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Croatian

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Online processing of cases and e-communication with courts

Croatia

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-----English-----

1 Is it possible to initiate court proceedings via the internet?

Following the entry into force of the Rules on forms in enforcement proceedings, the method of e-communication between participants and the assignment of cases to notaries public (*Pravilnik o obrascima u ovršnom postupku, načinu elektroničke komunikacije između sudionika i načinu dodjele predmeta u rad javnom bilježniku*) (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia) Nos 43/21 and 94/21) and the publication of the Decision issued by the minister responsible for judicial affairs on the fulfilment of technical requirements for e-communication between participants in enforcement proceedings on the website of the Ministry of Justice and Administration (*Ministarstvo pravosuđa i uprave*), a system has been launched to enable motions for enforcement based on authentic instruments to be sent in electronic, machine-readable form via the e-Ovrha system.

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, 96/08, 84/08, 123/08, 57/11, 25/13, 89/14, 70/19, 80/22 and 114/22; hereinafter: the ZPP) provides for the possibility of submitting documents electronically via an IT system. This means that action to initiate civil proceedings (or a motion to initiate certain non-contentious proceedings) may be filed via a separate IT system. In addition, courts may use the IT system to deliver their decisions to a secure electronic mailbox. In this manner, a two-way communication channel has been established through a dedicated IT system.

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

A motion for enforcement based on an authentic instrument can be filed solely through the eOvrha online application. In other words, the procedure to enforce collection of monetary claims can only be initiated electronically.

Other proceedings are initiated in writing, with the possibility of using the e-communication system for the electronic exchange of submissions between the parties and the court.

The submissions of state authorities, the Public Prosecutor's Office, lawyers, notaries public, expert witnesses, court assessors, court interpreters, insolvency administrators, court commissioners, representatives referred to in Article 434a of the ZPP, commissioners in consumer insolvency proceedings, liquidators, special guardians employed at the Special Guardianship Centre (*Centar za posebno skrbništvo*), as well as legal entities and natural persons (tradesmen, doctors, etc.) engaged in a registered activity where the dispute concerns that activity, must always be filed in electronic form.

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

Motions for enforcement based on authentic instruments can be filed through the eOvrha online application and submissions be sent in electronic form via the IT system 24 hours a day.

4 Should the details of the claim be provided in any particular format?

Not applicable.

5 How is transmission and storage of data secured?

A motion for enforcement based on an authentic instrument must be signed using a qualified electronic signature. This allows holders of the required signature certificate to file a motion for enforcement. The same principle applies to e-communication with the court. Furthermore, these systems also use a qualified time stamp as an electronic time stamp which binds the date and time to data in such a manner as to reasonably preclude the possibility of the data being changed undetectably. The time stamp is based on an accurate time source linked to Coordinated Universal Time and is signed using an advanced electronic signature or sealed with an advanced electronic seal of the qualified trust service provider, or by some equivalent method.

6 Is it necessary to use any kind of electronic signature and/or time record?

A motion for enforcement based on an authentic instrument must be signed using a qualified electronic signature. This allows holders of the required signature certificate to file a motion for enforcement. The same principle applies to e-communication with the court. Furthermore, these systems also use a qualified time stamp as an electronic time stamp which binds the date and time to data in such a manner as to reasonably preclude the possibility of the data being changed undetectably. The time stamp is based on an accurate time source linked to Coordinated Universal Time and is signed using an advanced electronic signature or sealed with an advanced electronic seal of the qualified trust service provider, or by some equivalent method.

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

When proceedings are brought before a court, court fees are payable in accordance with the provisions of the Court Fees Act (*Zakon o sudskim pristojbama*) to the amount set out in the Court Fee Tariff.

Submissions filed in electronic form under special legislation via the IT system used by the court in its operations are subject to a fee of one half of the fee amount specified in the Tariff and which is payable at the time of their filing.

Decisions served by the court in electronic form under special legislation via the IT system used by the court in its operations are subject to a fee of one half of the fee amount specified in the Tariff, if payment is made within 3 days from the day of electronic service of the decision.

Court fees can be paid via the e-communication system or by attaching proof of fee payment to the submission sent using e-communication.

8 Is it possible to withdraw a claim that has been initiated via the internet?

Any submissions specified in the ZPP, including those used to withdraw a claim, may be sent in electronic form via the IT system.

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

The defendant may send submissions in electronic form via the IT system regardless of whether the claimant has filed an electronic submission or not. Article 106a(5) of the ZPP specifies which persons are required to send a submission to the court in electronic form.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

A procedure in which a defendant responds to a claim electronically does not differ from a procedure in which a defendant delivers their response in non-electronic form.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

Article 106a(5) of the ZPP establishes that the submissions of state authorities, the Public Prosecutor's Office, lawyers, notaries public, expert witnesses, court assessors, court interpreters, insolvency administrators, court commissioners, representatives referred to in Article 434a of the Act, commissioners in consumer insolvency proceedings, liquidators, special guardians employed at the Special Guardianship Centre, as well as legal entities and natural persons (tradesmen, doctors, etc.) engaged in a registered activity where the dispute concerns that activity, must always be filed in electronic form.

If any of those persons fail to respond to a claim in electronic form, the court will order them to do so within 8 days. If they fail to file their submission in electronic form by the specified time limit, the submission will be considered to have been withdrawn.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

The ZPP provides for the possibility of filing submissions and documents attached to the submissions in electronic form via an IT system. Electronically submitted documents must be signed using a qualified electronic signature in accordance with special legislation. Where public documents which are already available in electronic form are attached to the submission, they are to be filed as original documents electronically signed by the document issuer. While the electronic submission must be in PDF format, attachments can be provided in any electronic form.

13 Can judicial documents, and particularly judgments, be served via the internet?

An electronic noticeboard (*e-Oglasna ploča*) service has been developed and implemented, which makes it possible to serve judicial documents to participants of court proceedings via the court's e-Noticeboard by using IT solutions.

The e-Noticeboard publishes judgments in accordance with the conditions of Article 335 of the ZPP and all documents pursuant to Article 8 of the Enforcement Act (*Ovršni zakon*) (NN Nos 112/12, 25/13, 93/14 and 55/16, 73/17, 131/20 and 114/22).

Additionally, the e-Noticeboard publishes all documents that are published under the procedural rules on the court notice board.

Furthermore, courts may use the IT system to deliver their decisions to a secure electronic mailbox.

14 Can judicial decisions be given electronically?

It is not possible.

15 Can an appeal be made and its decision served via the internet?

Any submissions specified in the ZPP, including appeals, may be sent in electronic form via the IT system. The court may deliver its decision on the appeal to the secure electronic mailbox of the recipient using the IT system.

16 Is it possible to initiate enforcement proceedings via the internet?

A motion for enforcement based on an authentic instrument can be filed solely through the eOvrha online application. In other words, the procedure to enforce collection of monetary claims based on an authentic instrument can only be initiated electronically.

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

Not applicable.

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