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Small claims



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(in civil and commercial
matters)

1 Existence of a specific small claims procedure

In the Republic of Croatia small claims are governed by Articles 457-467a of the Civil Procedure Act (*Zakon o parničnom postupku*) (Narodne Novine (NN; Official Gazette of the Republic of Croatia) Nos 53/91, 91/92, 112/99, 129/00, 88/01, 117/03, 88/05, 2/07, 84/08, 96/08, 123/08, 57/11, 25/13, 89/14, 70/19, 80/22, 114/22 and 155/23), while the European small claims procedure under Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure is governed by Articles 507o - 507ž of the Civil Procedure Act.

1.1 Scope of procedure, threshold

Small claims are claims for not more than EUR 1 320.00.

Small claims before commercial courts (*trgovački sudovi*) are claims for not more than EUR 6 630.00.

Small claims also means claims where the statement of claim is not for an amount of money, but the applicant has stated in the action that they agree to receive a specific amount of money not exceeding EUR 1 320.00 instead of their claim being granted.

Small claims also means claims where the statement of claim does not concern a sum of money but the transfer of movable property whose value, as stated by the applicant in the action, does not exceed EUR 1 320.00.

Under current arrangements, European small claims procedures are governed by Regulation (EC) No 861/2007 if the value of the claim does not exceed EUR 2 000 at the time the claim form is received by the court with jurisdiction, excluding all interest, expenses and fees.

Small claims procedures are also conducted in the case of an objection to a payment order if the value of the contested part of the payment order does not exceed EUR 1 320.00.

In the small claims procedure, proceedings before the court of first instance must be completed within a reasonable period of time, and in any event less than one year from the date on which the claim is submitted.

1.2 Application of procedure

Small claims procedures are conducted before a local or commercial court under the rules on subject-matter jurisdiction laid down in Articles 34 and 34b of the Civil Procedure Act. Small claims procedures are initiated by submitting a claim to the competent court, i.e. by submitting an application for enforcement based on an authentic document to a notary public when an admissible objection to a writ of execution has been submitted in a timely fashion.

1.3 Forms

Forms, other claims or declarations are submitted in written form, by fax or e-mail and are used only for

European small claims procedures under Regulation (EC) No 861/2007.

There are no other set forms to initiate an action in small claims procedures.

1.4 Assistance

The Civil Procedure Act has no particular provisions on legal aid in small claims procedures. A claimant may be represented by an attorney during a small claims procedure.

If the requirements of the Free Legal Aid Act (*Zakon o besplatnoj pravnoj pomoći*) (NN Nos 143/13 and 98/19) have been fulfilled, the litigants have the right to free legal aid.

Information on the free legal aid scheme in Croatia can be found on the following website:

<https://pravosudje.gov.hr/besplatna-pravna-pomoc/6184>.

1.5 Rules concerning the taking of evidence

In small claims procedures, the parties must present all the facts on which they are basing their claim no later than when submitting the action or defence statement and submit any evidence required to support the facts presented.

In small claims procedures concerning an objection to a payment order, the applicant is obliged to present all the facts on which they are basing their claims and to submit any evidence required to support the facts presented no later than when making the submission to the court within 15 days of receipt of the decision cancelling the payment order.

In small claims procedures concerning an objection to a payment order, the defendant is obliged to present all the facts on which they base their claims and to submit any evidence required to support the facts presented no later than 15 days following receipt of the applicant's submission in which the applicant presents all the facts on which they are basing their claims and submits any evidence required to support the facts presented.

The parties may present new facts or put forward new evidence at a preliminary hearing, only if, through no fault of their own, they could not present or put them forward in the action or defence statement or in the submissions under the above-mentioned provisions setting out all the facts on which they are basing their claims and presenting the evidence to support the facts presented.

New facts and evidence presented or put forward by the parties at the preliminary hearing contrary to the provisions set out above will be disregarded by the court.

The general provisions of the Civil Procedure Act apply to the taking of evidence. Evidence in small claims procedures may, therefore, consist of inspections, documents, witness statements, experts' reports ordered by a court and evidence given by the parties, and the Court decides which of the submitted evidence is to be used to establish the facts of the case.

Further information on evidence and the taking of evidence is set out in the information package entitled '[Taking of evidence – Republic of Croatia](#)' (*Izvođenje dokaza – Republika Hrvatska*).

1.6 Written procedure

Small claims procedures are conducted in writing.

In small claims procedures the court will hold a hearing if it considers that a hearing is necessary in order to conduct the evidence-taking procedure or if at least one of the parties submits a substantiated proposal to hold a hearing. The court will adopt a decision rejecting a party's proposal for a hearing if it considers, in the light of the circumstances of the case, that the procedure can be conducted fairly without a hearing. No appeal is permitted against a decision rejecting a party's proposal for a hearing.

1.7 Content of judgment

Since there are no special provisions on the content of the judgment in small claims procedures, the general

provisions of the Civil Procedure Act apply, i.e. Article 338 of the Civil Procedure Act, which states that a written version of the judgment must contain a formal introduction, an operative part and a statement of grounds.

The introduction to the judgment must contain: an indication that the judgment is being issued in the name of the Republic of Croatia; the title of the court; the name and surname of the single or presiding judge, judge-rapporteur and panel members, the name and surname or title, personal identification number and residence or registered office of the parties, their legal representatives and agents; a brief indication of the subject of dispute; the date on which the main hearing was concluded; an indication of the parties, their legal representatives and agents who attended that main hearing; and the date when the judgment was given.

The operative part of the judgment must contain the court's decision on the acceptance or rejection of the specific claims on the merits and of secondary claims, as well as a decision on the existence or non-existence of the claim put forward for settlement (Article 333 of the Civil Procedure Act).

In the statement of grounds the court briefly outlines the parties' claims, the facts they presented and the evidence on which those claims are based. The court also indicates and explains which of those facts it sought to establish, why and how it established those facts, and if it established them by hearing evidence, which evidence was put forward and why and how it was assessed. The court specifically states which provisions of substantive law have been applied in the ruling on the parties' claims and states its position, if required, on the views of the parties on the legal grounds for the dispute and on any motions or objections about which it did not set out grounds in the decisions it made in the course of the proceedings.

The statement of grounds for a default judgment, a judgment based on admission of a claim or judgment based on waiver of the claim need only indicate the grounds for giving such judgments.

1.8 Reimbursement of costs

A decision on the reimbursement of costs for small claims procedures is issued on the grounds of the general provisions of the Civil Procedure Act; the party that loses a case completely is obliged to reimburse the costs of the opposing party and their intervener.

If the parties are partially successful in the case, the court first determines the percentage of success of each of them and then subtracts the percentage of success of the less successful party from the percentage of success of the more successful party, after which it establishes the amount of the specific and total costs of the more successful party in the case that were necessary for proper conduct of the procedure and then reimburses that party for the part of such total costs corresponding to the percentage remaining after taking account of the parties' percentages of success in the case. The proportion of success in the case is assessed on the basis of the claims granted, account also being taken of the success in providing evidence to back up the claims.

Irrespective of the above, the court may order each party to reimburse the other party for specific costs by virtue of the first paragraph of Article 156 of the Civil Procedure Act, which states that, irrespective of the outcome of the case, a party is to reimburse the opposing party for the costs incurred through their own fault or by an event that they suffered.

If the parties had roughly equal degrees of success in the case, the court may order each party to bear their own costs or one party to reimburse the other only for specific costs by virtue of the first paragraph of Article 156 of the Civil Procedure Act.

The court may decide that one party should pay all the costs incurred by the opposing party and their intervener if the opposing party was unsuccessful in only a relatively minor part of their claim and separate costs were not incurred for that part.

However, regardless of the outcome of the case, a party is obliged to reimburse any costs of the opposing party resulting from their own fault or from events that they suffered.

1.9 Possibility to appeal

In a small claims procedure, an appeal may be lodged only against the decision concluding the procedure.

The only way of challenging the other decisions that are subject to appeal under this Act is by an appeal against

the decision concluding the procedure.

In all other respects, appeals are governed by the general provisions of the Civil Procedure Act. Under those provisions, in small claims procedures, the parties may lodge an appeal against the first instance judgment or decision within 15 days of the date on which the transcript of the judgment or decision was served.

The judgment or decision concluding the small claims procedure may be challenged solely on the grounds of erroneous application of substantive law or material infringements of the provisions on civil procedure referred to in the second paragraph of Article 354 of the Civil Procedure Act, except for the infringement referred to in point 3 of that paragraph.

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