

Home>Taking legal action>European Judicial Atlas in civil matters>**Small claims**

Small claims

Croatia

Article 25 1 (a) Competent courts

In Croatia, the courts or tribunals competent to give a judgment in the European Small Claims Procedure are the municipal and commercial courts.

Article 25 1 (b) Means of communication

Forms, other applications or statements are to be submitted in written form, by fax or email.

Article 25 1 (c) Authorities or organisations providing practical assistance

Pursuant to the Free Legal Aid Act (*Narodne novine* (NN; Official Gazette of the Republic of Croatia, No 143/13, 98/19 –

https://narodne-novine.nn.hr/clanci/sluzbeni/2013_12_143_3064.html, primary legal aid is provided by offices, professional associations and law clinics.

Primary legal aid comprises:

- a) general legal information;
- b) legal advice;
- c) the drawing up of submissions to bodies governed by public law, the European Court of Human Rights and international organisations under international agreements and the rules on the functioning of those bodies;
- d) representation in proceedings before bodies governed by public law;
- e) legal aid in an amicable out-of-court settlement.

A list of professional associations and law clinics providing primarily legal aid can be found at:

<https://mpu.gov.hr/istaknute-teme/besplatna-pravna-pomoc/ovlastene-udruge-i-pravne-klinike-za-pruzanje-primarne-pravne-pomoci/6190>

Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

Documents are served by mail or by a specific judicial officer, i.e. an employee of a court, via a competent judicial authority or notary public or directly in court, or by electronic means in accordance with a specific act.

Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

Not applicable.

Article 25 1 (f) Court fees and the methods of payment

The court fee is based on the subject of the dispute, and is charged:

- for a claim and a counterclaim
- for a reply to a claim
- for a court ruling on a claim
- for legal remedies
- for an application for enforcement.

Unless provided otherwise, the obligation to pay the fee arises at the time when a submission is presented, as laid down in Article 4 of the Court Fees Act (*Zakon o sudskim pristojbama*) (NN Nos 18/18 and 51/23).

Court fees may be calculated for each individual operation, depending on the value of the subject of the dispute, in accordance with the following table:

In excess of	Up to EUR	EUR
0.00	398.17	13.27
398.18	796.34	26.54
796.35	1 194.51	39.82
1 194.52	1 592.67	53.09
1 592.68	1 990.84	66.36
Over EUR 1 990.84 a fee of EUR 66.36 is to be paid, plus 1% of the amount over EUR 1 990.84, up to a maximum of EUR 663.61.		

The fees set in the Tariff of Court Fees are to be paid by cashless payment, in cash, in revenue stamps issued by Croatia or electronically. Fees can be paid in revenue stamps if the fee is less than EUR 13.27. If a party pays the court fee in revenue stamps and requests a payment receipt, the court shall duly oblige. Information on the fee payment method is to be made available on the e-Bulletin Board website, court websites and in court offices. The cash fee can also be paid in the court's accounting, in which case the court is obliged to pay that money into the budget revenue from court fees within five days of the date of collection. 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. If the court fee is not paid by the deadline, it becomes payable in the amount specified in the Tariff. The right to levy the fee becomes statute-barred 5 years after the end of the year in which it should have been paid.

Fees are expressed in absolute terms in euro and as percentages.

Pursuant to Article 15a of Regulation No 861/2007, a court fee may be paid by bank transfer.

Article 25 1 (g) Appeal procedure and courts competent for an appeal

An appeal may be brought against a judgment. The appeal is to be lodged with the court which handed down the judgment within eight days of the date on which the judgment was published, but if the judgment is served on a client, the period begins on the date on which it is served.

A decision on an appeal against a judgment in a small claims procedure is made by a single judge in a second-instance court.

Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

If a defendant demonstrates that the existence of the preconditions for the review of a judgment handed down in a European Small Claims Procedure under Article 18 of Regulation No 861/2007 is plausible, an application for review is submitted in the form of a claim to the competent municipal or commercial

court, which may declare the judgment null and void, whereas an application to restore a prior status is submitted to the court or tribunal seised of the proceedings, which may also restore the proceedings to the state in which they were before the judgment was handed down.

Article 25 1 (i) Accepted languages

A translation into Croatian, certified by a qualified person in one of the Member States, must be submitted.

Article 25 1 (j) Authorities competent for enforcement

As the court responsible for enforcement, it is a municipal court that issues a decision on applications for enforcement. The territorial jurisdiction of the court is determined in accordance with the rules on territorial jurisdiction of courts in enforcement proceedings.

A decision on a stay or limitation of enforcement pursuant to Article 23 of Regulation No 861/2007 is made by a municipal court.

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