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Collection of Croatian implementing rules

A. Croatia

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I. General implementation strategy

It is hard to say that Croatia developed a particular strategy of implementation regarding any EU law source, let alone a strategy for specific acts as Brussels I *bis* Regulation, European Enforcement Order or European Account Preservation Order. The policy towards EU law was in the past decade mainly reactive, Croatia being the last member state which acceded to the EU, where it seeks to connect the dots and catch up with the other member states. Insofar, the legislative processes up to 2013 sought to hastily adopt the *acquis,* not paying much attention to the form and implementing provisions.

There is no uniform and comprehensive act containing implementation rules regarding European regulations. Rather, the implementing rules are simply attached to the national procedural statute which is closest to a particular field. If the regulation established procedural rules for (small) litigation proceedings, implementing rules are generally contained in the act regulating civil litigation; if the regulation deals with enforcement, the rules are in the act that deals with enforcement; if the regulation deals with conflict of laws, the implementation is incorporated into the applicable act on international private law. In the end, all regulations covered by EFFORTS project are covered, directly or indirectly (the Brussels I bis being mainly adopted through the new international private law legislation). However, the quality of implementing rules is at best mediocre: the rules are inconsistent, divergent and sometimes hard to understand or even contradictory.

As Croatia joined the EU only in July 2013, at the time when it was awarded full EU membership most of the regulations covered in this project were already supposed to be implemented (a notable exception being the EAPO). One of the parameters in the accession process was also the adoption of the European *acquis,* and thus all European regulations as in force on 1 July 2013 were also nominally effective in Croatia since that date. For that purpose, national legislation adopted a new legislative technique, specifying in pre-2013 civil procedure laws that specific, EU-related provisions will enter into force on the date of EU accession.

Thus, it is hard to assess the 'regular' speed of implementation of these EU regulations. However, in other matters (for instance, regarding implementation of Consumer ADR Directive), Croatia issued necessary legislation with considerable delay, as one of the two last EU Member States.

As almost all of the analysed regulations came into force on the same day – 1 July 2013 – the time between entry into force and application was short and long at the same time. It was short, as the ESCP, EPO and EEO Regulations came into force and were applied on the same day. Still, since some national laws were changed years before the EU accession, the time for preparation was nominally long (e.g. the provisions of Civil Procedure Act that implemented the ESCP and EPO were enacted in October 2008, five years before the accession). This is much longer than in the regular process. For instance, for the EAPO, the 2017 EA amendments determined the regular period of 8 days between publication of the amendments and their entry into force.

In practice, only the meagre use of the EU procedural instruments covered by EFFORTS project justify a short vacation period. As for the most regulations (Brussels I *bis* being a notable exception) the means of implementation were legislative amendments to special laws (often mixed with a number of other amendments that have no bearing on EU law matters), they were rarely visible and did not feature prominently even in discussions of professional seminars or academic papers. Further on, as implementation of particular regulations was entrusted to various bodies (different ordinary and specialized courts, public notaries, special agencies etc.), such a strategy virtually makes it impossible to specialize for the application of EU procedural law and requires a broad information campaign to make the EU instruments and the implementative rules know and understood.

Although implementative rules supplement and clarify how certain provisions in regulations are supposed to be applied in Croatia, they very often merely refer to the domestic rules. Only in recent time have the national laws started to include sign-posting in introductory provisions. For instance, a list of implemented EU instruments was inserted by CPA amendments to Art. 1.a CPA only in July 2019.

II. Brussels I *bis* Regulation

1. Competent court or authority and procedure for issuance of certificates (outgoing)

cf. Art. 53 and 60

The courts which have rendered the decision on the merits are the ones which will issue the certificate. Depending on the type of dispute, it can either be one of the municipal courts (in case of civil disputes) or commercial courts (in case of commercial disputes). All courts are listed on the official webpage: https://sudovi.hr/en/node/4. There are no special implementation provisions in the acts of the Republic of Croatia, as all the notifications were given during the succession process in 2013.

2. Competent court or authority and procedure for the enforcement of foreign titles (incoming)

cf. Art. 44 (2), 45 (4), 47 (1), 54 (2)

It is essential to understand that in Croatia, enforcement consists of two stages. First the competent court or notary public issues an enforcement order upon which, when that enforcement order becomes final, the enforcement is carried out by the competent body. Most of the enforcement activities are carried out by the Financial agency as it carries out the enforcement over monetary funds. 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 also 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, etc.

The enforcement based on the foreign judgment and other court decisions is done first by applying to the competent municipal court (unlike in the case of EEO and EPO, see *infra*). The type of dispute is irrelevant as only municipal (and not commercial) courts can order enforcement. The local competence depends on the location of assets.

3. Other implementation rules

cf. preliminary remarks

There are no special implementation rules on Brussels I *bis* Regulation.

4. Critical assessment

Croatia had to consider implementing Brussels I *bis* Regulation when accessing to the European Union in 2013, a year after Brussels I recast has already been passed in the Parliament and the Council. Croatian Government could hardly influence the legislative text, so the necessary adjustments could not have been realized. E. g. Croatian notaries public issue payment orders which are not considered court decisions subject to Brussels I *bis* Regulation, like payment orders issued by notaries public in Hungary (see *Pula Parking* Case C-551/15). As a reaction to such decision of the CJEU, Croatia amended its Enforcement Act, and when (and if) it fully enters into force, notaries public will issue payment and enforcement orders under supervision of the court. Those provisions of the EA are not implementation rules to Brussels I *bis*, but (partly bad) adaptation of national rules to the legal background established under the Brussels regime.

III. European Enforceent Order Regulation (EEO)

1. Competent authority for (re-)issuance and suspension of the EEO (outgoing)

issuing: cf. Art. 6 (1), 9 (1), 24 (1), 25 (1); suspending: cf. Art. 6 (2); reissuing: cf. Art. 6 (3); specialization or concentration?

The EEO certificate (Art. 9 (1) of the Regulation); the EEO certificate on the enforceability of court settlement (Article 24(1) of the Regulation); the EEO certificate on enforceability of other authentic instruments which are enforceable in the Republic of Croatia (Article 25(1) of the Regulation) as well as the certificates for the reissuance and suspension of the EEO (Article 6 (2) and (3) of the Regulation) may be issued, according to the Croatian Enforcement Act (EA), "by the competent courts, administrative bodies, notaries public and legal or natural persons with public powers" (Article 357 EA).

In our opinion, if certificate is to be issued by the court, the court which has rendered the decision on the merits is competent for the (re-)issuance and suspension of the EEO. Depending on the type of dispute, it can either be one of the municipal courts (in case of

civil disputes) or the commercial courts (in case of commercial disputes). All courts are listed on the official webpage: https://sudovi.hr/en/node/4.

However, on The European e-Justice Portal (https://beta.e-justice.europa.eu/376/EN/european_enforcement_order?CROATIA&member=1) only municipal courts are listed as competent for (re)issuance and suspension of the EEO. This might be a consequence of the first misleading (literal) translation of the term EEO into Croatian (*nalog* instead of *naslov*), bad legislation drafting of the EA and misunderstanding that EEO is the European counterpart of the Croatian enforcement order (on the basis of an enforceable title such as judgement, judicial settlement etc.), which is regularly issued only by municipal courts and notaries public.

A list of notaries public is available at: https://e-justice.europa.eu/content_find_a_notary-335-en.do

One has to bear in mind that in the *Zulfikarpašić* case (C-484/15), CJEU ruled that Croatian notaries, issuing enforcement orders based on 'trustworthy' documents (*rješenje o ovrsi na temelju vjerodostojne isprave*), cannot be considered as a court within the meaning of Regulation No. 805/2004.

2. Procedural rules on (re-)issuance and suspension of the EEO

e.g. hearing of the debtor, service to the debtor, remedies for the creditor in case of refusal

EEO certificates shall be issued without prior hearing of the debtor. The competent authority, which issued the certificate, shall serve a copy of the certificate to the debtor. (Art. 358/1, 2 EA).

If the competent body dismisses the request for issuance of a certificate, the applicant has the right to appeal in accordance with the rules governing the appeal against the decision dismissing the motion for enforcement (Art. 358/3 EA).

If the notary public finds that the conditions for issuing the certificate are not met, he or she shall forward the request for issuing a certificate with a relevant documentation to the municipal court in whose territory his seat is located. The notary public is obliged to explain why he considers that the conditions for granting the certificate have not been met (Art. 358/4 EA). This provision was applied in the case, which ended up as CJEU *Zulfikarpašić* case (C-484/15).

3. Procedural rules on rectification or withdrawal of the EEO

cf. Art. 10 (2)

A request for the purpose of rectification or withdrawal of a court certificate is supposed to be submitted to the court that issued it. On the other hand, a request for rectification or withdrawal of a notarial certificate (or a certificate issued by an administrative body or a natural or legal person with public authority) is supposed to be submitted to the person or body that issued it, who shall forward the request with a file to the municipal court in the area where their seat is located (Art. 359/1, 2 EA).

The request for rectification of the certificate shall be decided with the appropriate application of the provisions of the CPA governing the rectification of judgement. The request for withdrawal of the certificate shall be decided with the appropriate application of the provisions of the EA governing the revocation of the certificate of enforceability (Art. 359/3 EA).

4. Rules on service

cf. Art. 13, 14, 15, e.g. standard forms, competent service person, exclusion of national forms of service (cf. Art. 14(2), CJEU, C-292/10)

There are no special rules on service provided for EEO. General national rules on service are to be applied. The service is usually done by post office or, exceptionally, by special court officials if the claimant makes the necessary down-payment. Since this is the first time the debtor will receive any court document relating to his or her debt, there are special rules on how the service is supposed to be carried out.

In the first attempt, the EEO should be delivered to the defendant personally. Other household members or neighbours cannot receive the document at this point. They can only receive the notification on the time and place of next attempt of service. In the second attempt, which takes place after one month, both household members (who are required) and neighbours (who may consent to it) are entitled to receive court document. If the service fails again, it will be attempted twice more, after expiration of 15 days, once on the address mentioned in the EEO or on the address from the official registries, and finally, for the last time, by way of fictitious service, by publishing on court's bulletin board (Arts. 142-143 CPA). It should be emphasized that fictitious service may be used as a sanction towards the debtor who rejects to accept service. This will result in all future documents being served in the same manner (Art. 143a CPA).

The service can be much simpler in cases where debtors are legal persons, since they are since 2019 obliged to use electronic service system. It is a secured system which can be accessed solely by a qualified electronic signature. The document is deemed to have been served on the days of download or 15 days after its upload on the system if it has not been downloaded.

However, CPA introduces alternative methods of service to natural persons, such as delivery at workplace (as alternative to the home/business address) and delivery by way of notary public office or court officer (only if the creditor makes the down-payment for such delivery).

5. Possibilities for review under Art. 19 (1) and (2)

The rules on an appeal after the expiry of the time limit (Art. 53 EA) and subsequent action (Art. 55 EA) (e.g. the title is not an enforceable document or has been revoked, annulled, modified or has no effect; the period within which enforcement may be requested by law has expired; the enforcement is determined on an object that is exempted from enforcement; new facts that arose at the time when the debtor could no longer point it out in the proceedings from which the decision originates; the statute of limitations for the claim has expired), shall also apply to enforcement on the basis of a EEO.

6. Competent authority and procedure for refusal, or stay or limitation of enforcement (incoming)

cf. Art. 21, 23, e.g. remedies and hearings, specialization or concentration?

Municipal courts are exclusively competent for refusal, or stay or limitation of enforcement. The procedure for refusal, or stay or limitation of enforcement of the EEO is the same as of the national enforcement titles.

"Enforcement shall be suspended or limited according to the provisions of the EA on suspension of enforcement (Article 72), ie on limitation of enforcement (Article 5) as well as on the basis of sending a certificate of non-enforceability or restriction of enforcement according to Article 23 of the Regulation." (Article 363 EA)

In our opinion, due to the misunderstanding of the Article 23 of the Regulation, Article 363 EA erroneously points to the Art. 72 EA regulating "suspension" (*obustava*) instead of to the provisions regulating "stay" (postponement) (*odgoda*). According to domestic enforcement rules (Arts. 65 – 71 EA), the enforcement can be stayed upon reasoned request of the debtor, the creditor, the third person or by mutual agreement of the parties.

The debtor can request stay if he or she manages to prove, on the level of probability, that he or she would suffer irreparable or nearly irreparable damages as the result of enforcement, or if he makes probable that such deferment is necessary to prevent violence. Additionally, the debtor has to prove that the legal remedies were lodged either against the enforceable title, the enforcement order, certificate of enforceability or conduct of enforcement, or that there are extraordinary circumstances (e. g. disease pandemic) officially declared by the Government preventing him or her from undertaking economic activity, or that there are criminal proceedings pending with regards to the claim which is subject to enforcement.

The creditor is entitled to answer such a request and even condition his or her approval with a guarantee deposit, which the debtor must make within 15 days. If the creditor agrees with the stay, the court does not have to assess the abovementioned prerequisites. If the creditor himself deposits the amount as a security for the damages that might occur to the debtor, the court will automatically deny debtor's request for stay.

The stay can also be ordered, without any special prerequisites met, upon request of the creditor, although only once. Such suspension can last maximum 6 months. The creditor needs to request continuance of the enforcement, under the threat of its termination.

Third party, who requested the enforcement on a specific object to be declared inadmissible, may also request stay with respect to such object if the person proves, on the level of probability, the existence of his or her right and that he or she is also facing irreparable or nearly irreparable damages, provided that he or she has initiated litigation as instructed by court after filing his or her objection. The stay can also, upon creditor's request, be conditioned with the payment of a guarantee deposit.

The consequence of the stay is that no enforcement activities can take place, except securing measures establishing mortgage. The enforcement is stayed until the court decides on the remedies that the debtor/third person has lodged or until the date determined by the court. The stayed enforcement proceedings start over on court's own motion or upon timely request of the creditor or his or her payment of security deposit.

In our opinion again, Article 363 EA erroneously points to the Art. 5 EA regarding the limitation of enforcement. The amounts exempt from enforcement are set out in Article 172 EA (Exemption from enforcement) and Article 173 EA (Limitation of enforcement). Exempt from enforcement are, for instance, funds amounting to 3/4 of the enforcement debtor's salary, but no more than 2/3 of the average net salary in the Republic of Croatia, and if the salary is below average, the 2/3 of the salary amount may not be enforced.

7. Costs for the issuance of an EEO

if any, please provide the relation to comparable costs of national enforcement orders

There is no special rule on costs for the issuance of an EEO provided in the Croatian national regulation. To our knowledge, in cases before the courts no costs have been charged.

8. Other implementation rules

cf. preliminary remarks

The creditor is required to attach a Croatian translation of the EEO issued in other language. Translations must be certified by a qualified translator in one of the EU Member States (Art. 361 EA).

It is to be pointed up that, in accordance with the special rules of the Act on Enforcement of Funds (*Zakon o provedbi ovrhe na novčanim sredstvima*), in addition to the EEO, which orders the fulfilment of a monetary claim, the creditor shall enclose a request on the prescribed form. The EEO and request are to be filed with Financial Agency, which carries out the enforcement on debtors' bank accounts (Article 5, para. 7 of the Act on Enforcement of Funds). This is very useful in cases where the enforcement is carried out on financial assets in Croatia, as no court intervention is needed for the enforcement of incoming EEOs.

9. Critical assessment

Bad drafting of the national implementation rules, initially misleading translation of the term EEO into Croatian (see *supra* III. 1), erroneous pointing to relevant rules of EA (see *supra* VI.) pose a problem in understanding of the aim of the Regulation and its adequate implementation before Croatian courts. Unfortunately, to some of the questions from this report, from the perspective of national law it is not easy to respond due to the bad drafting of the pertinent acts.

Besides, one has to bear in mind that in the *Zulfikarpašić* case (C-484/15), CJEU ruled that Croatian notaries, issuing enforcement orders based on 'trustworthy' documents, cannot be considered as a court within the meaning of Regulation No. 805/2004. The Court reasoned its decision by invoking the principle of mutual trust in the judicial system in the EU, which requires a narrower interpretation of the notion of 'court' in order to facilitate for national authorities the identification of judicial decisions delivered by courts in other Member States. In addition, it is primarily the national courts in Member States that should take care that at least the minimum standards of protection of a debtor's rights, as provided in the said

Regulations, are observed. Exceptionally, this task can be performed by other bodies provided that they are independent and impartial, and that they adjudicate in *inter partes* proceedings.

IV. European Payment Order Regulation (EPO)

1. National distribution of competences under Art. 6

specialization or concentration?

Before 2019, Commercial Court in Zagreb was exclusively competent for issuance of the EPO. Since 2019, depending on the type of dispute, it can either be one of the municipal courts (in case of civil disputes) or commercial courts (in case of commercial disputes) (Art. 507i CPA). All courts are listed on the official webpage: https://sudovi.hr/en/node/4.

2. Sanctions under Art. 7 (3)

There are no special rules on giving false statements in the request for issuing of EPO. Generally, if the court issues such an order and bases its decision on such (false) facts, the claimant can be charged for special felony, which may result in imprisonment lasting from 6 months to 5 years.

3. Means of communication

cf. Art. 7 (5), (6) and Art. 16 (4), (5); please bear in mind the Report on the digitalization of enforcement procedures (D3.17)

An application for issuing a European order for payment and an objection to that order must be submitted only in machine-readable form, if the court deems it appropriate to be submitted in that form (Art. 507j CPA). The minister in charge of judicial affairs laid down special rules on the form of communication with regards to the application of EPO. Very short and general Regulation on the form of submissions of request for issuing European payment order and opposition against that order (Official Gazette, no. 124/2013) prescribes only that such requests and oppositions are submitted to the court in written form directly or by using post office. It only mentions commercial courts because at the time they were only ones competent to issue EPOs. This changed, as did a manner of service which is since 2019, according to general civil procedure rules, supposed to be conducted electronically (Art. 133 CPA).

4. Rules on service and verification by courts pursuant to Art. 12 (5)

cf. Art. 13, 14, 15, e.g. standard forms, competent service person, exclusion of national forms of service (cf. Art. 14(2), CJEU, C-292/10)

Under domestic rules, the service is usually done by post office or, exceptionally, by special court officials if the claimant makes the necessary down payment. Since this is the first time the debtor will receive any court document relating to his or her debt, there are special rules on how the service is supposed to be carried out.

In the first attempt, the EPO should be delivered to the defendant personally. Other household members or neighbours cannot receive the document at this point. They can only receive the notification on the time and place of next attempt of service. In the second attempt, which takes place after one month, both household members (who are required) and neighbours (who may consent to it) are entitled to receive court document. If the service fails again, it will be attempted twice more, after expiration of 15 days, once on the address mentioned in the EPO or on the address from the official registries, and finally, for the last time, by way of fictitious service, by publishing on court's bulletin board (Arts. 142-143 CPA). It should be emphasized that fictitious service may be used as a sanction towards the debtor who rejects to accept service. This will result in all future documents being served in same manner (Art. 143a CPA).

The service can be much simpler in cases where debtors are legal persons, since they are obliged to use electronic service system. It is a secured system which can be accessed solely by a qualified electronic signature. The document is deemed to have been served on the days of download or 15 days after its upload on the system if it has not been downloaded.

However, CPA introduces alternative methods of service to natural persons, such as delivery at workplace (as alternative to the home/business address) and delivery by way of notary public office or court officer (only if the creditor makes the down-payment for such delivery).

5. Rules on opposition to and review of the EPO (outgoing)

cf. Art. 16, 17, 20 (cf. CJEU, C-324/12)

CPA explicitly prescribes that no appeal is available against the court order rendered upon the request for review of a European order for payment pursuant to Article 20 (1) or (2) of EPO. Such request should contain reasoning on the level of probability. If the court finds that the European order for payment is null and void, it shall suspend the proceedings under EPO, while further proceedings are conducted as regular domestic proceedings. No further remedies are available if the deadlines referred to in Article 16, paragraph 2 of EPO are not

met (Art. 507lj CPA). If the defendant lodges an opposition against the European order for payment within the meaning of Article 16 of EPO, the further procedure shall be carried out according to the rules of the ESCP, if they are applicable, and if they are not, according to domestic provisions on the procedure regarding oppositions against a payment order (Article 445a, Articles 451 to 456), taking into account the provisions of Article 17 of EPO (Art. 507l CPA).

6. Competent authority and procedure for refusal, or stay or limitation of enforcement (incoming)

cf. Art. 22, 23, e.g. remedies and hearings, specialization or concentration?

As only municipal courts are competent for conducting enforcement proceedings, they are the ones who can issue court orders refusing, staying or limiting enforcement (Art. 507.nj CPA). The fact that case concerns commercial matters does not alter that fact.

Municipal courts are exclusively competent for refusal, or stay or limitation of enforcement. The procedure for refusal, or stay or limitation of enforcement of the EPO is the same as of the national enforcement titles.

According to domestic enforcement rules (Arts. 65 – 71 EA), the enforcement can be stayed upon reasoned request of the debtor, the creditor, the third person or by mutual agreement of the parties.

The debtor can request stay if he or she manages to prove, on the level of probability, that he or she would suffer irreparable or nearly irreparable damages as the result of enforcement, or if he makes probable that such deferment is necessary to prevent violence. Additionally, the debtor has to prove that the legal remedies were lodged either against the enforceable title, the enforcement order, certificate of enforceability or conduct of enforcement, or that there are extraordinary circumstances (e. g. disease pandemic) officially declared by the Government preventing him or her from undertaking economic activity, or that there are criminal proceedings pending with regards to the claim which is subject to enforcement.

The creditor is entitled to answer such a request and even condition his or her approval with a guarantee deposit, which the debtor must make within 15 days. If the creditor agrees with the stay, the court does not have to assess the abovementioned prerequisites. If the creditor himself deposits the amount as a security for the damages that might occur to the debtor, the court will automatically deny debtor’s request for stay.

The stay can also be ordered, without any special prerequisites met, upon request of the creditor, although only once. Such suspension can last maximum 6 months. The creditor needs to request continuance of the enforcement, under the threat of its termination.

Third party, who requested the enforcement on a specific object to be declared inadmissible, may also request stay with respect to such object if the person proves, on the level of probability, the existence of his or her right and that he or she is also facing irreparable or nearly irreparable damages, provided that he or she has initiated litigation as instructed by court after filing his or her objection. The stay can also, upon creditor's request, be conditioned with the payment of a guarantee deposit.

The consequence of the stay is that no enforcement activities can take place, except securing measures establishing mortgage. The enforcement is stayed until the court decides on the remedies that the debtor/third person has lodged or until the date determined by the court. The stayed enforcement proceedings start over on court's own motion or upon timely request of the creditor or his or her payment of security deposit.

The amounts exempt from enforcement are set out in Article 172 EA (Exemption from enforcement) and Article 173 EA (Limitation of enforcement). Exempt from enforcement are, for instance, funds amounting to 3/4 of the enforcement debtor's salary, but no more than 2/3 of the average net salary in the Republic of Croatia, and if the salary is below average, the 2/3 of the salary amount may not be enforced.

7. Remedies under national law in cases such as CJEU, C-119/13 and C-120/13

cf. also Art. 19 (2) EEO

A European Enforcement Order issued by another national court in the European Union is an enforcement title on the basis of which enforcement can be requested in the Republic of Croatia as on any other domestic court decision (Art. 507.m CPA), which means abolition of exequatur is fully respected in Croatia. In accordance with the special rules of the Act on Enforcement of Funds (*Zakon o provedbi ovrhe na novčanim sredstvima*), incoming EPO, along with adequate request form, can be submitted to the Financially agency directly, without the intervention of the court. The Financial Agency carries out the enforcement on debtors' bank accounts (Article 5, para. 7 of the Act on Enforcement of Funds).

8. Costs for the issuance of the EPO

if any, please provide the relation to comparable costs in the national legal order

There is no special rule on costs for the issuance of an EEO provided in the Croatian national regulation. To our knowledge, at least in some cases before the courts relevant tariffs regarding national payment order have been charged.

According to these rules, the value of the court fee depends on the value of the subject matter (Tariff no. 1.1):

Value of the claim (in HRK, whereas 1 EUR is about 7.5 HRK)		Fee (in HRK, whereas 1 EUR is about 7.5 HRK)
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

When the value of the subject matter is above 15,000.00 HRK, a fee in the amount of 500.00 HRK and another 1% on the difference above HRK 15,000.00 is paid, but exceeding the amount of 5,000.00 HRK. Since the maximum value of the subject matter in ESCP is 5.000 EUR, the maximum court fee cannot exceed 725.00 HRK or slightly above 95 EUR (provided 1 EUR makes 7.5 HRK).

In case of EPO, half of the Tariff applies (Tariff no. 1.2), meaning the total amount cannot exceed 2,500.00 HRK.

9. Other implementation rules

cf. preliminary remarks

The creditor is required to attach a Croatian translation of the EPO issued in other language. Translations must be certified by a qualified translator in one of the EU Member States (Art. 507m CPA).

If a review of a European order for payment issued in the Republic of Croatia under the provisions of Article 20 of EPO, the court deciding on this request may stay the enforcement with the appropriate application of the rules of enforcement procedure on stay of enforcement at the request of the debtor. (Art. 507n CPA)

That court shall also decide on the suspension of enforcement and on the revocation of the performed enforcement activities with the appropriate application of the provisions on enforcement proceedings.

On the stay or limitation of enforcement under the provisions of Article 23 of EPO the court shall decide by an order which is not subject to a special appeal. The decision shall remain in force until the completion of the proceedings initiated by the party in terms of the provisions of Article 23 of the EPO, or until a different court decision is rendered on the initiative of any party (Art. 507nj CPA).

An appeal against an enforcement order on grounds relating to a claim set out in a European order for payment is admissible, but only if those reasons arose after service of the order and could no longer be raised in the opposition under Article 16 of EPO (Art. 507.n CPA).

10. Critical assessment

The provisions are relatively clear, although their use is not coordinated with other instruments such as EEO or Brussels I bis when it comes to the enforcement of EPOs. Three regimes which have the same purpose are regulated in different acts. Croatia rules on EPO are contained in two acts – CPA and AEF). The former one, which contain special rules on the enforcement of incoming EPOs, makes their enforcement very efficient.

V. European Small Claims Procedure Regulation (ESCP)

1. Competent court

cf. Art. 4 (1) and Art. 20 (2): local jurisdiction, jurisdiction ratione materiae, specialization or concentration?

Depending on the type of dispute, it can either be one of the municipal courts (in case of civil disputes) or commercial courts (in case of commercial disputes). All courts are listed on the official webpage: https://sudovi.hr/en/node/4.

Municipal courts are, inter alia, always competent to adjudicate in the disputes concerning maintenance, leasing, renting and housing relations, correction of information and payment of damages arising from media, labour relations and payment of general supply services (gas, electricity, water etc.). Municipal courts are always competent to solve those disputes, regardless of the type of party involved (Art. 33 CPA). In any other dispute, however, involving two legal persons as parties makes commercial courts competent for solving those disputes. Commercial courts also adjudicate in disputes between entrepreneurs, in naval and

transport disputes, disputes concerning the membership, liability and similar relations in companies, regarding intellectual property and in competition disputes (Art. 34.b CPA).

The court on whose territory the respondent has permanent residence is a court of general jurisdiction. If the respondent does not have permanent residence in the Croatia, his or her temporary residence may play a role (Art. 47 CPA). For adjudication in disputes against legal persons the court in whose territory their registered seat is located shall have general territorial jurisdiction (Art. 48 CPA). In many cases, the law lays down special rules on local jurisdiction. In the disputes which can be subject to the scope of ESCP, instead of the court of general jurisdiction, the relevant court can also be

- in case of damages claims, the court on whose territory the harmful action was performed or the court on whose territory the harmful consequence occurred; alternatively, claimant's place of residence if damages result from death personal injury (Art. 52 CPA)
- in case of warranty disputes, the court where the seller has its residence or registered seat (Art. 53 CPA)
- in case of disputes regarding the promissory notes, the court where the payment should take place (Art. 64 CPA) etc.

Sometimes, the territorial jurisdiction is exclusive, such as in case of naval, aerial and transport disputes, when exclusively the court where the vessel or aircraft was registered has jurisdiction (Art. 57 CPA); or in disputes arising from relations with military units, when the court on whose territory the headquarters of the military unit are located has exclusive jurisdiction (Art. 61 CPA)

2. Means of communication

cf. Art. 4 (1), 8, 13; please bear in mind the Report on the digitalization of enforcement procedures (D3.17)

Since 2019, the parties may use special online platform of the Ministry of Justice (e-komunikacija) to file its claim form electronically, provided he or she has previously been registered on the platform by using valid electronic signature. The communication will be conducted via that platform exclusively if the party does not explicitly state he or she does not want the delivery to be carried out that way (Art. 133.d CPA). If the party is a legal person, using such electronic system is mandatory. Lawyers are also required to use it (Art. 133 CPA).

3. Procedure for claims outside the scope of the ESCP

cf. Art. 4 (3)

There are no special rules on the situation when the claim is outside the scope of ESCP. If the court receives such claim on the ESCP form, it must warn the claimant about such irregularity and ask him or her to amend the claim in accordance with domestic procedural rules, within 8 days. If the claimant does not act accordingly, the court will deem his or her claim to be withdrawn (Art. 109 CPA in connection with Art. 507.o CPA).

4. Costs and distribution of costs

cf. Art. 15a and 16: if any, please provide the relation to comparable costs in the national legal order; distribution of costs in cases where one party is only partly successful/not wholly successful (cf. CJEU, C-554/17)

According to the national procedural rules, loser-pays principle applies, meaning that generally the party who is unsuccessful bears all the costs. Recent rules (laid down in the reform od 2019) describe a somewhat different rule on the partial success. Now the court first determines the percentage of success of more successful party, which it then reduces by the percentage of success of less successful party (e.g. 70 % - 30 % = 40 %). The court then determines the costs of such party and orders the payment of those costs in the determined percentage (Art. 154 CPA). The court will not order payment of costs which are direct result of the fault of the winning party or his or her representative (Art. 156 CPA). Additionally, the court is only allowed to order the payment of costs considered necessary, taking into consideration all circumstances, especially rules on the preparation and concentration of main hearing (Art. 155 CPA). E. g. if the party files written submissions which only repeat what was stated during the oral hearing, or performs procedural activities in written form, although they are expected to be done orally during the hearing, or files the submission too late, thus causing the postponement of the scheduled hearing, the court will not order the payment of costs arising out of such activities or omissions.

The costs also comprise of any applicable court fees which are laid down in special Court Fees Act and Tariff Regulation based on that Act. If the party does not pay the due court fee, the court will warn that party that the fee can paid within three days on the bank account stated in the court decisions. The bank transfer can be done electronically in standard way and there are no special online payment systems. If the party does not pay within three days, the court will issue an official court fee decision, ordering payment within next eight days (Art. 28 CFA). The party can lodge an appeal against that decision to the same court who decided on the payment of the fee. If it rejects the appeal, the party can make a second appeal

to the second instance court (competent county court), again within three days. The appellate proceedings do not affect the course of the proceedings, as the appeal does not have suspensory effect (Art. 29 CFA). If no appeal is lodged or if the appeal is rejected by the competent court, the decision becomes final and enforceable title (Art. 30 CFA).

There are no special tariffs envisaged for ESCP, so the regular nation rules should be applied. The value of the court fee depends on the value of the subject matter (Tariff no. 1.1):

Value of the claim (in HRK, whereas 1 EUR is about 7.5 HRK)		Fee (in HRK, whereas 1 EUR is about 7.5 HRK)
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

When the value of the subject matter is above 15,000.00 HRK, a fee in the amount of 500.00 HRK and another 1% on the difference above HRK 15,000.00 is paid, but exceeding the amount of 5,000.00 HRK. Since the maximum value of the subject matter in ESCP is 5.000 EUR, the maximum court fee cannot exceed 725.00 HRK or slightly above 95 EUR (provided 1 EUR makes 7.5 HRK).

5. Competent court and procedure for refusal, or stay or limitation of enforcement (incoming)

cf. Art. 22, 23, e.g. remedies and hearings, specialization or concentration?

According to Art. 507.ž CPA, the enforcement is conducted by the competent municipal court, in principle, depending on the location of assets. The enforcement is conducted by way of applying domestic enforcement rules, including the provision on the stay of enforcement.

According to domestic enforcement rules (Arts. 65 – 71 EA), the enforcement can be stayed upon reasoned request of the debtor, the creditor, the third person or by mutual agreement of the parties.

The debtor can request stay if he or she manages to prove, on the level of probability, that he or she would suffer irreparable or nearly irreparable damages as the result of enforcement, or if he makes probable that such deferment is necessary to prevent violence. Additionally,

the debtor has to prove that the legal remedies were lodged either against the directly enforceable title (judgment, arbitral award, settlement, notarial deed), the enforcement order, certificate of enforceability or conduct of enforcement, or that there are extraordinary circumstances officially declared by the Government preventing him or her from undertaking economic activity, or that there are criminal proceedings pending with regards to the claim which is subject to enforcement.

The creditor is entitled to answer such a request and even condition his or her approval with a guarantee deposit, which the debtor must make within 15 days. If the creditor agrees with the stay, the court does not have to assess the abovementioned prerequisites. If the creditor himself deposits the amount as a security for the damages that might occur to the debtor, the court will automatically deny debtor's request for stay.

The stay can also be ordered, without any special prerequisites met, upon request of the creditor, although only once. Such suspension can last maximum 6 months. The creditor needs to request continuance of the enforcement, under the threat of its termination.

Third party, who requested the enforcement on a specific object to be declared inadmissible, may also request stay with respect to such object if the person proves, on the level of probability, the existence of his or her right and that he or she is also facing irreparable or nearly irreparable damages, provided that he or she has initiated litigation as instructed by court after filing his or her objection. The stay can also, upon creditor's request, be conditioned with the payment of a guarantee deposit.

The consequence of the stay is that no enforcement activities can take place, except securing measures establishing mortgage. The enforcement is stayed until the court decides on the remedies that the debtor/third person has lodged or until the date determined by the court. The stayed enforcement proceedings start over on court's own motion or upon timely request of the creditor or his or her payment of security deposit.

The amounts exempt from enforcement are set out in Article 172 EA (Exemption from enforcement) and Article 173 EA (Limitation of enforcement). Exempt from enforcement are, for instance, funds amounting to 3/4 of the enforcement debtor's salary, but no more than 2/3 of the average net salary in the Republic of Croatia, and if the salary is below average, the 2/3 of the salary amount may not be enforced.

6. Other implementation rules

cf. preliminary remarks

Deadline for comment on the denial of receipt under Article 6 (3) of Regulation no. 861/2007. is eight days (Art. 507.o CPA).

CPA explicitly opt for an appeal mechanism against the judgments rendered in ESCP under the conditions laid down for domestic small claims cases (Art. 507s CPA). The appeal does not have suspensory effect, unless the municipal court, which is competent for enforcement, decides on its stay, in accordance with domestic enforcement rules (Art. 507.š CPA). The appeal can be lodged because of manifest procedural errors (unless the court wrongly decided it is competent, despite defendant's timely objection) or wrongful application of substantive law (Art. 467 CPA) within 15 days of receipt of the judgment (Art. 348 CPA) which is not published on a special hearing for that purpose (Art. 507.s CPA).

The certificate of enforceability is issued by the court that rendered the judgment after hearing the opposing party (Art. 507u CPA). Additional rule prescribes that the translation must be provided in Croatian language and confirmed by official translator (Art. 507z CPA).

7. Critical assessment

Most of the implementation rules are laid down in CPA, although understanding general procedural rules (both in terms of litigation and enforcement) is necessary to fully comprehend the scope of those provisions. Availability of other procedural mechanisms aiming at quick and efficient enforcement of claims within the European union make the use of this Regulation seldom.

VI. European Account Preservation Order Regulation (EAPOR)

1. Competent court

cf. Art. 6, 10: local jurisdiction, jurisdiction ratione materiae, specialization or concentration?

The courts designated as competent to issue a Preservation Order, as referred to in Art. 6(4) of the Regulation, are the Croatian courts which are competent to rule on the merits of a case. Depending on the type of dispute, it can either be one of the municipal courts (in case of civil disputes) or commercial courts (in case of commercial disputes). All courts are listed on the official webpage: https://sudovi.hr/en/node/4.

2. National provisions on the taking of evidence pursuant to Art. 9

In enforcement proceedings, the court renders its decision based on submissions and other submitted documents. The court is entitled to hold a hearing and hear the party or the participant in the proceedings outside the hearing if it deems it necessary to clarify certain issues or comment on a proposal of the party. The absence of one or both parties and the participants from the hearing, or their non-response to the summons of the court for a hearing, does not prevent the court from continuing enforcement (Art. 7 EA).

3. Procedure for and means of providing security under Art. 12

Security under Art. 12 shall be given in cash. Exceptionally, the court may accept as a security a bank guarantee, securities that have a stock market value and valuables whose value is easy to determine on the market and which can be redeemed quickly and easily. The opposing party acquires a legal lien on the items submitted for court deposit (Art. 15 EA).

4. Liability of the creditor under national law

cf. Art. 13 (3), (4)

The creditor is expected to return to the debtor what he or she unjustifiably acquired by enforcement and to compensate him for the damage he suffered as a result, including the costs of enforcement (Art. 56 EA).

5. Competent authority and methods to obtain account information

cf. Art. 14 (1), (5)

The authority competent to obtain information on a debtor's account or accounts is Financial Agency (e-mail address: info@fina.hr). All transaction accounts and time deposits of nationals of the Republic of Croatia are registered in the Unified register of accounts, an electronic database of accounts kept by Financial Agency. All these accounts may be subject to enforcement for the purpose of debt collection. FINA charges for consultation and provision of data from the Unified Register of Accounts by levying a fee for the consultation of data using a web or online service, or a fee for the provision (or downloading) of data from the Unified Register of Accounts in electronic form or on paper.

6. Means of communication

cf. Art. 17 (5), 29, 36; please bear in mind the Report on the digitalization of enforcement procedures (D3.17)

The authority designated as competent to receive, transmit and serve the Preservation Order and other documents under Article 14(4) of the Regulation is Zagreb Municipal Civil Court. The authority competent to enforce the Preservation Order is Financial Agency. Enforcement of the monetary funds of an enforcement debtor is conducted by the Financial Agency (FINA), and it is conducted on all the accounts and time deposits held by enforcement debtors in credit institutions. The procedure is conducted in accordance with the personal identification number of the enforcement debtor and without his/her approval.

7. Appeals and remedies

cf. Art. 21, 33-35, 37-39

The competent court for ruling on an appeal under Art. 21 of the Regulation which a creditor has lodged with a court of first instance against a decision rejecting, wholly or in part, the creditor's application for a Preservation Order is the higher court which was competent for ruling on an appeal against a decision rejecting a proposal for security (a county court (*županijski sud*) or the High Commercial Court of the Republic of Croatia (*Visoki trgovački sud Republike Hrvatske*) (Arts. 34a and 34c CPA, in connection with Art. 21(1) EA). Consequently, if the application for a Preservation Order is rejected, wholly or in part, by a decision of a municipal court, the creditor can lodge an appeal with the county court, whereas if such a decision is adopted by a commercial court, the creditor can lodge an appeal against the decision with the High Commercial Court.

An appeal is to be brought within eight days of the date of service of the decision (Art. 11 EA) and is to be submitted *via* court which rendered the decision (Art. 357 CPA).

The body competent for ruling on an application from a debtor for revocation or modification of a Preservation Order, as referred to in Art. 33 of the Regulation, is the Croatian court which issued the Preservation Order.

The body competent for ruling on an application by a debtor for the enforcement of a Preservation Order in the Republic of Croatia to be limited or terminated, as referred to in Art. 34(1) and (2) of the Regulation, is Zagreb Municipal Civil Court.

8. Enforcement procedure

cf. Art. 23-25, 27-28

The authority competent to enforce the Preservation Order is Financial Agency. Enforcement of the monetary funds of an enforcement debtor is conducted by the Financial Agency (FINA), and it is conducted on all the accounts and time deposits held by enforcement debtors in credit institutions. The procedure is conducted in accordance with the personal identification number of the enforcement debtor and without his/her approval. However, in national law, there are exceptions, so income, fees and amounts exempt by law cannot be enforced and the enforcement debtor can dispose of such funds freely. One should take care, however, that the conditions for opening a special account are met, so that the exempt funds are fully protected in case where an enforcement procedure has been initiated. The amounts exempt from enforcement, as referred to in Art. 31 of the Regulation, are set out in Art. 172 EA (Exemption from enforcement) and Art. 173 EA (Limitation of enforcement). It is questionable how these rules apply to EAPO.

Moreover, the order of priority of the security interests of several creditors is determined on the basis of the date of receipt of the Preservation Order (Art. 180 EA), whereas Regulations in that regard provide different rules.

9. Liability of the bank under national law

cf. Art. 26

In addition to Financial Agency, the state is jointly and severally liable for Fina's performance of public authorities.

10. Fees and costs of courts, authorities, and banks

cf. Art. 42, 43, 44

FINA and banks are entitled to charge a fee in accordance with the special Rules (NN, Nos 105/10, 124/11, 52/12 and 6/13; hereinafter 'the Rules'). Fees are the same for both domestic enforceable titles and EAPO. The fee is to be paid by the debtor. The Rules lay down two types of fee: 1. for enforcement with respect to funds of the enforcement debtor, and 2. for consultation and provision of data from the Unified Register of Accounts. The revenue from the fee for enforcing an enforcement instrument is split between FINA (55%) and the banks (45%). The revenue is distributed to the banks in proportion to the total number of accounts held by the debtor in a particular bank on the day on which the fee is

levied, in accordance with the data in the Unified Register of Accounts. FINA adopts the price list, containing the amounts of fees, on the basis of a decision of its Board of Management, and the Ministry of Finance approves the proposed price list. The price list is published on FINA's official website. VAT is charged on all fees in the price list.

In proceedings for obtaining a Preservation Order or a remedy against a Preservation Order, court fees are payable on the basis of the value of the application, as follows:

- on an application for a Preservation Order as a proposal for security
- on a decision on an application for a Preservation Order as a decision on security
- on submissions as referred to in Art. 364b(2) to (5) EA as appeals against a decision on security.

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:

Over	Up to HRK	HRK
0.00	3 000.00	100.00
3 000.00	6 000.00	200.00
6 000.00	9 000.00	300.00
9 000.00	12 000.00	400.00
12 000.00	15 000.00	500.00

Over HRK 15 000.00 a fee of HRK 500.00 is to be paid, plus 1% of the amount over HRK 15 000.00, up to a maximum of HRK 5 000.00.

11. Other implementation rules

cf. preliminary remarks

12. Critical assessment

One has to bear in mind that most of the enforcement activities are carried out by the Financial agency as it carries out the enforcement over monetary funds. This way of enforcement is in Croatian generally recognised as efficient, in some cases to efficient.

However, so far, not a single EAPO has been enforced in Croatia. This speaks for itself. The reasons are to be found in particular in for foreign investors unattractive business environment in Croatia.

VII. Summary and overall assessment

The implementation rules pertaining to ESCP, EPO, EEO, EAPO and Brussels 1 *bis* Regulations are neither systematic nor well-thought and well-written. They were mainly drafted hastily, with little efforts engaged for consultation of leading academic lawyers or discussion with legal professionals. In most cases, the rules on implementation were only the last point on the legislative agenda, and thus they were more of an ornament and token of loyalty to the EU and its legal acts. It cannot be said that they constitute an operative basis for broader use of the instruments that constitute basic legislative framework of European law of civil procedure.

Such situation will be difficult to change without a coordinated action both from the national and the EU side. The EU law of civil procedure is rightly perceived as fragmented, partial, inconsistent, poorly drafted, unnecessarily duplicative and user-unfriendly. It takes more than enthusiasm and intrinsic motivation of the national implementers to remedy these deficiencies. If the originally drafted EU law is not user-friendly, it is difficult to expect from national authorities to have pro-active and consistent implementation policies.

In our opinion, the way forward is in a more intensive European engagement in collecting information on implementation of EU procedural regulations. This should be accompanied with a regular survey of implementation means, and with a methodologically sound monitoring of the impact that particular factors have on scope of usage and application of EU procedures and procedural rules. A continuous comparative study and research of such interaction can bring more coordination and lead to development of more effective models of common EU civil procedures which will not only work on paper but play an important role in everyday legal and commercial life of the Member States. For newer members like Croatia, which are still open to change and adjustment to European rules, but lack experience and resources, such engagement is vital.

B. Annex: Implementation Rules and Translations

Provisions of the Enforcement Act of the Republic of Croatia (EA) implementing European Enforcement Order Regulation (EEO)

Članak 357. OZ-a	***Article 357 EA***
U Republici Hrvatskoj su za izdavanje: – potvrde o europskom ovršnom naslovu prema odredbi članka 9. stavka 1. Uredbe, – potvrde o ovršnosti sudske nagodbe prema odredbi članka 24. stavka 1. Uredbe, – potvrde o ovršnosti druge javne isprave koja je ovršna u Republici Hrvatskoj prema odredbi članka 25. stavka 1. Uredbe, – i potvrdama prema odredbama članka 6. stavaka 2. i 3. Uredbe, nadležni sudovi, upravna tijela, javni bilježnici ili pravne i fizičke osobe s javnim ovlastima koji su ovlašteni izdati ovršni otpravak domaće europske (?) ovršne isprave o nespornim tražbinama.	*In the Republic of Croatia:* *- European Enforcement Order certificates pursuant to Article 9 (1) of the Regulation,* *- certificates of enforceability of a court settlement pursuant to Article 24 (1) of the Regulation,* *- certificates of enforceability of another public document enforceable in the Republic of Croatia pursuant to the provision of Article 25, paragraph 1 of the Regulation,* *- and certificates in accordance with the provisions of Article 6 (2) and (3) of the Regulation,* *shall be issued by competent courts, administrative bodies, notaries or legal and natural persons with public authorities who are authorized to issue a writ of execution of a domestic European (?) enforcement document on uncontested claims.*
Članak 358. OZ-a	***Article 358 EA***
(1) Potvrde prema članku 9. stavku 1., članku 24. stavku 1., članku 25. stavku 1. i članku 6. stavku 3. Uredbe izdaju se bez prethodnoga saslušanja dužnika. (2) Tijelo ili osoba koja je izdala potvrdu dostavit će otpravak potvrde dužniku po službenoj dužnosti. (3) Ako sud ili upravno tijelo odbace ili odbiju zahtjev za izdavanje potvrde, podnositelj zahtjeva ima pravo žalbe protiv rješenja kojim je njegov zahtjev odbačen ili odbijen uz odgovarajuću primjenu odredaba	*(1) Certificates pursuant to Article 9 (1), Article 24 (1), Article 25 (1) and Article 6 (3) of the Regulation shall be issued without prior hearing of the debtor.* *(2) The body or person who issued the certificate shall serve a copy of the certificate to the debtor ex officio.* *(3) If the court or administrative body dismisses the request for issuance of a certificate, the applicant has the right to appeal against the decision dismissing his request with appropriate application of the*

zakona koji uređuju žalbu protiv odluke kojom je prijedlog za ovrhu (izvršenje) odbačen ili odbijen. (4) Ako javni bilježnik nađe da nisu ispunjeni uvjeti za izdavanje potvrde iz stavka 1. ovoga članka, zahtjev za izdavanje potvrde s prijepisom odgovarajuće svoje isprave ili spisa proslijedit će općinskom sudu na čijem je području njegovo sjedište radi donošenja odluke o zahtjevu. Javni je bilježnik dužan obrazložiti zašto smatra da nisu ispunjene pretpostavke za prihvaćanje zahtjeva stranke.	*provisions of the law governing the appeal against the decision dismissing the motion for enforcement.* *(4) If the notary public finds that the conditions for issuing the certificate referred to in paragraph 1 of this Article are not met, he shall forward the request for issuing a certificate with a transcript of its relevant document or file to the municipal court in whose territory his seat is located. The notary public is obliged to explain why he considers that the preconditions for accepting the party's request have not been met.*
Članak 359. OZ-a	***Article 359 EA***
(1) Zahtjev prema članku 10. stavku 1. Uredbe radi ispravljanja ili ukidanja sudske potvrde podnosi se sudu koji ju je izdao. O zahtjevu odlučuje taj sud rješenjem. (2) Zahtjev za ispravljanje ili ukidanje javnobilježničke potvrde ili potvrde koju je donijelo upravno tijelo ili fizičke ili pravne osobe s javnim ovlastima podnosi se osobi ili tijelu koje ju je izdalo, koji su dužni proslijediti zahtjev s prijepisom svoga spisa u povodu kojega su izdali potvrdu općinskom sudu na području kojega je njihovo sjedište radi donošenja odluke. (3) O zahtjevu za ispravak potvrde odlučuje se uz odgovarajuću primjenu odredaba članka 342. Zakona o parničnom postupku (»Narodne novine«, br. 53/91., 91/92., 112/99., 88/01., 117/03., 88/05., 2/07., 84/08., 96/08., 123/08., 57/11. i 148/11. – pročišćeni tekst), a o zahtjevu za ukidanje potvrde uz odgovarajuću primjenu odredaba članka 36. ovoga Zakona.	*(1) A request pursuant to Article 10, paragraph 1 of the Regulation for the purpose of rectification or withdrawal of a court certificate shall be submitted to the court that issued it. The court decides on the request by issuing an order.* *(2) A request for rectification or withdrawal of a notarial certificate or a certificate issued by an administrative body or a natural or legal person with public authorities shall be submitted to the person or body that issued it, who shall forward the request with a transcript of their file for the purpose of making a decision to the municipal court in the area where their seat is located.* *(3) The request for rectification of the certificate shall be decided with the appropriate application of the provisions of Article 342 of the Civil Procedure Act (Official Gazette 53/91, 91/92, 112/99, 88/01, 117/03, 88/05, 2/07, 84/08, 96/08, 123/08, 57/11 and 148/11 - consolidated text), and on the request for withdrawal of the certificate with the appropriate application of the provisions of Article 36 of this Act.*

Članak 342. ZPP-a	***Article 342 CPA***
Pogreške u imenima i brojevima, i druge očite pogreške u pisanju i računanju, nedostatke u obliku i nesuglasnost prijepisa presude s izvornikom ispravit će sudac pojedinac, odnosno predsjednik vijeća u svako doba. Ispravljanje će se obaviti posebnim rješenjem i unijeti na kraju izvornika, a strankama će se dostaviti prijepis rješenja. Ako između izvornika i prijepisa presude postoji nesuglasnost u pogledu kakve odluke sadržane u izreci presude, strankama će se dostaviti ispravljeni prijepis presude s naznakom da se tim prijepisom presude zamjenjuje prijašnji prijepis presude. U takvu slučaju rok za izjavljivanje pravnog lijeka u pogledu ispravljenog dijela presude teče od dana dostave ispravljenog prijepisa presude. O ispravljanju presude sud može odlučiti bez saslušanja stranaka.	*Errors in names and numbers, and other obvious errors in writing and calculation, deficiencies in the form and inconsistency of the transcript of the judgment with the original shall be corrected by a single judge or the presiding judge at any time.* *Correction shall be done by a special decision and entered at the end of the original, and a copy of the decision will be served to the parties.* *If there is a disagreement between the original and the transcript of the judgment as to what decision is contained in the operative part of the judgment, the parties shall be provided with a corrected transcript of the judgment indicating that that transcript replaces the previous transcript. In such a case, the deadline for filing a legal remedy in respect of the corrected part of the judgment runs from the day of service of the corrected transcript of the judgment.* *The court may decide on the correction of the judgment without hearing the parties.*
Članak 36. OZ-a	***Article 36 EA***
(3) Potvrdu o ovršnosti za izdavanje koje nisu bili ispunjeni zakonom propisani uvjeti ukinut će rješenjem isti sud, odnosno tijelo, na prijedlog ili po službenoj dužnosti. (5) Javni bilježnici sami daju potvrde o ovršnosti svojih isprava i odluka. U povodu pravnog lijeka ovršenika, sud koji vodi ovršni postupak ispitat će jesu li bili ispunjeni uvjeti za davanje takve potvrde uzimajući u obzir i izjave osoba koje su prema toj ispravi ovlaštene potvrditi nastupanje okolnosti o kojima ovisi stjecanje toga svojstva (članak 29. stavci 5. i 6.). Ako sud utvrdi da uvjeti za davanje javnobilježničke potvrde o ovršnosti nisu	*(3) The certificate of enforceability issued despite the conditions laid down by the law have not been met shall be revoked by a decision of the same court, ie body, upon proposal or ex officio.* *(5) Notaries themselves shall issue certificates on the enforceability of their documents and decisions. With regard to the debtor's legal remedy, the court conducting the enforcement proceedings shall examine whether the conditions for issuing such a certificate have been met, taking into account the statements of the persons authorized to set the date on which the obligation becomes due . If the court finds that the conditions for issuing a notarial certificate of enforceability were not met, it shall*

bili ispunjeni, tu će potvrdu ukinuti rješenjem u ovršnom postupku.	*revoke that certificate by a decision in enforcement proceedings.*
Članak 364. OZ-a	***Article 364 EA***
Pravila o žalbi nakon isteka roka, odnosno o tužbi zbog razloga zbog kojih se ta žalba može podnijeti (članci 53. do 55.) primjenjuju se i u ovrsi na temelju europskoga ovršnog naslova.	*The rules on an appeal after the expiry of the time limit, ie on an action for the reasons for which such an appeal may be lodged (Articles 53 to 55), shall also apply to enforcement on the basis of a European Enforcement Order.*
Članak 362. OZ-a	***Article 362 EA***
(1) Za odlučivanje o prijedlogu za ovrhu na temelju europskoga ovršnog naslova, o pravnim lijekovima ovršenika protiv rješenja o ovrsi donesenog na temelju te isprave prema odredbi članka 21. Uredbe te o njegovim prijedlozima za odgodu, obustavu i ograničenje ovrhe prema odredbama članka 23. Uredbe stvarno je nadležan sud koji je za odlučivanje o tim prijedlozima, odnosno pravnim lijekovima nadležan prema odredbama članka 37. i 43. ovoga Zakona. (2) Mjesna nadležnost suda za donošenje odluka iz stavka 1. ovoga članka određuje se po odredbama ovoga Zakona o mjesnoj nadležnosti suda u ovršnom postupku. (3) O prijedlozima, odnosno pravnim lijekovima iz stavka 1. ovoga članka sud odlučuje prema pravilima ovoga Zakona.	*(1) Deciding on a motion for enforcement on the basis of a European Enforcement Order, on the debtor's remedies against an enforcement order issued on the basis of that document pursuant to Article 21 of the Regulation and on his proposals for stay, suspension and limitation of enforcement under Article 23 of the Regulation is within the competence of the court that is competent to decide on these proposals, ie legal remedies according to the provisions of Articles 37 and 43 of this Act.* *(2) The territorial jurisdiction of the court referred to in paragraph 1 of this Article shall be determined in accordance with the provisions of this Act on the territorial jurisdiction of the court in enforcement proceedings.* *(3) The court shall decide on proposals or legal remedies referred to in paragraph 1 of this Article in accordance with the rules of this Act.*
Članak 363. OZ-a	***Article 363 EA***
Ovrha će se obustaviti, odnosno ograničiti prema odredbama ovoga Zakona o obustavi ovrhe (članak 72.), odnosno o ograničenju ovrhe (članak 5.) i na temelju otpravka potvrde o neovršivosti ili o ograničenju ovrhe prema članku 23. Uredbe.	*Enforcement shall be suspended or limited according to the provisions of this Act on suspension of enforcement (Article 72), ie on limitation of enforcement (Article 5) and on the basis of sending a certificate of non-enforceability or restriction of*

	enforcement according to Article 23 of the Regulation.
Članak 361. OZ-a	***Article 361 EA***
Kada je vjerovnik dužan prema odredbi članka 20. stavka 2. točke c) Uredbe priložiti prijevod europskoga ovršnog naslova uz prijedlog za ovrhu, taj prijevod treba biti sastavljen na hrvatskom jeziku i ovjerovljen od osobe koja je u nekoj od članica Europske unije za to ovlaštena.	*Where the creditor is required under Article 20 (2) (c) of the Regulation to attach a translation of the European Enforcement Order to the motion for enforcement, that translation shall be in Croatian and certified by a person authorized in one of the EU Member States.*

Provisions of the Civil Procedure Act of the Republic of Croatia (CPA) implementing European Payment Order Regulation (EPO)

Članak 507.i ZPP-a	***Article 507i CPA***
Za odlučivanje o zahtjevima za izdavanje i preispitivanje, kao i za davanje potvrde o ovršnosti europskoga platnog naloga prema Uredbi br. 1896/2006. nadležan je općinski, odnosno trgovački sud ako se radi o predmetima iz stvarne nadležnosti trgovačkih sudova, prema prebivalištu ili uobičajenom boravištu, odnosno sjedištu tuženika.	*The issuing, review, and certifying the enforceability of a European order for payment according to Regulation no. 1896/2006. shall be carried out by the competent municipal or commercial court in the place of residence or habitual residence, ie the seat of the defendant.*
Članak 507.j ZPP-a	***Article 507j CPA***
Zahtjev za izdavanje europskog platnog naloga i prigovor protiv toga naloga moraju biti dostavljeni samo u strojno čitljivom obliku, ako sud bude smatrao da je to prikladno za strojnu obradu tih akata. Ministar nadležan za poslove pravosuđa uredit će posebnim pravilnikom način podnošenja zahtjeva za izdavanje europskoga platnog naloga odnosno prigovora protiv tog naloga, u kojem	*An application for issuing a European order for payment and an objection to that order must be submitted only in machine-readable form, if the court deems it appropriate to be submitted in that form.* *The Minister in charge of judicial affairs shall regulate in a special regulation the manner of submitting a request for the issuance of a European payment order, ie an objection against that order,*

pravilniku će se utvrditi i početak njegove primjene.	*as well as the date of entry in force of that regulation.*
Članak 507.k ZPP-a	***Article 507k CPA***
Ako europski platni nalog treba dostaviti u Republici Hrvatskoj, dostava će se obaviti po odredbama ovog Zakona o dostavi po službenoj dužnosti. Ako europski platni nalog treba dostaviti u nekoj drugoj državi članici Europske unije, dostava će se obaviti prema odredbama Uredbe br. 1393/2007. uz odgovarajuću primjenu odredaba članka 507.a do 507.č ovoga Zakona.	*If the service of European order for payment is to be conducted in the Republic of Croatia, it shall be done in accordance with the provisions of this Act.* *If the European order for payment is to be served in another Member State of the European Union, the service shall be done in accordance with the provisions of Regulation no. 1393/2007. with the appropriate application of the provisions of Articles 507a to 507h of this Act.*
Članak 507.l ZPP-a	***Article 507l CPA***
Ako tuženik podnese prigovor protiv europskoga platnog naloga u smislu odredbe članka 16. Uredbe br. 1896/2006, daljnji postupak će se provesti po pravilima europskog postupka za sporove male vrijednosti utvrđenog u Uredbi br. 861/2007., ako su primjenjiva, a ako nisu, po odredbama ovoga Zakona o postupku u povodu prigovora protiv platnoga naloga (članak 445.a, članci 451. do 456.), uz uvažavanje odredaba članka 17. Uredbe br. 1896/2006.	*If the defendant lodges an opposition against the European order for payment within the meaning of Article 16 of Regulation no. 1896/2006, the further procedure shall be carried out according to the rules of the European Small Claims Procedure laid down in Regulation no. 861/2007, if they are applicable, and if they are not, according to the provisions of this Act on the procedure regarding oppositions against a payment order (Article 445a, Articles 451 to 456), taking into account the provisions of Article 17 of Regulation no. 1896/2006.*
Članak 507.lj ZPP-a	***Article 507lj CPA***
O zahtjevu za preispitivanje europskoga platnog naloga prema članku 20. stavku 1. ili 2. Uredbe br. 1896/2006. odlučuje se rješenjem, protiv kojeg nije dopuštena žalba. Tuženik je dužan učiniti vjerojatnim činjenice na kojima temelji svoj prijedlog da se ukine europski platni nalog.	*The court decides on the request for review of a European order for payment pursuant to Article 20 (1) or (2) of Regulation no. 1896/2006. by a court order, which is not subject to an appeal.* *The defendant is obliged to make probable the facts on which his proposal to set aside the European order for payment is based.*

Ako sud utvrdi da je europski platni nalog ništetan, obustavit će postupak prema Uredbi br. 1896/2006, dok će se daljnji postupak provesti prema odredbama ovoga Zakona. Nije dopušteno tražiti povrat u prijašnje stanje prema odredbama ovoga Zakona (članak 117. do 122.a) zbog propuštanja roka iz članka 16. stavka 2. Uredbe br. 1896/2006.	*If the court finds that the European order for payment is null and void, it shall suspend the proceedings under Regulation no. 1896/2006, while further proceedings shall be conducted in accordance with the provisions of this Act.* *Request to restore the proceedings (restitutio in integrum) according to the provisions of this Act (Articles 117 to 122a) due to missing the deadline referred to in Article 16, paragraph 2 of Regulation no. 1896/2006 shall not be allowed.*
Članak 507.m ZPP-a	***Article 507m CPA***
Ovršni europski platni nalog (članak 18. i 19. Uredbe br. 1896/2006.) koji je izdao neki drugi sud na području Europske unije ovršna je isprava na temelju koje se u Republici Hrvatskoj ovrha može tražiti kao na temelju ovršne odluke hrvatskoga suda. Ako je, prema odredbi članka 21. stavka 2. točke b) Uredbe br. 1896/2006, vjerovnik dužan priložiti prijevod europskoga platnoga naloga, taj prijevod treba biti na hrvatskom jeziku i ovjeren od osobe koja je za to ovlaštena u jednoj od država članica.	*A European Enforcement Order (Articles 18 and 19 of Regulation No. 1896/2006) issued by another national court in the European Union is an enforcement title on the basis of which enforcement can be requested in the Republic of Croatia as on any other domestic court decision.* *If, according to the provision of Article 21, paragraph 2, item b) of Regulation no. 1896/2006, the creditor is obliged to enclose a translation of the European order for payment, that translation should be in the Croatian language and certified by a person authorized to do so in one of the Member States.*
Članak 507.n ZPP-a	***Article 507n CPA***
Ako se zatraži preispitivanje europskoga platnog naloga koji je izdan u Republici Hrvatskoj prema odredbama članka 20. Uredbe br. 1896/2006., sud koji odlučuje o tom zahtjevu može odgoditi ovrhu uz odgovarajuću primjenu pravila ovršnog postupka o odgodi ovrhe na prijedlog ovršenika. Žalba protiv rješenja o ovrsi zbog razloga koji se tiču tražbine utvrđene u europskom platnom nalogu dopuštena je samo ako su ti	*If a review of a European order for payment issued in the Republic of Croatia under the provisions of Article 20 of Regulation no. 1896/2006, the court deciding on this request may stay the enforcement with the appropriate application of the rules of enforcement procedure on stay of enforcement at the request of the debtor.* *An appeal against an enforcement order on grounds relating to a claim set out in a European order for payment shall be admissible only if those reasons arose after service of the order and could no longer*

razlozi nastali nakon dostave toga naloga i ako se više nisu mogli iznijeti u prigovoru prema članku 16. Uredbe br. 1896/2006.	*be raised in the opposition under Article 16 of Regulation No 40/94. 1896/2006.*
Članak 507.nj ZPP-a	***Article 507nj CPA***
O zahtjevima za uskratu ovrhe prema odredbi članka 22. stavka 1. Uredbe br. 1896/2006. odlučuje rješenjem općinski sud kao ovršni sud. Mjesna nadležnost suda utvrđuje se prema pravilima o mjesnoj nadležnosti suda u ovršnom postupku. O obustavi ovrhe i o ukidanju provedenih ovršnih radnji u slučajevima iz stavka 1. ovoga članka sud odlučuje uz odgovarajuću primjenu odredaba o ovršnom postupku. O odgodi ili ograničenju ovrhe prema odredbama članka 23. Uredbe br. 1896/2006. sud iz stavka 1. ovoga članka odlučuje rješenjem protiv kojega posebna žalba nije dopuštena. Rješenje ostaje na snazi do okončanja postupaka koje je stranka pokrenula u smislu odredaba članka 23. Uredbe, odnosno do drukčije odluke suda donesene u povodu prijedloga bilo koje od stranaka.	*Requests to reject enforcement under the provision of Article 22, paragraph 1 of Regulation no. 1896/2006. shall be decided by an order of the municipal court as an enforcement court. The territorial jurisdiction of the court is determined according to the rules on the territorial jurisdiction of the court in enforcement proceedings.* *The court shall decide on the suspension of enforcement and on the revocation of the performed enforcement activities in the cases referred to in paragraph 1 of this Article, with the appropriate application of the provisions on enforcement proceedings.* *On the stay or limitation of enforcement under the provisions of Article 23 of Regulation no. 1896/2006. the court referred to in paragraph 1 of this Article shall decide by an order which is not subjet to a special appeal. The decision shall remain in force until the completion of the proceedings initiated by the party in terms of the provisions of Article 23 of the Regulation, or until a different court decision is rendered on the initiative of any party.*

Provisions of the Civil Procedure Act of the Republic of Croatia (CPA) implementing European Small Claims Procedure Regulation (ESCP)

Članak 507.o ZPP-a	***Article 507o CPA***
Obrasci prema Uredbi br. 861/2007. i drugi zahtjevi ili očitovanja mogu biti podneseni kao podnesci, telefaksom ili elektroničkim putem.	*Forms defined in Regulation no. 861/2007. and other motions or statements under that Regulation may be filed as written submissions, by fax or electronically.*

Ministar nadležan za poslove pravosuđa uredit će posebnim pravilnikom način podnošenja akata iz stavka 1. ovoga članka telefaksom ili elektroničkim putem, u kojem će se pravilniku odrediti i početak njegove primjene. U slučajevima iz članka 4. stavka 3. Uredbe br. 861/2007, na postupak koji će se provesti u povodu tužbe neće se primjenjivati odredbe te Uredbe.	*The manner in which the forms shall be submitted, and time-scope of its application will be regulated by the special regulation of Minister in charge of judicial affairs.* *In the cases referred to in Article 4 (3) of Regulation no. 861/2007, the provisions of that Regulation shall not apply to the proceedings to be conducted in connection with that claim.*
Članak 507.p ZPP-a	***Article 507p CPA***
Rok za očitovanje o uskrati primitka prema članku 6. stavku 3. Uredbe br. 861/2007. je osam dana. Rok se ne može produžiti i počinje teći od dana dostave podneska. Primatelj će se poučiti o posljedicama propuštanja roka.	*Deadline for comment on the denial of receipt under Article 6 (3) of Regulation no. 861/2007. is eight days. The deadline cannot be extended and starts from the day of submission of the submission. The recipient shall be instructed on the consequences of missing the deadline.*
Članak 507.r ZPP-a	***Article 507r CPA***
Protutužba koja nije podnesena u skladu s odredbama Uredbe br. 861/2007. odbacit će se, osim u slučaju iz članka 5. stavka 7. reč. 1. te Uredbe. U slučaju iz članka 5. stavka 7. reč. 1. Uredbe br. 861/2007. na postupak u povodu tužbe i protutužbe neće se primijeniti odredbe te Uredbe. Postupak će se nastaviti prema odredbama ovoga Zakona prema stanju u kojem se nalazi u vrijeme podnošenja protutužbe.	*Counterclaim not filed in accordance with the provisions of Regulation no. 861/2007. shall be rejected, except in the case referred to in Article 5, paragraph 7. 1 of that Regulation.* *In the case referred to in Article 5, paragraph 7, first sentence of Regulation no. 861/2007. the provisions of that Regulation shall not apply to proceedings after such counterclaim has been filed. The proceedings shall continue in accordance with the provisions of this Act depending on the stage in which they are at the time of filing the counterclaim.*
Članak 507.s ZPP-a	***Article 507s CPA***
Presuda se ne objavljuje. Objava presude se nadomještava dostavom. Protiv presude dopuštena je žalba prema odredbama ovoga Zakona o žalbi u sporovima male vrijednosti (članak 467.).	*The judgment shall not be publicly announced.* *The announcement of the judgment shall be replaced by delivery.*

	An appeal against the judgment is allowed under the provisions of this Act on appeals in small claims proceedings (Article 467).
Članak 507.š ZPP-a	***Article 507š CPA***
Ako tuženik učini vjerojatnim postojanje pretpostavki za preispitivanje presude donesene u europskom postupku male vrijednosti predviđenih odredbama članka 18. stavka 1. Uredbe br. 861/2007., sud će rješenjem utvrditi ništetnost te presude i vratiti postupak u stanje u kojem se nalazio prije donošenja presude.	*If the defendant proved on the level of probability that there are preconditions for reviewing the judgment rendered in the European Small Claims Procedure provided for in the provisions of Article 18 (1) of Regulation no. 861/2007, the court shall rule on the nullity of that judgment and return the proceedings to the state in which they were before the judgment was rendered.*
Članak 507.t ZPP-a	***Article 507t CPA***
Žalba protiv presude donesene u Republici Hrvatskoj u europskom postupku male vrijednosti ne odgađa ovrhu. O zahtjevima za ograničenje ovrhe prema članku 15. stavku 2. u vezi sa člankom 23. Uredbe br. 861/2007. odlučuje sud koji je odredio ovrhu, a nakon početka provedbe ovrhe, sud koji je provodi ovrhu.	*An appeal against a judgment rendered in the Republic of Croatia in a European Small Claims Procedure does not delay enforcement.* *The court that ordered the enforcement or which is carrying it out decide on requests to stay the enforcement under Article 15 (2) in conjunction with Article 23 of Regulation no. 861/2007.*
Članak 507.u ZPP-a	***Article 507u CPA***
Potvrdu iz članka 20. stavka 2. Uredbe br. 861/2007. izdaje sud koji je donio presudu. Prije izdavanja potvrde treba saslušati protivnu stranku. Ako zahtjev za izdavanje potvrde treba odbaciti, primijenit će se na odgovarajući način propisi o pobijanju potvrde o ovršnosti.	*The certificate referred to in Article 20 (2) of Regulation no. 861/2007. Shall be issued by the court that rendered the judgment.* *The opposing party should be heard before the certificate is issued.* *If the application for a certificate is to be rejected, the rules on rebuttal of the certificate of enforceability shall apply accordingly.*
Članak 507.v ZPP-a	***Article 507v CPA***
Ovrha na temelju ovršne isprave koja potječe iz europskog postupka male vrijednosti provedenog u nekoj drugoj državi članici Europske unije može se	*Enforcement based on enforceable title arising from a European Small Claims Procedure conducted in another Member State of the European Union may*

odrediti i provesti iako ta isprava nema potvrdu o ovršnosti.	*be determined and enforced even though that document does not have a certificate of enforceability.*
Članak 507.z ZPP-a	***Article 507z CPA***
Ako je vjerovnik prema članku 21. stavku 2. točki b) Uredbe br. 861/2007. dužan priložiti prijevod, taj prijevod mora biti na hrvatskom jeziku, potvrđen od strane osobe koja je za to ovlaštena u jednoj od država članica Europske unije.	*If the creditor under Article 21 (2) (b) of Regulation no. 861/2007. is obliged to file a translation, that translation must be done in the Croatian language, certified by a person authorized to do so in one of the Member States of the European Union.*
Članak 507.ž ZPP-a	***Article 507ž CPA***
O zahtjevima prema članku 22. Uredbe br. 861/2007. odlučuje rješenjem općinski sud kao ovršni sud. Mjesna nadležnost suda utvrđuje se prema pravilima o mjesnoj nadležnosti suda u ovršnom postupku. O obustavi ovrhe i ukidanju provedenih ovršnih radnji u slučajevima iz stavka 1. ovoga članka, sud odlučuje uz odgovarajuću primjenu odredaba ovršnog postupka. O odgodi ili ograničenju ovrhe prema odredbama članka 23. Uredbe br. 861/2007. sud odlučuje rješenjem protiv kojega posebna žalba nije dopuštena. Rješenje ostaje na snazi do okončanja postupaka koje je stranka pokrenula u smislu odredaba članka 23. Uredbe br. 861/2007, odnosno do drukčije odluke suda donesene u povodu prijedloga bilo koje od stranaka.	*The municipal court as an enforcement court decides on the requests under Article 22 of Regulation no. 861/2007. The territorial jurisdiction of the court is determined according to the rules on the territorial jurisdiction of the court in enforcement proceedings.* *The court shall decide on the stay of enforcement and the revocation of enforcement actions in the cases referred to in paragraph 1 of this Article by applying domestic rules on enforcement.* *The parties cannot lodge a special appeal against court's decision on the stay or limitation of enforcement under the provisions of Article 23 of Regulation no. 861/2007. The decision shall remain in force until the completion of the proceedings initiated by the party in terms of the provisions of Article 23 of Regulation no. 861/2007, i.e. until a different court decision rendered on the proposal of any of the parties.*

Provisions of the Civil Procedure Act of the Republic of Croatia (CPA) implementing European Account Preservation Order Regulation (EAPOR)

Članak 364.b OZ-a	***Article 364b EA***
Za provedbu Uredbe 655/2014:	*For the implementation of Regulation 655/2014:*

1. za izdavanje naloga za blokadu računa na temelju isprave koja je sastavljena u Republici Hrvatskoj, a čija se vjerodostojnost odnosi na potpis i sadržaj isprave i koja je utvrđena od strane tijela javne vlasti ili drugog tijela ovlaštenog u tu svrhu nadležni su sudovi Republike Hrvatske koji imaju nadležnost za odlučivanje o meritumu stvari (članak 6. stavak 4. Uredbe 655/2014), 2. za odlučivanje po žalbi koju je vjerovnik podnio prvostupanjskom sudu protiv odluke kojom je u cijelosti ili djelomično odbijen zahtjev za izdavanje naloga za blokadu računa nadležan je viši sud koji bi bio nadležan za odlučivanje po žalbi protiv rješenja kojim se odbija prijedlog za osiguranje (članak 21. Uredbe 655/2014), 3. za odlučivanje o zahtjevu kojim dužnik traži opoziv ili izmjenu naloga za blokadu računa nadležan je sud Republike Hrvatske koji je izdao nalog za blokadu računa (članak 33. stavak 1. Uredbe 655/2014), 4. za odlučivanje o zahtjevu kojim dužnik traži da se provedba naloga za blokadu računa koja se provodi u Republici Hrvatskoj ograniči ili prekine nadležan je Općinski građanski sud u Zagrebu (članak 34. stavak 1. ili 2. Uredbe 655/2014), 5. za odlučivanje o žalbi protiv odluke prvostupanjskog suda iz točke 3. i 4. ovoga članka nadležan je viši sud koji bi bio nadležan za odlučivanje po žalbi protiv rješenja o osiguranju (članak 37. Uredbe 655/2014),	*1. the courts of the Republic of Croatia that have jurisdiction to issue an order to block an account on the basis of a document drawn up in the Republic of Croatia, the authenticity of which relates to the signature and content of the document and established by a public authority or other body authorized for that purpose, have the power to decide on the merits of the matter (Article 6 (4) of Regulation 655/2014),* *2. the higher court, which would be competent to decide on the appeal against the decision rejecting the security proposal, has jurisdiction to decide on the appeal lodged by the creditor with the first instance court against the decision rejecting the application for issuing an account blocking order in full or in part (Article 21 Regulation 655/2014),* *3. the court of the Republic of Croatia that issued the account blocking order is competent to decide on the request by which the debtor requests the revocation or amendment of the account blocking order (Article 33, paragraph 1 of Regulation 655/2014),* *4. the Municipal Civil Court in Zagreb is competent to decide on the request by which the debtor requests the account blocking executed in the Republic of Croatia be limited or terminated (Article 34, paragraph 1 or 2 of Regulation 655/2014),* *5. the higher court is competent to decide on the appeal against the decision of the first instance court referred to in items 3 and 4 of this Article, which would be competent to decide on the appeal against the security decision (Article 37 of Regulation 655/2014),* *6. the Municipal Civil Court in Zagreb is competent for receiving, sending or delivering the*

6. za primitak, slanje ili dostavu naloga za blokadu i drugih dokumenata iz članka 4. točke 14. Uredbe 655/2014 nadležan je Općinski građanski sud u Zagrebu, 7. za ishođenje potrebnih informacija o računu ili računima dužnika nadležna je Agencija (članak 14. Uredbe 655/2014) koja je tražene informacije dužna dati u skladu s pravilima o korištenju podataka iz Jedinstvenog registra računa, 8. za provedbu naloga za blokadu računa nadležna je Agencija.	*blockade order and other documents referred to in Article 4, item 14 of Regulation 655/2014,* *7. the Agency (Article 14 of Regulation 655/2014) is responsible for obtaining the necessary information on the debtor's account or accounts, which is obliged to provide the requested information in accordance with the rules on the use of data from the United Register of Accounts,* *8. the Agency is responsible for the execution of the account blocking order.*
Članak 364.c OZ-a	***Article 364c EA***
(1) Agencija po nalogu za blokadu računa postupa u skladu s odredbama zakona kojim je propisana provedba ovrhe i osiguranja na novčanim sredstvima po računu ovršenika. (2) Za provedbu naloga za blokadu Agencija i banke imaju pravo na naknadu kao za poslove provedbe ovrhe i osiguranja na novčanim sredstvima po računima.	*(1) Upon the order for blocking the account, the Agency shall act in accordance with the provisions of the law which prescribes the implementation of enforcement and security on funds on the debtor's account.* *(2) For the implementation of the blockade order, the Agency and the banks shall be entitled to compensation as for the implementation of enforcement and security of funds on the accounts.*
Članak 364.d	***Article 364d EA***
(1) U postupku ishođenja naloga za blokadu računa ili pravnog sredstva protiv naloga sudska pristojba se plaća prema vrijednosti zahtjeva. (2) Sudska pristojba plaća se: – na zahtjev za nalog za blokadu kao na prijedlog za osiguranje, – na odluku o zahtjevu za nalog za blokadu računa kao na rješenje o osiguranju,	*(1) In the procedure of obtaining an order for blocking an account or a legal remedy against the order, the court fee shall be paid according to the value of the request.* *(2) The court fee shall be paid:* *- on request for a blockade order as on a security proposal,* *- on the decision on the request for the order for blocking the account as a decision on security,*

– na podneske iz članka 364.b točke 2. do 5. ovoga Zakona kao na žalbu protiv rješenja o osiguranju.	*- on the submissions referred to in Article 364b, items 2 to 5 of this Act as an appeal against the decision on security.*