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Time limits on procedures



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European Judicial Network
(in civil and commercial
matters)

1 What are the types of deadlines relevant for civil procedures?

In the Republic of Croatia, time limits for civil procedures are governed by the provisions of Articles 111-114 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; hereinafter: ZPP).

A time limit is a specific period of time during which a procedural action may be undertaken, or before the expiry of which it may not be undertaken.

Croatian procedural law recognises several types of time limits:

- statutory (*zakonski*) and judicial (*sudski*) time limits – the duration of statutory time limits is laid down by law and cannot be altered by the court or by the parties, and the duration of judicial time limits is determined by the court, at its discretion for each specific case, where it is legally authorised to do so.
- extendable (*produživi*) and non-extendable (*neproduživi*) time limits – statutory time limits are not extendable, while judicial time limits may be extended, which is decided on by the court, but only on the motion of a person concerned, where there are reasonable grounds for doing so (Article 111(2) ZPP);
- subjective (*subjektivni*) and objective (*objektivni*) time limits – subjective time limits are those, the beginning of which depends on the authorised person learning of an event which is relevant for the calculation of the time limit, while objective time limits are taken to run from the occurrence of the relevant fact, irrespective of the authorised person learning thereof;
- negative prescription (*prekluzivni*) and indicative (*instruktivni*) time limits – failure to comply with a negative prescription time limit leads to the loss of the right to undertake the procedural action subsequently, while failure to comply with an indicative time limit does not lead to negative consequences and the procedural action may be undertaken subsequently;
- minimum (*dilatorni*) and performance (*paricijski*) time limits – minimum time limits mean that a procedural action may not be undertaken before a certain period of time has lapsed, while time limits for performance mean that the court may not undertake a certain activity before the time limit for performance has expired;
- civil (*građanskopravni*) and procedural (*procesnopravni*) time limits – civil time limits mean those that fix a time period to implement authorisation or fulfil duties arising from the provisions of civil, substantive law, while procedural time limits fix a time period to implement authorisation or fulfil duties arising from the provisions of (civil) procedural law.

2 List of the various days envisaged as non-working days pursuant to the

Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

In the Republic of Croatia, the list of non-working days is governed by the Act on Holidays, Memorial Days and Non-Working Days in the Republic of Croatia (*Zakon o blagdanima, spomendanima i neradnim danima u Republici Hrvatskoj*) (NN No 110/19).

Public holidays in the Republic of Croatia are as follows:

- 1 January - New Year's Day
- 6 January - Epiphany
- Easter Sunday and Easter Monday
- Corpus Christi
- 1 May - Labour Day
- 30 May - Statehood Day
- 22 June - Day of Anti-fascist Struggle
- 5 August - Victory and Homeland Thanksgiving Day and Homeland Veterans' Day
- 15 August - Assumption
- 1 November - All Saints' Day
- 18 November - Remembrance Day for the victims of the Homeland War and Remembrance Day for the victims of Vukovar and Škabrnja
- 25 December - Christmas
- 26 December - Boxing Day/St Stephen's Day

In the Republic of Croatia, public holidays are non-working days.

3 What are the applicable general rules on time limits for the various civil procedures?

Time limits are calculated in days, months, and years.

The rules on calculating time limits apply to all time limits. The time limits are calculated in complete days, from midnight to midnight (*computatio civilis, a die ad diem*), and not from moment to moment, by calculating hours and minutes (*computation naturalis, a momento ad momentum*). For more information on the general rules see the reply under 1).

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The starting date is the date of initiation of proceedings, or of some other action (e.g. service, announcement) from which point the duration of time must be calculated. The starting date is not included in time limits expressed in days. The first following day is taken as the beginning of the time limit.

5 Can the starting time be affected or modified by the method of

transmission or service of documents (personal service by a huissier or postal service)?

The general rule of service is that it is to be effected on a working day and specifically from 7 a.m. to 8 p.m., in the dwelling or the workplace of the person on whom service is to be carried out, or at the court when the said person is found there. The exception to the above rule that service is to be effected on a working day and specifically from 7 a.m. to 8 p.m. does not apply to service by post or by a notary public.

Service may also be effected in another time and place with the consent of the person on whom service is to be carried out.

If the court deems it to be necessary, it issues an order for service to be effected in any other place or at any other time. In the case of this form of service, the person on whom the communication is served is to be handed a copy of the court ruling by which it was ordered. This ruling does not need to include an explanation.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

If a time limit has been calculated in days, the day when service or notification was carried out or the day of the event from which the time limit begins to run is not included in such time limit. Rather, the time limit is to start on the first following day.

For instance, if the event from which a time period of 15 days is to begin occurred on 5 February, the 15-day time limit expires at midnight on 20 February.

Therefore, the calculation of the time limit does not begin on the day of an event (*dies a quo*), but on the following day.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

When a time limit is expressed in days, the indicated number of days refers to calendar days. However, if the last day of a time limit falls on a public holiday or on a Sunday or on any other day when the court is not open, such time limit expires at the end of the first following working day.

8 When such a period is expressed in weeks, in months or in years?

Time limits calculated in months or years terminate at the end of the day of the last month or year bearing the same number as the day on which the time limit began to run.

If there is no such date in the last month, the time limit expires on the last day of that month.

9 When does the deadline expire if expressed in weeks, in months or in years?

See point 8.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

A time limit fixed by a court may be extended only once on the motion of a person concerned if there are legitimate reasons for this.

The motion is to be put forward before the expiration of the time limit for which extension is requested.

No appeal lies against a ruling about the extension of a time limit.

The extended time limit commences on the first following day after the expiry of the time limit for which the extension was requested.

12 What are the time limits for appeals?

Parties may lodge an appeal against a judgment rendered by a court of first instance within 15 days from the date when a copy of the judgment is served unless this Act provides for another time limit. In disputes involving checks and bills of exchange, such time limit is 8 days.

These time limits for lodging an appeal are suspended between 1 August and 15 August.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

A time limit fixed by a court may be extended only once on the motion of a person concerned if there are legitimate reasons for this.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

The rules of civil procedure in the Republic of Croatia do not provide for an extension of the time limit according to the place of residence of the parties.

15 What are the consequences of non-observance of the deadlines?

The consequences depend on the legal nature of the deadlines, i.e. in the case of statutory time limits which are non-extendable and the party fails to undertake a procedural action within the prescribed time limit such non-observance of the deadline results in the loss of the right to subsequently undertake that procedural action.

On the other hand, there are time limits for which non-observance does not result in loss of the right to subsequently undertake action, and such time limits are referred to as indicative.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

If a party fails to appear at a hearing or to meet a deadline for taking action in the proceedings, and, for that reason, loses the right to take that action, the court may permit such party, on his or her motion, to take that action at a later time (motion to restore a prior status), if it deems that there were legitimate reasons for the omission.

The motion is to be lodged within 8 days of the day when the reason for the omission ceased to exist; if the party

learned about the omission at a later time, the above time period starts running on the date when he or she learnt about it. After the expiration of 2 months of the date of the omission, no motion to restore a prior status may be lodged.

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