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# Service of documents: official transmission of legal documents



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European Judicial Network  
(in civil and commercial  
matters)

## 1 What does the legal term "service of documents" mean in practical terms? Why are there specific rules regarding the "service of documents"?

In practical terms, 'service of documents' is a legal concept that requires documents in civil and commercial matters to be served on all parties to proceedings.

The sixth, seventh and eighth indents of the first paragraph of Article 4 of the Decree on Office Transactions (*Uredba o uredskom poslovanju*) (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia) No 7/09) provide that such a document may be either a submission or an official act.

- a submission is a document used by a party to initiate proceedings, supplement or amend an application or other legal claim or to refrain from pursuing that claim.

Article 14 of the Civil Procedure Act (*Zakon o parničnom postupku*) (NN Nos 53/91, 91/92, 112/99, 88/01, 117/03, 88/05, 2/07, 84/08, 96/08, 123/08, 57/11, 148/11 – consolidated text, 25/13, 89/14 – Constitutional Court Decision, 70/19 and 80/22; hereinafter: CPA) provides that, if for particular actions the law does not specify in which form they may be undertaken, the parties are to undertake procedural actions either in writing outside of a hearing (through submissions) or orally at a hearing.

Article 106 CPA states that submissions – complaints, responses to complaints, legal remedies and other statements, motions and notifications given outside of trial – are to be filed in writing.

Submissions are therefore the documents which are issued by the main parties and the intervening parties in the proceedings in order to take procedural action.

- an act is a document issued by an authority wherein it decides on a matter, responds to a submission made by a party or determines, terminates or finalises official actions and engages in formal correspondence with other bodies or legal entities vested with public powers.

Service of documents as defined by law is the prescribed activity of competent authorities and persons whereby addressees are given access to the content of documents addressed to them. This is important because if, through failure to serve a document on a party, the party is prevented from being heard, this in any case constitutes a substantial violation of the provisions governing civil proceedings and may result in an extraordinary legal remedy.

The service of a legal action on a respondent is also a necessary requirement for litigation proceedings to be initiated, and such proceedings commence from the time the legal action is served on the respondent.

Accordingly, separate regulations apply to the serving of documents, since it is a necessary requirement in

litigation proceedings, which stems from the principle of the right of parties to be heard; it means parties must be given access to information on the place and time of litigation proceedings and the material facts in a case. Moreover, complaint proceedings cannot be initiated at all unless a complaint has been served on a respondent in accordance with the applicable rules. Service of documents is important also because in certain cases the time limit for parties to take a procedural action (response to a legal action, appeal) commences from the time a document is served, i.e. in the course of court proceedings it is necessary to take any action required for addressees to become apprised of the content of documents served on them (legal certainty principle and the principle of oral and written presentation). A document is deemed adequately served only if the rules governing service of documents are adhered to.

## 2 Which documents need to be served formally?

Legal actions, collection orders, court rulings and other court decisions that may be separately appealed and against which legal remedies may be sought must be served on the relevant party in person; this also applies to any other documents where required by law or where a court deems it necessary to take special precautionary measures, e.g. where identification documents are furnished in the original or for any other reason (first paragraph of Article 142 CPA).

## 3 Who is responsible for serving a document?

Title 11 CPA includes provisions that regulate the service of documents.

Where service is not effected by post, the person performing service is required to prove to the person on whom service is effected, at the latter's request, that they are an authorised person. By way of exception, documents are to be served in electronic form via an IT system or by other appropriate means on state authorities, the state attorney's office, lawyers, notaries public, court experts, court assessors, court interpreters, trustees in bankruptcy, commissioners, trade union agents, commissioners in bankruptcy proceedings, liquidators, special guardians employed by the Centre for Special Guardianship (*Centar za posebno skrbništvo*), and legal persons and natural persons carrying out a registered activity in disputes concerning that activity.

Persons found by the serving official referred to in the first paragraph of this article at the place where delivery is to be made are obliged to prove their identity, at the official's request.

Where necessary, the official serving the document is authorised to request the assistance of the police in order to ascertain the identity of the person found at the place where service is to be effected and in order to carry out other acts of service. The related costs are to be included in the costs of the proceedings.

Persons required to use electronic communications who have not requested, or not yet been granted, access to the IT system for electronic communication with the courts will receive service of the first document from the court by post, together with a notice that, until such access has been granted, all further documents in the proceedings will be served by the documents being posted on the courts' electronic bulletin board. A document is deemed to have been served on the expiry of the eighth day from the time it was posted on the courts' electronic bulletin board.

Service of the first document by post on persons required to use electronic communications who have not requested, or not yet been granted, access to the IT system for electronic communication with the courts is effected at the address indicated in the legal action. If service at the address indicated in the legal action is unsuccessful, service will be effected at the address of the registered office of that person, if that address is different from the one indicated in the legal action. If service at the address indicated in the legal action or at the address of the registered office is unsuccessful, service will be effected by posting the document on the courts' electronic bulletin board. A document is deemed to have been served on the expiry of the eighth day from the time it was posted on the courts' electronic bulletin board.

At the request of a party who declares that it is willing to bear the costs incurred, the court may, by a decision against which no appeal may be lodged, order that the service of a document be entrusted to a notary public. The notary public may be substituted in the performance of this task by a notary public assessor or a notary public advisor or an apprentice notary public.

If the respondent, before a legal action is filed with the court, agrees in writing with the applicant to have documents relevant to disputes to which the agreement relates served at a specific address in the Republic of Croatia or through a specific person in the Republic of Croatia, the legal action and other court documents in the proceedings are to be served on the respondent, at the motion of the plaintiff, at that address or to that person. If service cannot be effected, the court will issue a ruling requiring any further documents to be served on the respondent by posting them on the court's bulletin board.

The court may order the parties to send documents directly to each other by registered post with acknowledgement of receipt or by another means that provides proof of handover, unless both parties, or their agents or legal representatives, are always obliged to make submissions in electronic form under Article 106a of this Act. If, at a specific person's request and with the approval of the president of the court, service is effected on them at the court, the documents addressed to them by the court are to be placed in a post box in a room assigned by the court for this purpose. Service is to be effected by an official of the court.

Documents served by means of a post box must not be accessible to persons on whom they are served until they have signed the bill of delivery. Documents are to be served in sealed envelopes used for service by post. When documents are picked up, all the documents in the post box must be collected.

Each document to be served in the manner set out in the first paragraph of this article is to be marked with the date on which it was placed in the post box of the person on whom it is to be served.

In the case referred to in the first paragraph of this article, the persons referred to in the first paragraph of this article are required to collect the document from the post box within eight days in the manner set out in the second and third paragraphs of this article. If a document is not collected within that time frame, it will be posted on the court's bulletin board. A document is deemed to have been served on the expiry of the eighth day from the time it was posted on the court's bulletin board.

In the case referred to in the first paragraph of this article, service may be carried out in another way provided for by law instead of by using a post box.

If the president of the court finds that a person who has been given approval to receive service in post boxes in a room assigned by the court for this purpose fails to collect the documents regularly or has attempted to abuse this method of service, they will withdraw the approval to receive service in this way.

The President of the Supreme Court of the Republic of Croatia (*Vrhovni sud Republike Hrvatske*) may authorise only one of several courts of a particular instance and type with its registered office within the jurisdiction of the county court (*županijski sud*) to carry out service in post boxes in a room assigned by the court for that purpose. Summons are to be served on military personnel, members of the police force and people employed in land, river, maritime and air transport through their command or immediate superior. Other documents may also be served on them in this manner, if necessary.

When service is to be made on persons or institutions in a foreign country or on foreigners enjoying the right to immunity, it is to be made through diplomatic channels, except as otherwise provided in an international agreement or by the CPA (Article 146). If service of a document has to be made on citizens of the Republic of Croatia in a foreign country, that may be done through the competent consular or diplomatic representative of the Republic of Croatia performing consular functions in the foreign country concerned. Such service is valid only if the person on whom the document is to be served agrees to receive it.

Service is to be made on persons deprived of liberty through the management of the prison, penitentiary or correctional institution.

The persons referred to in Articles 141 and 142 CPA (a natural person who does not perform a registered professional activity and a natural person who does perform a registered professional activity, where the dispute is unrelated to that activity) may in certain cases have documents served on them again by having them posted on the court's bulletin board.

## 4 Address enquiries

4.1 Does the requested authority in this Member State on its own initiative, try and establish the whereabouts of the addressee of the documents to be served if the address indicated is not correct? See also notification under Article 7(2)(c) of the Service of Documents Regulation.

If the address of the person to whom the document is addressed and is to be served pursuant to the request of a competent foreign authority has changed in the meantime and the document cannot be served for that reason, the Croatian court is obliged under Article 143 CPA to attempt service of the document to the person's place of residence in Croatia, as indicated in the records of the Ministry of the Interior of the Republic of Croatia.

Provided proof is presented to confirm that a legal interest exists, a request may be made to the police administration for information on the place of permanent or temporary residence of a person upon whom documents are to be served in civil proceedings.

4.2 Do foreign judicial authorities and/or parties to judicial proceedings have access to registers or services in this Member State enabling the establishment of the person's current address? If yes, which registers or services exist and what procedure must be followed? What fee, if any, should be paid?

The Court Register of Business Entities in the Republic of Croatia is a free public service that allows foreign judicial bodies and/or parties to court proceedings to obtain all the information they need on Croatian companies at the following link: <https://sudreg.pravosudje.hr/registar/f?p=150:1>

The addresses of natural persons are not publicly available and can only be accessed from the Ministry of the Interior of the Republic of Croatia.

4.3 What type of assistance in address enquiries from other Member States do the authorities of this Member State provide under Article 7(1) of the Service of Documents Regulation? See also notification under Article 7(1) of the Service of Documents Regulation.

There are no set rules under Croatian law stipulating how courts should proceed when applying Council Regulation (EC) No 2020/1784 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters. It is clear from past experience, however, that Croatian courts duly respond and deal with requests for a person's current address received pursuant to Council Regulation (EC) No 2020/1784.

5 How is the document normally served in practice? Are there alternative methods which may be used (other than substituted service referred to in point 7 below)?

In practice, the document is usually served by post, through an appointed court official or through an electronic communication system. Alternative methods of service include service via a competent administrative body, a notary public or directly in court, or else by electronic means in accordance with separate laws. In certain cases, documents may also be served by being posted on the court's electronic bulletin board.

6 Is electronic service of documents (service of judicial or extrajudicial documents through remote means of electronic communication, such as e-mail, internet based secured application, fax, sms etc.) permitted in civil proceedings? If so, for which types of proceedings is this method provided for? Are there restrictions with regard to the availability/access of this method of service of documents depending on who the addressee is (legal

## professional, legal person, company or other business actor, etc.)?)

Service of documents by phone, fax or electronic mail is permitted in the cases set out in the fifth paragraph of Article 193 CPA and the seventh paragraph of Article 321 CPA (a notification issued by a court of appeal to a court of first instance that an appeal has already been decided on and a notification of the court of first instance to a court of appeal on the withdrawal of an appeal or on a decision by the parties to reach a settlement).

Article 495 CPA, which governs proceedings before commercial courts (*trgovački sudovi*), provides that in urgent cases a date for a hearing may be scheduled by phone, telegram or electronic means in accordance with separate laws or in other appropriate ways. An official note is to be made about this if no other written proof exists that a hearing has been scheduled.

Article 507o CPA provides that forms under Regulation No 861/2007 and other requests or statements may be submitted as submissions by fax or by electronic means. The Minister responsible for judicial affairs must issue a separate set of rules for the submission of acts by fax or electronic means and must also specify in the rules the date from which they are to be applied. Considering that the rules referred to have not been issued to date, the technical conditions for using this type of communication have not yet been satisfied.

Article 106a CPA provides for communication by electronic means.

Submissions may be filed by electronic means through an IT system.

Electronically submitted documents shall be signed using a qualified electronic signature, as provided for by separate regulations. Electronically submitted documents signed using a qualified electronic signature shall be considered to have been signed by hand.

The date on which the information system provides the filer of a submission with confirmation of receipt shall be deemed to be the date on which the submission was handed over to the court to which it is addressed.

If a submission that has been filed in electronic form is unsuitable for processing by the court, the court shall inform the filer thereof by electronic means and instruct them to correct the submission in line with the guidance provided.

By way of derogation from the first paragraph of Article 106a, which provides that a submission may be filed in electronic form via an IT system, state bodies, the state attorney's office, lawyers, notaries public, court experts, court assessors, court interpreters, trustees in bankruptcy, commissioners, agents referred to in Article 434a (when representing a worker in employment-related proceedings where the representative is a person who is employed by a trade union of which the worker is a member or by a trade union federation to which the trade union is affiliated and of which the worker is a member, or when representing an employer in employment-related proceedings where the representative is a person employed by an employers' association of which the employer is a member or by a higher-level employers' association to which the employer's association is affiliated and of which the employer is a member), commissioners in consumer bankruptcy proceedings, liquidators and special guardians employed by the Centre for Special Guardianship are always obliged to file submissions in electronic form, as are legal persons and natural persons (tradespersons, doctors, etc.) carrying out a registered activity in the event of disputes concerning that activity.

If a person referred to in the fifth paragraph of Article 106a CPA fails to file a submission in electronic form, the court will order them to do so within eight days. If the filer fails to make the submission in electronic form by the deadline, the submission shall be considered to have been withdrawn.

The ministry responsible for judicial matters shall set up an information system.

The prerequisites for making submissions and for filing them in electronic form, the records to be made when submissions are sent by electronic means (the formats) and the organisation and functionalities of the IT system are to be laid down by the minister responsible for judicial matters in a set of rules.

Article 8 of the Rules on electronic communications (*Pravilnik o elektroničkoj komunikaciji* (NN No 5/20) regulates the assignment of access rights to the information system for natural persons, legal entities and state bodies, lawyers, notaries public, court experts, assessors, court interpreters, trustees in bankruptcy and court

commissioners.

On 20 April 2020 the Minister for Justice of the Republic of Croatia adopted a Decision confirming the fulfilment of the conditions for electronic communications in all municipal courts (*općinski sudovi*), all county courts and the High Commercial Court of the Republic of Croatia (*Visoki trgovački sud Republike Hrvatske*), which entered into force on 22 April 2020.

On 13 July 2020 the Minister for Justice of the Republic of Croatia adopted a Decision, which entered into force on the date of its publication on the official website of the Ministry of Justice, confirming the fulfilment of the conditions for electronic communications at the Supreme Court of the Republic of Croatia.

State bodies, the state attorney's office, lawyers, notaries public, court experts, court assessors, court interpreters, trustees in bankruptcy, commissioners, agents referred to in Article 434a of this act, commissioners in consumer bankruptcy proceedings, liquidators and special guardians employed by the Centre for Special Guardianship are always obliged to file submissions in electronic form, as are legal persons and natural persons (tradespersons, doctors, etc.) carrying out a registered activity in the event of disputes concerning that activity.

**6.1 What type of electronic service within the meaning of Article 19(1) of the Service of Documents Regulation are available in this Member State where service is to be effected directly on a person, who has a known address for service in another Member State?**

Article 133d CPA provides that if a party declares their agreement for service to be effected by electronic means, the court is to effect service on that party through the IT system. A party may request notification of the service of documents by electronic means to the e-mail address which they indicate in the declaration.

If a party has filed a submission with the court in electronic form, they will be considered to have consented to service being effected by electronic means, unless they provide notification to the contrary. If the court finds that service by electronic means is not possible, it will serve the document by other means and state the reason for such service.

**6.2 Has this Member State in accordance with Article 19(2) of the Service of Documents Regulation specified additional conditions under which it will accept electronic service via e-mail referred to in Article 19(1)(b) of that Regulation? See also notification under Article 19(2) of the Service of Documents Regulation.**

The Rules on electronic communications (NN No 139/21) state that submissions to a court by external users of the system must be submitted in electronic form and signed using their qualified electronic signature.

The electronic signature certificate must be issued by a qualified trust service provider and be valid at the time of signature, which means that the court can ask the trust service provider to verify the validity of the certificate issued for an individual natural or legal person if there are reasonable doubts about manipulation.

Where a submission or annex consists of several sheets, all sheets must be provided in a single file containing no blank sheets. Each submission and annex should be self-contained or the file name should indicate that they form part of the same whole if they have been submitted in more than one file on account of the volume of data.

Where a submission is accompanied by public documents that already exist in electronic form, they must be originals submitted as documents signed electronically by the issuer.

Electronic submissions should be in PDF or equivalent format and the annexes may be in any electronic form.

## **7 'Substituted' service**

**7.1 Does the law of this Member State allow for other methods of service in cases where it has not been possible to serve the documents to the addressee (e.g. notification to the home address, to the bailiff office, by postal service, or by poster advertising)?**

The second paragraph of Article 142 CPA provides that if the person on whom a document must be served is not

found in the stated place of service according to the information in the complaint or official records, the official serving the document is to be informed as to when and where they could find that person. Furthermore, that official shall leave for them, with any of the persons referred to in the first, second and third paragraphs of Article 141 CPA, a written notice indicating the day and hour when they should be in their dwelling or workplace in order to receive the document. If, following such a notice, the serving official still does not find the person on whom the document is to be served, they will proceed as set out in the provisions of Article 141 CPA regarding the manner of serving the document.

In such situations, in practice the provisions of the Postal Services Act (*Zakon o poštanskim uslugama*) (NN Nos 144/12, 153/13, 78/15 and 110/19; hereinafter 'ZPU') are applied as an alternative. That Act provides that postal consignments, except ordinary postal consignments, must be delivered to the addressee, their legal representative or a person authorised by power of attorney. By derogation, where a postal package cannot be delivered to any of the listed persons, it may be handed to an adult in the household, a person employed permanently in the household or business premises of the addressee or an authorised person at the business premises of the legal entity or natural person where the addressee is in permanent employment. If the consignments cannot be handed over in the described manner a notice will be left in the post box of the addressee advising them when and where to collect the consignment. Normally the post will leave a note advising that the consignment can be collected from the designated post office within five days from the date on which the note is delivered. If the addressee fails to collect the consignment within that time, the service provider will return the consignment to the sender.

The final method of service, when all other methods have failed, is service by posting on the court's electronic bulletin board.

## 7.2 If other methods are applied, when are the documents deemed to have been served?

If another method of service is used, the documents are deemed to have been served on the day they are handed to the addressee or a person authorised to receive the document on behalf of the addressee or, where a document is served on the court's electronic bulletin board, following the expiry of eight days from when the document was posted on the court's electronic bulletin board.

## 7.3 If another method of service is the deposit of the documents in a particular place (e.g. at a post office) how is the addressee informed of that deposit?

Article 37 ZPU provides that postal consignments, except ordinary consignments, are to be delivered to the addressee, their legal representative or a person authorised by power of attorney. By derogation, where a postal package cannot be delivered to any of the listed persons, it may be handed to an adult in the household, a person employed permanently in the household or business premises of the addressee or an authorised person at the business premises of the legal entity or natural person where the addressee is in permanent employment. If the consignments cannot be handed over in the described manner a notice will be left in the post box of the addressee advising them when and where to collect the consignment. If the addressee fails to collect the consignment within that time, the service provider will return the consignment to the sender.

Further to a specific person's request and the approval of the president of the court, service is effected on them at the court by the documents addressed to them by the court being placed in a post box in a room assigned by the court for this purpose. Service is to be effected by an official of the court. The president of the court may, by a ruling rendered in administrative proceedings, order that all lawyers who have their own registry offices, notaries public with head offices in the territory of his/her court and certain legal entities are to receive court documents via the post boxes referred to (Article 134b CPA). In those circumstances the listed persons are obliged to collect the documents within a time limit of eight days. If a document is not collected within that time frame, it will be posted on the court's bulletin board. A document is deemed to have been served on the expiry of the eighth day from the time it was posted on the court's electronic bulletin board.

## 7.4 If the addressee refuses to accept service of the documents, what are the consequences? Are the documents regarded as effectively served if the refusal wasn't legitimate?

If the recipient does not wish to sign the delivery note, the official serving the document enters this on the delivery note, indicating the date of service in words; the documents are then deemed to have been served

(third paragraph of Article 149 CPA).

## 8 Postal service from abroad (Article 18 of the Service of Documents Regulation)

8.1 If the postal service delivers a document sent from abroad to an addressee in this Member State in a situation where acknowledgment of receipt is required (Article 18 of the Service of Documents Regulation), does the postal service deliver the document only to the addressee himself/herself or may it, in accordance with national rules of postal delivery, deliver the document also to another person at the same address?

If the person on whom a document must be served in person is not found in the stated place of service according to the information in the legal action or official records, the official serving the document may also serve the document on members of the person's household if the person does not perform a registered professional activity or, if service is carried out at the workplace of the person on whom the document is to be served but the person is not found there, the official may serve the document on a person who works there if that person agrees to receive the document.

The official serving the document has a duty to ascertain when and where they could find the person on whom a document is to be served and to leave written notice asking the person to be present at a particular time on a given day at their home or workplace in order to receive the document.

8.2 Under the rules of postal delivery in this Member State how can the service of documents from abroad, under Article 18 of the Service of Documents Regulation, be effected if neither the addressee nor any other person authorised to receive the delivery (if possible under national rules of postal delivery – see above) has been reached at the address of delivery?

The official serving the document has a duty to ascertain when and where they could find the person on whom a document is to be served and to leave written notice asking the person to be present at a particular time on a given day at their home or workplace in order to receive the document.

8.3 Does the post office allow a specific period of time for collection of the documents before sending the documents back as undelivered? If yes, how is the addressee informed that there is mail for him to collect at the post office?

The period of time for the collection of documents is determined by the regulations governing the provision of postal services and by internal acts of postal service providers and, as a general rule, is 5 days from the date on which service was attempted, with the document being sent to the central collection point for postal services before being returned to the sender, which means that the addressee has several days to collect the document from that location.

## 9 Is there any written proof that the document has been served?

Article 149 CPA provides that the certificate of service (bill of delivery) must be signed by the addressee, who must enter the date on which they received the bill of delivery. The bill of delivery may also be issued in digital form on an appropriate device.

If the addressee is illiterate or unable to sign their name, the server will write their name and surname, record, in letters, the date of service and affix a note stating why the addressee's signature was not added.

If the addressee refuses to sign the bill of delivery, the server is to make a note thereof on the bill of delivery and write in letters the day of service; by this action the document is deemed to have been served.

If service is carried out on the person on whom the document must be served in person is not found in the stated place of service according to the information in the legal action, the bill of delivery is to indicate, along with a certificate of receipt of the document, that a written notice preceded it.

The official serving the document will require the person to whom they hand over the document to prove his/her identity.

If a document is not being served on a state body or a legal entity, the official who is serving the document on a person is to ask the person for identification.

The official who is serving the document is to enter on the bill of delivery the first name and surname of the person to whom they delivered the document, or the ID card number provided to them to ascertain the person's identity and the issuer of that identification document.

A server who is not a notary public is obliged to write in legible writing their name and surname and title on the bill of delivery and to affix their signature to it.

If necessary, the server is to create a separate record on the delivery/service and attach it to the bill of delivery.

If the wrong date has been affixed to the bill of delivery, the service is to be deemed to have been completed on the day the document was handed over.

If the bill of delivery has gone missing the service may be proven in another way.

The third and fourth paragraphs of Article 133a CPA provide that the notary public is to produce records on the receipt of a document and the actions that were taken to serve the document. A certified copy of the record of receipt of the document to be served and a certificate of service together with a certified copy of the service record or the document that could not be served with a certified copy of the record on the actions that were taken are to be submitted by the notary public directly to the court without delay.

**10 What happens if something goes wrong and the addressee does not receive the document or the service is effected in violation of the law (e.g. the document is served on a third person)? Can the service of the document nevertheless be valid (e.g. can violations of the law be remedied) or must a new effort to serve the document be made?**

The addressee or a person on whom the document may be served are authorised to refuse to receive the document only if the service is carried out at a time or place or by a means not prescribed by law. However, if addressees or persons obliged to receive a document nevertheless refuse to receive a document unlawfully or if they throw it away or destroy it before reading it, such refusal does not prejudice the legal consequences of the served document (VsSr Gzz 61/73 - ZSO 4/76-140).

The certificate of service (bill of delivery) must be signed by the addressee, who must enter the date on which they received the bill of delivery. The bill of delivery may also be issued in digital form on an appropriate device.

If the addressee is illiterate or unable to sign their name, the server will write their name and surname, record, in letters, the date of service and affix a note stating why the addressee's signature was not added. If service is carried out pursuant to the provisions of the second paragraph of Article 142 CPA, the bill of delivery is to indicate, along with a certificate of receipt of the document, that a written notice preceded it.

The official serving the document will require the person to whom they hand over the document to prove his/her identity. If a document is not being served on a state body or a legal entity, the official who is serving the document on a person is to ask the person for identification.

The official who is serving the document is to enter on the bill of delivery the first name and surname of the person to whom they delivered the document, or the ID card number provided to them to ascertain the person's identity and the issuer of that identification document. A server who is not a notary public is obliged to write in legible writing their name and surname and title on the bill of delivery and to affix their signature to it.

If necessary, the server is to create a separate record on the delivery/service and attach it to the bill of delivery. If the wrong date has been affixed to the bill of delivery, the service is to be deemed to have been completed on

the day the document was handed over.

If the bill of delivery has gone missing the service may be proven in another way.

Where the server does not serve the document with due diligence, resulting in a significant delay to proceedings, that person may be fined by the court.

**11 If the addressee refuses to accept a document based on the language used (Article 12 of the Service of Documents Regulation) and the court or authority seised of the legal proceedings decides upon verification that the refusal was not justified, is there a specific legal remedy to challenge that decision?**

If the addressee refuses to sign the bill of delivery, the server is to make a note thereof on the bill of delivery and write in letters the day of service; by this action the document is deemed to have been served.

**12 Do I have to pay for service of a document, and if so, how much? Is there a difference where the document is to be served under domestic law and where the request for service originates from another Member State? See also notification under Article 15 of the Service of Documents Regulation, concerning service of a document from another Member State.**

The costs of service by a notary public are to be paid directly by the party to the notary public. Notaries public who do not receive advance payment to cover the cost of service are not required to serve the document. The notary public is to produce a record thereof and notify the court thereof directly. Parties are not liable to pay notary public fees for any actions undertaken to serve a document via a notary public. The costs of service via a notary public are to be incorporated into the legal costs if the court deems it necessary. Fees and compensation of a notary public for providing notary public services are governed by the Rules on the provisional notary public tariff (*Pravilnik o privremenoj javnobilježničkoj tarifi*) (NN Nos 38/94, 82/94, 52/95, 115/12, 120/15 and 64/19).

The fifth paragraph of Article 146 CPA provides that funds to cover the costs of the establishment and operation of a representative of the respondent responsible for receipt of documents are to be paid in advance by the applicant pursuant to a ruling by the court, which is not subject to appeal. Should the applicant fail to provide advance payment within the specified time limit, the action is to be dismissed.

The Rules on the fees for the performance of official duties off the court's premises (*Pravilnik o naknadama za obavljanje službenih radnji izvan zgrade suda*) (NN Nos 38/14, 127/19 and 154/22), as an implementing regulation of the Courts Act and a regulation within the remit of this Administration, govern the general conditions for the performance of all official activities off the court's premises and the amount of the fee to which judges, court officials and employees are entitled when performing official duties off the court's premises. These Rules define an official duty performed off the court's premises as any action taken by the court during or outside the opening hours of the court, in the interest and at the expense of a party or other participant in the proceedings or at the court's expense. In this respect, the Rules expressly provide that they also apply to the act of serving documents in court proceedings, but they do not lay down any specific arrangements for this action.

The fourth paragraph of Article 3 of the Rules provides that an official duty performed off the court's premises at the request and at the expense of a party may in principle be undertaken only after the party concerned has made an advance payment of the required amount to the court. The second paragraph of Article 10 also provides that, if the cost of an official duty performed is less [*sic*] than the amount of the advance payment, the court will invite the party or other participant in the proceedings to pay the difference in the amount required for the performance of the official duty off the court's premises.

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