

Questionnaire relating to the *Convention of 25 October 1980 on International Access to Justice (Access to Justice Convention)*

Responding State:

Croatia

I. General Feedback

1. How does your State rate the general operation of the Access to Justice Convention?
(c) Satisfactory.
2. How does your State rate the operation of the Model Forms?
(a) Good.
3. In your State's opinion, should the PB develop further guidance or explanatory material on the operation of the Access to Justice Convention?
(a) Yes.
"A handbook with best practice and explanations."

II. Operation of the Convention

4. Has your State, as a requesting or as a requested State, experienced any difficulties in the application of any of the chapters of the Access to Justice Convention?
(b) No.
5. Has the concept of habitual residence, as used in the Access to Justice Convention, led to any difficulties of interpretation or application in your State?
(b) No.
6. Has your State granted legal aid to legal persons (as opposed to "natural" persons) under Chapter I of the Convention (noting comments in the Explanatory Report by Gustaf Möller, which excludes legal persons from Chapter 1).
(b) No.
7. If your State has made a reservation under Article 28(1), please indicate whether your State has exercised the power granted by that Reservation.

(Art. 28(1) allows a Contracting Party to exclude the obligation of Article 1 of the Convention:

(1) in the case of persons who are not nationals of a Contracting Party, but who have their habitual residence in a Contracting Party other than the reserving State, and / or

(2) in the case of persons who formerly had their habitual residence in the reserving State, if, in either of these cases, there is no reciprocity of treatment between the reserving State and the State of nationality of the applicant.)

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8. In your State, is legal aid made available only in civil and commercial matters, or also in administrative, social or fiscal matters? (Art. 1(3))

(b) Administrative, social or fiscal.

“In accordance with Legal Aid Act (“Official Gazette” No. 143/13., 98/19) secondary legal aid (for court proceedings) may be granted in civil and administrative court proceedings, while primary legal aid (legal advice and general legal information) may be provided in any legal matter.”

9. In judicial proceedings before the courts of your State, does the law or practice of your State impose any security, bond or deposit upon certain categories of persons such as foreign nationals or persons who are not resident or domiciled in your State?

(a) Yes.

“https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_101_2319.html

Insurance of the costs of the procedure Article 61 (1) A plaintiff who is not a citizen of the Republic of Croatia or any other member state of the European Union or a contracting state of the Treaty on the European Economic Area or another international agreement that regulates the exemption from the insurance of the costs of the procedure, and has a place of residence or headquarters in a state that is not a member of the European Union or a contracting state of the Treaty on the European Economic Area or another international agreement that regulates the exemption from the insurance of costs of the procedure, is obliged, at the defendant's proposal, to deposit the insurance of litigation costs, unless the decisions of the courts of the Republic of Croatia on costs are recognized in the country where the plaintiff has his residence or headquarters procedure. (2) The provisions of Article 8 of this Act shall be applied in an appropriate manner to determine foreign law. (3) The defendant is obliged to submit the request from paragraph 1 of this article no later than at the preliminary hearing, and if the preliminary hearing was not held, at the first hearing for the main hearing before starting to discuss the main case. (4) Insurance for litigation costs is given in money, but the court can approve that the insurance is given in another suitable form. Article 62. The defendant does not have the right to insurance for litigation costs: 1. if the claim refers to the plaintiff's claim from his employment in the Republic of Croatia, or 2. if it is a question of matrimonial disputes or disputes about establishing or contesting motherhood or paternity and if it is a matter of legal maintenance, or 3. if it is a counterclaim, or 4. if the plaintiff has the right to asylum in the Republic of Croatia. Article 63. (1) In the decision approving the request for insurance of litigation costs, the court determines the amount of insurance and the period in which the insurance must be provided, and warns the plaintiff of the consequences provided by law if it is not proven that the insurance was provided within a certain period. (2) If the plaintiff does not prove within a certain period that he has provided insurance for litigation costs, it is considered that the lawsuit has been withdrawn. (3) A defendant who has submitted a timely request that the plaintiff insure him for litigation expenses is not obliged to continue the proceedings in the main case until his request has been legally decided, and if the request is accepted, until the plaintiff has deposited insurance. (4) If the court rejects the request for litigation costs insurance, it may decide to continue the procedure even before the rejection decision becomes final.”

10. Is your State able to provide the PB with an example or case of the Convention operating effectively in practice?

(b) No.

III. Use of Information Technology

The questions below seek information from Contracting Parties on the use of technology and in light of the COVID-19 pandemic.

11. Has your State taken any steps (including through legislation) to enable or increase the use of technology or electronic means to facilitate the transmission or processing of applications for legal aid under the Convention, including in response to the COVID-19 pandemic?

(b) No.

12. In the past five years, has your State **received** any applications using electronic means?

(b) No.

- 12.1. If no, please provide further information about why this is not yet possible.

“There is no IT system to support transmission of application using electronic means.”

13. In the past five years, has your State **sent** any applications using electronic means?

(b) No.

- 13.1. If no, please provide further information about why this is not yet possible.

“There was no applications to send.”

14. What challenges, if any, has your State faced regarding the use of information technology under the Access to Justice Convention?

(d) Implementation challenges (e.g., lack of resources, lack of infrastructure).

15. In addition to the Access to Justice Convention, is your State a party to any bilateral, regional, or multilateral agreements that provide rules for access to justice in a cross-border context?

(a) Yes.

“Republic of Croatia is not party to any bilateral, regional, or multilateral agreements that provide rules for access to justice in a cross-border context. In European Union this is regulated by Directive 2003/8/EC – improved access to justice in cross-border disputes by establishing minimum common rules relating to legal aid.”

For Parties that answered yes to Q15 above:

- 15.1. Do any of these agreements provide for the use of electronic means (e.g., e-mail) to transmit or process applications for access to justice?

(b) No.

IV. 2024 Meeting of the Special Commission & Monitoring

16. What are the three key topics or practical issues related to the Access to Justice Convention that your State would like discussed at the 2023 meeting of the Special Commission?

1. *“Best practice”*
2. *“Supporting documents - what is expected to be attached to the application for legal aid”*
3. *“Communication between contracting parties”*

16.1 Please indicate whether the information provided in Q16 above may be published.

(a) Yes.

17. Does your State have any suggestions that could assist in the promotion, implementation, or operation of the Access to Justice Convention?

(b) No.

17.1. If the answer to Q17 above is “yes”, please indicate whether the information provided may be published.

N/A

DATA & STATISTICS FOR CONTRACTING PARTIES

I. General Application

1. Please indicate, by numbering from 1 to 4, the Access to Justice Convention chapters which have been most frequently applied in your State (1 representing the highest, 4 the lowest)

[1] Legal aid, including legal advice (Arts 1-13)

II. Application for Legal Aid

A. Chapter 1 – Legal Aid

1. Incoming Requests

2. How many **incoming applications** for legal aid has your State received and granted?

Year	Number of requests received	Number of requests granted
2017	0	0
2018	0	0
2019	0	0
2020	0	0
2021	0	0
2022	0	0
Unknown – <i>please explain.</i>		
-		

3. Which three States made the most requests?

N/A

4. If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-

Unknown – *please explain.*
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5. Please select the categories of persons that have been granted legal aid in your State (as a requested State) in the past five years under the Convention.

Please also indicate the total number of persons in each category.

Category	Number granted	Total Number
Nationals of a Contracting Party (Art. 1(1))	0	0
Persons habitually resident in a Contracting Party (Art. 1(1))	0	0
Persons who formerly had habitual residence in your State	0	0
Persons seeking the recognition and enforcement of a decision in circumstances of Article 13.2	0	0
Unknown – <i>please explain.</i> -		

2. Outgoing Requests

6. How many outgoing applications for legal aid has your State sent?

Year	Number of requests sent
2017	0
2018	0
2019	0
2020	0
2021	0
2022	0
Unknown – <i>please explain.</i> -	

7. To which three States did your State send the most requests?

N/A

8. If possible, please provide a breakdown of how long (in months) it took to have outgoing requests executed.

Year	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – <i>please explain.</i>					
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9. Please indicate the categories of persons in your State (as the requesting State) that have been granted legal aid abroad in the past five years and indicate the number in each category.

Year	Nationals of your State	Habitual residents of your State	Seeking recognition or enforcement of a decision (Art. 13(2))
2017	-	-	-
2018	-	-	-
2019	-	-	-
2020	-	-	-
2021	-	-	-
2022	-	-	-
Unknown – <i>please explain.</i>			
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B. Chapter II - Security for Costs and Enforceability of Orders for Costs

1. Incoming Applications

This question applies if your State has not excluded the application of Chapter II.

10. Please indicate how many applications for the enforcement of orders for costs and expenses (“Article 15 Applications”) have been **received** annually by the Central Authority(ies) of your State, in the past five years?

Year	Number of applications
2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i>	
-	

11. Which three States made the most requests?

N/A

12. If possible, please provide a breakdown of how long (in months) it took to have incoming requests executed.

Year	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – <i>please explain.</i>					
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2. Outgoing Applications

This question applies if your State has not excluded the application of Chapter II.

13. Please indicate how many applications for the enforcement of orders for costs and expenses (“Article 15 Applications”), have been **sent** annually by the authorities of your State to the Central Authorities of other Contracting Parties in the past five years?

Year	Number of requests
2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i>	
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14. To which three States has your State sent most requests?

N/A

15. If possible, please provide a breakdown of how long (in months) it took to have outgoing requests executed.

Year	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – <i>please explain.</i>					
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CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS

I. Case Law

Please list all your State's judicial decisions that have considered the Access to Justice Convention since 2014 and provide a link to or upload the decisions (in PDF format only).

"Not available."

II. Additional Documents

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

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PUBLICATION OF RESPONSES

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

(a) Yes.