



Croatia

e-manual appendix





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What is enforced

Enforcement proceedings can be initiated either based on the directly enforceable titles (ovršne isprave) or trust-worthy documents (vjerodostojne isprave). In latter case, the enforcement order is preceded by payment order which, if uncontested, gives rise to enforcement.

The directly enforceable titles are:

- an enforceable court decision and an enforceable judicial settlement
- a settlement reached in the pre-action proceedings for peaceful resolution of disputes involving the Republic of Croatia
- an enforceable arbitration award
- an enforceable decision rendered in the administrative procedure and an enforceable settlement reached in the administrative procedure if they are related to the satisfaction of a monetary obligation, unless provided otherwise by law
- an enforceable notarial decision and an enforceable notarial deed
- settlements reached in procedures before courts of honor with various chambers in the Republic of Croatia or within conciliation/mediation proceedings
- any other deed defined as such by the law.

Trust-worthy documents are invoices, bills of exchange and cheques with the protest clause and return invoices whenever that is required to establish a claim, official documents, extracts from the creditor's sales register in a bookkeeping system, legalized private documents and documents regarded as official documents under special laws. Calculation of interest is also regarded as an invoice and thus a trust-worthy document.

Who enforces

In Croatia, the enforcement order can be rendered either by court (in case of directly enforceable title) or public notaries (in case of trust-worthy documents).

When the enforcement order becomes final, most of the enforcement activities are carried out by the Financial Agency as it carries out the enforcement over monetary assets. The carrying out of other types of enforcement activities depends on the type of enforcement. When the enforcement is carried out by court, it is done by enforcement administrators as judicial bailiffs, who are public servants.

Seizure of movable property is done by enforcement administrators, E-auction for the sale of immovable property is performed by Financial Agency, the seizure of wages and regular income by employers, the seizure of shares by Central Depository and Clearing Company, eviction is

performed by enforcement administrators, arrest of persons according to a court order is carried out by the police officers etc. In any case, the court oversees the enforcement activities.

Name of the enforcement bodies in Croatian language:

- Financial agency: Financijska agencija (FINA),
- Court: Sud.

Name of the enforcement administrator in Croatian language:

- Singular: sudski izvršitelj,
- Plural: sudski izvršitelji.

Name of the judge in Croatian language:

- Singular: sudac,
- Plural: suci.

Enforcement procedure

In principle, the enforcement procedure is initiated on the proposal for enforcement of the creditor. It is the task of the creditor to deliver information on the (enforceable) assets of the debtor and to indicate the object of enforcement in the proposal for enforcement. The authority competent for ordering enforcement by issuing the enforcement order depends on the enforceable title. The proposal for enforcement based on a directly enforceable title is to be filed with the court. On the other hand, the proposal for enforcement based on a trust-worthy document is to be filed with the notary public.

Duration of enforcement procedure

The length of enforcement procedure depends on the type of enforcement and can last two months (in case of enforcement over monetary assets), or several months (in case of enforcement against movable assets) or more than a year (in case of enforcement against immovable property).

Cost of enforcement procedure

The costs of enforcement proceedings depend on the type of enforcement. In enforcement based on directly enforceable title, the costs of initiating proceedings include court fees, whereas in enforcement based on trust-worthy document notary fees. The costs comprise of lawyer fees if creditors decide to hire them. Additionally, if enforcement is later carried out against financial assets, special administrative fee is paid to the Financial agency. In any case, the total costs depend on the value of the claim, and the number of activities in proceedings, with prescribed caps.

Each step can cause further costs (especially with regards to enforcement activities when enforcement is carried out after enforcement

order has become final). This is the reason why in in case of request for enforcement based on trust-worthy document, the creditor is supposed to estimate and calculate future foreseeable costs of enforcement.

Of course, the creditor merely makes a down payment when initiating proceedings, as all costs will eventually have to be borne by the debtor. The debtor bears the costs of lodging an appeal and other legal remedies.

The enforcement is divided in two phases: ordering enforcement (by the court or notary public) and carrying out of enforcement (by court, Financial agency). The costs include initial fees (i.e. court or notary fee) for filling the enforcement proposal with court or notary, attorney`s fees (if the creditor uses his or her services) and Fina`s fees (in case of attachment on the bank account of the debtor)¹. All fees are depending on the value of the claim, in principle according to the following tables (specific rules are rather complicated).

Court fees

claim (in kunas; 1 EUR is about 7,5 kunas)		fee (in kunas)
from	to	
0,00	3.000,00	100
3.000,01	6.000,00	200
6.000,01	9.000,00	300
9.000,01	12.000,00	400
12.000,01	15.000,00	500

Attorney's fees

claim (in kunas; 1 EUR is about 7,5 kunas)		fee (in kunas)
from	to	
0,00	2.500,00	250
2.500,01	5.000,00	500
5.000,01	10.000,00	750
10.000,01	100.000,00	1.000
100.000,01	250.000,00	2.500
250.000,01	500.000,00	5.000
		0

¹ For e-auction there is a special digital certificate issued by Fina, which has to be paid to Fina. The price list: <https://www.fina.hr/cijene>.

Fees in case of attachment on the bank account of the debtor

claim (in kunas; 1 EUR is about 7,5 kunas)		fee (in kunas)
from	to	
0	199,99	65
200	999,99	85
1.000,00	4.999,99	175
5.000,00	9.999,99	475
10.000,00	99.999,99	1.245
100.000,00	499.999,99	2.000
500.000,00		5.000

