Article 65(3) - Information on how to determine, in accordance with national law, the effects of the judgments referred to in Article 65(2) of the Regulation

Third parties who are not parties to a dispute are given notice of litigation concerning the dispute to inform them that an adopted ruling may have an indirect legal effect on them. If the applicant or defendant is required to give notice to a third party about litigation filed in order to obtain a certain effect under civil law, he/she may do so at any time before a final decision has been issued in the proceedings by making a submission through the civil court, indicating the reason and the state of the proceedings. A party that has issued notice to a third party about litigation may not then use that fact to request a stay of proceedings, an extension of deadlines or the postponement of a hearing.

A third party that has a legitimate interest in the success of one of the parties in litigation may join that party, but is not obliged to do so. If that third party decides to intervene, he/she submits a declaration of intervention, either at a hearing or through a written submission delivered to both parties. A third party that enters litigation does not become a party to the proceedings, but acquires the status of an intervener who must accept the state of the litigation at the time of intervention; the actions of the intervener may not run counter to those of the party that it joins.

There are three types of intervener under Croatian law: an ordinary intervener, an intervener with the status of sole co-litigator (the legal effect of the judgment relates equally to the intervener and the party to the proceedings) and a sui generis intervener (intervention of state attorney and social services centre in the proceedings). If the type of intervener is not stated, it is assumed to be an ordinary intervener.

A final decision adopted in litigation of which a third party was given notice or in which it participated as an intervener produces a specific legal effect on that third party which is normally referred to as an intervention effect. Third parties can avert that effect by successfully lodging an objection known as *exceptio male gesti vel conducti processus*. Thus, if new litigation is launched against a third party who was given notice of litigation or who took part in the dispute concerned, that third party will not have the option of claiming in the new litigation — when settling his/her dispute with the party whom he/she joined in the previous litigation — that the dispute, as presented to the court during those proceedings, was not correctly resolved. However, the final decision will not have an absolute effect on the intervener.

Accordingly, if a party undertook procedural actions knowing that they would worsen his/her procedural position, or if he/she failed to take procedural actions knowing that — on the basis of the arguments at his/her disposal — they could improve his/her procedural position, or if he/she removed the procedural significance of procedural actions taken by his/her intervener that were likely to be favourable or undertook actions which conflicted with them, in that case the intervention effect of the previously adopted final decision in the dispute between the party that the intervener joined and the adverse party may be contested with regard to the former intervener.

It is presumed that the intervener was allowed to take any actions in the litigation that were likely to contribute to a positive outcome in the dispute, unless found otherwise in relation to the objection lodged by the former intervener.

The notice has consequences of a procedural nature and under civil law. The party who gave notice may invoke, in the subsequent litigation against the third party that was given notice, the ‘intervention effect’ of the final judgment, irrespective of whether the third party entered the litigation as an intervener (for example, if the wrongdoer failed to take part as an intervener in the litigation between the injured party and an insurer even though the insurer asked him/her to do so, he/she may not raise objections in any recourse proceedings conducted against him/her by the insurer which he/she was able to raise in litigation conducted between the insurer and the injured party). Notice is also relevant for interrupting the period after which a case becomes statute-barred, for postponing maturity dates and for pursuing claims for liability on grounds of a defect.

The fact that a third party has been given notice of litigation has no impact on the relationship between that third party and the opponent of the party joined by an intervener, except where the third party has decided to join the litigation as an intervener.

Article 74 - Description of national rules and procedures concerning enforcement

The enforcement procedure in the Republic of Croatia is governed by the Enforcement Act (*Ovršni zakon*) (*Narodne novine* (NN; Official Gazette of the Republic of Croatia) Nos 112/12, 25/13, 93/14, 55/16, 73/17; hereinafter ‘OZ’).

That Act sets out the procedure by which courts enforce claims on the basis of enforcement instruments (enforcement procedure (*ovršni postupak*)). The Financial Agency (*Financijska agencija*; hereinafter ‘FINA’) — which is the legal person that conducts enforcement under OZ and the law governing enforcement with respect to funds — employers, the Croatian Pension Insurance Institute and other bodies laid down by law also take part in enforcement proceedings.

Municipal courts (*općinski sudovi*) have subject-matter jurisdiction in enforcement cases, except where this matter has been explicitly entrusted to another court, body or person. The courts with competence to order enforcement are also authorised to act on appeals against enforcement orders or other decisions that they adopted in response to a proposal for enforcement. The territorial jurisdiction specified by OZ is exclusive (e.g. the territorial jurisdiction for ruling on a proposal for enforcement with respect to immovable property and carrying out such enforcement belongs to the court on whose territory the immovable property is located).

First- and second-instance enforcement proceedings are conducted — and the corresponding decisions adopted — by a single judge, except where OZ provides for the proceedings to be conducted — and the corresponding decisions adopted — by a notary public.

The proceedings are initiated by the enforcement creditor, who submits a proposal for enforcement to the competent court on the basis of an enforcement instrument. The exception to this rule is when an enforcement creditor submits a request for direct recovery to FINA on the basis of an enforcement instrument (e.g. a final court judgment). This is permissible only in the event of enforcement with respect to a monetary claim of the enforcement debtor (direct recovery of a monetary claim). In that case, instead of adopting an enforcement decision, FINA sends a copy of the creditor’s request with all the information to the enforcement debtor.

The subject of enforcement is things and rights on which enforcement may be carried out by law for the purpose of enforcing a claim. The means of enforcement are enforcement actions, security measures or the system of such actions or measures by which a claim is enforced or secured in accordance with the law.

The court orders enforcement by the means and on the subjects mentioned in the proposal for enforcement. If several means or several subjects are proposed for enforcement, the court will, at the enforcement debtor's request, restrict enforcement to only certain of those means or subjects if they are sufficient to recover the claim.
The question of whether a thing or a right can be the subject of enforcement, or whether enforcement on a given thing or right is restricted, is considered in the light of the circumstances that obtained when the proposal for enforcement was lodged.
Article 212 OZ lays down specific rules on enforcement with respect to funds which are exempted from enforcement or with respect to funds on which enforcement is restricted, and Articles 241 and 242 OZ lay down specific rules on exemption from and restriction of enforcement with respect to the property of legal persons. One of the basic principles of the enforcement procedure is that when a court conducts enforcement or security measures it is obliged to consider the dignity of the enforcement debtor and to ensure that the adverse effects of enforcement for the enforcement debtor are kept to the minimum.
An appeal may be lodged against a first-instance decision unless OZ provides otherwise. A permissible appeal submitted in due time against a judicial decision on enforcement on the basis of an enforcement instrument does not postpone enforcement. An appeal must be submitted within eight days of the date of service of the first-instance decision, unless OZ provides otherwise, or within three days in the case of disputes concerning bills of exchange or cheques.
All claims that have been granted by a final judicial decision, a decision of another competent public authority, a settlement before a court or another competent authority or a notarial deed become statute-barred after 10 years, including those for which a shorter limitation period is provided for by law in other circumstances.
Claims that have not been granted by a final judicial decision, a decision of another competent public authority, a settlement before a court or another competent authority or a notarial deed become statute-barred after five years, except where a different period is provided for by law.
A limitation period of three years from the date on which a payment becomes due applies to claims for periodic payments that fall due annually or at shorter intervals, irrespective of whether they are accessory periodic claims, such as claims relating to interest, or periodic claims relating to the right itself, such as maintenance claims. The same applies to annuities with which principal and interest is paid in equal, previously specified periodic amounts, but not to repayments in instalments or to other cases of partial performance.
A right from which periodic claims stem becomes statute-barred after a period of five years, starting from the date on which the oldest unmet claim becomes due. The right to maintenance under law cannot become statute-barred.
Mutual claims arising from commercial contracts on trade in goods and services, i.e. contracts on trade in goods and services concluded between a trader and a body governed by public law, and compensation claims for costs incurred under these contracts become statute-barred after three years. The limitation period applies separately to each case in which goods were supplied, works were carried out or a service was performed. Claims with respect to rent, whether it is to be paid periodically or in one total amount, become statute-barred after three years. Claims for compensation for damage become statute-barred three years after the victim found out about the damage and about the person who caused the damage. In any event, such claims become statute-barred five years after the damage was incurred. Where damage was caused by a criminal offence, and provision is made for a longer limitation period for criminal prosecution, a claim for compensation for damage against the responsible person becomes statute-barred at the end of the limitation period for criminal prosecution.
Claims relating to supplies of electricity and heat, gas, water, chimney-sweeping and cleaning services become statute-barred after one year, where the service was provided to meet the needs of a household, radio station or radio-and-television station for the use of a radio receiver and a television set. The limitation period of one year also applies to claims of the post, telegraph and telephone service for the use of telephones and letterboxes, other claims from this service relating to amounts which are payable every three months or more frequently and claims relating to press subscriptions, calculated from the end of the period for which the publication concerned was ordered.
Claims of an insurance policyholder or a third party under a life insurance contract become statute-barred after five years, and claims under other insurance contracts after three years, calculated from the first day after the end of the calendar year in which the claim arose. An insurer's claims under an insurance contract become statute-barred after three years. The limitation period for a claim that an insurer may make against a third party that is responsible for the materialisation of the risk starts and ends at the same time as the insured person's claim against the third party.

Article 75 (a) – Names and contact details of the courts to which the applications are to be submitted pursuant to Articles 36(2), 45(4) and 47(1)

In the Republic of Croatia applications are submitted to the competent municipal courts in civil matters, and to the competent commercial courts in commercial matters.
All municipal courts are competent to rule on the recognition and enforcement of the decisions of foreign courts.

Article 75 (b) – Names and contact details of the courts with which an appeal against the decision on the application for refusal of enforcement is to be lodged pursuant to Article 49(2)

In the Republic of Croatia an appeal against a decision on an application for refusal of enforcement should be lodged with the county court through the competent municipal court in civil matters, and with the High Commercial Court through the competent commercial court in commercial matters.
Click on the below link to view all competent authorities related to this Article.
List of competent authorities

Article 75 (c) – Names and contact details of the courts with which any further appeal is to be lodged pursuant to Article 50

Under applicable national law, there are no courts with which a further appeal may be lodged.

Article 75 (d) – Languages accepted for translations of the certificates concerning judgments, authentic instruments and court settlements

Not applicable

Article 76(1)(a) – Rules of jurisdiction referred to in Articles 5(2) and 6(2) of the Regulation

As far as jurisdiction in civil and commercial matters is concerned, Article 46 of the Private International Law Act (*Zakon o međunarodnom privatnom pravu)* (*Narodne novine* (NN; Official Gazette of the Republic of Croatia) No 101/17), which has been in force since 29 January 2019, specifies that Croatian courts have jurisdiction in disputes where there is an international element. That provision explicitly states that Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012) applies within the scope of that Regulation, and extends its application to include situations involving citizens of third countries. Paragraph 3 of that Article allows for the possibility of deciding that a court of a third country has jurisdiction, except where a Croatian court or a court of another Member State of the European Union has exclusive jurisdiction.

Article 76(1)(b) – Rules on third party notice referred to in Article 65 of the Regulation

In the Republic of Croatia third-party notice is governed by Article 211 of the Code of Civil Procedure (*Zakon o parničnom postupku*).

Article 76(1)(c) – Conventions referred to in Article 69 of the Regulation

the Agreement between the Federal People's Republic of Yugoslavia and the People's Republic of Bulgaria of 23 March 1956 on Mutual Legal Assistance,

the Treaty between the Socialist Federal Republic of Yugoslavia and the Czechoslovak Socialist Republic of 20 January 1964 on Regulation of Legal Relations in Civil, Family and Criminal cases,
the Convention between the Government of the Socialist Federal Republic of Yugoslavia and the Government of the Republic of France of 18 May 1971 on the Recognition and Enforcement of Judgments in Civil and Commercial Matters,
the Agreement between the Federal People's Republic of Yugoslavia and the Kingdom of Greece of 18 June 1959 on the Mutual Recognition and Enforcement of Judgments,
the Treaty between the Socialist Federal Republic of Yugoslavia and the People's Republic of Hungary of 7 March 1968 on Mutual Legal Assistance,
the Treaty between the Federal People's Republic of Yugoslavia and the People's Republic of Poland of 6 February 1960 on Legal Assistance in Civil and Criminal Matters,
the Treaty between the Romanian People's Republic and the Federal People's Republic of Yugoslavia of 18 October 1960 on Legal Assistance,
the Convention between the Federal People's Republic of Yugoslavia and the Republic of Italy on Mutual Judicial Cooperation in Civil and Administrative Matters, signed at Rome on 3 December 1960,
the Treaty between the Federal People’s Republic of Yugoslavia and the Republic of Austria on Mutual Judicial Cooperation, signed at Vienna on 16 December 1954,
the Treaty between the Republic of Croatia and the Republic of Slovenia of 7 February 1994 on Legal Assistance in Civil and Criminal Matters.

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