



SIGMA

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Public Administration: Responding to the COVID-19 Pandemic

*Mapping the EU member states' public administration responses to the COVID-19 pandemic
(for EU Enlargement and Neighbourhood countries)*

CROATIA

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CROATIA

Centre of Government, policy co-ordination and decision-making process

1. How is the government (council of ministers) functioning (organisation of virtual meetings, remote sessions etc.)?

Government sessions are being held with consideration to measures of social distancing (in larger meeting rooms, keeping distance between ministers).

Remote sessions of government are possible according to the Rules of Procedure (Article 38/3) by casting votes by phone or e-mail. Decisions taken in this way must be confirmed first following a session in the physical presence of ministers. This type of session was very seldomly organised prior to the pandemic, but since the beginning of the crisis, the Government has held several sessions by phone (13, 14, 18, 19, 20, 24, 30 March 2020).

Article 17 of the Law on Government stipulates that in extraordinary circumstances when the Government cannot convene, decisions can be taken by the "narrow cabinet" (prime minister and deputy prime ministers). This provision could theoretically be applied to the situation of a pandemic, but it has not been applied so far.

2. How is the crisis management and external communications co-ordinated within the Government? What is the role of CoG in this? Is there a central strategy/guidance?

The Government has not established any special co-ordination structures. Normal co-ordination structures are in place and decisions are being co-ordinated in government committees and government sessions.

In line with the law regulating the system of prevention, protection and rescue in cases of disasters, operational crisis management is performed by a dedicated structure organised across national territory (civilna zaštita). In line with the recent change of the law (in the framework of anti-corona measures), the structure is co-ordinated by the central co-ordination body (centralni stožer civilne zaštite) led by the minister of the interior and composed of representatives of numerous institutions responsible for crisis management (ministries, public health institution, firefighting institution etc.). In emergency situations, such as a pandemic, the central co-ordination body has the prerogative to issue regulations addressing the crisis. In the case of the COVID-19 crisis, main regulations concerning rules of social distancing, on public transport, on passes for travel or agricultural work, on the opening hours of stores or closing of shops and restaurants were issued by this body.

3. Any arrangements (rules, working procedures) which aim to streamline and accelerate the Government decision-making process (as regards deadlines, public consultations, transparency, impact analysis)?

Rules of Procedures allow for flexible procedural arrangements, which enable accelerated decision making of the government in situations of crisis. Besides, critical regulation can be issued by the co-ordinating body indicated above (2).

No formal decision on the deadlines in administrative or judicial procedures has been issued. The deadlines for public consultations, impact assessment and access to information procedures have been respected at the same level as usual.

Public service and human resource management

1. What arrangements regarding teleworking? What is the share of civil servants teleworking? What is the share of civil servants still coming to the office?

The Government enacted a decision that in all public administration bodies at the central level “only urgent tasks shall be performed” during the state of pandemic proclaimed on 12 March 2020.

The head of each institution shall establish the list of such tasks.

In each institution, the tasks are alternatively performed by two groups of civil servants (A and B). The list of civil servants for the two groups shall be established based on the responsibilities and risk assessments (critical groups are, for example, older civil servants, civil servants using public transport, civil servants with elderly household members or small children).

Premises of public administration institutions are regularly being disinfected, restaurants at the premises are closed, in case of meetings at official premises measures of social distancing must be respected.

All other civil servants (a vast majority) are on teleworking arrangements. They have access to e-mails and hold remote meetings, but most of them do not have access to files (document management system and other information systems supporting work processes).

2. What other flexible working arrangement (part time work, distribution of working hours over 7 days...)?

No new flexible working arrangements have been introduced; the existing ones can be applied at the managers’ discretion.

3. If civil servants cannot telework, how are they paid?

All civil servants who do not perform urgent work in their usual workplace are considered to be teleworking, so they are all normally paid 100% of their salary. No redundancies have been formally established.

4. Are civil servants being sent on mandatory annual leave? If not, is use of annual leave recommended? Any other special arrangement on absence management?

No mandatory annual leave and no recommendations as to annual leave.

5. Any new, special regulations for working overtime (removing limitations to overtime work e.g. for medical staff)?

No new arrangements.

6. Arrangement for paying for extra workload (health care)?

No new arrangements. According to the collective agreement for health care, the following supplements apply: 40% for night shift, 25 % for work on Saturday, 35 % for work on Sunday, 50% for overtime work, 150% for work on holiday. Supplements are not mutually exclusive.

7. What measures have been introduced to create fiscal space to fund health care, economic measures etc. against COVID-19 (salary cuts, freeze of recruitment, promotions...)?

As a response to the decrease in public revenues due to the lower economic activity as well as a response to the increase in public spending to fight the pandemic (and the earthquake in Zagreb) and to support the economy the Government adopted several instruments.

The Government issued a Decision on Restrictions of Budgetary Spending (Official gazette 41/2020 of 3 April 2020): only the spending for necessary tasks is allowed; new recruitments are prohibited (including contractual employments) regardless of the source (health services are exempted as well as specific employment that has to be approved by the minister of finance); all public calls and public procurements that are not necessary are suspended (exempted are only the procurements and calls related to the COVID-19 pandemic measures or earthquake measures, as well as specific cases which have to be approved by the minister of finance).

The sanctions for those who do not apply the measures are provided in accordance to the Law on Budget and Law on Fiscal Responsibility.

Also, the Government Decision on the Suspension on the Fiscal Rules (Official gazette 41/2020 of 3 April 2020) temporarily suspended the rules on the share of public spending in GDP and corresponding convergence rules.

It is expected that salary cuts for public services (except for health workers, police and civil protection system) will be introduced in the following weeks, most probably by the suspension of certain parts of the collective agreements for civil service and for public service (in public service more than 2/3 are health and education employees). The Government has public support for the salary cuts (public opinion polls show 70% support; even 60% of public servants themselves support their own salary cuts)

The longstanding issue of the territorial structure and the local Government that is very fragmented also came into public focus with the problems raised by the citizens in relation to the pass for mobility. Given the fact that the political support for the reform of local Government was traditionally weak, despite public support for the decrease of the number of local units (currently 455 local units), the issue may become relevant and political support more prominent. Especially concerning the regional political parties' (such as the Istrian Democratic Union) plead for the issuing of the e-passes for the area of the former community of municipalities that were replaced by local Government units in the 1993.

Accountability

1. How did you keep the national parliament operational? Any simplification of parliamentary procedures?

The national parliament (Hrvatski sabor) is in operation and sessions are being held as planned.

There are however some modifications agreed on the session of the Presidency of the Parliament (the president and vice presidents who represent governing and opposition parties) with regard to the plenary sessions - each day a maximum of 30 MPs may be present (2 from each parliamentary club), and they have to respect the social distancing measures; the time for speech is limited and after each speaker cleaning is performed:

The committee sessions are mainly being held online (video-conferencing, WhatsApp, e-mail).

The Committee for Elections, Appointments and Administrative Matters which decides on the status matters of the MP has suspended its rules on the absence of MPs (before the change, absence had led to the proportional cuts in salary for those MPs that have not been present in the sessions) so that all absences are considered as excused.

The parliamentary service employees are considered civil servants, so the Government Decision on the work in civil service is expected to apply accordingly.

In addition to the pandemic measures and due to the earthquake damage to the parliament building, as of 24 March 2020 sessions have been moved to separate buildings (the building of the State Inspectorate and the Westin hotel for voting).

2. How about the Ombudsman (e.g. overseeing the situation in prisons)

The Ombudsperson issued recommendations regarding the prevention of the pandemic in prisons and among homeless persons. She has also raised the issue of the negative economic effects of the pandemic measures for certain groups of citizens.

The Ombudsperson has been involved in the public debates on different issues, such as the proposals for suspension on privacy protection in relation to mobile phone tracking, or discrimination against people who do not wear masks or have become ill from the COVID-19.

The Office of Ombudsperson is considered to be a state body whose employees are civil servants, so it is expected that the rules of organising work in the state administration bodies are applied accordingly. Thus, the Ombudsperson organised the work by applying the rules as to level of urgency, as well as rotations of the employees. However, the Office was severely damaged in the earthquake so all employees are currently teleworking from home (e-mails, phone).

The three special ombudspersons have also reacted to the situation.

The Ombudsperson for Children warned about the online learning and the negative effects it can have on children if the online learning is not adapted to the new circumstances (the warning resulted in the Ministry of Education guidelines on e-learning and testing); It also issued a warning on the effects of a pandemic on children with special needs.

The Ombudsperson for the Persons with Disabilities issued a dozen of warnings to protect rights and interests of several vulnerable groups (people in nursing homes, people with hearing or visual disabilities, children with disabilities, people with disabilities living alone, etc.).

The Ombudsperson for Gender Equality warned about the possible effects of the pandemic measures on the increase of domestic violence cases and especially the need to protect women and children.

3. Does administrative justice work? Have deadlines changed?

The administrative justice (four first-instance administrative courts and one second-instance court) has reorganised its daily work in a way that the judges and administrative staff are teleworking from home, and they come to the court one day per week to perform the necessary tasks. The weekly schedule of the presence in the court takes into consideration the rules of public gatherings (2 metres social distance, a fewer number of people in the building at the same time etc.).

With regard to the deadlines, there has not been any formal decision (nor amendment of the law) on the prolongation or suspension or any other effect on deadlines, but there have been some suggestions towards the Ministry of Justice to prepare a law which would regulate the deadlines in administrative and court proceedings (the proposal has been put forward and the draft law prepared by the Croatian Bar Association). The President of the Supreme Court has requested the amendments of the Law on Courts to enable appropriate treatment of the deadlines, the use of technology and the e-sessions. Most of the deadlines in administrative dispute can be prolonged by the court (ex officio or on the proposal of the party).

With regard to the records flow and management, the courts enable, to the parties, the use of the e-file system for the file inspections and submission of documents, with fewer restrictions than usual regarding the e-signature. Also, the delivery of the final judgement may be performed by the e-file system upon the request of the party (art 50/2 of the Law on Administrative Disputes)

4. Any public debates on respect of principles of good administration (legality, proportionality, predictability) of protective measures?

The public debate (by constitutional and administrative scholars, journalists, politicians, civil society organisations) evolves around the issue of the proclamation of the state of emergency which the Government has not declared yet but instead it governs with the help of the two key pieces of legislation – The Law on the Protection of the Citizens from Contagious Diseases and The Law on the Civil Protection System. The amendments of the later law installed the National Civil Protection Council chaired by the minister of interior and comprised of the representatives of ministries and main state institutions (Public Health Institute, Red Cross, etc.) as the key steering mechanism which issues the decisions on limitations and bans of civil gatherings, travel etc.

Under Article 17 Constitution, the state of emergency would require a parliamentary majority of 2/3 for any law amendments which would affect human rights, and it would give certain prerogatives to the President of the Republic. The debate was prompted by the Government's proposal to allow phone tracking to monitor the compliance with the measures of isolation and quarantine (not adopted yet).

The Ombudsman pleaded to respect human rights and avoid discrimination.

Service delivery

1. Which services are being delivered (all, some, only the essential)?

Vital services are provided, and most of the services function with slight delays.

2. Are there any modifications done to the obligations of:

- i. *the administrations towards citizens/businesses (e.g. freezing of deadlines)?*

The deadlines are not generally regulated for the purposes of adaptation to extraordinary measures. The law on administrative procedure allows for the simplification of the procedure in extraordinary circumstances (Articles 48 and 49).

The Government made a proposal for the amendments of certain legislation allowing for the prolongation of the validity of personal documents (ID; passport, drivers licence) for an additional 30 days upon the expiration day.

- ii. *citizens/businesses towards public administration (reporting, payments of taxes, contributions, fees...)?*

The Government introduced a temporary suspension of payments to the public budgets for the businesses which cannot perform their activities or their activities have been limited.

The businesses that qualify for the subvention of salaries are exempted for the payments of health and pension contributions.

The deadline for the submission of the annual financial reports usually due by 31 March has been delayed to 30 June 2020.

3. Has the crisis initiated any simplifications or enhanced the use of alternative tools:

- i. *in the internal procedures of the Government (e.g. acceptance of formal approvals over e-mail)?*

In 2016 the Government has issued a conclusion on the exchange of documents in the state administration and among state administration and other authorities (local Government, legal persons with public authorities) by the e-mail.

In general, there is an increasing reliance on IT tools, from e-mails, social networks, and video-conferencing for meetings, discussions and exchange of information.

- ii. *in the administrative procedures with citizens and businesses (e.g. replacement of handwritten signature with scanned copies or simple exchange of mails)?*

In the administrative procedure, e-mails have been used for the correspondence and submissions.

The e-services portal E-citizens is used to obtain different services and to issue e-passes for those who have to travel for work or other important reasons (chronic illness or similar)

Public financial management

1. Are COVID-19 response measures being introduced within the framework of or with reference to existing fiscal rules (budget deficit or public debt ratio limits etc.)

The Law on Budget envisages in Article 7 para. 2 that if in the course of the fiscal year extraordinary circumstances require the increase in expenditures or the decrease in revenues, the budget has to be balanced by identifying new sources of revenues and of new modes of decrease of expenditures. This has to be done by the amendments of the budget. The Government has not yet proposed the amendments to the 2020 state budget but it is expected that it will do so in the near future (after the agreement with the trade unions of civil and public servants and the employers' association).

The same law on Article 56 envisages that in the extraordinary circumstances (including a pandemic) the resources in budgetary stocks (separate resources that can be spent for extraordinary purposes) can be used, up to the limit of 0,5 % of fiscal revenues.

The Ministry of State Property has to ensure that the restrictions apply to the state companies.

The Government issued a Decision on Restrictions of Budgetary Spending (Official gazette 41/2020 of 3 April 2020): only the spending for necessary tasks is allowed; new recruitments are prohibited (including contractual employments) regardless of the source (health services are exempted as well as specific employment that has to be approved by the minister of finance); all public calls and public procurements that are not necessary are suspended (exempted are only the procurements and calls related to the COVID-19 pandemic measures or earthquake measures, as well as specific cases which have to be approved by the minister of finance).

The sanctions for those who do not apply the measures are provided in accordance to the Law on Budget and Law on Fiscal Responsibility.

Also, the Government Decision on the Suspension on the Fiscal Rules (Official gazette 41/2020 of 3 April 2020) temporarily suspended the rules on the share of the public spending in GDP and corresponding convergence rules.

2. Are the cost of these measures being published?

The first package of measures for the economy was worth EUR 4 billion but the April package introduced a set of new measures.

The implementation of the measures has been in place for less than a month (formally from 12 March) so the exact figures are not yet known (some measures depend on the applications of the private sector entities). However, the Prime Minister has given the general framework for certain

expenditures at the press conferences. For example, the tourism sector measures will amount to approximately EUR 80 million, support for the employment around EUR 50 million etc.

Information on donations by the citizens and private sector has been published (EUR 1.5 million; in parallel, an account for the donations for the earthquake has been opened – EUR 1 million)

3. Have budget users been asked to identify cost-saving measures to partially offset the cost of the response measures?

The budget users have been asked to identify obligatory savings of 5% of their budgets plus, if possible, additional savings above that limit.

4. Are internal controls continuing to operate smoothly (electronic signatures)?

Yes, the internal controls are functioning as usual.

5. Does each budget user or at least ministry have a risk management strategy that envisaged emergency measures in response to a sudden crisis? How is staff and customer safety balanced against the need to deliver required services?

Law on Internal Financial Control (PIFC law) envisages that each public institution has to establish a risk management system (Article 12).

The issue of customer and staff safety is currently even more problematic due to the earthquake on 22 March 2020 that damaged most of the Government, state administration, and agency offices in the capital city.