
Practical Guide for EU, EEA and Swiss Lawyers on Service and Establishment

CROATIA

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Structure	Information received
1. Establishment	
1.1. Registration with Host Bar	<p>A lawyer from an EU member state is registered in the Register of Foreign Lawyers of the Croatian Bar Association, and to the application for registration is enclosed:</p> <ul style="list-style-type: none">• certificate of citizenship;• proof of professional indemnity insurance;• proof and evidence on membership in lawyers' associations in the country of residence or another country. <p>The mentioned documents cannot be older than three months and need to be submitted as a certified Croatian translation.</p> <p><i>N.B.: As of 22 August 2018, 11 lawyers are registered in the Register of Foreign Lawyers (As of 8 January 2018, 13 lawyers are registered in the Register of Foreign Lawyers- however, two foreign lawyers who have practiced in the Republic of Croatia under their home-country professional titles have fulfilled the specific conditions and have been registered in the Register of Lawyers of the Croatian Bar Association under the title "lawyer").</i></p> <p>Information about the costs e.g.:</p> <ul style="list-style-type: none">- Registration fees - EUR 5,000.00 (in HRK counter-value)- Membership fees – monthly membership fee in the Croatian Bar Association in the amount of HRK 200.00- Membership fees – monthly membership fee in the local bar association in whose territory they carry out the legal practice (e.g. Local Bar Association Zagreb HRK 65,00)- Including any other fees relating to establishment – death benefit in the amount of HRK 20.00 (paid together with the

	<p>membership to the Bar Association)</p> <p>The link to the registration form http://www.hok-cba.hr/hr/application-forms http://www.hok-cba.hr/sites/default/files/upitnik_za_upis_u_imenik_odvjetnika_i_odvjetnickih_vjezbenika_1.pdf</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> - Provision of Article 36.a para. 1. Of the Law on the Legal Profession ("Official gazette" no. 9/1994, 117/2008, 50/2009, 75/2009 and 18/2011, hereinafter: " Law on the Legal Profession ") is in reference to Article 3 Directive 98/5
1.2. Title	<ul style="list-style-type: none"> - A lawyer will practice under the title of their country of residence expressed in the official language or one of the official languages of their country of residence, with the indication of the body with which the lawyer is registered in their country of residence. - Provision of Article 36.b para. 1 of the Law on the Legal Profession ("Official gazette" 9/1994, 117/2008, 50/2009, 75/2009 and 18/2011) is in in reference to Article 4 Directive 98/5
1.3. Salaried practice	<p>Employment as a lawyer can be practised as an individual lawyer, in a law firm or in a joint office.</p> <p><i>N.B.: a foreign lawyer who practices in his/her home-country under the professional title from their home-country is not authorised to establish a law firm nor a joint law office</i></p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - See Article 5.a of the Law on the Legal Practice
1.4. Legal Form and Shareholding	<p>Must correspond with the core principles laid down for Croatian lawyers: no MDPs, no ABSs and no participation of non-lawyers.</p> <p>Several lawyers can have a joint office, and two or more lawyers can establish a law firm. Joint offices and law firms can have several branch offices, provided that at least one lawyer is permanently employed in each branch office.</p> <p><i>N.B:</i> the lowest amount of share capital in a limited liability law firm amounts to HRK 350,000.00.</p> <p>The provision of Article 25 of the Law on the Legal Profession ("Official gazette" 9/1994, 117/2008, 50/2009, 75/2009 and 18/2011) and the provision of Article 27 of the Law on the Legal Profession ("Official gazette" 9/1994, 117/2008, 50/2009, 75/2009 and 18/2011) prescribe the only forms of association of lawyers of and law firms.</p>
1.5. Joint Practice	<p>A law office may affiliate by virtue of a written agreement with other domestic or foreign law offices, in order to carry out the activities of common interest, to provide mutual service, etc.</p> <p>The affiliation agreements must be based on the principles of equality and mutual trust, and under such agreements any office may not be put into a subordinate position. A law office shall not be considered to be put in a subordinate position only because it has undertaken a unilateral obligation to render legal assistance of a certain kind to another law office.</p>

	<p>Relevant provisions:</p> <ul style="list-style-type: none"> - See Article 36 of the Law on the Legal Profession - See Article 87 of the Statute of the Croatian Bar Association
1.6. Areas of Activity	<p>A lawyer may provide advice on the law of their country of residence, on the law of the European Union, on international law and on the law of the Republic of Croatia.</p> <p>A lawyer can represent clients before a court with the limitation under item 1.7 hereof. However, he/she may not be elected in the bodies of the Croatian Bar Association nor train law trainees.</p> <p>A lawyer from an EU member country, who is not entered in the Register of Foreign Lawyers, can, with the previous consent of the Croatian Bar Association, carry out specific actions, whether they are specified e.g. criminal proceedings, or stated in general. However, when representing clients before courts, such lawyer must act jointly with a “lawyer”</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - See Article 36.c para. 1 of the Law on the Legal Profession.
1.7. Practice Rules	<p>When practicing law in relation to the representation of clients before the courts in the Republic of Croatia, they have to act together with a lawyer who is entitled to practice law in the Republic of Croatia under the title of “odvjetnik (attorney at law”).</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - See Article 36.c para. 2 of the Law on the Legal Profession.
1.8. Principle of Double Deontology	<p>As an established lawyer, you are subject to the regulations not only of your home bar but also of your host bar.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - See Article 7, in relation with Article 5a of the Law on the Legal Profession. - Item. 1 Attorneys’ Code of Ethics
1.9. Disciplinary proceedings	<p>As an established lawyer, you are subject to the regulations not only of your home bar but also of your host bar.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - See Article 71 in relation with Article 5a. of the Law on the Legal Profession.
1.10. Insurance (professional indemnity insurance,	<ul style="list-style-type: none"> • Professional Indemnity Insurance: A lawyer who is registered in the Register of Foreign Lawyers in an EU member state is fully or partially released from the statutory prescribed insurance if they are fully or partially insured under an equal insurance in their country of residence in respect of the terms and coverage of insurance prescribed under the Act on the Legal Profession (The Act on the Legal Profession – Official Gazette Nos. 9/1994, 117/2008, 50/2009, 75/2009, 18/2011). The Act on the Legal Profession

<p>social security, etc.)</p>	<p>prescribes the minimum insured amount for each lawyer in the amount of HRK 800,000.00 per insured event without any restrictions of the number of events. For the liability of a law firm that has been established as a limited liability company the Act prescribes that the insured amount must amount to at least HRK 9,000,000.00 per insured event without any restrictions of the number of events.</p> <ul style="list-style-type: none"> • Social security: If you are insured in your country of residence, you are not subject to insurance in the Republic of Croatia. (The insurance in your country of residence is proved with the "A1" Certificate) <p>Relevant provisions:</p> <ul style="list-style-type: none"> - See Article 14 para. 12 of the Law on the Legal Profession. - See Title II Determination of the legislation applicable Regulation (EC) No 883/2004
<p>1.11. Fees</p>	<p>Croatian rules apply, in general that the lawyer and client can agree the amount of the attorney's fee. The contract is valid only if it has been concluded in writing. However, a stipulated fee does not oblige the court when awarding costs to the party that won the dispute. Unless a contract has been concluded, the valid Attorney Fee Schedule and Cost Compensation of the Croatian Bar Association is applicable.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - See Article 18 of the Law on the Legal Profession. - Tariff no. 39 of the Tariff Schedule for Lawyers' Fees and Cost Compensation
<p>1.12. Continuing Legal Education</p>	<p>Not required.</p>
<p>1.13. Bar</p>	<p>By registration, you become a member of the local bar. However, you cannot be elected to a representative body of the bar and you are not entitled to train young lawyers (<i>odvjetnički vježbenik</i>). The Croatian Bar Association shall inform the competent body of the lawyer's country of residence of the entry in the Register of Foreign Lawyers.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - See Article 36.b para. 5 and Article 36.c of the Law on the Legal Profession.
<p>1.14. Conditions for the Acquisition of the Title of a 'National Lawyer'</p>	<p>1) An attorney who is entered in the Register of Foreign Lawyers can practice in the Republic of Croatia under the professional title "lawyer" if he/she cumulatively meets the following conditions: he/she is a citizen of an EU member state or other state signatory of the Agreement on the European Economic Area, who is of legal capacity and against whom investigation is not initiated nor criminal proceedings conducted for a criminal act which is prosecuted ex officio, who is worthy of practicing the legal profession, who does not carry out activities which are incompatible with the legal profession, who has concluded a professional liability insurance agreement for the practice of the legal profession, who has the equipment and the premises necessary and adequate for the practice of the legal profession and who has passed the exam on the legal order of the Republic of Croatia (which is conducted in accordance with the programme for the passing of the bar exam).</p>

	<p>Relevant provisions:</p> <ul style="list-style-type: none"> - See Article 36.a of the Law on the Legal Profession <p>2) At least three years of regular and successful legal practice in the Republic of Croatia.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - See Article. 36.b para. 7 of the Law on the Legal Profession
2. Services	
<p>2.1. Under home title & representation before courts</p>	<ul style="list-style-type: none"> • Service under your home title – before courts and administrative authorities. A foreign lawyer may represent clients before courts and other authorities in the Republic of Croatia. However, when practicing law in relation to representing clients before the court of the Republic of Croatia, a foreign lawyer has to act with a lawyer who is entitled to practice law in the Republic of Croatia under the title of “odvjetnik (attorney at law”). <p>See Article 36.c para. 1 of the Law on the Legal Profession is in reference to Article 4 of Directive 77/249</p> <ul style="list-style-type: none"> • An attorney from an EU member state who is not registered in the Register of Foreign Lawyers may, with the previous consent of the Croatian Bar Association practice, carry out specific actions, whether they are specified e.g. criminal proceedings, or stated in general. However, when representing clients before courts, such lawyer must act jointly with a “lawyer” If you have no address for service in the host state, you may be required to appoint a person authorized to accept service - <i>N.B.: most often, the address of the lawyer with whom the practice is carried out is stated</i>
<p>2.2. Deontology</p>	<p>As an established lawyer, you are subject to the regulations not only of your home bar but also of your host bar.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - See Article 7, in relation with Article 5a. of the Law on the Legal Profession. - Item 1 of the Attorneys’ Code of Ethics
<p>2.3. Fees</p>	<p>Croatian rules apply, in general that the lawyer and client can agree the amount of the attorney’s fee. The contract is valid only if it has been concluded in writing. However, a stipulated fee does not oblige the court when awarding costs to the party that won the dispute. Unless a contract has been concluded, the valid Attorney Fee Schedule and Cost Compensation of the Croatian Bar Association is applicable.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - See Article 18 of the Law on the Legal Profession. - Tariff no. 39 of the Tariff Schedule for Lawyers’ Fees and Cost Compensation

3. Acquisition of the national lawyer's title

3.1. Via Establishment Directive	See above point 1.14
3.2. Via Professional Qualification Directive	<p>Pass the aptitude test (or having a period of adaptation up to 3 years): see Articles 13-14 of Directive 2005/36 on recognition of professional qualifications</p> <p>An attorney from an EU member state who is entered in the Register of Foreign Lawyers under the professional title "odvjetnik/lawyer" has to pass the exam on the legal order of the Republic of Croatia which is conducted in accordance with the programme for the passing of the bar exam</p> <p><i>Test content: written and oral exam</i></p> <p>The written part of the exam consists of three parts, two of which are the drawing up of integral first-instance rulings in the areas of civil and criminal law based on an actual case. The third part is chosen by the candidate from the area of labour, commercial or administrative law and does not need to be based on an actual case.</p> <p>In the oral part of the exam five areas of law are examined: Civil and Commercial Law, Civil Procedural and Family Law, Criminal and Criminal Procedural Law, Labour and Administrative Law and The Constitutional Order, Fundamentals of the European Union System and the Organisation of the Judiciary.</p> <p><i>Test cost:</i> HRK 2,590.00 (HRK 35.00 of duty stamps for the application form for the bar exam and HRK 2,550.00 cost of the bar exam)</p> <p><i>Any useful information on the preparation of the test:</i></p> <p>The bar examination is comprehensive and requires long and thorough preparation. Given that the exam is very difficult, under the Collective agreement on employment conditions, between the lawyer-employer and the law trainees it is prescribed that the law trainee is entitled to paid leave for the preparation of the bar exam in the duration of at least 45 days in continuity. The Bar organizes a Seminar for the professional training of candidates before the taking of the bar exam which is useful to attend. In general, the seminar is mandatory, however, we do not have any information on whether in this case a foreign lawyer would have to attend the seminar. The Ministry of Justice has not yet passed regulation which would in more detail regulate the procedure of taking the exam by foreign lawyers. For now, the only requirement to be met by a foreign lawyer is to be immediately registered as a "lawyer" in the Directory of Foreign Lawyers.</p> <p>At least three years after properly carrying out the legal practice, a foreign layer, for the purpose of entry into the Register of foreign lawyers under the title "lawyer", has to submit as evidence of work done, a list of cases he/she has worked on with the indication of the file reference number, the content thereof, the time and scope of work and the stage of the proceedings with enclosed excerpts from the submissions and minutes, in the form which guarantees the confidentiality of the personal data.</p>

4. Practicalities

<p>4.1. Practical information</p>	<ul style="list-style-type: none"> • You can find information on the court system, addresses, contacts and opening hours of all Croatian courts under: https://sudovi.pravosudje.hr • Contacts to and information on the organization of the Croatian Bar are available under: http://www.hok-cba.hr • The Application form for entry in the Register of Foreign Lawyers is available at: http://www.hok-cba.hr/hr/application-forms • Contacts to and information for the pension system http://www.mirovinsko.hr/UserDocsImages/EU/Kontakt%20osobe-EU.pdf • It is recommended to arrive at least 15 minutes beforehand, because you have to pass the security check, which can be time consuming. Some of the Court houses are bigger than others, consider the time spent for searching the appropriate courtroom • Once you find the appropriate courtroom, please wait outside. You will be invited in. • Before the Croatian courts, lawyers are not required to wear a gown in the courtroom. • In proceedings before criminal courts, all present are obliged to hear the dispositive part of the judgement while standing. • As a lawyer for the plaintiff you and your client sit on the right side, as a lawyer for the defendant you and your client sit on the left side from the judge's point of view. • Law Firms from EU member states and from member states of the World Trade Organisation can establish branch offices in the Republic of Croatia which can provide legal services that include services of advising on the law of their countries of residence, on the law of the European Union and on international law.
<p>4.2. National organisation</p>	<p>The Croatian Bar Association is a roof organization of all lawyers and law trainees in the Republic of Croatia. The Croatian Bar Association has approximately 6,000 members and its main task is to look after its members, to organize professional training for the members, to cooperate with the judicial bodies in Croatia and abroad and other. The work of the Croatian Bar Association is regulated by the Law on the Legal Profession and the Statute of the Croatian Bar Association. The Croatian Bar Association is managed, on a voluntary basis, by lawyers elected at the Assembly for a three-year term of office. The local bodies of the Croatian Bar Association are the Local Bar Associations. The Local Bar Associations are founded in the territory of each county and the City of Zagreb and consist of lawyers whose practices are located in the territory of that county or the City of Zagreb.</p>
<p>4.3. Reference to national legislation with other languages available + links</p>	<ul style="list-style-type: none"> - Application of Directives 98/5/EC and 77/249/EC) (only in Croatian) : http://www.hok-cba.hr/sites/default/files/zakon_o_odvjetnistvu.pdf - Codes of deontology (only in Croatian): http://www.hok-cba.hr/hr/kodeks-odvjetničke-etike
<p>4.4. Reference to existing national guides</p>	<ul style="list-style-type: none"> - http://www.hok-cba.hr/sites/default/files/obraci_2017/Application_for_admission_to_the_Register_of_Foreign_lawyers_of_the_CBA.pdf - http://www.hok-cba.hr/sites/default/files/obraci_2017/QUESTIONNAIRE_for_Admission_to_the_Register_of_Lawyers.pdf
<p>4.5. Reference to services</p>	<p>The lawyers from an EU member state who are entered in the Register of Foreign Lawyers and practice the legal profession under</p>

<p>available for lawyers in that jurisdiction</p>	<p>the title from their home-country are equal with the “lawyers”, except 1.6 of this Guide.</p> <p>All laws of the Republic of Croatia are electronically available on the web-site zakon.hr and on the web site of the Official gazette 'Narodne novine), the e-land register (e-zemljišne knjige), e-file (e-predmet) with the basic data on court files that are also available to everyone (not only to the persons practicing the legal profession), without compensation and without any previous approval.</p>
<p>4.6. Contact information</p>	<p>National Contact point (centralised contact point), the EU, EEA or Swiss lawyer should contact for information at national level : horvat@hok-cba.hr (Mr Darko Horvat, secretary of the Croatian Bar Association)</p>