Obs. Nyligen ändrades ursprungsversionen på hr av den här sidan. Våra översättare håller på att översätta den nya sidan till svenska.

kroatiska

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Small claims

Kroatien

Det finns ingen officiell översättning av den språkversion du tittar på.
Här kommer du till en maskinöversatt version av innehållet. Maskinöversättningen tillhandahålls enbart för att bidra till förståelsen av texten. Ägaren av sidan tar inget som helst ansvar för kvaliteten på den maskinöversatta texten.

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1 Existence of a specific small claims procedure

In the Republic of Croatia small claims are governed by Articles 457-467a of the Civil Procedure Act (*Zakon o parničnom postupku*) (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia) Nos 53/91, 91/92, 112/99, 129/00, 88/01, 117/03, 88/05, 2/07, 84/08, 96/08, 123/08, 57/11, 25/13, 89/14 and 70 /19), while the European small claims procedure under Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure is governed by Articles 507o - 507ž of the Civil Procedure Act.

1.1 Scope of procedure, threshold

Small claims before municipal courts (*općinski sudovi*) are claims for not more than HRK 10,000.00.
Small claims before commercial courts (*trgovački sudovi*) are claims for not more than HRK 50,000.00.
Small claims also means claims where the statement of claim is not for an amount of money, but the applicant has stated in the action that they agree to receive a specific amount of money not exceeding HRK 10,000.00 (in municipal courts) or HRK 50,000.00 (in commercial courts) instead of their claim being granted.
Small claims also means claims where the statement of claim does not concern a sum of money but the transfer of movable property whose value, as stated by the applicant in the action, does not exceed HRK 10,000.00 (in municipal courts) or HRK 50,000.00 (in commercial courts).
Under current arrangements, European small claims procedures are governed by Regulation (EC) No 861/2007 if the value of the claim does not exceed EUR 2,000 at the time the claim form is received by the court with jurisdiction, excluding all interest, expenses and fees.

1.2 Application of procedure

Small claims procedures are conducted before a local or commercial court under the rules on subject-matter jurisdiction laid down in Articles 34 and 34b of the Civil Procedure Act. Small claims procedures are initiated by submitting a claim to the competent court, i.e. by submitting an application for enforcement based on an authentic document to a notary public when an admissible objection to a writ of execution has been submitted in a timely fashion.

1.3 Forms

Forms, other claims or declarations are submitted in written form, by fax or e-mail and are used only for European small claims procedures under Regulation (EC) No 861/2007.
There are no other set forms to initiate an action in small claims procedures.

1.4 Assistance

The Civil Procedure Act has no particular provisions on legal aid in small claims procedures. A claimant may be represented by an attorney during a small claims procedure.
If the requirements of the Free Legal Aid Act (*Zakon o besplatnoj pravnoj pomoći*) (NN Nos 143/13 and 98/19) have been fulfilled, the litigants have the right to free legal aid.
Information on the free legal aid scheme in Croatia can be found on the following website: https://pravosudje.gov.hr/besplatna-pravna-pomoc/6184.

1.5 Rules concerning the taking of evidence

In small claims procedures, the parties must present all the facts on which they are basing their claim no later than when submitting the action or defence statement and submit any evidence required to support the facts presented.
In small claims procedures concerning an objection to a payment order, the applicant is obliged to present all the facts on which they are basing their claims and to submit any evidence required to support the facts presented no later than when making the submission to the court within 15 days of receipt of the decision cancelling the payment order.
In small claims procedures concerning an objection to a payment order, the defendant is obliged to present all the facts on which they base their claims and to submit any evidence required to support the facts presented no later than 15 days following receipt of the applicant's submission in which the applicant presents all the facts on which they are basing their claims and submits any evidence required to support the facts presented.
The parties may present new facts or put forward new evidence at a preliminary hearing, only if, through no fault of their own, they could not present or put them forward in the action or defence statement or in the submissions under the above-mentioned provisions setting out all the facts on which they are basing their claims and presenting the evidence to support the facts presented.
New facts and evidence presented or put forward by the parties at the preliminary hearing contrary to the provisions set out above will be disregarded by the court.
The general provisions of the Civil Procedure Act apply to the taking of evidence. Evidence in small claims procedures may, therefore, consist of inspections, documents, witness statements, experts' reports ordered by a court and evidence given by the parties, and the Court decides which of the submitted evidence is to be used to establish the facts of the case.
Further information on evidence and the taking of evidence is set out in the information package entitled 'Taking of evidence – Republic of Croatia' (*Izvođenje dokaza – Republika Hrvatska*).

1.6 Written procedure

Small claims procedures are conducted in writing.

In small claims procedures the claim is always served on the defendant to enable that party to submit observations, and when the court summons the parties to the preliminary hearing it will inform them that: an applicant is considered to have withdrawn the action if they fail to attend the preliminary hearing; that no new facts may be presented or evidence put forward at that hearing, except in the cases set out in the sixth paragraph of Article 461a of the Civil Procedure Act (where the parties were prevented, through no fault of their own, from presenting any facts or putting forward evidence in the claim or the statement of defence or in the submissions referred to in the third and fourth paragraphs of Article 461a of the Civil Procedure Act); that it will complete the preliminary ruling proceedings and hold the main hearing at the preliminary hearing except where this is not possible due to the circumstances of the case, as referred to in the sixth paragraph of Article 461a of the Civil Procedure Act; and that the decision may be appealed only on the grounds of erroneous application of substantive law and material infringements of the provisions on civil procedure referred to in the second paragraph of Article 354 of the Civil Procedure Act, apart from point 3 of that paragraph, which are:

• point 1 – if a judgment has been issued with the involvement of a judge who, by law, should have been excluded (points 1 to 6 of the first paragraph of Article 71 of the Civil Procedure Act) or who has been excluded by a court decision, or with the involvement of a person who is not a judge;
• point 2 – if a decision was made on a claim in a dispute that does not come under judicial competence (Article 16 of the Civil Procedure Act);
• point 4 – if, contrary to the Civil Procedure Act, the court based its decision on inadmissible steps taken by the parties with respect to claims (third paragraph of Article 3 of the Civil Procedure Act);
• point 5 – if, contrary to the Civil Procedure Act, the court gave a judgment based on admission of the claim, a judgment based on waiver of the claim, a default judgment or a judgment without trial;
• point 6 – if by illegal actions, particularly by failure of service, any party was not granted the possibility to be heard by the court;
• point 7 – if, contrary to the Civil Procedure Act, the court rejected a party's request to use their language or script in the proceedings and to follow the course of the proceedings in their own language, and the party has lodged an appeal on those grounds;
• point 8 – if a person who cannot be a party to the procedure participated in it either as an applicant or as a defendant, or if a legal person was not represented as a party by an authorised person, or if an incapable party was not represented by a legal representative, or if the legal representative or attorney in fact did not have the requisite authorisation to litigate or take certain procedural actions, or where certain procedural actions were not authorised subsequently;
• point 9 – if a decision was made about a claim in respect of which litigation was already pending, or about which a legally effective judgment had already been given, or if a court settlement or a settlement which, under special legislation, has the characteristics of a court settlement has already been reached;
• point 10 – if the public was excluded from the main hearing, contrary to the law;
• point 11 – if the judgment has defects due to which it cannot be examined, and particularly if the operative part of the judgment is incomprehensible, if the operative part is self-contradictory or if it contradicts the grounds of the judgment, or if the judgment does not specify the grounds for decisive facts, or if there is a contradiction regarding the decisive facts between what is specified in the grounds for the judgment about the contents of documents or minutes relating to testimonies given during the proceedings and the actual documents and minutes themselves;
• point 12 – if the judgment exceeded the claim;
• point 13 – if a decision has been made on a claim that was not submitted by the deadline, which meant that it should have been dismissed as inadmissible (first paragraph of Article 282 of the Civil Procedure Act);
• point 14 – if the procedure laid down in law for mediation or other alternative settlement had not been conducted before the claim was brought, which meant that the claim should have been dismissed.

If the party has temporary or permanent residence outside the Republic of Croatia and their address is known, the court documents are served in accordance with the international rules binding on the Republic of Croatia and in accordance with EU legislation, specifically with regard to the procedure referred to in Article 13 of Regulation (EC) No 861/2007.

1.7 Content of judgment

Since there are no special provisions on the content of the judgment in small claims procedures, the general provisions of the of the Civil Procedure Act apply, i.e. Article 338 of the Civil Procedure Act, which states that a written version of the judgment must contain a formal introduction, an operative part and a statement of grounds.

The introduction to the judgment must contain: an indication that the judgment is being issued in the name of the Republic of Croatia; the title of the court; the name and surname of the single or presiding judge, judge-rapporteur and panel members, the name and surname or title, personal identification number and residence or registered office of the parties, their legal representatives and agents; a brief indication of the subject of dispute; the date on which the main hearing was concluded; an indication of the parties, their legal representatives and agents who attended that main hearing; and the date when the judgment was given.

The operative part of the judgment must contain the court's decision on the acceptance or rejection of the specific claims on the merits and of secondary claims, as well as a decision on the existence or non-existence of the claim put forward for settlement (Article 333 of the of the Civil Procedure Act).

In the statement of grounds the court briefly outlines the parties' claims, the facts they presented and the evidence on which those claims are based. The court also indicates and explains which of those facts it sought to establish, why and how it established those facts, and if it established them by hearing evidence, which evidence was put forward and why and how it was assessed. The court specifically states which provisions of substantive law have been applied in the ruling on the parties' claims and states its position, if required, on the views of the parties on the legal grounds for the dispute and on any motions or objections about which it did not set out grounds in the decisions it made in the course of the proceedings.

The statement of grounds for a default judgment, a judgment based on admission of a claim or judgment based on waiver of the claim need only indicate the grounds for giving such judgments.

1.8 Reimbursement of costs

A decision on the reimbursement of costs for small claims procedures is issued on the grounds of the general provisions of the Civil Procedure Act; the party that loses a case completely is obliged to reimburse the costs of the opposing party and their intervener.

If the parties are partially successful in the case, the court first determines the percentage of success of each of them and then subtracts the percentage of success of the less successful party from the percentage of success of the more successful party, after which it establishes the amount of the specific and total costs of the more successful party in the case that were necessary for proper conduct of the procedure and then reimburses that party for the part of such total costs corresponding to the percentage remaining after taking account of the parties' percentages of success in the case. The proportion of success in the case is assessed on the basis of the claims granted, account also being taken of the success in providing evidence to back up the claims.

Irrespective of the above, the court may order each party to reimburse the other party for specific costs by virtue of the first paragraph of Article 156 of the Civil Procedure Act, which states that, irrespective of the outcome of the case, a party is to reimburse the opposing party for the costs incurred through their own fault or by an event that they suffered.

If the parties had roughly equal degrees of success in the case, the court may order each party to bear their own costs or one party to reimburse the other only for specific costs by virtue of the first paragraph of Article 156 of the Civil Procedure Act.
The court may decide that one party should pay all the costs incurred by the opposing party and their intervener if the opposing party was unsuccessful in only a relatively minor part of their claim and separate costs were not incurred for that part.
However, regardless of the outcome of the case, a party is obliged to reimburse any costs of the opposing party resulting from their own fault or from events that they suffered.

1.9 Possibility to appeal

Appeals are governed by the general provisions of the Civil Procedure Act. Under those provisions, in small claims procedures, the parties may lodge an appeal against the first instance judgment or decision within 15 days of the date on which the transcript of the judgment or decision was served.
The judgment or decision concluding the small claims procedure may be challenged solely on the grounds of erroneous application of substantive law or material infringements of the provisions on civil procedure referred to in the second paragraph of Article 354 of the Civil Procedure Act, except for the infringement referred to in point 3 of that paragraph.

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