

## Succession - Croatia

Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64

Article 78 (d) - the redress procedures referred to in Article 72

Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)

**Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)**

The names and contact details of the competent municipal courts can be found in the database of courts available on the European e-Justice portal.

**Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51**

Appeals against decisions of a court of first instance (on an objection against a decision of a notary public) are to be lodged within fifteen days of the date on which the decision was served.

On the basis of the appeal lodged, the court of first instance may autonomously modify the contested decision by issuing a new decision. If the court of first instance does not modify its decision, it will refer the appeal to a court of second instance (which may even consider a late appeal if this does not infringe the rights of the other parties).

It should be noted that any person with a legitimate interest may attempt to obtain rectification, by civil action, of anything they consider erroneous in the decision on succession, unless that person is bound by the finality of the decision on succession (Article 232 of the Succession Act).

**Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64**

In accordance with the Succession Act, it is the municipal courts and notaries public as commissioners of the court that are competent to issue European Certificates of Succession.

**Article 78 (d) - the redress procedures referred to in Article 72**

Article 7 of the Act implementing Regulation (EU) No 650/2012 allows an objection to be lodged against a European Certificate of Succession (hereinafter 'Certificate') issued by a notary public. The objection will be decided on by a municipal court. It also allows an appeal to be lodged against a Certificate issued by a municipal court or against a decision of a municipal court granting or refusing a Certificate. The appeal will be decided on by a county court.

A Certificate may be rectified, modified or withdrawn by the municipal court or notary public that issued the Certificate, of its own motion or at the request of any party demonstrating a legitimate interest. Article 9 of the Act implementing Regulation (EU) No 650/2012 allows an objection to be lodged against a decision of a notary public rectifying, modifying or withdrawing a Certificate. The objection will be decided on by a municipal court. It also allows an appeal to be lodged against a decision of the municipal court rectifying, modifying or withdrawing the Certificate. The appeal will be decided on by a county court.

An application for suspension of the effects of a Certificate within the meaning of Article 73(1)(a) of Regulation (EU) No 650/2012 will be decided on by the municipal court or notary public before which or whom the modification or withdrawal of the Certificate is pending. An objection may be lodged against a decision of a notary public suspending the effects of a Certificate, which will be

decided on by a municipal court. An appeal may be lodged against a decision of the municipal court suspending the effects of the Certificate, which will be decided on by a county court.

In all the above cases, the provisions of the Succession Act governing proceedings and decisions on objections to decisions on succession apply *mutatis mutandis* to proceedings and decisions on objections to decisions of a notary public and on appeals against decisions of a municipal court.

Under the Succession Act, an objection to a decision adopted by a notary public as a commissioner of the court in succession proceedings may be lodged within eight days of the date on which the decision was served on the parties. The objection is to be lodged with the notary public, who is obliged to deliver it to the competent municipal court without delay, together with the relevant file. The objection will be ruled on by a single judge. Any late, incomplete or inadmissible objections will be dismissed by the court. When a court rules on an objection to a decision adopted by a notary public, it may uphold the decision in whole or in part or overturn it. A court can decide autonomously which part of a decision to overturn or uphold. A court decision overturning a decision of a notary public in whole or in part is not be subject to individual appeal.

The Succession Act allows an appeal to be lodged against a decision of a court of first instance. The appeal must be lodged with the court of first instance within fifteen days of the date on which the first-instance decision was served. On the basis of an appeal lodged in sufficient time, the court of first instance may autonomously modify the contested decision by issuing a new decision, if this does not violate the rights of the other parties based on that decision. If the court of first instance does not modify its decision, it will refer the appeal to the court of second instance, regardless of whether the appeal was lodged within the statutory time limit. As a rule, the court of second instance decides only on appeals lodged in sufficient time. It may, however, also take into consideration appeals lodged late, if this does not violate the rights of the other parties based on the contested decision.

#### **Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)**

In Croatia, apart from the competent municipal courts, notaries public are designated as legal professionals with competence in matters of succession which exercise judicial functions or act pursuant to a delegation of power by a judicial authority or under its control, in accordance with Article 3(2) of the Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession.

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