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Which country's court is responsible?

Croatia

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

An application is made to the court with territorial or subject-matter jurisdiction to hear the case at hand, and, in the event of a specific dispute, to a specialised court. However, only the City of Zagreb (*Grad Zagreb*) has a municipal civil court (*Općinski građanski sud*) and a municipal labour court (*Općinski radni sud*) as specialised courts for these matters, while elsewhere municipal courts (*Općinski sudovi*) generally have jurisdiction.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

The rules on which court has jurisdiction are found in the Civil Procedure Act.

To be precise, an application is filed with the court with general territorial jurisdiction for the defendant, i.e. with general territorial jurisdiction based on temporary or permanent residence or the defendant's registered office, if the defendant is a legal entity. If a dispute is filed against a county, the City of Zagreb, towns and municipalities, the court with the general territorial jurisdiction is defined according to where their representative body is located.

However, for disputes against the Republic of Croatia, the court with general territorial jurisdiction is defined according to where the applicant has his or her permanent residence or registered office in Croatia. If the applicant does not have permanent residence or registered office in Croatia, the court with the general territorial jurisdiction in disputes against the Republic of Croatia is the court with jurisdiction over the area in which the Croatian Parliament is located (*Hrvatski Sabor*).

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

There is a distinction between lower and higher courts. Municipal courts (*Općinski sudovi*) and commercial courts (*Trgovački sudovi*) are courts of the first instance, and county courts (*Županijski sudovi*) and the High Commercial Court of the Republic of Croatia (*Visoki trgovački sud RH*) are courts of appeal. To be precise, county courts decide on appeals against decisions made by municipal courts and the High Commercial Court of the Republic of Croatia decides on appeals against decisions made by commercial courts.

Only in cases that are specially provided for can county courts and the High Commercial Court of the Republic of Croatia be courts of the first instance, in which case their decisions may be appealed at the Supreme Court of the Republic of Croatia (*Vrhovni sud RH*).

Therefore, the higher courts are only competent for appeals in exceptional cases, where the lower courts declare that they do not have jurisdiction and refer the case for further consideration.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

Determining which court is competent for a specific case depends on various circumstances, however, as a rule, the court with general territorial jurisdiction covering the defendant will be the competent court.

2.2.1 The basic rule of territorial jurisdiction

The basic rule of territorial jurisdiction is the permanent or temporary residence of the defendant or the registered office of the defendant for legal entities.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

By way of derogation from the basic rule of general territorial jurisdiction, the Civil Procedure Act (in articles 50 - 66) provides for cases of special territorial jurisdiction which apply to co-litigants, disputes over statutory maintenance, disputes over damages, disputes over rights arising from manufacturer warranties, marital disputes, disputes over establishing or denying paternity or maternity, disputes over immoveable property and in trespass disputes, disputes over aircraft and vessels, determining jurisdiction over persons for whom there is no general territorial jurisdiction in the Republic of Croatia, jurisdiction according to the place where the branch of a legal person is located, jurisdiction according to the place where the representative office of a foreign person is located in the Republic of Croatia, jurisdiction in disputes arising from relations with organisational units of the armed forces of the Republic of Croatia, jurisdiction in disputes arising from inheritance law relations, jurisdiction for disputes in enforcement and bankruptcy proceedings, jurisdiction according to the place of payment, jurisdiction in employment-related disputes and reciprocal jurisdiction for complaints against foreign citizens.

In the aforementioned cases the applicant may always, but is never required to, select a different court from the one in which the defendant lives that was determined by applying the basic rule.

Finally, according to Article 70 of the Civil Procedure Act, parties may come to an agreement on the territorial jurisdiction of another court with subject-matter jurisdiction, but only if it is not a court with exclusive jurisdiction.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Depending on whether it is a civil or commercial dispute, an application can be brought before a municipal court (*Općinski sud*) or a commercial court (*Trgovački sud*), and in the City of Zagreb it can also be brought before the municipal labour court (*Općinski radni sud*) in the case of labour disputes.

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