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How to bring a case to court

Croatia

### 1 Do I have to go to court or is there another alternative?

Parties may resolve a dispute in court, but there are also out-of-court methods of dispute resolution. In Croatia, such methods include arbitration, mediation and court actions in a broader sense aimed at achieving a court settlement.

Mediation in civil, commercial, labour-related and other disputes regarding rights that parties may freely exercise is governed by the Mediation Act (*Zakon o mirenju*) (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia) No 18/11). Mediation means any procedure, regardless of the name used (*mirenje, medijacija, posredovanje, concilijacija*) in which the parties aim to resolve their dispute by coming to a mutual agreement, i.e. by achieving a mutually acceptable agreement that is in line with their needs and interests, with the help of a neutral third party – one or more mediators (*posrednik, medijator, concilijator*), who help the parties reach a settlement, without the power to impose a binding solution. Mediation is conducted in a manner agreed on by the parties; the procedure is characterised by its optional nature and by the autonomy of the parties. It is voluntary and consensual, informal and confidential, and the parties are equal in the proceedings.

In contrast, arbitration (*arbitraža* or *izbrano suđenje*) is a trial held before an arbitration court, regardless of whether it is organised or conducted by a legal person or the body of a legal person that organises and conducts the work of arbitration courts. Arbitration is a voluntary, quick, efficient, non-public manner of resolving disputes where parties may arrange who will act as judge if a dispute should arise, the place of arbitration, the applicable substantive and procedural law and the language(s) in which it will be conducted; the decision of an arbitration court on the facts of the case has the force of a definitive court ruling.

The Civil Procedure Act (*Zakon o parničnom postupku*) (NN 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 and 70/19) provides that a court may, considering all the circumstances, especially the interests of the parties and of the third parties related to them, the duration of their relations and their level of mutual reliance, issue a decision, at a hearing or otherwise, instructing the parties to launch mediation proceedings within eight days or proposing that they seek to resolve their dispute through mediation proceedings. Furthermore, at the preliminary hearing, the court informs the parties that the dispute may be resolved by a court settlement or in a mediation procedure, and explains those options to them.

In certain cases (filing an action against the Republic of Croatia), the person intending to file such an action is obliged, prior to filing it, to contact the state attorney's office which has territorial and subject-matter jurisdiction for representation before the court where an action against the Republic of Croatia will be filed, and request an amicable settlement of the dispute, except in cases in which special legislation specifies a deadline for filing an application. The request for amicable settlement of a dispute must contain all the information required for a standard application to court.

### 2 Is there any time limit to bring a court action?

The time limit for bringing a court action depends on the type and legal nature of the action. For example, for judicial protection of employment-related rights there is a deadline of fifteen days within which the employee must file an application to the competent court in order to protect the violated right, after having submitted a request for the protection of their rights to their employer, except in the event of a claim for damages or other monetary claim arising from the employment relationship.

### 3 Should I go to a court in this Member State?

Yes. In Croatia, in civil procedures, the courts rule within the limits of their subject-matter jurisdiction as defined by law, and judicial authority is exercised by ordinary and specialised courts and the Supreme Court of the Republic of Croatia (*Vrhovni sud Republike Hrvatske*).

The ordinary courts are municipal courts (*općinski sudovi*) and county courts (*županijski sudovi*). The specialised courts are commercial courts (*trgovački sudovi*), administrative courts (*upravni sudovi*), misdemeanour courts (*prekršajni sudovi*), the High Commercial Court of the Republic of Croatia (*Visoki trgovački sud Republike Hrvatske*), the Supreme Administrative Court of the Republic of Croatia (*Visoki upravni sud Republike Hrvatske*) and the High Misdemeanour Court of the Republic of Croatia (*Visoki prekršajni sud Republike Hrvatske*).

Croatia's highest court is the Supreme Court of the Republic of Croatia.

The law may establish other ordinary and specialised courts according to their subject-matter jurisdiction or for certain legal areas.

### 4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

The general rule states that the competent court is the court with general territorial jurisdiction for the defendant, i.e. the court covering the area where the defendant has their permanent residence. If the defendant does not have permanent residence in the Republic of Croatia, the court with general territorial jurisdiction is that covering the area where the defendant has their temporary residence.

If the defendant, in addition to permanent residence, also has temporary residence in any other place, and due to the circumstances it can be deduced that they will reside there for a relatively long period of time, the court in the place of temporary residence has general territorial jurisdiction.

For trials in disputes against a Croatian citizen who is permanently resident abroad where they have been posted to work for a national authority or legal entity, the general territorial jurisdiction lies with the court covering their last known permanent residence in the Republic of Croatia.

In disputes with international elements, a court in the Republic of Croatia is competent for the trial when explicitly specified by law or international treaty. If the law or international treaty does not explicitly state that a Croatian court is competent for a specific type of dispute, then a Croatian court is competent for trial when this is derived from the legal provisions regarding the territorial jurisdiction of courts in Croatia.

### 5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

The aforementioned depends on the kind of dispute and the provisions of the Civil Procedure Act governing matters of territorial and subject-matter jurisdiction.

The sum involved in the dispute is not a distinct criterion affecting territorial and/or subject-matter jurisdiction of courts in Croatia.

### 6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

According to the current organisation of the litigation process as set out by the Civil Procedure Act, any party – natural or legal person – can freely choose whether they will represent themselves in the proceedings, or will be represented by an intermediary, usually a lawyer, unless the Civil Procedure Act states otherwise.

However, Article 91 of the Civil Procedure Act significantly limits parties' right to represent themselves: if, in disputes involving property claims, the amount in dispute exceeds HRK 50,000, agents for legal persons may only be persons who have passed the bar exam.

Furthermore, Article 91a of the Civil Procedure Act states that parties may submit a request for permission to apply for review, or an application for review, via their representative, i.e. attorney, or, exceptionally, they may do so themselves, if they have passed a bar exam, or the request for permission to apply for review or the application for review may be submitted on their behalf by a person who is authorised in accordance with the Civil Procedure Act or any other law to represent them in this capacity despite not being an attorney, provided that that person has passed the bar exam.

**7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?**

Civil proceedings are initiated by filing an action before a competent court, directly in the court's registry office, by post or by wire.

**8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?**

Civil proceedings are conducted in the Croatian language and with the use of Latin script unless the use of another language or script has been introduced in individual courts by law.

Parties and other participants in the proceedings file their actions, complaints and other submissions with the court in the Croatian language and the Latin script.

An action may be filed directly in the court's registry office, by post or by wire, although it is most common to file it directly in the registry office or by post.

The Civil Procedure Act provides for the possibility of submitting documents electronically. Electronically submitted documents must be signed using a qualified electronic signature in accordance with special legislation.

**9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?**

Forms are used only for European small claims procedures. Further details on this are available in the leaflet entitled 'Small Claims – Republic of Croatia'.

The Civil Procedure Act states that the application must contain the following: a specific claim regarding the merits and incidental claims, the facts on which the applicant bases the claim, evidence to support those facts and other information which must be enclosed with every submission (Article 106 of the Civil Procedure Act).

Each submission, including applications, must contain the following: the name of the court, the name and permanent or temporary residence of the parties, their legal representatives and agents, if any, the personal identification number of the submitting party, the subject of the dispute, and the submitting party's statement and signature.

The party or their representative signs their name at the end of the submission.

If the statement contains a claim, the party must state in the submission the facts on which they are basing their claim and the evidence, when necessary.

The court proceeds on the application even if the applicant has not stated the legal grounds for the application; even if the applicant has stated the legal grounds, the court is not bound by this.

**10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?**

Parties must pay the court fees regulated by the Court Fees Act (*Zakon o sudskim pristojbama*) (NN No 118/18).

The court fees prescribed by the Court Fees Act apply to persons at whose request or in whose interest certain actions prescribed by law are undertaken.

Unless otherwise provided for by the Court Fees Act, there are court fees for:

- submissions (applications, legal remedies, applications for enforcement, etc.) at the moment of submission; and for submissions put on record, when the record is completed,
- submissions in defence after the final termination of the proceedings for each party, proportionate to their success in the case,
- court transcripts, when requested,
- judicial decisions, when the party or their representative is served with a copy of the decision,
- certificates of succession, when they become final,
- forced settlement, bankruptcy and liquidation proceedings, on issue of a decision on the main division or of a decision approving forced settlement,
- other actions, when they are requested or when the court starts to act.

The general rule for paying the costs of litigation proceedings is that the party that loses the case in its entirety must cover the expenses of the opposing party and their intervener in the proceedings. The intervener on the side of the party that loses the case must cover the expenses incurred by their actions.

The costs of representation by attorneys, and attorneys' remuneration and reimbursement of costs is regulated by the Legal Profession Act (*Zakon o odvjetništvu*) (NN Nos 9/94, 117/08 translation, 50/09, 75/09, 18/11 and 126/21).

An attorney is entitled to a fee for legal services and to the reimbursement of any costs incurred in connection with the work done, according to the tariff established by the Bar Association and approved by the minister for justice; attorneys must issue their clients with an invoice upon performance of a service.

In the case of cancellation or revocation of the power of attorney, the attorney issues an invoice within 30 days of the day on which the power of attorney was cancelled or revoked.

In property-law matters attorneys may arrange remuneration for their work with their party commensurate with their success in the proceedings, i.e. in the legal actions that they undertake on behalf of the party, in accordance with the official tariff. Such a contract is valid only if it has been concluded in written form.

Therefore, in property law matters, parties may regulate their relationship with their attorney in a written contract.

**11 Can I claim legal aid?**

If a party requires professional legal aid, they may seek legal advice from attorneys, who, in accordance with Article 3 of the Legal Profession Act are authorised in Croatia to provide all forms of legal aid, especially to provide legal advice, prepare actions, complaints, motions, requests, applications, extraordinary legal remedies and other pleadings, as well as to represent parties.

Furthermore, parties can avail themselves of free legal aid. Specifically, the Free Legal Aid Act (*Zakon o besplatnoj pravnoj pomoći*) (NN Nos 143/2013 and 98/19) provides for free legal aid to be granted to citizens who are unable to obtain legal aid themselves, but are in need of it. Information on the free legal aid scheme in Croatia can be found on the following website: <https://pravosudje.gov.hr/besplatna-pravna-pomoc/6184>.

**12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?**

A civil procedure is brought by filing an action and is initiated by serving the action on the defendant.

After an action has been received, preparations are made for the main hearing.

These preparations include preliminary examination of the action, and, if the action is not comprehensible or does not contain everything necessary to act on it, the court orders the submitting party to correct or amend the submission in accordance with the instructions provided and returns it for the purposes of correction or amendment.

**13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?**

The parties, their attorneys and representatives are informed about the progress of the case by the official of the registry office on the basis of the information in the register and the file.

The information is limited to data regarding the stage of the proceedings and the single judges, presidents of the chamber, chamber members and court counsellors who are dealing with the case.

When information is provided, it is prohibited to make statements on the correctness of individual court actions or on the likely outcome of the proceedings. Information can be given by telephone, e-mail and in written form.

The parties can access information through the internet regarding the progress of the proceedings and the single judges, presidents of the chamber, chamber members and court counsellors who are dealing with the case if the service Public Access to Basic Information on Court Cases / e-Case (*Javni pristup osnovnim podacima o sudskim predmetima – usluga e-Predmet*) is in use for the case in question.

Deadlines for appearing before the court and other steps taken by the parties or the court are prescribed by the Civil Procedure Act.

Further information on the deadlines and the types of deadlines is available in the information package entitled '[Procedural deadlines – Republic of Croatia](#)'.

Last update: 06/02/2023

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