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National justice systems

Croatia

Justice system in the Republic of Croatia

The Constitution of the Republic of Croatia provides that authority in the Republic of Croatia is organised according to the principle of tripartite separation of powers, so that legislative authority is exercised by the Croatian Parliament, executive authority by the Government of the Republic of Croatia and judicial authority by the courts of the Republic of Croatia; the authorities cooperate with and check each other, while maintaining independence from the other branches of authority in their work and decision-making. As holders of judicial authority, the courts administer justice according to the Constitution, laws, regulations and international treaties which the Republic of Croatia has signed and ratified. Judicial office is held by judges appointed by the State Judicial Council. In exercising their judicial office, judges must be independent and autonomous and they enjoy immunity in accordance with the law. Judicial office is permanent, and a judge may not perform any other duty.

The judicial (justice) system of the Republic of Croatia consists of the judiciary (courts), autonomous and independent judicial bodies (public prosecutor's offices), the executive (Ministry of Justice), autonomous and independent bodies (State Judicial Council and Council of Public Prosecutors), an autonomous and independent service (legal profession), an autonomous and independent public service (notaries) and a public institution (Judicial Academy).

Organisation of the judicial system in the Republic of Croatia

The task of the Ministry of Justice is to preserve the fundamental values of the legal order, to ensure the conditions for its sound functioning and to further develop the judicial system.

The Ministry of Justice performs:

administrative and other tasks related to:

civil, criminal, misdemeanour and commercial law, and administrative justice; organisation, operation and professional training in authorities enforcing criminal and misdemeanour penalties; administrative and other tasks in the notarial and legal professions; court and notary fees; international legal assistance and other forms of legal assistance; the enforcement of criminal and misdemeanour penalties, pardons and conditional release; administrative and professional tasks concerning probation when deciding on prosecution and when choosing the type and extent of criminal penalties; the enforcement of non-custodial sentences imposed on adult perpetrators of criminal offences; tasks for the development and coordination of the system to support victims and witnesses; the computerisation of the judiciary; and **monitoring the performance of administrative tasks in the judicial bodies, Public Prosecutor's Office and law enforcement bodies;**

administrative and other tasks related to:

right of ownership, property matters relating to expropriation and other restrictions on ownership, property matters concerning construction, agricultural and forest land, land consolidation, the sale and purchase of land and buildings and those agricultural operations that do not fall within the remit of another government body, the property of foreign nationals, compensation for property confiscated during the Yugoslav communist rule that do not fall within the remit of another government body, and matters concerning the succession of property, rights and liabilities of the former Socialist Federal Republic of Yugoslavia (SFRY); administrative and professional tasks related to the cooperation of the Government of the Republic of Croatia with international criminal courts, representation of the Republic of Croatia before the International Court and other international courts, unless otherwise provided for by a specific decision of the Government of the Republic of Croatia, and tasks related to the protection of human rights and the rights of national minorities that do not fall within the remit of another government body; participating with the Ministry responsible for state asset management in the tasks of managing and disposing of stocks and shares of companies constituting state assets owned by the Republic of Croatia and in respect of companies principally engaged in activities within the Ministry's remit; tasks related to the participation of the Republic of Croatia in the work of the bodies of the European Union in the areas under the Ministry's jurisdiction; other tasks within the Ministry's competence under a specific law.

Courts in the Republic of Croatia

The Courts Act (*Zakon o sudovima*) regulates the organisation, remit and jurisdiction of the courts.

In the Republic of Croatia, judicial authority is exercised by the courts as separate bodies of state authority. They exercise their authority autonomously and independently within the scope and jurisdiction prescribed by law.

The courts take decisions on the basis of the Constitution of the Republic of Croatia, international treaties that form part of the legal order of the Republic of Croatia, laws and other regulations that have been adopted in accordance with the Constitution of the Republic of Croatia, international treaties or laws.

The courts decide on cases concerning fundamental human rights and obligations, the rights and obligations of the Republic of Croatia and of local and regional self-government units and the rights and obligations of other legal persons; impose penalties and other measures against the perpetrators of crimes, misdemeanours and offences specified by law and other regulations; review the legality of general and individual acts of the public administration authorities; decide on disputes concerning the personal relations of citizens, labour, commercial, property and other civil cases; and decide on other legal cases as provided for by law. Courts administer justice according to the Constitution, international treaties, laws and other valid sources of law.

Judicial authority in the Republic of Croatia is administered by the **ordinary** and **specialised courts**, and the **Supreme Court of the Republic of Croatia (Vrhovni sud Republike Hrvatske)**, which is also the highest court in the Republic of Croatia.

Ordinary courts are courts which deal with matters over which no specialised court has jurisdiction. These are the municipal courts (*općinski sudovi*) and county courts (*županijski sudovi*).

Specialised courts are courts which deal with matters over which the law has given them jurisdiction. They 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 High 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*).

The courts are further divided into courts of first and second instance.

Proceedings to settle a legal matter are brought before the courts of first instance. These are the municipal, administrative, misdemeanour and commercial courts.

The courts of second instance take decisions on appeal against decisions of courts of first instance and carry out other tasks laid down by law. These are the county courts (in relation to municipal courts), the High Commercial Court of the Republic of Croatia (in relation to commercial courts), the High Misdemeanour Court of the Republic of Croatia (in relation to misdemeanour courts) and the High Administrative Court of the Republic of Croatia (in relation to administrative courts).

Municipal and misdemeanour courts are established for the territory of one or more municipalities, one or more towns or parts of an urban area, whereas the county, commercial and administrative courts are established for the territory of one or more counties.

The High Commercial Court of the Republic of Croatia, the High Administrative Court of the Republic of Croatia, the High Misdemeanour Court of the Republic of Croatia and the Supreme Court of the Republic of Croatia are established for the territory of the Republic of Croatia.

Supreme Court of the Republic of Croatia

The **Supreme Court of the Republic of Croatia** is based in Zagreb.

It ensures uniform application of law and the equality of everyone in the application of law;

It decides on ordinary legal remedies when this is provided for by a dedicated law;

It decides on extraordinary legal remedies against final judgments of the courts in the Republic of Croatia;

It decides on conflicts of jurisdiction when this is provided for by a dedicated law;

It deals with current case-law issues, examines the need for professional training of judges, court clerks and trainee judges and carries out other tasks as provided for by law.

Supreme Court of the Republic of Croatia

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President of the Supreme Court of the Republic of Croatia

The President of the Supreme Court of the Republic of Croatia represents the Supreme Court of the Republic of Croatia and the judicial authority, and performs court administration tasks and other tasks defined by law and by the Rules of Procedure of the Supreme Court of the Republic of Croatia.

The President of the Supreme Court is elected for a period of four years by the Croatian Parliament, following a proposal from the President of the Republic of Croatia once the General Assembly (*Opća sjednica*) of the Supreme Court of the Republic of Croatia and the competent committee of the Croatian Parliament have given their opinion, and may be re-elected for the same post at the end of that period. No one may be elected for this post more than twice.

Anyone who fulfils the general and specific conditions to be a judge of the Supreme Court of the Republic of Croatia may be elected President of that court. If a person who has not served as a judge in the Supreme Court of the Republic of Croatia is elected President of that court, the State Judicial Council will appoint that person also as a judge of that court.

The Territories and Seats of Courts Act (*Zakon o područjima i sjedištima sudova*) (Narodne novine (NN; Official Gazette of the Republic of Croatia) No 67/18) implemented a territorial organisation and further rationalisation of the court network, creating 15 county courts, 34 municipal courts, 9 commercial courts and 4 administrative courts.

Courts Act

Territories and Seats of Courts Act

Judicial authorities

The judicial authorities in the Republic of Croatia comprise courts and public prosecutor's offices.

Courts

Supreme Court of the Republic of Croatia

County courts (15)	High Commercial Court (1)	High Administrative Court (1)	High Misdemeanour Court (1)
Municipal courts (34)	Commercial courts (9)	Administrative courts (4)	

Public Prosecutor's Office (*Državno odvjetništvo*)

The Public Prosecutor's Office is an autonomous and independent judicial body that is authorised and obliged to take action against perpetrators of crimes and other punishable offences, to take legal action to protect the assets of the Republic of Croatia and to submit legal remedies to protect the Constitution of the Republic of Croatia and the legislation.

The Public Prosecutor's Office exercises its powers on the basis of the Constitution of the Republic of Croatia, international treaties that form part of the legal order of the Republic of Croatia, the EU *acquis*, legislation and other sources of law.

The Public Prosecutor's Office of the Republic of Croatia has been established to cover the entire territory of the Republic of Croatia; municipal public prosecutor's offices (*općinska državna odvjetništva*) have been set up to deal with municipal courts and public law bodies; and county public prosecutor's offices (*županijska državna odvjetništva*) have been set up to deal with county, commercial and administrative courts. The law may establish dedicated public prosecutor's offices to deal with certain types of case and before courts designated by law.

Municipal public prosecutor's offices are subordinate to the county public prosecutor's offices; the county public prosecutor's offices and dedicated public prosecutor's offices are subordinate to the Public Prosecutor's Office of the Republic of Croatia.

A public prosecutor's office is headed by a public prosecutor, who is responsible for performing the tasks within the remit of the public prosecutor's office that he/she represents and manages.

The Prosecutor-General (*Glavni državni odvjetnik*) of the Republic of Croatia is head of the Public Prosecutor's Office of the Republic of Croatia. Anyone who fulfils the general and specific conditions for appointment as Deputy Prosecutor-General of the Republic of Croatia may be appointed as Prosecutor-General of the Republic of Croatia. The Prosecutor-General of the Republic of Croatia is appointed for a period of four years by the Croatian Parliament, following a proposal from the Government of the Republic of Croatia once the Justice Committee of the Croatian Parliament has given its opinion, and may be reappointed for the same post at the end of that period. No one may be appointed to this post more than twice.

The Territories and Registered Offices of Public Prosecutor's Offices Act (*Narodne novine* (NN; Official Gazette of the Republic of Croatia) No 67/18) streamlined the network of public prosecutor's offices, creating 15 county public prosecutor's offices and 25 municipal public prosecutor's offices.

Public Prosecutor's Office of the Republic of Croatia

Office for the Prevention of Corruption and Organised Crime (<i>Ured za suzbijanje korupcije i organiziranog kriminaliteta, USKOK</i>)	County public prosecutor's offices
	Municipal public prosecutor's offices

Public Prosecutor's Office of the Republic of Croatia

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County and municipal public prosecutor's offices

Public Prosecutor's Office Act

Territories and Registered Offices of Public Prosecutor's Offices Act

Office for the Prevention of Corruption and Organised Crime

The Zagreb-based Office for the Prevention of Corruption and Organised Crime (USKOK) is a dedicated public prosecutor's office specialising in the prosecution of corruption and organised crime, which covers the entire territory of the Republic of Croatia. The jurisdiction of the Office for the Prevention of Corruption and Organised Crime is laid down in the Act on the Office for the Prevention of Corruption and Organised Crime.

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Act on the Office for the Prevention of Corruption and Organised Crime

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