This law allows for certain exemptions based on international obligations and specific circumstances defined by Croatian legislation. These exemptions illustrate how Croatia navigates its obligations under EU law while maintaining specific national regulations that address local contexts and needs.⁵³

52 Arts. 101, 102 TFEU.

53 mvcp.gov.hr, no date.

5. Concluding Remarks

The fact is that Croatia's path to the EU lasted for over twelve years, as well and its process of negotiations on accession also lasted for a long time, as they took approximately seven years. Furthermore, it is true that the negotiating framework specifically set up for Croatia was more demanding than for any previous country that had accessed to the EU, as no state before Croatia had more chapters to negotiate nor had any country previously had benchmarks for opening and closing chapters. Therefore, one might also conclude that Croatia set standards and benchmarks for countries to participate in future enlargement rounds. Nevertheless, at the time of writing, Croatia is still the most recent state to have joined the EU, and the only country from the Western Balkan group of seven states that successfully completed its journey to EU membership. Although the European Union recently managed to activate the stalled accession process in the region, rebuilding the credibility of the whole enlargement project in the Western Balkan countries will constitute a formidable challenge.

The overall Croatian experience of EU membership, despite some obvious shortcomings and the need to undertake certain decisive social and institutional reforms in the foreseeable future, should however be seen as positive example of integration and serve as an incentive for further EU enlargement in the region.

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