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Croatian

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## Court fees concerning European Payment Order procedure

Croatia

### Introduction

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### Introduction

Court fees in the Republic of Croatia are governed by the Court Fees Act (*Narodne novine* (NN; Official Gazette of the Republic of Croatia) Nos 74/1995, 57/1996, 137/2002, 125/2011, 112/2012 and 157/2013, which contains the Tariff of Court Fees.

*Pursuant to Article 6 of the Court Fees Act fees prescribed under the tariff of court fees are to be paid in revenue stamps issued by the Republic of Croatia, and cash only where a taxpayer is obliged to pay fees in excess of HRK 100.*

### Which fees apply?

Court fees are paid in all civil court proceedings and pursuant to Article 16 of the Court Fees Act. The following are exempt:

The Republic of Croatia and government bodies,

persons and bodies exercising public authority in the exercise of these powers,

workers and employees in labour disputes and officers in administrative disputes related to the exercise of their rights stemming from official relations,

workers in administrative disputes arising from a pre-bankruptcy settlement,

invalids of the Croatian War of Independence, based on appropriate documents proving their status,

spouses, children and parents of soldiers who were killed, missing and detained in the Croatian War of Independence, based on appropriate documents proving their status,

spouses, children and parents of those killed, missing and detained in the Croatian War of Independence, based on appropriate documents proving their status,

refugees, displaced persons and returnees, based on appropriate documents proving their status,

welfare recipients who receive subsistence allowance,

humanitarian organisations and organisations dealing with the protection of disabled people and families of those killed, missing and detained in carrying out humanitarian activities,

children as parties in proceedings for maintenance or in proceedings concerning claims based on that right,

plaintiffs in lawsuits on the recognition of maternity and paternity and for the costs incurred by pregnancy and childbirth outside of marriage,

parties seeking restoration of legal capacity,

minors seeking authorisation to acquire legal capacity because they have become parents,

parties to the proceedings in order to hand over a child and for the exercise of the decision on child visitation rights,

plaintiffs in disputes over rights arising from compulsory pension and general medical insurance, over rights of the unemployed pursuant to employment regulations and social welfare rights,

plaintiffs, i.e. applicants in procedures for the protection of constitutionally guaranteed human rights and freedoms against final individual acts, or for protection from an illegal action and

plaintiffs in environmental pollution compensation disputes,

trade unions and trade union associations in civil proceedings for judicial approval of replacement and in collective labour disputes and union representatives in civil proceedings in the exercise of the powers of the workers council.

A foreign state is exempt from the payment of fees, if so provided by international treaty or subject to reciprocity.

In case of doubt about the conditions referred to in paragraph 2 of this Article, the court will request an explanation from the Ministry of Justice.

The provisions of paragraph 1(10) of this Article shall apply to those humanitarian organisations that have been determined by the minister responsible for social welfare.

The provision of paragraph 1 of this Article shall not apply to the bodies of municipalities and cities, save where in accordance with a special law the exercise of public authority has been transferred to them.

In European order for payment procedures the following fees are payable:

for a European order for payment proposal - the plaintiff pays

for a European order for payment decision - the plaintiff pays

for a complaint against a European order for payment - the defendant pays

if the procedure goes to litigation

for a judgement - the plaintiff pays

for an appeal - the appellant pays

for a response to an appeal - the person filing the response pays (responding is optional)

extraordinary remedy - revision is allowed against the decision of the court of the second instance if the dispute amount exceeds HRK 200 000.00

court fees are paid by the revision applicant and the person responding to the revision (responding is optional)

**How much will I pay?**

II. Half of the fees referred to under point I are payable for a European order for payment proposal, European order for payment decision, response to an appeal or revision.

III. Double the amount of court fees referred to in point I are payable on appeal of a judgement or revision.

IV. A court fee is not payable where a court settlement is reached during the court proceedings.

**What happens if I fail to pay the court fees on time?**

Court fees will be collected by enforcement, and where not paid immediately then an additional charge of HRK 100.00 will be levied.

*Pursuant to Article 39 of the Court Fees Act, the court is to first warn the party of the obligation to pay the fee within three days, and where a party fails to comply with the warning, the court will adopt a decision in respect of the fee on which the additional charge of HRK 100 is payable.*

**How can I pay for court fees?**

Court fees in excess of HRK 100 shall be paid into the national budget through any bank or post office, into the account of the National Budget of the Republic of Croatia.

In order to pay court fees from abroad the following information must be included:

SWIFT: NBHRHR2X

IBAN: HR1210010051863000160

Current account (CC):1001005-1863000160

Model: HR64

Reference no: 5045-20735-Personal identification number (or other identification number for the payer)

Beneficiary: Ministry of Finance of the Republic of Croatia, on behalf of the Commercial Court in Zagreb

The payment description should include the fee for case \_\_\_\_\_ (number of the case file, and a description of the payment, e.g. court fee for a proposal to issue the European order for payment)

**What do I do once I have made payment?**

Once payment has been made, proof of payment must be sent to the court trying the case for which the fee is being paid, including a reference to the number of the case being heard (if the case number is known) or where an application for the issuance of an European order for payment has just been filed then proof of the bank payment must accompany the application.

The parties shall submit documents to the court regularly by mail (registered or ordinary parcel delivery).

I. For a claim, counter-claim, judgement and an objection to a payment a court fee commensurate to the dispute amount is to be paid (calculated only for the amount of the main application without interest and costs), as follows:

above	up to HRK	HRK
0.00	3 000.00	100.00
3 000.00	6 000.00	200.00
6 000.00	9 000.00	300.00
9 000.00	12 000.00	400.00
12 000.00	15 000.00	500.00
A fee of HRK 500.00 is payable on amounts in excess of HRK 15 000.00 and 1% on the difference above HRK 15 000.00 but not more than HRK 5 000.00.		

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