Reports of Cases

ORDER OF THE COURT (Seventh Chamber)

12 December 2025*

(Reference for a preliminary ruling – Article 99 of the Rules of Procedure of the Court of Justice – Questions the answer to which may be clearly deduced from the Court's existing case-law – Remuneration of judges of first instance – Article 19(1), second subparagraph, TEU – Article 47 of the Charter of Fundamental Rights of the European Union – Principle of judicial independence – Powers of the legislatures and executives of the Member States to set the detailed rules for determining judges' remuneration – Requirement that remuneration is commensurate with the importance of the functions carried out – Obligation to take into account the national socio-economic context)

In Case C-372/24,

REQUEST for a preliminary ruling under Article 267 TFEU from the Upravni sud u Rijeci (Administrative Court, Rijeka, Croatia), made by decision of 22 May 2024, received at the Court on 24 May 2024, in the proceedings

B. B.

v

Ministarstvo pravosuđa, uprave i digitalne transformacije Republike Hrvatske,

THE COURT (Seventh Chamber),

composed of F. Schalin, President of the Chamber, M. Gavalec (Rapporteur) and Z. Csehi, Judges,

Advocate General: D. Spielmann,

Registrar: A. Calot Escobar,

having decided, after hearing the Advocate General, to rule by reasoned order, pursuant to Article 99 of the Rules of Procedure of the Court of Justice,

makes the following

* Language of the case: Croatian.

Order

1 This request for a preliminary ruling concerns the interpretation of the second subparagraph of Article 19(1) TEU and Article 47 of the Charter of Fundamental Rights of the European Union ('the Charter').

2 The request has been made in proceedings between B. B., a Croatian judge, and the Ministarstvo pravosuđa, uprave i digitalne transformacije Republike Hrvatske (Ministry of Justice, Administration and Digital Transformation of the Republic of Croatia) concerning the calculation of B. B.'s remuneration.

Legal context

3 Article 4 of the zakon o plaći i drugim materijalnim pravima pravosudnih dužnosnika (Law on the remuneration and other material rights of members of the judiciary), in the version applicable to the dispute in the main proceedings ('the Law on the remuneration of members of the judiciary'), provides, in its first three paragraphs:

'The remuneration of members of the judiciary shall be set by multiplying the base rate used for calculating the remuneration by the coefficient applicable to the official concerned.

The basic formula for calculating the remuneration of members of the judiciary shall be set at EUR 706.50 gross.

The coefficients for calculating the remuneration of members of the judiciary shall be set:

…

8. (a) at 4.21 for judges of municipal courts,
   (b) at 4.21 for judges of administrative courts,
   (c) at 4.21 for judges of commercial courts,
   (d) at 4.21 for deputy municipal prosecutors.'

The dispute in the main proceedings, the proceedings before the Court and the questions referred for a preliminary ruling

4 B. B. is a judge who works at the Upravni sud u Zagrebu (Administrative Court, Zagreb, Croatia). On 22 November 2023, he brought an action before the Upravni sud u Rijeci (Administrative Court, Rijeka, Croatia), which is the referring court, seeking, inter alia, annulment of the order of the Ministry of Justice, Administration and Digital Transformation of the Republic of Croatia of 9 October 2023 rejecting his complaint against the order of the President of the Upravni sud u Zagrebu (Administrative Court, Zagreb) of 10 July 2023, which set his salary pursuant to the first paragraph of Article 4 of the Law on the remuneration of members of the judiciary. B. B. claims that that provision infringes the principle of judicial independence, as follows from Article 19(2) TEU and the second paragraph of Article 47 of the Charter.

5 The referring court observes that, from 1 July 2023 to 1 March 2025, B. B.'s gross monthly salary was EUR 2 974.37, that amount being obtained by multiplying the base rate for the calculation of the remuneration of judges and other members of the judiciary of EUR 706.5 by the coefficient of 4.21 provided for in the third paragraph of Article 4 of the Law on the remuneration of members of the judiciary.

6 According to the referring court, it follows from the data provided by the Croatian Bureau of Statistics and from well-known facts that, until the entry into force of the Law on the remuneration of members of the judiciary, the salary of judges of first instance, such as B. B., was EUR 2 295.75, that figure being obtained by multiplying the base rate for the calculation of the remuneration of judges and other members of the judiciary of EUR 652.20 by a coefficient of 3.52. The referring court adds that, over the last 20 years, the gross salary of a judge of first instance has increased from EUR 2 187.72 to EUR 3 063.61 and that salary is increased by 0.5% to 20% for each year of service completed after 6 years of service. During the last 20 years, the average monthly net salary in Croatia has increased by 125%, from EUR 522.93 to EUR 1 163.00. Therefore, although, at the time of the Republic of Croatia's accession to the European Union, the gross salary of a judge of first instance in the amount of EUR 2 187.72 was equivalent to 2.08 times the gross salary of a worker employed by a legal person – which was then EUR 1 053.69 – that salary, which would now amount to EUR 2 974.37, would only be 1.77 times that of a worker employed by a legal person, amounting to EUR 1 679. The net salary of a judge of a court of first instance is EUR 2 020.79, therefore corresponding to 1.67 times that of a worker employed by a legal person.

7 Besides, as regards other legal professions, the referring court states, first, that a judge's salary is at the twelfth of the sixteen salary grades provided for in the civil service and public services and corresponds to the salary of deputy prosecutors of an Općinski sud (Municipal Court, Croatia). Second, the scale of lawyers' fees applicable in Croatia provides that, for drafting an application in an administrative dispute and attending the hearing, a lawyer is entitled to remuneration in the amount of EUR 2 500, including value added tax (VAT).

8 The referring court is of the view that Article 4 of the Law on the remuneration of members of the judiciary breaches the principle of judicial independence, as follows from Article 19(1) and (2) TEU and the second paragraph of Article 47 of the Charter. The salary of Croatian judges of first instance is too low in comparison to that of other legal professions, the average salary and standard of living in Croatia, and the ratio between judges' salaries and the average monthly salary of a worker employed by a legal person at the time of the Republic of Croatia's accession to the European Union. The salaries of first instance judges are not appropriate, which compromises judicial independence and the principle of effective judicial protection. Furthermore, judges' salaries are paid from the Croatian State budget, which indirectly undermines the principle of independence and autonomy of the judiciary, given that their amount depends on decisions of the executive and the legislature.

9 According to B. B., remuneration of an independent judge must be commensurate with his or her responsibilities and the fact that he or she personally carries out the judicial function defined in the Constitution, as well as the standard of living and social situation in the country where he or she carries out his or her functions. However, Article 4 of the Law on the remuneration of members of the judiciary does not satisfy those requirements. B. B. states that his salary has increased by less than 30% over the last 20 years, whereas the average net monthly salary in the Republic of Croatia has increased by almost 125% and amounts to approximately EUR 1 160. B. B. emphasises that, since his appeal was lodged, new provisions have been introduced to

increase significantly the salaries of all workers in the civil service and public services, with the exception of judges. Furthermore, following the considerable increase in the scale of lawyers' fees in 2023, a lawyer responsible for only two cases could receive remuneration equivalent to that of a judge.

10 In those circumstances, the Upravni sud u Rijeci (Administrative Court, Rijeka), in its decision of 22 May 2024, decided to stay the proceedings and to refer five questions to the Court of Justice for a preliminary ruling.

11 By decision of the President of the Court of 27 August 2024, the proceedings in the present case were stayed pending delivery of the judgment of 25 February 2025, *Sąd Rejonowy w Białymstoku and Adoreikė* (C-146/23 and C-374/23, EU:C:2025:109).

12 By letter of 13 March 2025, the Registry of the Court of Justice sent a copy of that judgment to the referring court and asked it to state whether, in the light of that judgment, it wished to maintain its request for a preliminary ruling.

13 In its reply of 24 April 2025, the referring court informed the Court that it intended to maintain its request for a preliminary ruling on the ground that the present case differed significantly from those which gave rise to that judgment. According to the referring court, unlike the national legislation at issue in the cases which gave rise to that judgment, the Law on the remuneration of members of the judiciary does not provide for the determination of judges' remuneration on the basis of objective criteria. Besides, the referring court refers to the specific features of the situation in Croatia. In that regard, it states that the economic crisis which had justified a reduction in judges' remuneration had ended in 2016, with the result that there is no longer any legitimate reason to delay the adjustment of their remuneration. That court also is of the view, in essence, and by analogy with the judgment of 20 April 2021, *Repubblika* (C-896/19, EU:C:2021:311, paragraphs 64 and 65), that the weakening of the ratio between the gross salary of a judge of first instance and the average salary of a worker employed by a legal person, in the period between the accession of the Republic of Croatia to the European Union and the date on which B. B. brought his action, reflects a reduction in the protection of judicial independence.

14 Last, the referring court states that it is true that the Law on the remuneration of members of the judiciary has been further amended, with effect from 1 March 2025, and is intended to align the base rate for calculating judges' remuneration with that applicable to the remuneration of civil servants and public service employees. Nevertheless, despite that reform, the gross remuneration of judges of first instance is equivalent to that corresponding to the third salary grade provided for civil servants and public service employees, without taking into account all the additional remuneration received by certain categories of civil servants. In addition, despite that new amendment to the Law on the remuneration of members of the judiciary, judges are still prevented from carrying out any other activity, receiving gifts and receiving any other income. Furthermore, they are still not entitled to the same sick pay as civil servants and public service employees. Ultimately, a Croatian judge continues to earn less than many of his or her similarly higher-educated colleagues, regardless of their profession.

15 In the light of the new information referred to in its reply of 24 April 2025, the Upravni sud u Rijeci (Administrative Court, Rijeka) adapted the wording of the questions referred for a preliminary ruling, which are worded as follows:

'(1) Must the principle of judicial independence laid down in the second subparagraph of Article 19(1) TEU and the second paragraph of Article 47 of the Charter be interpreted as precluding the provisions of Article 4 [of the Law on the remuneration of members of the judiciary, on the basis of which the administrative order challenged by the applicant in the main proceedings was made, and] which fix the basic remuneration (without allowances), that [is] to say which fix the basis and factor of remuneration of a judge of a court of first instance in [Croatia]?

(2) If the answer to the first question is in the affirmative, must the second subparagraph of Article 19(1) TEU and the second paragraph of Article 47 of the Charter, in a situation where the non-application of Article 4 of [that] law would lead to an even less favourable situation for the independence of judges of the courts of first instance, and a Member State consistently avoids adopting a remuneration system in accordance with the demands of the independent judiciary, be interpreted as meaning that the national court is required to do everything legally permissible to ensure judicial independence, inter alia, also to fix[, for the period between 1 July 2023 and 1 March 2025,] the gross basic remuneration of the applicant as a judge of a court of first instance, without allowances, at the gross monthly remuneration for the current year, which is obtained by multiplying the amount of the average gross monthly remuneration for the previous year of employees employed by legal persons in [Croatia] by a factor (2.08) corresponding to the ratio of the gross remuneration of a judge of a specialised court of first instance to the average gross remuneration of employees employed by legal persons in [Croatia] at the time of the accession of [Croatia] to the European Union?

(3) Must the principle of judicial independence laid down in the second subparagraph of Article 19(1) TEU and the second paragraph of Article 47 of the Charter be interpreted as [precluding a provision of national law (including the last amendment to the Law on the remuneration of members of the judiciary … in force since 1 March 2025) which does not implement the criterion laid down by the European Union with regard to salary grades for judges or any determination of the salary grade (out of a total of 16 salary grades) laid down for civil servants and public service employees which would be appropriate for the remuneration of a judge of a court of first instance]?

(4) If the answer to the previous question is in the affirmative, must the principle of judicial independence laid down in the second subparagraph of Article 19(1) TEU and the second paragraph of Article 47 of the Charter be interpreted as precluding a provision of national law which authorises judges to be paid from the State budget, which is enacted and disposed of by the Government of the Republic of Croatia and the Parliament of the Republic of Croatia as entities of the executive and the legislature, thus indirectly affecting the independence of the judiciary[?]

(5) Must the principle of judicial independence laid down in the second subparagraph of Article 19(1) TEU and the second paragraph of Article 47 of the Charter be interpreted as meaning that the legislature of the Republic of Croatia is required, when enacting provisions governing the remuneration of judges, to fix the remuneration of judges in such a way that the increase in the remuneration of judges is in line with the increase in the average remuneration in [Croatia] over the same period?'

Consideration of the questions referred

16 Under Article 99 of the Rules of Procedure of the Court of Justice, where the reply to a question referred for a preliminary ruling may be clearly deduced from existing case-law, or where the answer to the question referred admits of no reasonable doubt, the Court may at any time, on a proposal by the Judge-Rapporteur and after hearing the Advocate General, decide to rule by reasoned order.

17 It should also be borne in mind that the judicial cooperation established by Article 267 TFEU is based on a clear separation of functions between the national courts and the Court of Justice. First, the Court is not empowered to apply rules of EU law to a particular case, but only to rule on the interpretation of the Treaties and of acts of EU institutions (see, to that effect, judgment of 18 May 2021, *Asociația 'Forumul Judecătorilor din România' and Others*, C-83/19, C-127/19, C-195/19, C-291/19, C-355/19 and C-397/19, EU:C:2021:393, paragraph 201 and the case-law cited). Second, in accordance with paragraph 11 of the recommendations of the Court of Justice of the European Union to national courts and tribunals in relation to the initiation of preliminary ruling proceedings (OJ 2019 C 380, p. 1), it is for the national courts to draw, in the case pending before them, concrete conclusions from the interpretation provided by the Court (see, to that effect, judgment of 25 October 2018, *Roche Lietuva*, C-413/17, EU:C:2018:865, paragraph 43).

18 In the present case, despite the doubts expressed by the referring court, the Court considers that the interpretation of EU law sought by the referring court may be clearly deduced from the judgment of 25 February 2025, *Sąd Rejonowy w Białymstoku and Adoreikė* (C-146/23 and C-374/23, EU:C:2025:109). It is therefore appropriate to apply Article 99 of the Rules of Procedure in the present case.

19 As is apparent from paragraph 17 above, it will be for the referring court to draw the specific inferences, in the dispute in the main proceedings, from the interpretative information arising from that case-law of the Court.

The first and third to fifth questions

20 By its first and third to fifth questions, which it is appropriate to examine together, the referring court asks, in essence, whether the second subparagraph of Article 19(1) TEU, read in conjunction with Article 2 TEU, must be interpreted as meaning that the principle of judicial independence precludes the legislation of a Member State under which the remuneration of judges is determined, by the legislature and executive of that Member State, by multiplying the base rate for the remuneration of judges and other members of the judiciary by a coefficient corresponding to the category of the judge concerned.

21 In the first place, although, in accordance with the principle of the separation of powers which characterises the operation of the rule of law, the independence of the judiciary must be guaranteed in relation to the legislature and the executive of a Member State, the mere fact that the legislature and the executive of a Member State are involved in determining judges' remuneration is not, in itself, such as to create a dependence of those judges on the legislature or executive or to give rise to doubts as to the independence or impartiality of the judges. When drawing up their budgets and deciding between the various items of public expenditure, the Member States enjoy broad discretion, which includes determining the method of calculating that expenditure and, in particular, the judges' remuneration. The national legislature and executive are indeed best placed to take into account the particular socio-economic context of

the Member State in which that budget must be drawn up and judicial independence guaranteed (judgments of 25 February 2025, *Sąd Rejonowy w Białymstoku and Adoreikė*, C-146/23 and C-374/23, EU:C:2025:109, paragraph 51, and of 5 June 2025, *Curtea de Apel București (Abolition of severance payment made to judges upon retirement)*, C-762/23, EU:C:2025:400, paragraph 22).

22 The fact remains nonetheless that national rules on judges' remuneration must not give rise to reasonable doubts, in the minds of individuals, as to the imperviousness of the judges concerned to external factors and as to their neutrality with respect to the interests before them. To that end, charters, reports and other documents drawn up by bodies of the Council of Europe or under the aegis of the United Nations may provide relevant guidance for the interpretation of EU law where national provisions are adopted on the subject (judgments of 25 February 2025, *Sąd Rejonowy w Białymstoku and Adoreikė*, C-146/23 and C-374/23, EU:C:2025:109, paragraphs 52 and 53, and of 5 June 2025, *Curtea de Apel București (Abolition of severance payment made to judges upon retirement)*, C-762/23, EU:C:2025:400, paragraph 23).

23 In the second place, the principle of judicial independence, read in conjunction with the principle of legal certainty, requires that the detailed rules for determining judges' remuneration be objective, foreseeable, stable and transparent, so as to exclude any arbitrary intervention by the legislature and the executive of the Member State concerned (judgment of 25 February 2025, *Sąd Rejonowy w Białymstoku and Adoreikė*, C-146/23 and C-374/23, EU:C:2025:109, paragraph 56).

24 By providing that the amount of judges' remuneration is to be determined by multiplying a base rate by a coefficient deemed to reflect the importance of a judge's duties, the first paragraph of Article 4 of the Law on the remuneration of members of the judiciary appears to satisfy the requirements referred to in the previous paragraph, which it is nevertheless for the referring court to ascertain.

25 Moreover, in the cases which gave rise to the judgment of 25 February 2025, *Sąd Rejonowy w Białymstoku and Adoreikė* (C-146/23 and C-374/23, EU:C:2025:109, paragraphs 10 and 25), the Court did not call into question such methods for calculating the remuneration of Polish and Lithuanian judges. In any event, nothing in the request for a preliminary ruling suggests why the method of calculating the remuneration of Croatian judges, as provided for under the Law on the remuneration of members of the judiciary, is not objective.

26 In the third place, judges must receive remuneration at a level commensurate with the importance of their functions, which requires taking into account the socio-economic context of the Member State concerned, in other words, its economic, social and financial situation. From that point of view, it is appropriate to compare the average remuneration of judges to the average salary in that State. In addition, although it is necessary to consider the salaries of other legal professions, it cannot be inferred from this that the remuneration of judges cannot be lower than the average remuneration of other legal professionals, in particular those exercising a liberal profession, such as lawyers, where they are clearly in a different situation from that of judges. Furthermore, account must be taken of the various allowances received by judges in addition to their ordinary basic salary (judgments of 25 February 2025, *Sąd Rejonowy w Białymstoku and Adoreikė*, C-146/23 and C-374/23, EU:C:2025:109, paragraphs 58 and 61 to 64, and of 5 June 2025, *Curtea de Apel București (Abolition of severance payment made to judges upon retirement)*, C-762/23, EU:C:2025:400, paragraphs 35 and 36).

27 Although in proceedings under Article 267 TFEU it is not for the Court to apply the rules of EU law to a particular case, it may, in order to provide an answer of use to the referring court, provide guidance based on the documents relating to the main proceedings and on the written observations before it, in order to enable that court to give judgment (see, to that effect, judgments of 20 June 1991, *Newton*, C-356/89, EU:C:1991:265, paragraph 10, and of 25 February 2025, *Sąd Rejonowy w Białymstoku and Adoreikė*, C-146/23 and C-374/23, EU:C:2025:109, paragraph 77).

28 In the present case, it is noteworthy, in particular, that the basic gross salary of judges of first instance is equivalent to 1.77 times the gross salary of a worker employed by a legal person, which, moreover, is not specified as corresponding to the average gross salary in that Member State, and that that ratio remains significant.

29 In addition, the referring court does not appear to have taken into account the allowances received by Croatian judges of first instance, in particular the seniority allowance, which increases judges' salaries by from 0.5% to 20% for each year of service completed after six years of service and which is likely to increase their remuneration significantly.

30 Furthermore, in order to ascertain to what extent judges' remuneration corresponds to the importance of their functions, the referring court may take account of the data contained in the Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions (COM(2025) 375 final) of 1 July 2025, entitled '2025 EU Justice Scoreboard' (see, by analogy, judgment of 5 June 2025, *Curtea de Apel București (Abolition of severance payment made to judges upon retirement)*, C-762/23, EU:C:2025:400, paragraph 43). It is apparent from Figure 35 in that communication that the ratio between the gross remuneration of Croatian judges of first instance at the beginning of their career and the average salary in that Member State, which is 1.77, is comparable to the ratio observed in other Member States, such as the Kingdom of Belgium, the Italian Republic, the Republic of Lithuania, Hungary, the Republic of Austria, the Republic of Poland, the Republic of Finland and the Kingdom of Sweden. That ratio is even higher than in Germany, France, Luxembourg, the Netherlands and Slovenia.

31 Moreover, the fact that, for budgetary reasons, the legislature of a Member State has not increased the remuneration of national judges, with the result that the ratio in question has decreased, cannot necessarily be regarded as a reduction in the protection of the value of the rule of law in that Member State. Only specific circumstances demonstrating that the legislature intended to undermine the principle of judicial independence, in particular, the adoption of national provisions relating to the organisation of justice and undermining the guarantees of judicial independence, would be capable of demonstrating an infringement of the second subparagraph of Article 19(1) TEU and Article 47 of the Charter (see, to that effect, judgment of 20 April 2021, *Repubblika*, C-896/19, EU:C:2021:311, paragraphs 64 and 65).

32 Last, as regards the argument that, in Croatia, for drafting an application in an administrative dispute and attending the hearing, a lawyer receives remuneration in the amount of EUR 2 500, including VAT, as stated in the evaluation report on the European judicial systems drawn up in 2020 by the European Commission for the Efficiency of Justice (CEPEJ) (page 67), in order to guarantee judicial independence and, more broadly, the quality of justice in a State governed by the rule of law, 'justice policies should also consider the salaries of other legal professions in order to make the judicial profession attractive to highly qualified legal practitioners'. Nevertheless, as has been emphasised in paragraph 26 above, the principle of judicial indepen-

dence does not preclude the remuneration of judges from being established at a level lower than that of the average remuneration of other legal professionals, where they are clearly in a different situation from that of judges.

33 Accordingly, subject to the checks which it is for the referring court to carry out, it is not apparent that the first paragraph of Article 4 of the Law on the remuneration of members of the judiciary disregarded the requirements arising from the principle of judicial independence, as follows from the second subparagraph of Article 19(1) TEU, read in conjunction with Article 2 TEU (see, by analogy, judgment of 25 February 2025, *Sąd Rejonowy w Białymstoku and Adoreikė*, C-146/23 and C-374/23, EU:C:2025:109, paragraph 83).

34 In the light of the foregoing considerations, the answer to the first and third to fifth questions is that the second subparagraph of Article 19(1) TEU, read in conjunction with Article 2 TEU, must be interpreted as meaning that the principle of judicial independence does not preclude the legislation of a Member State under which the remuneration of judges is determined, by the legislative and the executive powers of that Member State, by multiplying the base rate for the remuneration of judges and other members of the judiciary by a coefficient corresponding to the category of the judge concerned, provided that that determination is not arbitrary, but is based on objective, foreseeable, stable and transparent criteria and ensures that judges receive remuneration commensurate with the importance of the duties they perform, taking into account the economic, social and financial situation of that Member State and the average salary in that Member State.

The second question

35 By its second question, the referring court seeks, in essence, to determine how it could restore the right of judges to remuneration commensurate with the importance of their duties in the event that Article 4 of the Law on the remuneration of members of the judiciary infringes the principle of judicial independence, as follows from the second subparagraph of Article 19(1) TEU, read in conjunction with Article 2 TEU.

36 In view of the answer given to the first and third to fifth questions and in the absence of any evidence capable of establishing that Article 4 of that law infringes that principle of judicial independence, there is no need to answer the second question.

Costs

37 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the referring court, the decision on costs is a matter for that court.

On those grounds, the Court (Seventh Chamber) hereby rules:

The second subparagraph of Article 19(1) TEU, read in conjunction with Article 2 TEU,

must be interpreted as meaning that the principle of judicial independence does not preclude the legislation of a Member State under which the remuneration of judges is determined, by the legislative and the executive powers of that Member State, by multiplying the base rate for the remuneration of judges and other members of the judiciary by a coefficient corresponding to the category of the judge concerned, provided

that that determination is not arbitrary, but is based on objective, foreseeable, stable and transparent criteria and ensures that judges receive remuneration commensurate with the importance of the duties they perform, taking into account the economic, social and financial situation of that Member State and the average salary in that Member State.

[Signatures]