

**European President's Conference, 2025**

**Croatian Bar Association – Country Report**

Introduction

The Croatian Bar Association's (CBA) Country Report for 2024 represents a summary of major activities and challenges affecting the functioning of lawyers in the Republic of Croatia. It also includes statistical data on the number of lawyers and trainees registered in relevant CBA registers.

**1) Proceedings on Reviewing the Legality of the Tariff on Remuneration and Reimbursement for Lawyer's Work**

Proceedings for reviewing the legality of Tariff No. 48, Item 3 of the Tariff on Remuneration and Reimbursement for Lawyer's Work (Official Gazette No.: 142/12, 103/14, 118/14, 107/15, 37/22 and 126/22 - the "Tariff"), i.e. Tariff No. 52, Item 3 of the Tariff currently in force (Official Gazette No. 138/23), are pending before the High Administrative Court of the Republic of Croatia. The challenged provision prescribes that a court or other competent body deciding on compensation of costs for legal representation payable by the opposing party, or from the state budget, shall apply the Tariff and the value of the point in force at the time when the decision on costs of the proceedings is issued.

The petitioner in these proceedings challenges the legality of this provision of the Tariff arguing that it violates the principle of non-retroactivity of a general act.

In the said proceedings the CBA submitted several opinions refuting petitioner's claims, among other by pointing to the relevant case law of the High Administrative Court of the Republic of Croatia and the Constitutional Court of the Republic of Croatia from which it is evident that provisions of a new general act may be applied in proceedings commenced during the time when a previous general act was in force, provided that provisions of the new general act prescribe such application of its provisions in proceedings initiated during the validity of the previous act, and that provisions of the new general act do not affect a materially and legally finalized situation, i.e. that parties did not acquire any rights on the basis of provisions of the previous general act, rather these rights/obligations are yet to be decided upon.

At the same time proceedings are pending before the High Administrative Court of the Republic of Croatia for reviewing the legality of Tariff Nos. 25 and 27 (Official Gazette No.: 138/23). The CBA responded to petitioner's claims on several occasions, comprehensively and based on arguments, and has fully refuted their validity.

**2) Activities upon European Commission's Letter of Formal Notice**

On February 21, 2024 the CBA submitted its position to the Ministry of Justice and Public Administration of the Republic of Croatia regarding the European Commission's Letter of Formal Notice, INFR(2023)2189 of February 7, 2024, in which the EC points to the alleged non-compliance of Croatia's national legislation with EU rules governing the freedom of establishment of lawyers.

In its response the Croatian Bar Association provided a detailed reasoning supporting its position that national legislation is harmonized with EU rules.

### 3) **Proceedings before the Court of Justice of the EU**

#### a) Case C-295/23

Similar as in our 2023 Report, in 2024 the Croatian Bar Association, in constant communication with the Ministry of Justice, Public Administration and Digital Transformation of the Republic of Croatia and the Ministry of Foreign Affairs and European Affairs of the Republic of Croatia, participated in preparation of the observation submitted on behalf of the Republic of Croatia to the European Court of Justice (ECJ) in case C-295/23.

Namely, immediately after receiving information about the proceedings in this case, the CBA turned to the Ministry of Justice, Public Administration and Digital Transformation of the Republic of Croatia proposing that the Republic of Croatia should also participate in the proceedings, since a decision in this case is of utmost importance for practicing law not only in the Republic of Croatia, but in the entire European Union.

Based on such request by the CBA, the Republic of Croatia did take part in the hearing of the case and was consistently holding the CBA's position throughout the proceedings. Soundness of the CBA's position on the matter was eventually confirmed by the Court in its judgment.

Specifically, in case C-295/23, of December 19, 2024, the ECJ ruled that the Services Directive and the Treaty on the Functioning of the European Union (TFEU) do not preclude national legislation which, under penalty of the law firm concerned having its registration with the bar association revoked, prohibits shares in that firm from being transferred to a purely financial investor who does not intend to exercise professional activity in that law firm.

#### b) Case C-807/23

In addition, proceedings in case C-807/23 are pending before the European Court of Justice based on the request for a preliminary ruling, submitted by the Supreme Court of the Republic of Austria (Oberster Gerichtshof), seeking an interpretation of Article 45 of the TFEU (freedom of movement of workers) concerning the conditions for inclusion in the Austrian register of trainee lawyers.

Acting upon such request from the Austrian Bar, the CBA requested the Ministry of Justice, Public Administration and Digital Transformation of the Republic of Croatia that the Republic of Croatia also take part in the proceedings, since the CBA is of an opinion that it is within the jurisdiction of Member States to regulate the profession of lawyer and to set forth the conditions for access to the profession (applicable to trainee lawyers as well).

In response to CBA's request, the Republic of Croatia did engage in the proceedings and its agent firmly maintained the CBA's position during the hearing before the ECJ.

### 4) **Introducing the CBA's Lawyers' School as a Permanent Form of Continuous Professional Training for Lawyers in the Republic of Croatia**

The first CBA's Lawyers' School was organized in Opatija, 18. – 20. April 2024, as one form of continuous professional training for lawyers in the Republic of Croatia. All courses were found extremely interesting by the participants and well attended. This especially goes for the round table titled: "Freedom of Speech in the Courtroom".



Based on a highly positive feedback from the participants, the Management Board of the CBA, at its session held on May 25, 2024, adopted a decision establishing the Lawyers' School as a permanent form of professional training for lawyers in the Republic of Croatia, to be held once per year.

It is important to emphasize that by attending the Lawyer's School lawyers will be fulfilling their annual obligation for professional training, as required by provisions of the Legal Practice Act and the Rules on Continuing Professional Training of Lawyers.

**5) Electoral Assembly of the Croatian Bar Association**

On July 6, 2024 the regular Electoral Assembly of the Croatian Bar Association was held, where bodies of the CBA were elected for the 2024 – 2027 mandate. Ms. Iva Markotić Bagarić, a lawyer in Zagreb, was elected the CBA president.

**6) Statistical Data on Number of Lawyers and Trainee Lawyers in the Republic of Croatia**

As at December 31, 2024 the CBA's Register of Lawyers lists 5363 lawyers, while the Register of Trainee Lawyers has 1343 entries. The data show that the number of lawyers in the Republic of Croatia is still increasing, however the number of trainee lawyers continues to drop.

As at December 31, 2024 the Register of Foreign Lawyers entitled to practice in the Republic of Croatia under their home-country professional title lists 16 lawyers from other EU Member States.

In Zagreb, February 2025



PRESIDENT

Iva Markotić Bagarić