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Brussels IIb Regulation - Matrimonial matters and matters of parental responsibility (recast)

Croatia



Croatia

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 103 (1) (a) (1st part) – Public authorities or other authorities authorized to establish an authentic instrument referred to in point (2)(b) of Article 2(2), and public authorities authorized to register an agreement referred to in point (3) of Article 2(2)

Article 103(a) - part one:

The Croatian legal system does not recognise the issuance of the above authentic instruments or agreements.

Article 103 (1) (a) (2nd part) – Administrative authorities granting legal aid referred to in Article 74(2)

Article 103(a) - part two:

The administrative authorities in the counties and in the City of Zagreb are competent to grant legal aid pursuant to Article 74(2) of the Regulation.

Article 103 (1) (b) (1st part) – Courts competent to issue certificates for a decision pursuant to Article 36(1), and courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66

Article 36(1)

The courts competent to issue the certificates referred to in Article 36(1) are the municipal courts (*općinski sudovi*; *sing. općinski sud*) that issued the decision to which the certificate relates.

Article 66

The Croatian legal system does not recognise the issuance of the above authentic instruments or agreements.

Article 103 (1) (b) (2nd part) – Courts competent to rectify certificates referred to in Article 37(1), Article 48(1), and courts competent to issue a certificate specifying that the lack or

limitation of a certified decision referred to in Article 49; and courts and authorities competent to rectify the certificate, issued under Article 66(1), referred to in Article 67(1);

The courts competent to rectify the certificates referred to in Articles 37(1) and 48(1) and the courts and authorities competent to issue certificates on the lack or limitation of enforceability referred to in Article 49 are the municipal courts that issued the decision to which the certificate relates.

As regards the notifications concerning the authorities competent to rectify authentic instruments or agreements under Article 67(1) of Regulation (EU) 2019/1111, this is not applicable in Croatia, as authentic instruments and agreements do not exist in Croatia or the Croatian legal system does not recognise the issuance of authentic instruments or agreements (see the notification concerning Articles 2(2)(2)(b) and 2(2)(3)).

Accordingly, there are no authorities competent to rectify authentic instruments or agreements pursuant to Article 67(1) of the Regulation.

Article 103 (1) (c) – Courts competent for recognition of a decision (Article 30(3)) and for the refusal of recognition (Article 40(2)), as well as the courts and authorities competent for refusal of enforcement, for challenge or appeal, and for further challenge or appeal referred to in 58(1), 61(2) and 62

Article 30(3)

In Croatia, the municipal courts have subject-matter jurisdiction to recognise foreign court decisions (Article 18 of the Courts Act (*Zakon o sudovima*), *Narodne Novine* (NN; Official Gazette of the Republic of Croatia) Nos 28/13, 33/15, 82/15, 67/18, 126/19, 130/20, 21/22, 60/22, 16/23, 155/23 and 36/24).

Article 40(2)

The court with territorial jurisdiction to recognise and enforce foreign court decisions is the court on whose territory the party against whom recognition and enforcement is sought has their domicile or the court on whose territory the enforcement must be carried out. If the party against whom recognition and enforcement is sought does not have their domicile in Croatia, and if the enforcement does not have to be carried out in Croatia, a motion may be filed in one of the courts with subject-matter jurisdiction in Croatia.

The parties may lodge an appeal against a decision on the recognition and enforcement of a foreign court decision within 15 days of the date of service of the decision.

If no final decision has been made on the recognition of a foreign court decision, any court may decide on the recognition of that decision in proceedings as a preliminary matter, but only with effect for those proceedings.

Article 58(1)

The municipal courts have subject-matter jurisdiction to refuse enforcement of foreign court decisions in Croatia (Article 18 of the Courts Act).

Article 61(2)

County courts (*županijski sudovi*; sing. *županijski sud*) decide on appeals against all municipal court decisions in civil cases.

Article 62

An appeal may be lodged against a county court decision in the form of an extraordinary review (*izvanredna revizija*) with the permission of the Supreme Court (*Vrhovni sud*), if it is lodged for a particularly important substantive or procedural issue.

Article 103 (1) (d) – Authorities competent for enforcement referred to in Article 52

The municipal courts have subject-matter jurisdiction to enforce foreign court decisions in Croatia (Article 18 of the Courts Act, NN Nos 28/13, 33/15, 82/15, 67/18, 126/19, 130/20, 21/22, 60/22, 16/23, 155/23 and 36/24).

Article 103 (1) (e) – Redress procedures against a decision on the application for refusal of enforcement referred to in Articles 61 and 62

The redress procedure against a decision on a request for refusal of enforcement consists of an appeal to the county court (the county courts of Pula, Split and Zagreb are competent in this matter).

An extraordinary appeal is possible in the form of an extraordinary review.

Article 103 (1) (f) – Names, addresses and means of communication for the Central Authorities designated to assist with the application of the Regulation in matters of parental responsibility. In case more than one Central Authority is designated, geographical and functional jurisdiction of each Central Authority to be indicated as referred to in Article 76

The Central Authority designated to assist with the application of the Regulation is the Ministry of Labour, Pension System, Family and Social Policy.

The address and contact details of the Central Authority are:

Ulica grada Vukovara 78

10000 Zagreb, Croatia

Email: pisarnica@mrosp.hr

Telephone: + 385 1 5557 015, + 385 1 5557 363

Article 103 (1) (g) – If applicable, categories of close relatives, in addition to parents, with which the child may be placed within the territory of a Member State, without the prior consent of that Member State as referred to in Article 82

In accordance with Article 82, Croatia's consent is not required for the placement of a child with parents or close relatives. For the purposes of Article 82(2) of Council Regulation (EU) 2019/1111, grandparents, uncles, aunts, brothers/half-brothers, sisters/half-sisters, and children of siblings/half-siblings are considered as close relatives.

Article 103 (1) (h) – Languages of the institutions of the European Union other than the own language of a Member State, in which communications to its Central Authorities can be accepted as referred to in Article 91(3))

The Ministry of Labour, Pension System, Family and Social Policy, as the Croatian Central Authority, accepts notifications in both Croatian and English for communications with the Central Authorities of other Member States.

Article 103 (1) (i) – Languages accepted for the translations of requests and accompanying documents sent under Articles 80, 81, 82, and of the free text fields of the certificates as referred to in Article 91(2)

The request and any additional documents must be accompanied by a translation into Croatian, as the official language of the requested Member State.

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